

# HOKE COUNTY



# ZONING ORDINANCE

# CHAPTER 1: PURPOSE AND APPLICABILITY

## SECTION 1.1 Title and Purpose

- 1.1.1 This Ordinance is officially titled as *Zoning Ordinance of Hoke County, North Carolina* and shall be known as the *Zoning Ordinance*.
- 1.1.2 This Ordinance is designed to guide the growth of Hoke County and to encourage future development in accordance with the Hoke County Land Use Plan and all other applicable plans to promote the public health, safety, and welfare.

## SECTION 1.2 Statutory Authority

- 1.2.1 The provisions of this Ordinance shall apply to all development within the unincorporated jurisdiction of Hoke County pursuant to the authority granted in North Carolina General Statute (NCGS) Chapter 160D Local Planning and Development Regulation.
- 1.2.2 As provided in NCGS 160D-101(C) Hoke County may also apply any of the definitions and procedures authorized by NCGS 160D to any ordinance that does not substantially affect land use and development adopted under the general police power of counties in NCGS Article 6 of Chapter 153A and may employ any organizational structure, board, commission, or staffing arrangement authorized by NCGS 160D to any or all aspects of those ordinances.

## SECTION 1.3 Jurisdiction

- 1.3.1 Unless otherwise noted, these regulations apply to the development and use of all land and structures within the unincorporated areas of Hoke County lying outside the extraterritorial jurisdiction (ETJ) of any municipality. In no instance shall this Ordinance apply to any area which is not duly established and identified as a zoning area as shown on the *Official Zoning Map of Hoke County, North Carolina*.
- 1.3.2 The regulations contained within this Ordinance are applicable to the erection, construction, and use of buildings by the State of North Carolina and its political subdivisions.

## SECTION 1.4 Development Approvals Run with the Land

- 1.4.1 Unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by development approvals made pursuant to this Ordinance attach to and run with the land.

## SECTION 1.5 Official Zoning Map

- 1.5.1 The official map designating the zoning and overlay districts of Hoke County shall be titled *Official Zoning Map of Hoke County, North Carolina* and shall be known as the

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Zoning Map. The map, as adopted by the Hoke County Board of Commissioners, shall be maintained in the office of the Zoning Administrator of Hoke County.

- 1.5.2 Development regulations within this Ordinance may reference or incorporate by reference flood insurance rate maps, watershed boundary maps, or other maps officially adopted or promulgated by state and federal agencies. For these maps, a regulation text or zoning map may reference a specific officially adopted map or may incorporate by reference the most recent officially adopted version of such maps.
- 1.5.3 When zoning district boundaries are based on maps referenced in 1.5.2, zoning district boundaries are automatically amended to remain consistent with changes in the officially promulgated state or federal maps. Copies of the current effective version of any incorporated map is maintained for public inspection as provided in Section 1.5.1.

## SECTION 1.6 Conflict with Other Laws or Ordinances

- 1.6.1 When regulations in this Ordinance impose higher standards than are required in any other statute or local ordinance or regulation, the regulations made in this Ordinance govern. When the provisions of any other statute or local ordinance or regulation impose higher standards than are required in this Ordinance, the provisions of the other statute or local ordinance or regulation govern.
- 1.6.2 Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor restrict any provisions of the Code of Ordinances of Hoke County; however, the adoption of this Ordinance shall and does amend any and all ordinances, resolutions, and regulations in effect within the planning jurisdiction of Hoke County (as depicted in the County's Official Zoning Map) at the time of the adoption of this Ordinance that may be construed to impair or reduce the effectiveness of this Ordinance or to conflict with any of its provisions.
- 1.6.3 It is not intended that these regulations interfere with any easement, covenant or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.

## SECTION 1.7 Severability of Parts of Code

- 1.7.1 If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid by the courts, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Commissioners hereby declares that it has passed this Ordinance and each section, subsection, clause, and phrase thereof; irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

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## SECTION 1.8 Existing Permits and Approvals

- 1.8.1 Amendments to this Ordinance shall not be applicable or enforceable without consent of the owner with regard to buildings and uses for which either building permits have been issued pursuant to G.S. 160D-403 prior to the enactment of the ordinance making the change or changes so long as the permits remain valid and unexpired pursuant to G.S. 160D-403(c) and unrevoked pursuant to G.S. 160D-422 or a vested right as been established pursuant to G.S. 160D-385.1 and such vested right remains valid and unexpired pursuant to G.S. 160D-385.1.

## SECTION 1.9 Permit Terminology

- 1.9.1 As of the date of the adoption of the Zoning Ordinance all existing Conditional Use Permits shall now be referred to Special Use Permits.
- 1.9.2 As of the date of the adoption of the Zoning Ordinance all existing Conditional Use Districts shall be considered Conditional Zoning Districts.

# CHAPTER 2: ZONING DISTRICTS ESTABLISHED

## SECTION 2.1 Zoning Districts Established

- 2.1.1 Hoke County has divided its territorial jurisdiction into districts best suited to fulfill the purposes of this Ordinance to regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. Such districts may include but shall not be limited to the following.
- 2.1.2 **General Use Districts:** Designated zoning districts in which a variety of uses are permissible in accordance with standards established by this Ordinance.
- 2.1.3 **Overlay Districts:** Designated areas where additional requirements are imposed due to environmental, transportation, cultural, or other needs.
- 2.1.4 **Conditional Zoning:** A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

## SECTION 2.2 General Use Zoning Districts

- 2.2.1 **Rural Preservation District (RP):** The Rural Preservation (RP) Zoning District is provided to accommodate low intensity agricultural operations and low density residential development. The RP Zoning District is also intended to protect natural vistas, undeveloped land, and landscape features that define rural areas.
- 2.2.2 **Residential Agricultural (RA-20):** The Residential Agricultural (RA-20) Zoning District is provided to accommodate agricultural uses, low density residential development and low intensity, community-based commercial activity.
- 2.2.3 **Residential-20 (R-20):** The Residential-20 (R-20) Zoning District is provided to accommodate low density residential growth without the commercial activities provided for in the RA-20 Zoning District.
- 2.2.4 **Residential -15 (R-15):** The Residential-15 (R-15) Zoning District is provided to allow denser residential development while maintaining the rural character of an area.
- 2.2.5 **Residential-8 (R-8):** The Residential-8 (R-8) Zoning District is provided to accommodate denser, more urban types of residential development associated with access to public water and sewer and to limit commercial activity in residential areas.
- 2.2.6 **Residential Manufactured Home (RMH):** The Residential Manufactured Home (RMH) Zoning District is provided to accommodate manufactured homes and manufactured home parks as housing choices.
- 2.2.7 **Residential Multi-Family (RMF):** The Residential Multi-Family (RMF) Zoning District is provided to accommodate high density residential development and to encourage a mixture of housing options.

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- 2.2.8 **Neighborhood Business (NB):** The Neighborhood Business (NB) Zoning District is provided to accommodate commercial crossroads communities and lower intensity community and rural based commercial activity.
- 2.2.9 **Highway Commercial (HC):** The Highway Commercial (HC) Zoning District is provided to accommodate low to high intensity commercial activity to include service, retail, institutional, office, and light manufacturing.
- 2.2.10 **Corporate Park (CP):** The Corporate Park (CP) Zoning District is provided to accommodate mixed office, service, institutional, and light retail developments as part of comprehensive commercial developments.
- 2.2.11 **Industrial (I):** The Industrial (I) Zoning District is provided to accommodate high intensity commercial activity and low to high intensity industrial uses to include manufacturing, warehousing, and distribution activities.

### SECTION 2.3 Overlay Zoning Districts

- 2.3.1 **Corridor Overlay District:** The Corridor Overlay District is established to enhance the economic and aesthetic appeal, encourage orderly development of properties along major transportation corridors, and ensure adequate transportation development in Hoke County.
- 2.3.2 **Flightpath Overlay District:** The Flightpath Overlay District is established to ensure compatibility between land uses in Hoke County and air operations associated with adjacent military installations and their mission.
- 2.3.3 **Floodplain Overlay District:** As authorized by Part 6 of Article 21 of Chapter 143 of the General Statutes Hoke County establishes the Floodplain Overlay District. The purpose of the Floodplain Overlay District is to:
- A. Minimize the extend of floods by preventing obstructions that inhibit water flow and increase flood height and damage.
  - B. Prevent and minimize loss of life, injuries, property damage, and other losses in flood hazard areas.
  - C. Promote the public health, safety, and welfare of citizens of Hoke County in flood hazard areas.
- 2.3.4 **Water Supply Watershed Overlay District:** The Water Supply Watershed Overlay District is established in conformance with NCGS 143-214.5. The overlay district only applies to areas designated as Water Supply Watersheds by the North Carolina Department of Environmental Quality (NC DEQ) Division of Water Quality. The provisions of the Water Supply Watershed Overlay District took effect on January 18, 1994.

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## SECTION 2.4 Conditional Zoning

- 2.4.1 Conditional Zoning is a legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.
- 2.4.2 The intent is to allow for the consideration of certain uses that, because of their nature or scale, have impacts on both the immediate area and the community as a whole.
- 2.4.3 The purpose of Conditional Zoning is to allow flexibility in the planning and development process by bringing developers together with county staff and elected officials to facilitate site-specific development.

## SECTION 2.5 Interpretation of District Boundaries

- 2.5.1 Where uncertainty exists as to the boundaries of any district shown on the Zoning Map, the Zoning Administrator shall employ the following rules of interpretation.
- 2.5.2 **Centerline:** Where a boundary line lies within and follows a public or private right-of-way, railroad right-of-way, or utility easement, the boundary shall be construed to be in the center of such right-of-way or easement forming the boundary between two separate zoning districts.
- 2.5.3 **Edge Line:** Where a boundary line follows the edge of a public or private right-of-way, railroad right-of-way, or utility easement, the boundary shall be construed to be on the edge of such right-of-way or easement. If such a right-of-way or easement forming the boundary between separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated roadbed or easement.
- 2.5.4 **Lot Line:** Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. Should a district boundary line divide a lot or tract, each part of the lot or tract so divided shall be used in conformity with the regulations established by this Ordinance for the district in which said part is located.
- 2.5.5 **Municipal Limits:** Boundaries indicated as approximately following town limits or extra-territorial boundary lines shall be construed as following the municipal limits or extra-territorial boundary lines.
- 2.5.6 **Watercourses:** Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
- 2.5.7 **Extensions:** Boundaries indicated as parallel to or extensions of public or private rights-of-way, utility easements, lot lines, city limits, county lines, or extra-territorial boundaries shall be so construed.

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- 2.5.8 **Scaling:** In a case where a district boundary does not coincide with any boundary lines as provided in this section and no distances are described by specific ordinance; the boundary shall be determined by use of the scale appearing on the map.
- 2.5.9 Where the Zoning Administrator determines that physical features existing on the ground, or actual property lines or other man-made boundary lines used to depict zoning district boundaries, are at variance with those shown on the Official Zoning Map, the Board of Adjustment shall have the authority to interpret zoning district boundaries.

### SECTION 2.6 Corridor Overlay District

- 2.6.1 The Corridor Overlay District is established for properties or portions of properties parallel to both sides of the rights-of-way of US Highway 401 from the City of Raeford's zoning jurisdiction east to the boundary of Cumberland County.
- 2.6.2 The Corridor Overlay District is 200 feet wide on both sides of US Highway 401 and the width is measured perpendicular to the road right-of-way.
- 2.6.3 A minimum fifty (50) foot front yard setback is required for any new non-residential structure within the Corridor Overlay District.
- 2.6.4 Single family and duplex residential development are exempt from the Corridor Overlay District setback requirement.
- 2.6.5 The Corridor Overlay District setback may be reduced to no less than the front yard setback of the underlying zoning district by the Board of Commissioners.
- 2.6.6 No front façade may be covered with sheet or corrugated aluminum, iron, steel, plain concrete block, or exterior panelized plywood, including foundation materials. Such materials may be used as secondary exterior finish materials if they cover no more than fifty (50%) percent of the surface area.
- 2.6.7 The requirements of Section 3.4.6 do not apply to civic or institutional uses.

### SECTION 2.7 Flightpath Overlay District

- 2.7.1 The Flightpath Overlay District is a district that overlays land areas in proximity to the Fort Bragg military base as delineated on the Hoke County Flightpath Overlay District Map maintained by the Zoning Administrator.
- 2.7.2 All structures within the Flightpath Overlay District may not exceed the maximum height of one hundred (100) feet.



# CHAPTER 2: ZONING DISTRICTS ESTABLISHED

## **SECTION 2.8 General Use District Dimensional Requirements**

2.8.1 Table 1 below establishes the minimum lot size, minimum lot width, and minimum setbacks for each zoning district within Hoke County.

2.8.2 Additional setback requirements for specific zoning overlay districts or land uses may apply beyond the minimum setbacks listed in Table 1.

**Table 1: General Use District Dimensional Requirements**

Zoning District	Minimum Lot Size (sf)	Minimum Lot Width (ft)	Minimum Setback (ft)		
			Front	Side	Rear
<b>RP</b>	217,800	100	30	15	50
<b>RA-20</b>	20,000	80	30	10	25
<b>R-20</b>	20,000	80	30	10	25
<b>R-15</b>	15,000	80	30	10	25
<b>R-8</b>	8,000	70	30	10	25
<b>RMH</b>	15,000	80	30	15	25
<b>RMF</b>	3,000	50	10	5	25
<b>NB</b>	N/A	50	10	5	25
<b>HC</b>	N/A	35	20	10	25
<b>CP</b>	N/A	60	30	30	30
<b>I</b>	N/A	60	30	30	30

# CHAPTER 3: GENERAL PROVISIONS

## SECTION 3.1 Chapter 3 Zoning Regulations General

3.1.1 Chapter 3 Zoning Regulations establishes the general provisions applicable to all zoning districts and specific regulations pertaining to zoning overlay districts.

## SECTION 3.2 General Provisions

3.2.1 Unless otherwise stated in this Ordinance the following requirements apply to all property within the zoning jurisdiction of Hoke County.

3.2.2 The minimum yards or other open space required by this Ordinance for each parcel shall not be encroached upon or considered as meeting the yard or other open space requirements of any other parcel.

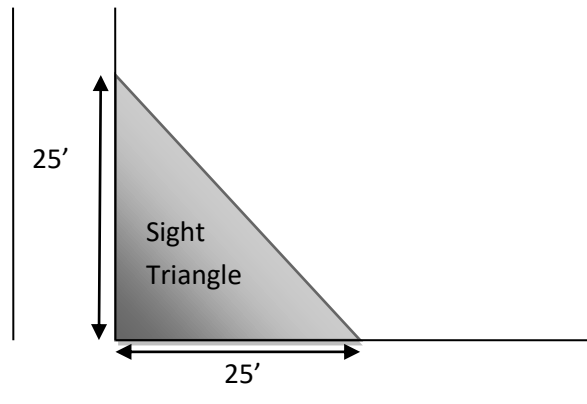
3.2.3 Only one (1) principal building and its customary accessory building(s) shall be located on any lot, except as allowed in individual districts for non-residential and mixed-use developments.

3.2.4 No building is permitted on a parcel of land that does not front on a public street or has adequate access to a public street as established by this Ordinance for use by emergency vehicles.

3.2.5 No parcel of land existing at the time of the adoption of this Ordinance may be reduced in size or area below the minimum requirements of the applicable zoning and overlay districts.

3.2.6 **Site Triangles Protected:** No planting, fence, or other obstruction to the visibility of vehicles shall be erected, planted, maintained, or allowed to exist within the range of two (2) to ten (10) feet above the street level in a triangular area bounded by the street right-of-way lines of a corner lot and lines joining points along these street lines for twenty-five (25) feet from the point of intersection as illustrated in Figure 3.1 below.

**FIGURE 3.1**



## CHAPTER 3: GENERAL PROVISIONS

- 3.2.7 Lots with frontage on more than one (1) public or private right-of-way shall be considered to have multiple front yards and shall be required to meet the minimum front setback for each right-of-way frontage.
- 3.2.8 Architectural features such as open or enclosed fire escapes, steps, outside stairways, balconies, handicapped accessible ramps, and uncovered porches may not project more than four (4) feet into any required yard. Sills, cornices, eaves, gutters, buttresses, ornamental features, and similar items may not project into any required yard more than thirty (30) inches.
- 3.2.9 Steeples, chimneys, belfries, water tanks, water towers, fire towers, flag poles, spires, wireless and broadcasting towers, monuments, cupolas, domes, antennas, and similar structures and necessary mechanical appurtenances may be erected to any height except as otherwise restricted in this Ordinance.
- 3.2.10 The setback and yard requirements of this Ordinance shall not apply to fences and retaining walls three (3) feet tall or less, as measured from the lowest ground elevation to the top of the retaining wall.
- 3.2.11 Trailers of any type may only be stored on property in an enclosed structure or in the rear yard where it cannot be seen from the public right-of-way.
- 3.2.12 Recreational vehicles, campers, travel trailers, or any other form of non-residential structure may not be used as a habitable living space except as permitted in this Ordinance as temporary housing during the construction or repair of a residential or commercial building.

# CHAPTER 3: GENERAL PROVISIONS

## SECTION 3.3 Bona Fide Farms Exempt

- 3.3.1 NCGS 160D-903 establishes that bona fide farm purposes are exempt from county zoning regulations.
- 3.3.2 Bona fide farm purposes are defined by NCGS 160D-903 as the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in NCGS 106-581.1.
- 3.3.3 Activities incidental to the farm include existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation.
- 3.3.4 A farm may qualify as a bona fide farm if it has one (1) of the following:
- A. A farm sales tax exemption certificate issued by the Department of Revenue.
  - B. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to NCGS 105-277.3.
  - C. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
  - D. A forest management plan.

# CHAPTER 4: TABLE OF USES

## SECTION 4.1 Guide to the Table of Uses

- 4.1.1 The Table of Uses contains a list of all identified land uses which may be permitted in different zoning districts in Hoke County.
- 4.1.2 The list of available uses is separated into seven (7) different categories to better organize the list of uses. The seven (7) categories are:
- Residential
  - Civic & Institutional
  - Office & Service
  - Retail
  - Manufacturing, Warehousing, and Distribution
  - Agriculture
  - Other
- 4.1.3 The Table of Uses is arranged as a grid with the left-hand most column listing each use alphabetically under the applicable category. The top row lists each zoning district. Inside the table each use is given a designation of if and how the land use is allowed in each zoning district.
- P Means the use is permitted-by-right. Permitted-by-right means all permit approvals are issued administratively by county staff.
- S Means the use requires a Special Use Permit. A Special Use Permit requires public hearings and may only be approved by the Board of County Commissioners.
- Also referred to as a dash symbol, means the land use is not allowed in that zoning district.
- 4.1.4 SR: The right-hand most column is titled SR which means Supplemental Requirements. Numbers in the Supplemental Requirements column for a land use are section references to Chapter 5 Supplemental Requirements. Chapter 5 lists additional requirements and regulations for specific uses.

# CHAPTER 4: TABLE OF USES

## SECTION 4.2 Table of Uses

### RESIDENTIAL USES

USE	RP	RA-20	R-20	R-15	R-8	RMH	RMF	NB	HC	CP	I	SR
Accessory Dwellings	P	P	P	P	P	P	P	-	-	-	-	5.3
Duplex	-	P	-	-	S	-	P	P	-	-	-	
Family Care Home	P	P	P	P	P	P	P	-	-	-	-	5.9
Family Child Care Home	P	P	P	P	P	P	P	-	-	-	-	
Home Occupation	P	P	P	P	P	P	P	P	-	-	-	5.10
Home Occupation, Rural	S	S	S	S	-	-	-	-	-	-	-	5.11
Manufactured Home, Class A	P	P	-	-	-	P	-	-	-	-	-	5.13
Manufactured Home, Class B	S	S	-	-	-	P	-	-	-	-	-	5.13
Manufactured Home Park	S	S	-	-	-	P	-	-	-	-	-	5.14
Multi-Family Development	-	-	-	-	S	-	S	S	-	-	-	5.16
Single Family Dwelling	P	P	P	P	P	P	P	P	-	-	-	
Temporary Family Health Care Structure	-	P	P	P	P	P	P	-	-	-	-	5.23

# CHAPTER 4: TABLE OF USES

## SECTION 4.2 Table of Uses

### CIVIC & INSTITUTIONAL USES

USE	RP	RA-20	R-20	R-15	R-8	RMH	RMF	NB	HC	CP	I	SR
Adult Care Home	-	P	-	-	-	-	P	S	S	-	-	
Animal Shelter	S	S	-	-	-	-	-	P	P	-	-	
Assisted Living Residential Development	S	P	-	-	-	P	P	P	-	-	-	
Campground	S	S	-	-	-	-	-	-	-	-	-	5.5
Cemetery	S	S	S	S	S	S	S	S	S	-	-	5.6
Child Care Center	-	S	S	S	S	-	P	P	P	P	-	
Club or Lodge (Civic or Fraternal)	-	S	-	-	-	-	C	P	P	P	P	
Convalescent Home	S	P	-	-	-	P	P	P	P	-	-	
Correctional Institution	-	S	-	-	-	-	-	-	S	-	S	
Country Club	P	P	-	-	-	P	P	P	P	P	P	
Golf Course	P	P	-	-	-	P	P	P	P	P	P	
Government Building And Facilities	P	P	-	-	-	P	P	P	P	P	P	
Hospice Facility	-	P	-	-	-	S	S	P	-	-	-	
Hospital	-	S	-	-	-	-	-	-	S	-	-	
Modular Classroom	S	S	S	S	S	S	S	S	S	S	S	
Museum and Art Gallery	-	S	-	-	-	-	-	P	P	P	-	

# CHAPTER 4: TABLE OF USES

## SECTION 4.2 Table of Uses

### CIVIC & INSTITUTIONAL USES

USE	RP	RA-20	R-20	R-15	R-8	RMH	RMF	NB	HC	CP	I	SR
Nature Preserve	P	P	P	P	P	P	P	P	P	P	P	
Nursing Home	S	P	-	-	-	P	P	P	P	-	-	
Park	P	P	P	P	P	P	P	P	P	P	P	
Postal Services Facility	-	-	-	-	-	-	-	P	P	P	P	
Recreational Facility, Private	-	S	S	S	S	-	-	-	-	-	-	
Recreational Facility, Public	-	P	S	S	S	S	P	P	P	P	P	
Recreational Sports Club (Hunting Club, Fishing Club, Etc)	P	P	-	-	-	-	-	-	-	-	-	
Religious Institution	P	P	P	P	P	P	P	P	P	P	P	
School, College, Trade, Technical or University	-	S	-	-	S	-	-	-	P	P	P	
School, Elementary, Middle, and High (Private or Public)	S	P	S	S	S	S	P	P	P	-	-	
Social Assistance	-	-	-	-	-	-	-	P	P	-	-	
Training Facility	S	S	-	-	-	-	-	-	S	-	P	
Zoo	S	S	-	-	-	-	-	-	-	-	-	



# CHAPTER 4: TABLE OF USES

## SECTION 4.2 Table of Uses

### OFFICE & SERVICE USES

USE	RP	RA-20	R-20	R-15	R-8	RMH	RMF	NB	HC	CP	I	SR
Accounting & Tax Services	-	-	-	-	-	-	-	P	P	P	-	
Advertising & Related Services	-	-	-	-	-	-	-	P	P	P	-	
Ambulance Service	S	S	-	-	-	-	-	P	P	P	P	
Architectural, Engineering, and Related Services	-	-	-	-	-	-	-	P	P	P	P	
Automobile Service Garage	-	-	-	-	-	-	-	-	P	-	P	5.12
Automobile Service Station	-	-	-	-	-	-	-	P	P	-	P	
Automobile Towing Service and Storage	-	S	-	-	-	-	-	-	P	-	P	
Banks and Financial Institutions	-	-	-	-	-	-	-	P	P	P	P	
Bed & Breakfast Inn	S	S	-	-	-	-	P	P	P	-	-	5.4
Broadcasting and Telecommunications	-	-	-	-	-	-	-	-	P	P	P	
Building, Chimney, Pool Cleaning Service	-	-	-	-	-	-	-	P	P	P	P	
Business Support Service	-	S	-	-	-	-	-	P	P	P	P	
Car Wash	-	-	-	-	-	-	-	P	P	P	P	
Carpet & Upholstery Cleaning Service	-	-	-	-	-	-	-	S	P	P	P	
Catering Services	-	S	-	-	-	-	S	P	P	P	P	

# CHAPTER 4: TABLE OF USES

## SECTION 4.2 Table of Uses

### OFFICE & SERVICE USES

USE	RP	RA-20	R-20	R-15	R-8	RMH	RMF	NB	HC	CP	I	SR
Clothing & Footwear Alterations and Repair	-	-	-	-	-	-	-	P	P	P	P	
Collection Agency	-	-	-	-	-	-	-	-	P	P	P	
Commercial Kennel	P	S	-	-	-	-	-	-	P	-	P	5.17
Computer System Design & Related Service	-	-	-	-	-	-	-	P	P	P	P	
Contractor Office - No Outdoor Storage	-	-	-	-	-	-	-	P	P	P	P	
Contractor Office - With Outdoor Storage	-	-	-	-	-	-	-	-	P	-	P	5.18
Credit Bureau	-	-	-	-	-	-	-	-	P	P	P	
Data Processing and News Service	-	-	-	-	-	-	-	-	P	P	P	
Delivery / Courier Service	-	-	-	-	-	-	-	-	P	P	P	
Dry Cleaning & Laundry Service	-	-	-	-	-	-	-	P	P	P	P	
Electronic & Appliance Repair	-	-	-	-	-	-	-	P	P	P	P	5.12
Employment /Personnel Services	-	-	-	-	-	-	-	P	P	P	P	
Environmental Consulting Services	-	-	-	-	-	-	-	P	P	P	P	
Funeral Home	-	S	-	-	-	-	-	P	P	P	P	
Graphic Design Service	-	-	-	-	-	-	-	P	P	P	P	
Hair, Nail, & Skin Service	-	-	-	-	-	-	-	P	P	P	P	

# CHAPTER 4: TABLE OF USES

## SECTION 4.2 Table of Uses

### OFFICE & SERVICE USES

USE	RP	RA-20	R-20	R-15	R-8	RMH	RMF	NB	HC	CP	I	SR
Hotel / Motel	-	-	-	-	-	-	-	-	P	P	P	
Insurance Office	-	-	-	-	-	-	-	P	P	P	P	
Interior Design	-	-	-	-	-	-	-	P	P	P	P	
Investigation & Security Service	-	-	-	-	-	-	-	P	P	P	P	
Janitorial Service	-	-	-	-	-	-	-	-	P	P	P	
Legal Service	-	-	-	-	-	-	-	P	P	P	P	
Locksmith	-	-	-	-	-	-	-	P	P	P	P	
Management / Holding Company Office	-	-	-	-	-	-	-	P	P	P	P	
Management & Marketing Office	-	-	-	-	-	-	-	P	P	P	P	
Medical / Healthcare Office	-	-	-	-	-	-	-	P	P	P	P	
Massage Therapist	-	-	-	-	-	-	-	P	P	P	-	
Motion Picture & Sound Recording	-	-	-	-	-	-	-	-	P	P	P	
Palm Reading, Fortune Telling	-	-	-	-	-	-	-	-	P	-	-	
Pest Control Service	-	-	-	-	-	-	-	-	P	P	P	
Photography Studio	-	-	-	-	-	-	-	P	P	P	-	
Real Estate & Leasing Office	-	-	-	-	-	-	-	P	P	P	P	
Scientific Research & Development Service	-	-	-	-	-	-	-	-	P	P	P	
Solid Waste & Recycling Center	-	P	-	-	-	-	-	-	P	P	P	

# CHAPTER 4: TABLE OF USES

## SECTION 4.2 Table of Uses

### OFFICE & SERVICE USES

USE	RP	RA-20	R-20	R-15	R-8	RMH	RMF	NB	HC	CP	I	SR
Sports and Recreation Centers / Camps	S	P	-	-	-	-	-	-	-	-	-	
Telemarketing / Call Center	-	-	-	-	-	-	-	-	P	P	P	
Travel Service	-	-	-	-	-	-	-	P	P	P	-	
Veterinarian Office / Animal Hospital	-	S	-	-	-	-	-	P	P	-	P	
Weight Reduction Centers	-	-	-	-	-	-	-	P	P	P	-	

# CHAPTER 4: TABLE OF USES

## SECTION 4.2 Table of Uses

### RETAIL USES

USE	RP	RA-20	R-20	R-15	R-8	RMH	RMF	NB	HC	CP	I	SR
Amusement Park	-	-	-	-	-	-	-	-	P	-	P	
Amusement Facilities (indoor only)	-	-	-	-	-	-	-	P	P	-	P	
Auction Houses	-	-	-	-	-	-	-	P	P	-	P	
Automobile Parts, Tire, and Accessory Store	-	-	-	-	-	-	-	P	P	-	P	
Automobile Rental and Leasing	-	-	-	-	-	-	-	-	P	-	P	
Automobile Sales (New and Used)	-	-	-	-	-	-	-	-	P	-	P	
Bar / Nightclub	-	-	-	-	-	-	-	S	S	-	S	
Beach Bingo	-	-	-	-	-	-	-	-	S	-	-	
Book, Periodical, and Music Store	-	-	-	-	-	-	-	P	P	P	P	
Bowling Center	-	-	-	-	-	-	-	-	P	-	-	
Building Material Supply - No outdoor storage	-	-	-	-	-	-	-	P	P	-	P	
Building Material Supply - With outdoor storage	-	-	-	-	-	-	-	-	P	-	P	5.18
Clothing & Clothing Accessories	-	-	-	-	-	-	-	P	P	P	P	
Convenience Store - with or without gasoline sale	-	S	-	-	-	-	-	P	P	P	P	
Disc Rental	-	-	-	-	-	-	-	P	P	P	P	
Electronic Gaming Operations	-	-	-	-	-	-	-	-	S	-	-	5.8

# CHAPTER 4: TABLE OF USES

## SECTION 4.2 Table of Uses

### RETAIL USES

USE	RP	RA-20	R-20	R-15	R-8	RMH	RMF	NB	HC	CP	I	SR
Electronics and Appliance Store	-	-	-	-	-	-	-	P	P	P	P	
Equipment Rental and Leasing - No outdoor storage	-	-	-	-	-	-	-	-	P	P	P	
Equipment Rental and Leasing - With outdoor storage	-	-	-	-	-	-	-	-	P	-	P	5.18
Fitness & Recreational Sports Center	-	-	-	-	-	-	-	C	P	P	P	
Florist	-	-	-	-	-	-	-	P	P	P	P	
Furniture & Home Furnishings	-	-	-	-	-	-	-	C	P	P	P	
General Merchandise Store - less than 25,000 sf	-	-	-	-	-	-	-	P	P	P	P	
General Merchandise Store - 25,000 SF or more	-	-	-	-	-	-	-	-	P	P	P	
Gift, Novelty, & Souvenir Store	-	-	-	-	-	-	-	P	P	P	P	
Grocery / Food Store	-	S	-	-	-	-	-	P	P	P	P	
Heavy Truck, RV, and Semi-Trailer Sale & Leasing	-	-	-	-	-	-	-	-	P	-	P	
Hobby, Toy, & Game Store	-	-	-	-	-	-	-	P	P	-	P	
Jewelry Store	-	-	-	-	-	-	-	P	P	-	P	
Lawn & Garden Supply - No outdoor Storage	-	-	-	-	-	-	-	P	P	P	P	

# CHAPTER 4: TABLE OF USES

## SECTION 4.2 Table of Uses

### RETAIL USES

USE	RP	RA-20	R-20	R-15	R-8	RMH	RMF	NB	HC	CP	I	SR
Lawn & Garden Supply - With outdoor storage	-	-	-	-	-	-	-	-	P	-	P	5.18
Liquor / ABC Store	-	-	-	-	-	-	-	P	P	P	P	
LP Gas & Heating Oil Dealers	-	-	-	-	-	-	-	-	P	P	P	
Manufactured Home Sales	-	-	-	-	-	-	-	-	P	-	P	
Micro-Brewery	-	-	-	-	-	-	-	P	P	P	P	
Mini-Warehousing / Self- Storage Leasing	-	S	-	-	-	-	-	-	P	-	P	
Motion Picture Theater	-	-	-	-	-	-	-	P	P	-	-	
Motorcycle & Boat Dealer (New and Used)	-	-	-	-	-	-	-	-	P	-	P	
Musical Instruments & Supplies	-	-	-	-	-	-	-	P	P	-	-	
Office Supply & Stationery Store	-	-	-	-	-	-	-	P	P	P	P	
Parking Structures	-	-	-	-	-	-	-	-	P	P	P	
Party Supply Rental	-	-	-	-	-	-	-	P	P	-	-	
Pawnshops	-	-	-	-	-	-	-	P	P	-	P	5.19
Pet & Pet Supply	-	-	-	-	-	-	-	P	P	-	P	
Pharmacy, Health, and Personal Care Store	-	-	-	-	-	-	-	P	P	P	P	
Pool / Billiard Hall	-	-	-	-	-	-	-	C	C	-	P	
Restaurant	-	S	-	-	-	-	-	P	P	P	P	
Restaurant with Drive- Thru	-	S	-	-	-	-	-	S	P	P	P	

# CHAPTER 4: TABLE OF USES

## SECTION 4.2 Table of Uses

### RETAIL USES

USE	RP	RA-20	R-20	R-15	R-8	RMH	RMF	NB	HC	CP	I	SR
Sewing, Needlework & Piece Goods Store	-	-	-	-	-	-	-	P	P	-	-	
Sewer / Septic Cleaning Service	-	-	-	-	-	-	-	-	P	-	P	
Sexually Oriented Business	-	-	-	-	-	-	-	-	S	-	S	5.20
Shopping Center	-	-	-	-	-	-	-	-	S	-	-	
Shooting / Archery Ranges - Commercial	S	S	-	-	-	-	-	-	P	-	-	
Sporting Goods Rental	-	-	-	-	-	-	-	P	P	-	-	
Tanning Salons	-	-	-	-	-	-	-	P	P	P	-	
Tattoo Parlor and Body Piercing	-	-	-	-	-	-	-	S	S	-	P	
Swimming Pool and Hot Tub Supply Store	-	-	-	-	-	-	-	-	P	-	-	
Tobacco Store	-	-	-	-	-	-	-	-	P	P	P	
Trophy Store	-	-	-	-	-	-	-	P	P	P	P	
Truck Stop / Travel Plaza	-	-	-	-	-	-	-	-	S	-	P	



# CHAPTER 4: TABLE OF USES

## SECTION 4.2 Table of Uses

### MANUFACTURING, WAREHOUSING, AND DISTRIBUTION USES

USE	RP	RA-20	R-20	R-15	R-8	RMH	RMF	NB	HC	CP	I	SR
Abrasive Products	-	-	-	-	-	-	-	-	-	-	P	
Alcohol Distillery	-	-	-	-	-	-	-	-	-	P	P	
Automotive Race Cars and Parts	-	-	-	-	-	-	-	-	-	P	P	
Asphalt Plant	-	-	-	-	-	-	-	-	-	-	S	
Beverage & Tobacco	-	-	-	-	-	-	-	-	-	P	P	
Book, Periodical, & Newspaper	-	-	-	-	-	-	-	-	P	P	P	
Broom, Brush, Mop	-	-	-	-	-	-	-	-	-	P	P	
Burial Caskets	-	-	-	-	-	-	-	-	-	P	P	
Cabinets	-	-	-	-	-	-	-	-	-	P	P	
Candle & Potpourri	-	-	-	-	-	-	-	-	-	P	P	
Cement / Concrete & Concrete Product	-	-	-	-	-	-	-	-	-	-	P	
Chemical, Plastics & Allied Products	-	-	-	-	-	-	-	-	-	-	P	
Clay & Brick Product	-	-	-	-	-	-	-	-	-	-	S	
Clothing, Piece Goods, & Shoe Supply	-	-	-	-	-	-	-	-	-	P	P	
Coal & Ore Supply	-	-	-	-	-	-	-	-	-	-	S	
Electronic Equipment, Appliances & Parts	-	-	-	-	-	-	-	-	-	P	P	
Fabricated Metal	-	-	-	-	-	-	-	-	-	-	P	
Farm Supply Products	-	S	-	-	-	-	-	-	-	-	P	

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## SECTION 4.2 Table of Uses

### MANUFACTURING, WAREHOUSING, AND DISTRIBUTION USES

USE	RP	RA-20	R-20	R-15	R-8	RMH	RMF	NB	HC	CP	I	SR
Florist & Nursery Supply - No outdoor storage	-	P	-	-	-	-	-	-	P	-	P	
Florist & Nursery Supply - With outdoor storage	-	-	-	-	-	-	-	-	P	-	P	5.18
Furniture and Home Furnishings	-	S	-	-	-	-	-	-	-	-	P	
Gasket, Packing, and Sealing Devices	-	-	-	-	-	-	-	-	-	-	P	
Glass / Glass Products	-	-	-	-	-	-	-	-	-	-	P	
Grocery / Food	-	-	-	-	-	-	-	-	-	-	P	
Hardware, Plumbing, & Heating Supply	-	-	-	-	-	-	-	-	-	-	P	
Industrial Laundries	-	-	-	-	-	-	-	-	-	-	P	
Jewelry	-	-	-	-	-	-	-	-	P	P	P	
Lime and Gypsum Products	-	-	-	-	-	-	-	-	-	-	P	
Lumber & Construction Materials	-	-	-	-	-	-	-	-	-	-	P	
Manufactured Home Manufacturing	-	-	-	-	-	-	-	-	-	-	P	
Metal & Pipe Supply	-	-	-	-	-	-	-	-	-	-	P	
Mineral Wool / Fiberglass Insulation	-	-	-	-	-	-	-	-	-	-	P	
Mining / Extraction	-	-	-	-	-	-	-	-	-	-	P	
Motor Vehicle— Wholesale	-	-	-	-	-	-	-	-	S	-	P	

# CHAPTER 4: TABLE OF USES

## SECTION 4.2 Table of Uses

### MANUFACTURING, WAREHOUSING, AND DISTRIBUTION USES

USE	RP	RA-20	R-20	R-15	R-8	RMH	RMF	NB	HC	CP	I	SR
Motor Vehicle - New Parts	-	-	-	-	-	-	-	-	-	P	P	
Music & Musical Instruments	-	-	-	-	-	-	-	-	-	P	P	
Paint, Varnish, & Paint Supplies	-	-	-	-	-	-	-	-	-	-	P	
Paper & Paper Product Supplies	-	-	-	-	-	-	-	-	-	-	P	
Petroleum	-	-	-	-	-	-	-	-	-	-	S	
Pharmaceutical and Drug Supplies	-	-	-	-	-	-	-	-	-	P	P	
Plastics and Rubber	-	-	-	-	-	-	-	-	-	-	S	
Printing & Related Support Activities	-	-	-	-	-	-	-	-	-	P	P	
Processing / Manufacturing Metals	-	-	-	-	-	-	-	-	-	-	P	
Professional & Commercial Equipment	-	-	-	-	-	-	-	-	-	-	P	
Public Utility Distribution Lines	P	P	P	P	P	P	P	P	P	P	P	
Public Utility Plant	-	S	-	-	-	-	-	-	-	-	P	
Public Utility Plant - Hoke County Owned	P	P	P	P	P	P	P	P	P	P	P	
Public Utility Substation	-	S	S	S	S	S	S	S	S	S	P	
Public Utility Substation - Hoke County Owned	P	P	P	P	P	P	P	P	P	P	P	

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### MANUFACTURING, WAREHOUSING, AND DISTRIBUTION USES

USE	RP	RA-20	R-20	R-15	R-8	RMH	RMF	NB	HC	CP	I	SR
Saw Mills	-	-	-	-	-	-	-	-	-	-	P	
Sign Manufacturing	-	-	-	-	-	-	-	-	P	P	P	
Solar Farm	-	S	-	-	-	-	-	-	-	-	P	
Sporting & Athletic Good	-	-	-	-	-	-	-	-	-	-	P	
Textile Mills	-	-	-	-	-	-	-	-	-	-	P	
Tobacco / Tobacco Product Supply	-	-	-	-	-	-	-	-	-	-	P	
Toy, Doll, and Games	-	-	-	-	-	-	-	-	-	-	P	
Transportation Equipment	-	-	-	-	-	-	-	-	-	-	P	
Vending Machine Operators	-	-	-	-	-	-	-	-	P	P	P	

# CHAPTER 4: TABLE OF USES

## SECTION 4.2 Table of Uses

### AGRICULTURE USES

USE	RP	RA-20	R-20	R-15	R-8	RMH	RMF	NB	HC	CP	I	SR
Animal Production & Support - Excluding swine and poultry	P	P	P	P	-	-	-	-	-	-	-	
Commercial Production of Swine	-	S	-	-	-	-	-	-	-	-	-	5.7
Crop Production	P	P	P	P	-	P	P	P	P	P	P	
Equestrian Boarding & Riding Arenas	P	P	P	P	-	-	-	-	-	-	-	
Farmers' Market	-	P	-	-	-	-	-	P	P	-	-	
Game Preserve	P	P	-	-	-	-	-	-	-	-	-	
Livestock Auction	-	S	-	-	-	-	-	-	P	-	P	
Private Stable	P	P	P	P	P	P	P	-	-	-	-	
Roadside Stand	P	P	-	-	-	-	-	P	P	-	-	

# CHAPTER 4: TABLE OF USES

## SECTION 4.2 Table of Uses

### OTHER USES

USE	RP	RA-20	R-20	R-15	R-8	RMH	RMF	NB	HC	CP	I	SR
Accessory Building	P	P	P	P	P	P	P	P	P	P	P	5.2
Air, Motor, & Rail Freight Terminals & Support Facilities	-	-	-	-	-	-	-	-	P	P	P	
Airports, Railroad Passenger Stations, Bus Terminals.	-	-	-	-	-	-	-	P	P	P	P	
Amateur Radio Operator	P	P	-	-	-	P	P	P	P	P	P	5.22
Junkyard	-	-	-	-	-	-	-	-	-	-	P	5.12
Landfill	-	S	-	-	-	-	-	-	-	-	S	5.12
Mixed Use Development	-	S	S	S	S	-	S	S	S	S	-	5.15
Telecommunications Facilities	S	S	-	-	-	S	S	S	S	S	S	5.22
Temporary Uses	P	P	-	-	-	P	P	P	P	P	P	5.23

# CHAPTER 5: SUPPLEMENTAL REQUIREMENTS

## SECTION 5.1 Purpose

- 5.1.1 Chapter 4 Table of Uses contains a column titled SR which stands for Supplemental Requirements. The SR references specific sections of this chapter for uses with additional requirements beyond the normal development requirements of the Zoning Ordinance. The following sections contain the additional requirements for each specific use.

## SECTION 5.2 Accessory Buildings

- 5.2.1 Accessory buildings must be located on the same parcel as a principal structure.
- 5.2.2 Accessory buildings are not permitted in the front yard on parcels less than two (2) acres.
- 5.2.3 Minimum setbacks are three (3) feet from the side and rear property lines and twenty-five (25) feet from a right-of-way.

## SECTION 5.3 Accessory Dwellings

- 5.3.1 An accessory dwelling may be attached or detached from the principal dwelling.
- 5.3.2 The principal use of the lot shall be a single-family dwelling built to the standards of the North Carolina Building Code or a Class A Manufactured Home.
- 5.3.3 Only one (1) accessory dwelling unit is permitted on parcels under five (5) acres. Parcels five (5) acres or larger are permitted a maximum of two (2) accessory dwelling units.
- 5.3.4 Accessory dwelling units may be served by separate driveways.
- 5.3.5 All accessory dwelling units must be separated from other dwelling units on the same property by a minimum of twenty (20) feet.
- 5.3.6 A detached accessory dwelling unit shall be located in the established rear yard and meet the principal dwelling unit side and rear setback requirements of the underlying zoning district in which it is located.

## SECTION 5.4 Bed & Breakfast Inn

- 5.4.1 Bed and breakfast inns shall only be operated in single-family dwellings originally constructed to the standards of the North Carolina Building Code.
- 5.4.2 Bed and breakfast inns shall have a minimum heated floor area of 1,500 square feet.
- 5.4.3 Bed and breakfast inns are permitted a maximum of five (5) guest bedrooms.
- 5.4.4 All parking areas shall be in the side or rear yard.

## CHAPTER 5: SUPPLEMENTAL REQUIREMENTS

5.4.5 Bed and breakfast inns shall only have one (1) kitchen facility. Meals may on be served to overnight guests of the bed and breakfast inn.

### **SECTION 5.5 Campground**

5.5.1 Minimum parcel size for a campground is three (3) acres.

5.5.2 Individual campsites shall be a minimum of five-hundred (500) square feet.

5.5.3 The maximum density of a campground shall be twenty-four (24) campsites per acre.

5.5.4 A twenty-five (25) foot spatial buffer is required around the perimeter of the campground development including rights-of-way.

5.5.5 A minimum of eight (8%) percent of the total square footage of the development shall be used as common area for use by the campground customers. The common area shall be contiguous and accessible. The common area shall not be located within a flood zone or wetland.

5.5.6 Each campsite shall have direct access to internal roads, drives, or parking areas.

5.5.7 Internal roads, drives, and parking areas shall be a minimum of eleven (11) feet wide for one-way traffic and twenty (20) feet wide for two-way traffic. Internal roads, drives, and parking areas shall consist of a smooth, hard, dense surface capable of allowing emergency vehicle access in all weather conditions.

5.5.8 Campgrounds may provide ancillary services such as laundry facilities, concession stands, one (1) retail store, and a community and / or recreation center. Use of ancillary campground services and structures shall be limited to campground residents.

5.5.9 Manufactured homes shall only be permitted as a permanent or temporary residence of the campground operator / manager.

5.5.10 Tents and trailers may remain in a campground for a maximum of thirty (30) days.

5.5.11 All garbage and refuse shall be stored in watertight trash receptacles.

5.5.12 At least one (1) central sanitary station shall be provided for the removal and / or disposal of waste from waste holding tanks of trailers. The sanitary station must be approved by the Hoke County Health Department and must be a minimum of fifty (50) feet from any campsite.



# CHAPTER 5: SUPPLEMENTAL REQUIREMENTS

5.5.13 Toilet and bathing facilities shall be located a minimum of three-hundred (300) feet from any campsite. Campgrounds must provide toilet and bathing facilities in accordance with the requirements below:

Number of Campsites	Urinals	Toilets	Showers
1-25	1	2	1
26-50	1	3	2
50-100	2	4	3
101+	1 per 50 additional campsites	2 per 50 additional campsites	2 per 50 additional campsites

## SECTION 5.6 Cemetery

- 5.6.1 Surveyed site plan drawn by a licensed surveyor meeting the requirements of Chapter 8, Section 8.3. A cemetery is designated on a site by showing an area intended for burial plots, mausoleums, or columbaria within a geometric figure drawn on a site plan.
- 5.6.2 A twenty-five (25) foot setback from all property lines or a ten (10) foot setback with a six (6) foot tall solid wood privacy fence around the cemetery with the finished side facing adjacent properties.
- 5.6.3 Cemeteries without direct access to a public or private road must be accessible through a twenty (20) foot wide access easement.
- 5.6.4 A written Maintenance Agreement detailing who is responsible for the maintenance of the cemetery and cemetery access easement at the time of the application.
- 5.6.5 Approval by Hoke County Environmental Health verifying the cemetery location will comply with applicable health regulations.
- 5.6.6 The surveyed site plan and Maintenance Agreement must be recorded with the Hoke County Register of Deeds within thirty (30) days of approval by the Hoke County Board of Commissioners unless otherwise stated within the Special Use Permit approval.

# CHAPTER 5: SUPPLEMENTAL REQUIREMENTS

## SECTION 5.7 Commercial Production of Swine

- 5.7.1 A five-hundred (500) foot setback for any part of a commercial swine operation is required from all property lines.
- 5.7.2 A one-thousand five-hundred (1,500) foot minimum setback for any part of a commercial swine operation is required from any dwelling unit.
- 5.7.3 A two-thousand five-hundred (2,500) foot minimum setback from any religious institution, school, hospital, outdoor recreational facility, child care center, National or State Park, historic property acquired by the State pursuant to NCGS 121-9, or any property listed in the North Carolina Register of Historic Places pursuant to NCGS 121-4.1.
- 5.7.4 A five-hundred (500) foot minimum setback from any public or private well. This requirement does not apply to wells located on the same parcel of land as the commercial swine operation or wells that serve a commercial swine operation.
- 5.7.5 Lagoon waste shall not be applied to any property within seventy-five (75) feet of any dwelling unit, perennial stream, wetland, designated flood zone, or river.
- 5.7.6 No portion of a commercial swine operation or liquid animal waste management system other than a land application site is permitted within the 100-year floodplain.
- 5.7.7 Swine houses and lagoons may be located closer to a dwelling unit, school, hospital, religious institution, or property boundary if the affected property owner provides written permission and such permission is recorded with the Hoke County Register of Deeds.
- 5.7.8 Before submitting a Special Use Permit Application to Hoke County the applicant must issue letters to all adjoining property owners within five-hundred (500) feet of the property proposed for the commercial production of swine notifying them of the applicant's intent to develop a swine farm. Letters must also be sent to the Hoke County Manager, Health Director, and Zoning Administrator.

## SECTION 5.8 Electronic Gaming Operations

- 5.8.1 Electronic gaming operations shall not be located within one-thousand (1,000) feet in any direction from any other establishment to which this section applies as a primary or accessory use, or within one-thousand (1,000) feet of any religious institutions, public or private child care centers / facilities, public or private schools, or public or private parks. Measurement of distance separation shall be in a straight line from the outer building walls of the proposed use to outer building walls of the listed uses. For the purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application for an electronic gaming operation is submitted.

## CHAPTER 5: SUPPLEMENTAL REQUIREMENTS

- 5.8.2 Businesses engaging in electronic gaming operations as a principal use may only operate from 8:00 AM to 12: AM midnight each day.
- 5.8.3 The maximum number of machines / terminals / computers for any electronic gaming operations is twenty (20) for a primary use and two (2) as an accessory use.
- 5.8.4 No business engaged in the activity of electronic gaming as a primary or accessory use shall allow, permit, or condone any person under the age of eighteen (18) to engage in electronic gaming operations.
- 5.8.5 Businesses engaged in electronic gaming operations may not simultaneously hold a license issued by the NC Alcoholic Beverage Commission (ABC) for the sale or consumption of alcoholic beverages on the premises.
- 5.8.9 Businesses engaged in electronic gaming operations shall be subject to one (1) inspection every six (6) months beginning in January of each year. A report prepared by the Hoke County Planning Department will be issued to the Board of Commissioners within thirty (30) days of an inspection. An inspection fee of \$200.00 shall be paid in full following completion of an inspection.
- 5.8.10 The Board of Commissioners shall retain the right to revoke any and all approvals or permits for electronic gaming businesses should they find any of the following:
1. Failure to comply with the Zoning Ordinance requirements for electronic gaming operations.
  2. Negative inspection reports from county staff.
  3. Failure to pay inspection fees.
  4. Any other activity or action the Board of Commissioners rules as incompatible with the public health, safety, or welfare.

### **SECTION 5.9 Family Care Home**

- 5.9.1 No family care home shall be located within a one-half (1/2) mile radius of any existing family care home measured from property line to property line.

### **SECTION 5.10 Home Occupation**

- 5.10.1 Home occupations shall only be permitted as an accessory use to a single-family dwelling unit.
- 5.10.2 Employees of a home occupation must reside at the property.
- 5.10.3 The area used for the business or service shall be contained within the primary dwelling and may not exceed twenty (20%) percent of the total combined floor space of the dwelling unit.

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- 5.10.4 No exterior advertising for the home occupation may be visible from outside the dwelling.
- 5.10.5 No outdoor storage of merchandise or goods is permitted for a home occupation.
- 5.10.6 No additional parking areas other than existing driveways and parking areas at the time of application is permitted.
- 5.10.7 No wholesale or retail sales of goods may occur on the property which requires customers to be on-site. Online retail sales businesses are permitted.
- 5.10.8 The home occupation shall not create any additional traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communication interference which can be detected by reasonable senses off the premises, including visual or audible interference with radio or television reception.
- 5.10.9 Only vehicles used primarily as passenger vehicles shall be permitted in connection with the home occupation such as automobiles, non-commercial vans, and non-commercial trucks.

### **SECTION 5.11 Home Occupation, Rural**

- 5.11.1 Rural home occupations shall only be permitted as an accessory use to a single-family dwelling unit.
- 5.11.2 Rural home occupations may be permitted in the primary dwelling unit and in accessory structures located on the same property as the primary dwelling unit.
- 5.11.3 The operator of the rural home occupation must reside on the property.
- 5.11.4 A maximum of three (3) people may be employed at a rural home occupation that do not reside on the property.
- 5.11.5 Accessory structures used for rural home occupations must meet the accessory structure requirements of Section 5.2.
- 5.11.6 Permitted uses as a rural home occupation shall be limited to the non-residential uses permitted in the Neighborhood Business (NB) Zoning District.

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## SECTION 5.12 Junkyards, Landfills, Automotive Repair, and Electronic & Appliance Repair

- 5.12.1 All areas for the storage of equipment, junk, appliances, inoperable motor vehicles, and motor vehicles stored at an automobile service garage for more than five (5) days shall be screened with a six (6) foot tall opaque wall or fence.
- 5.12.2 Three (3) strands of barbed wire attached to arms extending toward the outside of the enclosed area are required around the top of the wall or fence.
- 5.12.3 A minimum five (5) foot wide vegetated buffer is required on the outside of the fence or wall. The landscaping must reach a minimum height of eight (8) feet within eight (8) years of planting and be maintained as a continuous, unbroken hedgerow.
- 5.12.4 The enclosed fenced or walled area may have a maximum of four (4) gates. Gates must be constructed of opaque material or be covered in such a way as to make the gate opaque. Gates must be closed and securely locked at all times except during the posted hours of the business.
- 5.12.5 A minimum three-hundred (300) foot setback is required from the centerline of any public road.
- 5.12.6 Uses under this section may not be located within one-half (1/2) mile of any public or private school or religious institution as measured from property line to property line.
- 5.12.7 A minimum three-hundred (300) foot setback is required from any dwelling unit as measured from property line to property line.
- 5.12.8 Uses under this section must be inspected a minimum of two (2) times a year by the Hoke County Health Department to determine compliance with this section and verify there are no vectors present on site. Should vectors be identified the owner is responsible for making corrections and submitting satisfactory evidence to the Health Department the vectors have been eliminated.
- 5.12.9 The owner shall dispose of all petroleum products and residue in a manner that will not adversely affect the environment and that will comply with State and Federal regulations.
- 5.12.10 The owner and operator of any new automobile graveyard, junkyard, or repair shop must apply for and receive a license to operate from the Hoke County Health Department.

## SECTION 5.13 Manufactured Homes Class A and B (on individual lot)

- 5.13.1 It is the intent of these criteria to ensure that a manufactured home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling. All manufactured homes shall meet the following requirements of this section.

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- 5.13.2 The manufactured home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.
- 5.13.3 The manufactured home has a minimum of nine hundred (900) square feet of enclosed living area.
- 5.13.4 The pitch of the roof of the manufactured home has a minimum vertical rise of three (3) feet for each twelve (12) feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction.
- 5.13.5 All roof structures shall provide an eave protection of no less than six (6) inches, which may include a gutter.
- 5.13.6 The exterior siding consists predominately of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.
- 5.13.7 The manufactured home conforms to the construction standards of the United States Department of Housing and Urban Development (HUD) and bears the HUD tag and/or data plate. All new Class A and Class B Manufactured Homes brought into Hoke County must meet or exceed the construction safety standards adopted by HUD on July 13, 1994. Manufactured homes constructed before July 13, 1994 must submit documentation to the Building Inspections Department certifying the home meets the required HUD standards.
- 5.13.8 The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance. In addition, stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance, attached firmly to the primary structure and anchored securely to the ground.
- 5.13.9 A continuous, permanent masonry foundation, masonry curtain wall, wood, or vinyl underpinning unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home.
- 5.3.10 The moving hitch, wheels and axles, and transporting lights have been removed.
- 5.13.11 Any manufactured home constructed before July 13, 1994 that is already within Hoke County may remain in the county and may be moved and set up on other parcels within the county provided the home complies with all other ordinance requirements.

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## SECTION 5.14 Manufactured Home Parks

- 5.14.1 This section sets forth the standards required for all new manufactured home parks and expansions of existing manufactured home parks.
- 5.14.2 **Occupancy:** There must be at least five (5) improved manufactured home spaces at first occupancy. Any existing manufactured home park containing less than five (5) manufactured home spaces shall not be considered nonconforming if otherwise in conformance with the standards contained in this Ordinance. No manufactured home space shall be occupied, nor may a certificate of occupancy be issued unless the requirements of this Ordinance have been met. The requirement of a minimum of five (5) spaces at first occupancy shall apply only to the first five (5) spaces of a new manufactured home park. In all other situations a manufactured home park may increase in size in any increments of spaces.
- 5.14.3 **Location on Suitable Land:** Each manufactured home space shall be located on ground not located within the Flood Hazard Boundary Area as established by the most recently issued maps published by the Federal Emergency Management Agency. Each manufactured home space shall be graded so as to prevent any water from ponding or accumulating on the space.
- 5.14.4 **Manufactured Home Standards:** All manufactured homes shall comply with the requirements of Section 5.13.
- 5.14.5 **Steps:** All manufactured homes within the park shall be equipped with two (2) sets of steps for ingress and egress.
- 5.14.6 **Public Road Frontage:** All manufactured home parks shall abut and have a minimum street frontage of fifty (50) feet on a public road. No manufactured home lots shall be directly accessible from the public road.
- 5.14.7 **Ingress and Egress:** Manufactured home parks with twenty (20) or more manufactured home spaces shall have at least two (2) separately designated areas which contain both an entrance and exit to the manufactured home park. All manufactured home parks containing less than twenty (20) manufactured home spaces shall have at least one area containing both an entrance and an exit to the manufactured home park. Manufactured home parks requiring only one entrance and exit area shall provide at least one permanent turn-around within the park meeting the requirements of Appendix D of the North Carolina Fire Code.
- 5.14.8 **Interior Streets, Drainage, and Markings:** No structure within a manufactured home park shall have direct access to a public street. Access to all manufactured homes and accessory structures within the manufactured home park shall be made using internal one-way or two-way streets. All internal streets within a manufactured home park shall be privately owned and maintained. All such streets shall be constructed to minimum

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NCDOT subdivision road standards except that all such one-way streets shall be paved to a minimum width of twelve (12) feet; all two-way streets shall be paved to a minimum width of eighteen (18) feet. All streets shall be located within a minimum forty (40) foot wide dedicated right-of-way area. Such area shall be used for street maintenance, underground utility and drainage purposes. The developer may be required to increase the width of said area to properly accommodate the slope and natural terrain of the area. If curb and gutter is provided, a right-of-way area of less than forty (40) feet may be approved. Permanent street names shall be assigned to all internal streets. Permanent street name signs shall also be installed at street intersections within the park. All streets shall be named and all street signs shall be in accordance with local requirements. Upon completion of the construction site, these signs will be installed. The developer will be responsible for advising tenants of the property address assignments for respective mobile home spaces and instructing them in the purpose of these addresses. Permanent traffic control signs shall be installed within the park. Such signs shall include, as a minimum the following:

- A. Stop sign(s) where park streets access public roads;
- B. Stop sign(s) at the intersection of interior streets. All four-way intersections shall be controlled by four-way stop signs;
- C. "No Parking" signs along interior streets at intervals sufficient to be readable except where streets have been paved to a width of at least thirty (30) feet.
- D. One-way streets shall be marked as such at appropriate intervals and "do not enter" signs shall be posted where streets become one way or where streets intersect with one-way streets.

5.14.9 Roads in manufactured home parks must be designed and graded in such a manner as to allow for the adequate runoff of storm water from interior streets and other surface areas within the manufactured home park. Speed reduction bumps on paved internal streets are permissible, but they shall be painted and appropriate signs indicating the bump must be placed along the street. All dead-end internal streets which provide access to three (3) or more manufactured home spaces shall be provided with a permanent turn-around. All such turn-arounds shall have a minimum paved surface diameter of seventy (70) feet. Streets and roads within the manufactured home park shall intersect as nearly as possible at right angles, with a 20' radius of intersection and no street shall intersect at an angle of less than seventy (70) degrees. Where streets intersect with a State maintained road, the design standards of NCDOT shall apply. Maintenance of all internal streets, signage, and all drainage facilities shall be the responsibility of the owner of the manufactured home park. Such streets shall be maintained in a manner to be free from pot holes, breaks in the pavement, rough surfaces, ponding of water during rainy periods, excessive washing of drainage ditches, and other associated problems which would impede or cause hazards to motor vehicles. Street jogs ("T" intersections with a street or road, on opposite sides of said road) of less than one-hundred twenty-five (125) feet within and abutting the manufactured home park shall be prohibited.

5.14.10 **Parking:** At least two (2) off-street parking spaces with not less than four (4) inches of crushed stone or other suitable material (such as asphalt paving or bituminous surface



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treatment (BST) paving) on a well compacted sub-base shall be provided for each manufactured home space. Required parking spaces may be located in the required front or side yards of the manufactured home space. Parking spaces shall be located outside the roadway, shoulder, or drainage ditches. One or more separate common visitor parking areas may be designated within any manufactured home park. Parking spaces shall be located outside the roadway, shoulder, or drainage ditches. Such areas shall be separate from any manufactured home space, roadway, drainage facility or buffer.

5.14.11 **Trash Facilities:** At least one (1) fly tight, water-tight and rodent proof garbage or trash container with a twenty-four (24) gallon minimum container and forty (40) gallon maximum container capacity, shall be provided for each occupied manufactured home space. Containers shall be placed on racks and such racks shall be located within the manufactured home park at a point which is readily accessible for collection. All refuse must be placed in refuse containers and it shall be the responsibility of the park operator to provide sufficient container capacity to meet the needs of the manufactured home park. In lieu of cans and racks, covered roll out trash/garbage containers may be provided. In lieu of requiring individual garbage and trash containers for each manufactured home, trash dumpsters may be installed in convenient locations, but not on any individual manufactured home space. If dumpsters are provided, each dumpster shall be fly-tight, water-tight and rodent-proof and located at least fifty (50) feet from any property line or public street right-of-way and at least forty (40) feet from any manufactured home. All such dumpsters shall be materially screened from any adjacent manufactured home in the park according to Section 5.5.4 of this Ordinance. It shall be the responsibility of the manufactured home park owner or operator to pick up trash from said containers or dumpsters at least once per week. The owner or operator shall also be responsible for hauling and disposing of said trash in accordance with all County and State regulations. The burning of refuse within the manufactured home park is not permitted. Where suitable collection service is not available from municipal or private agencies, the manufacture home park operator shall provide this service.

5.14.12 **Lighting:** Manufactured home parks which contain over twenty (20) manufactured home spaces or contain more than one internal street shall contain street lights throughout the manufactured home park. Such lights shall be located at all internal street intersections, at the intersection of any internal street and a public street and elsewhere in the park at a maximum of three hundred (300) feet intervals.

5.14.13 **Electric, Telephone and Cable Television Utilities:** Each manufactured home space shall have individual electric and telephone service connections provided. All electric, telephone, and cable televisions, and other utility lines shall be placed underground unless unsuitable underground conditions (e.g., rock, swamp, etc.) exist. In such cases, above-ground utility lines may be provided. Each manufactured home must have an individual metered connection to an electric supply and must have an approved fuse disconnect box at the metered location. All wires from the meter to the manufactured home must be buried underground cable in conformance with the North Carolina Electrical Code. Each meter box shall be properly and distinctly identified with either paint or indelible ink.

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- 5.14.14 **Mailboxes:** Mailbox spaces within the manufactured home park shall be provided in accordance with United States Postal Services Standards. Where twenty (20) or more mailboxes are provided in one centralized location, the owner of the manufactured home park shall provide at least two (2) parking spaces in the vicinity of the mailboxes specifically designated for persons using the mailbox area.
- 5.14.15 **Administrative Office:** One manufactured home may be used solely as an administrative office within the park or an administrative office may be located in a manufactured home which is used as a residence by the resident manager. An administrative office is not required.
- 5.14.16 **Water Service:** An accessible, adequate, safe and potable supply of water shall be provided in each manufactured home park. Where connection to a municipal water supply is available, connection shall be made thereto and its supply used exclusively. When municipal water supply is not available, adequate water supply shall be developed and its supply used exclusively, in accordance with the standards of the State of North Carolina and the Hoke County Health Department. Any water supply must be capable of providing three hundred (300) gallons of water per day per manufactured home space. Each space shall be provided a minimum three-fourth (3/4) inch size copper or PVC water service line.
- 5.14.17 **Sewage Facilities:** Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks. Collection systems and sewage treatment plants complying with the requirements of the North Carolina Department of Health and Environment and the County Health Department shall be provided. Individual septic tank systems are permissible in accordance with the requirement of Hoke County's Health Department regulations. There shall be no more than one (1) manufactured home connected to an individual septic tank, unless permitted by the Hoke County Health Department.
- 5.14.18 **Screening:** All manufactured home parks shall provide screening in the form of an opaque screen/buffer along all adjoining properties on the side and rear property lines. Such screening shall be located within the manufactured home park and shall materially screen all structures within the manufactured home park from all adjacent properties. All manufactured home setbacks shall be measured from the edge of the screened area nearest the manufactured home. When such a screen is used, the width of said screen may be included within the required setback area. Required screening shall be installed and maintained in conformance with the standards set forth in this Ordinance.
- 5.14.19 **Maintenance:** The grounds of a manufactured home park shall be kept free of trash, litter, debris, noxious weeds, open sewage or other unhealthy matter. Any septic tanks which fail shall be immediately repaired or replaced by the manufactured home park owner. Grounds, buildings and storage areas shall be properly maintained. The manufactured home park or operator shall take all necessary steps to prevent infestation by rodents, vermin and insects. All grounds shall have proper drainage to prevent the accumulation of water. It shall be the responsibility of the manufactured home park

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owner or operator to maintain the manufactured home park in accordance with these standards at all times.

## **SECTION 5.15 Mixed-Use Development**

5.15.1 The purpose of a Mixed-Use Development is to plan and promote neighborhoods that embody variety, innovation, and flexibility in development by allowing a variety of uses, lot sizes, dwelling unit types, and design requirements. Mixed Use Developments shall only be considered as a Conditional Zoning District. The intent is to:

- Permit a creative approach to the development of land;
- Provide for an efficient use of land;
- Enhance the appearance of neighborhoods through preservation of natural features;
- Provide for recreational areas and open space where appropriate.

5.15.2 All streets within the Mixed-Use Development shall be built to NCDOT Standards. If the roads are not public there must be a Homeowners Association or the equivalent for commercial uses established to be responsible for maintenance of the roads and any other infrastructure. The bylaws must be approved by the County prior to Final Plat approval for the first phase of the development. This shall include, as a minimum, street width, sidewalk, and curb and gutter requirements. There shall be at least one (1) entrance into the development from each exterior paved and dedicated public street that the development abuts. In the case of the development which abuts only one such public street, a minimum of two (2) entrances will be required and one (1) entrance per 100 dwelling units within the development may be required.

5.15.3 **Uses:** Land Use types shall be allocated as follows:

<b>Use</b>	<b>Land Allocation (% of total area)</b>	<b>Maximum Density (units per acre)</b>	<b>Floor Area Ratio (building footprint area)</b>
Open Space	20-40	N/A	N/A
Single-Family	25-60	4	N/A
Multi-Family	10-40	15	N/A
Civic & Institutional	5-10	N/A	Minimum: 0.4 Maximum 1.0
Retail/Office & Service	5-25	N/A	Minimum: 0.4 Maximum 1.0

A mix of uses is encouraged provided that:

- Non-residential uses within the district shall be designed to serve residents of the district and nearby areas only. Large scale establishments and developments intended to serve the entire community are not encouraged in a Mixed-Use Development.
- Non-residential uses that are contained in the Development shall be limited to those contained in NB.
- A food store shall have a maximum gross floor area of 30,000 square feet. The maximum gross floor area of for any other commercial use within the Mixed-Use Development shall be 10,000 square feet.

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- Hours of operation of any non-residential use shall be anytime between 6:00 AM and 12 AM midnight.

## 5.15.4 Dimensional Requirements

	Minimum Lot Size			Minimum Yard Requirements			
	Lot Area (sf)	Lot Width (ft)	Street Frontage (ft)	Front Setback (ft)	Side Setback (ft)	Rear Setback (ft)	Structure Height (ft)
<b>Single Family</b>	N/A	60 40 (alley-loaded lots)	35	10 (minimum) 25 (maximum)	10 5 (with one-hour fire walls)	25	35
<b>Multi-Family</b>	N/A	N/A	15	10 (minimum) 25 (maximum)	10 from the perimeter of the use	25	35
<b>Other Uses</b>	N/A	N/A	15	0 (minimum) 25 (maximum)	10	25	35

### Other Requirements

All other requirements of the Zoning Ordinance must be met.

## SECTION 5.16 Multi-Family Dwellings

- 5.16.1 The minimum site size for a multi-family development shall be four (4) acres.
- 5.16.2 The tract containing the development shall comply with the setbacks and other dimensional standards of the zoning district. Lots within the development may be of any size as approved on the site plan and spacing between buildings shall be as provided in this subsection. The conveyance of ground space for single-family attached units or for common area or similar purposes shall not preclude development under this subsection. Such conveyances however shall be subject to the requirements of the subdivision provisions and may be subject to the North Carolina Unit Ownership Act.
- 5.16.3 For multi-family developments proposing more than one (1) building on a tract, the following provisions shall apply:
- 5.16.4 Along each exterior property line or public street, a minimum front, rear, and side yard setback as required by the district in which the development is located shall be established.
- 5.16.5 In no case shall any building be closer than twenty (20) feet to any other building in the development. Furthermore, buildings shall not be arranged in straight rows oriented in such a way as to resemble rows of barracks.

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- 5.16.6 All private streets or access ways providing ingress and egress from the development to an existing public street system shall comply with the current standards being required by the subdivision regulations in effect, including street drainage, except that no curb and gutter is required and a pavement width of only twenty (20) feet shall be required.
- 5.16.7 Storm drainage improvements shall be made in the same manner and under the same criteria as that established in the subdivision regulations.
- 5.16.8 Stationary sanitary containers shall be located so as not to interfere with sight distance or the free movement of vehicles on streets or service drives and so as to allow collector trucks adequate maneuvering space to empty the containers and to leave the property without excessive backing.

### **SECTION 5.17 Outdoor Commercial Kennels**

- 5.17.1 Minimum lot size shall be as follows:
- 1 to 10 animals 5 acres
  - 11 to 20 animals 6 acres
  - 21 to 30 animals 7 acres
- 5.17.2 For each additional acre beyond seven (7) acres, an additional ten (10) animals may be permitted.
- 5.17.3 All lots on which a kennel is located must have frontage on an existing street or a new street that meets the minimum requirements for acceptance and maintenance by the North Carolina State Department of Transportation.
- 5.17.4 All structures and outdoor runs shall have minimum front, side, and rear yards of one hundred-fifty (150) feet. There shall be a separation of at least five hundred (500) feet between residences on adjoining tracts and any building used for kennel operation.
- 5.17.5 Sewage disposal system and sanitation control methods as approved by the Hoke County Board of Health shall be required for all kennels. (This provision shall include, but shall not be limited to, the sanitary removal or disposal of solid waste, carcasses, or any other items deemed necessary for removal or disposal because of unsafe or unsanitary conditions by the Health Department.)
- 5.17.6 Screening is required when adjoining both residentially or commercially zoned property and must meet the criteria in Chapter 10 concerning screening device and parking lot landscaping.

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## SECTION 5.18 Outside Storage

- 5.18.1 If storage for non-residential uses is not within a fully enclosed building, it must be stored in a walled or fenced enclosure.
- 5.18.2 All outdoor storage shall be located in the side or rear yard.
- 5.18.3 Fenced outdoor storage areas must be screened with an opaque fence a minimum of six (6) feet in height.
- 5.18.4 Outdoor storage areas must be setback fifteen (15) feet from the side property lines and twenty (20) feet from the rear property line.

## SECTION 5.19 Pawnshops

- 5.19.1 **Intent:** The making of pawn loans and the acquisition and disposition of tangible personal property by and through pawnshops vitally affects the general economy of this State and the public interest and welfare of its citizens.
- 5.19.2 **License required:** It is unlawful for any person, firm, or corporation to establish or conduct a business of pawnbroker unless such person, firm, or corporation has procured a license from the County to conduct business in compliance with the requirements of this Ordinance.
- 5.19.3 **Requirements for Licensure:** To be eligible for a pawnbroker's license, an applicant must:
- Be of good moral character; and
  - Not have been convicted of a felony within the last 10 years.
- 5.19.4 **Petition Required:** Every person, firm or corporation desiring to engage in the business of pawnbroker shall petition the County. Such petitions shall provide:
- The name and address of the person, and, in case of a firm or corporation, the names and addresses of the persons composing such firm or of the officers, directors, and stockholders of such corporation, excluding shareholders of publicly traded companies;
  - The name of the business and the street and mailing address where the business is to be operated;
  - A statement indicating the amount of net assets or capital proposed to be used by the petitioner in operation of the business; this statement shall be accompanied by an unaudited statement from an accountant or certified public accountant verifying the information contained in the accompanying statement;
  - An affidavit by the petitioner that he has not been convicted of a felony; and
  - A certificate from the chief of police, or sheriff of the county, or the State Bureau of Investigation that the petitioner has not been convicted of a felony.

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- 5.19.5 **Revocation:** Any license may be revoked by the County, after a hearing, for substantial abuses of §NCGS 91A.
- 5.19.6 **License renewal:** Notwithstanding any provision of §NCGS 91A, to the contrary, any person, firm, or corporation licensed as a pawnbroker on or before October 1, 1989, shall continue in force until the natural expiration thereof and all other provisions of §NCGS 91A shall apply to such license. Such pawnbroker shall be eligible for renewal of his license upon its expiration or subsequent renewals, provided such license complies with the requirements for renewal that were in effect immediately prior to October 1, 1989.
- 5.19.7 **Bond:** Every person, firm, or corporation licensed under this Ordinance shall, at the time of receiving the license, file with the County a bond payable to County in the sum of five thousand dollars (\$5,000), to be executed by the licensee, and by two (2) responsible sureties or a surety company licensed to do such business in this State, to be approved by the County, which shall be for the faithful performance of the requirements and obligations pertaining to the business so licensed. The County may sue for forfeiture of the bond upon a breach thereof. Any person who obtains a judgment against a pawnbroker and upon which judgment execution is returned unsatisfied may maintain an action in his own name upon the bond, to satisfy the judgment.

### SECTION 5.20 Sexually Oriented Businesses

- 5.20.1 No such business shall locate within one thousand (1,000) feet of any other Sexually Oriented Business, as measured in a straight line from property line to property line.
- 5.20.2 No Sexually Oriented Business shall be located within one thousand (1,000) feet of a church, public or private elementary or secondary school, library, child day care or nursery school, public park, residentially zoned or residentially used property, or any establishment with an on-premise ABC license, as measured in a straight line from property line to property line.
- 5.20.3 The gross floor area of any Sexually Oriented Business shall not exceed three thousand (3,000) square feet and all business-related activity shall be conducted inside the principal building.
- 5.20.4 No Sexually Oriented Business may have sleeping quarters.
- 5.20.5 There shall not be more than one (1) Sexually Oriented Business in the same building, structure or portion thereof. No other principal or accessory use may occupy the same building, structure, property or portion thereof with any Sexually Oriented Business.
- 5.20.6 Except for signs as may be permitted by Chapter 11 of this Ordinance, no printed material, slide, video, photograph, written text, live show or other visual presentation

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format shall be visible from outside the walls of the establishment, nor shall any live or recorded voices, music or sounds be heard from outside the walls of the establishment.

5.20.7 No enclosed or underground parking shall be permitted.

### SECTION 5.21 Swimming Pools

5.21.1 Residential swimming pools may only be constructed as an accessory use to an established residence.

5.21.2 Minimum setbacks for swimming pools and any associated mechanical equipment are three (3) feet from the side and rear property lines.

5.21.3 A fence or wall of a type approved by the Hoke County Building Inspections Department of the minimum height of four (4) feet shall completely enclose all sides of a pool not bounded by a building. A gate of equal height shall be installed and securely fastened when the pool is not in use.

### SECTION 5.22 Telecommunications Facilities

5.22.1 **Purpose:** Wireless facilities and wireless support structures regulations are needed in order to promote the health, safety, and general welfare of the public by minimizing the impacts of wireless facilities and wireless support structures on surrounding areas by establishing standards for location, structural integrity, and compatibility. Hoke County wishes to accommodate the growing need and demand for wireless communication services. This section establishes predictable and balanced codes governing the construction and location of wireless facilities and wireless support structures, within the confines of permissible local regulations. This Ordinance establishes review procedures to ensure that applications for wireless facilities and wireless support structures are reviewed and acted upon within a reasonable period of time. The regulations herein help protect the character of the County while meeting the needs of its citizens to enjoy the benefits of wireless communication services.

5.22.2 **Applicability:** The provisions of this Section apply to any new Wireless Telecommunications Tower or Antenna or substantial modification of wireless support structures. Telecommunication towers and alternative tower structures less than one hundred (100) feet in height measured from the ground are permitted without a Special Use Permit but must meet all the requirements of this Ordinance.

5.22.3 **Amateur Radio Operators:** Antenna and antenna support structures for amateur radio operators may not exceed ninety (90) feet in height.



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## 5.22.4 General Recommendations:

- A. Hoke County encourages the location and collocation of wireless facilities and wireless support structures on existing structures thereby minimizing new visual, aesthetic, and public safety impacts, effects upon the natural environment and wildlife, and to reduce the need for additional antenna support structures.
- B. Hoke County encourages the use of public (County owned) lands, buildings, and structures as locations for wireless telecommunications infrastructure demonstrating concealed technologies and revenue generating methodologies. By doing so, the approval process shall be expedited significantly if feasible, which will be determined by current staff workload.
- C. Placement of wireless facilities and wireless support structures on existing public utility structures such as a water storage tank or co-location on existing wireless support structures is encouraged.
- D. The property upon which a wireless facility and wireless support structure is located should be primarily developed with governmental, institutional, and recreational uses or right-of-way for a cross-county utility transmission distribution structure. Examples include: fire stations, schools, churches, parks, libraries, water tanks, 911 facilities, athletic fields, golf courses, clubs or lodges, swim and tennis clubs, and cemeteries/mausoleums.
- E. Hoke County requires that wireless facilities and wireless support structures applicants allow the County the option of locating the public safety communications equipment on their wireless support structures and sites.

5.22.5 **Lot Size:** Sites shall be at least ten thousand (10,000) square feet in size or meet the minimum lot size for that district in which it is located. In the event that a tower or antenna is installed and / or leased on a portion of a lot, the lot in its entirety will determine any and all district development regulations that the structure may be subject to; including but not limited to: setbacks, lot-coverage, and other applicable regulations.

## 5.22.6 Aesthetics

- A. **Support Structure Type:** Wireless support structures shall be constructed of the monopole style. Lattice or guyed tower support structures may only be permitted if the height of the tower precludes the use of a monopole style tower.
- B. **Concealment:** To the maximum extent possible, antennas and wireless support structures shall be camouflaged in an effort to conceal them from public view.

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- C. **Examples of concealment:** include antennas inside or concealed as flagpoles, church steeples, clock and/or bell towers, trees, signs, public art, and/or other camouflaged structures available to the industry.
- D. **Roof-Mounted Antennas:** Roof-mounted antennas extending less than five (5) feet above the principal building shall be painted to match the color of the façade of the principle building. Roof-mounted antennas extending over five (5) feet above the principle building shall be located behind a façade that blends with the principal building.
- E. Wireless facilities and wireless support structures may be denied on the basis of negative influence on property value or on aesthetic concerns. As a condition for approval, Hoke County can require a concealed wireless support structure design which harmonizes with the surrounding area.
- F. Examples of camouflaged towers:



### 5.22.7 Site Design Regulations

- A. **Fencing:** The wireless support structure shall have an eight (8) foot high opaque fence constructed around the perimeter of the site. This fence may be in the form of slats inserted in a chain link fence. Fencing around compounds within or adjacent to

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residentially zoned or residentially occupied property shall match the façade of the principle building. If there is no principle building, shadowbox fencing shall be used.

- B. Except for the tower structure, if any portion of the structures within the wireless facility compound extend more than one (1) foot above the height of fencing they must be designed / camouflaged to closely resemble color and appearance of any adjacent residential structures.
- C. **Access and Orientation:** Any driveway accessing a wireless facility and / or wireless support structure must have an all-weather surface of gravel, concrete, or asphalt with a minimum continuous width of twenty (20) feet. The driveway access to the compound shall be a separate driveway connection to a public or private street from other structures and/or uses on the property. For all facilities within or adjacent to residentially zoned or residentially occupied property, the gated drive to the compound shall be located to minimize the effect on adjoining property.
- D. **Signage:** Signage on a tower, or on any portion of the premises leased for wireless telecommunication use, shall be limited to those needed to identify the property and the owner and to warn of any danger. Signs which advertise for commercial purposes are prohibited.
- E. **Lighting:** No lighting shall present a glare to any adjoining properties or into any public right-of-way or a nuisance to pilots.
- F. **Landscaping:** Landscaping shall be provided around the perimeter of the compound except for the gate and drive area. Landscaping shall consist of evergreen shrub and trees that must be a least three (3) feet in height at time of placement and must reach six (6) feet in height within two (2) years. Said landscaping shall be planted five (5) feet from the fence.
- G. **Address:** Applicant shall prominently display and maintain the assigned address number on a post at the driveway intersection. The numbers on the driveway display shall be no less than three (3) inches in height and have a night reflective surface. Further, this address post shall be installed within five (5) business days from issuance of zoning permit. Also, the site must be posted with the owner's name and contact information and all carrier's names and contacts. These shall be updated by the owner when ownership change occurs.

5.22.8 **Required Information:** All new proposed wireless telecommunications facilities and substantial modifications must submit the following information:

- A. **Site Plan Required:** All requests for a wireless facility and wireless support structure must be accompanied by a detailed site plan meeting the requirements of Chapter 8, Section 8.3.

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- B. The applicant shall submit photographs of a similar wireless facility and wireless support structure and use photo imagery to superimpose the wireless facility and wireless support structure and other related structures onto the existing site for review and approval by staff. Design review shall ensure that the wireless facility and wireless support structure and other structures bear a reasonable relationship to the proportions and scale of the existing building, towers, and other structures. Once the site plan and photograph(s) or photo rendering(s) of the wireless facility and wireless support structure and other structures are approved, the wireless facility and wireless support structure and other structures must be constructed in compliance to this approval.
- C. **FCC Standards:** A signed statement from a qualified person determined by Hoke County staff, together with their qualifications, shall be included in the application that certifies radio frequency emissions from the antenna(s) comply with FCC standards, presents no threat to aviation standards, and presents no threat to persons and/or property. The statement shall also certify that both individually and cumulatively, and with any other existing facilities located on or immediately adjacent to the proposed facility complies with FCC standards.
- D. **Structure Height:** The proposed maximum height of the proposed telecommunication tower, including individual measurement of the base, the antenna support structure, less the lightning rod.
- E. **Regional Land Use Advisory Commission (RLUAC):** Applications are to be forwarded by the applicant to RLUAC, or a similar organization, for review and comment. The reviewing agency would then examine specific GIS data layers to determine the compatibility of the proposed site with airspace delineations. When potential conflicts are identified, Fort Bragg officials would be alerted and given the opportunity to suggest constructive alternatives. The review recommendations would be nonbinding on the County; however, the County can require them of the applicant.
- F. **US Fish and Wildlife Service (USFWS):** If the USFWS requires the applicant to submit any information to them concerning the proposed wireless facility and wireless support structure, the applicant shall also furnish a copy of any material submitted to the USFWS to the County as part of the application package.
- G. **North Carolina State Historic Preservation Office (SHPO):** Compliance letter from the SHPO, if applicable.
- H. **National Environmental Policy Act (NEPA):** Completed checklist demonstrating compliance with the NEPA, if applicable.
- I. **North Carolina Wildlife Resources Commission (NCWRC):** The NCWRC may assist staff in determining areas for which wireless facility and wireless support structures shall not be located, as based on conservation areas designated by the Hoke County Conservation Target Map.

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- J. **Visual and Aesthetic Impacts:** A balloon test or, preferably and where appropriate, a crane at the proposed site is required prior to the public hearing. The date, time and location of the test must be advertised in a newspaper of general circulation in the County at least fourteen (14) days, but not more than twenty-one (21) days, prior to the test, and the County must be notified in writing at least fourteen (14) days prior to the test.
- K. **Hoke County Environmental Health Department:** If applicable, a septic check by the Hoke County Environmental Health Department is required for any site that has a structure on the tract that uses on-site waste disposal systems (septic fields). This requirement is to ensure that the septic system is functioning properly and to ensure that the proposed development does not interfere with the safe operation of the septic system. Separate applications and fees are required by Hoke County Environmental Health for septic inspections.
- L. **FAA Standards:** Engineering evidence must be presented which demonstrates that the proposed use meets all FAA standards. Reports on how all lighting on the structures complies with FAA standards must also be submitted, if applicable.
- M. **FCC Good Engineering Practices:** In order to facilitate the regulation, placement, and construction of wireless facility and wireless support structures, and to ensure that all parties comply to the fullest extent possible with the rules, regulations, and/or guidelines of the FCC, each owner of a wireless facility and wireless support structure or applicant for a wireless facility and wireless support structure shall agree in a written statement to the following:
1. Compliance with “Good Engineering Practices” as defined by the FCC in its rules and regulations.
  2. Certification from the applicant that it complies with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI).
  3. In the case of an application for collocated wireless support structure, the applicant, together with the owner of the subject site, shall provide a composite analysis of all users of the site to determine that the applicant’s proposed facilities will not cause radio frequency interference with the County’s public safety communications equipment and will implement appropriate technical measures, to attempt to prevent such interference.
  4. Removing wireless facility and wireless support structure and other structures if the tower or antenna or related communication device becomes inactive for one hundred eight (180) days, unless an extension is given.
- 5.22.9 **Review Process:** Any application for a new wireless facility or substantial modification submitted pursuant to this section shall be reviewed by County staff as determined by the County Manager for completeness. If any required item fails to be submitted the

## CHAPTER 5: SUPPLEMENTAL REQUIREMENTS

application shall be deemed incomplete. Staff shall advise the applicant in writing within two (2) business days after submittal of an application regarding the completeness of the application. If the application is incomplete, such notice shall set forth the missing items or deficiencies in the application, which the applicant must correct and/or submit in order for the application to be deemed complete. Following review by staff the application shall be reviewed through the Special Use Permit review process in Chapter 14.

- A. Where due to the complexity of the methodology or analysis required to review an application for a wireless communication facility, the Board of Commissioners may require the applicant to pay for a technical review by a third-party expert, the costs of which shall be borne by the applicant and be in addition to other applicable fees.
- B. Based on the results of the expert review, staff may require changes to the applicant's application or submittals.
- C. The applicant shall submit as published in the County's current fee schedule. Hoke County may fix and charge an application fee, consulting fee, or other fee associated with the submission, review, processing, and approval of an application to site or modify wireless support structures or wireless facilities that is based on the costs of the services provided and does not exceed what is usual and customary for such services. Any charges or fees assessed by the County on account of an outside consultant shall be fixed in advance and incorporated into a permit or application fee and shall be based on the reasonable costs to be incurred by the county in connection with the regulatory review authorized under this section. The foregoing does not prohibit Hoke County from imposing additional reasonable and cost-based fees for costs incurred should an applicant amend its application. On request, the amount of the consultant charges incorporated into the permit or application fee shall be separately identified and disclosed to the applicant.
- D. After approval of the entire application by the Board of Commissioners, the applicant will submit construction / engineering drawings to the Hoke County Inspections Department, providing structural analysis report for ninety (90) mph wind load and include seismic analysis based on the short and long spectral response acceleration as per the applicable International Building Code and North Carolina Building Code.

5.22.10 **Special Use Permit Application Requirements:** The following contains the requirements for a special use permit application in addition to any other materials required by this ordinance.

- A. Completed Special Use Permit Application
  - Application fee as set in the Planning Department fee schedule;
  - Two (2) sets of first class stamps and envelopes for each property owner within a 500-foot radius of the property line for any parcel where a tower is proposed. The Planning Department will send notification letters in the envelopes provided to property owners prior to the Planning Board and Board of Commissioners meetings. The letters shall include information related to:

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- Tower height
- Existing and planned tower uses
- Public hearing meeting date, time and location
- Any other information relevant to public notices for public hearings.

B. All special use permit requests are subject to the regulations described in Chapter 14.

C. If a special use permit is granted, the wireless facility and wireless support structure and other structures shall be completely constructed within 25 months from the time the permit is granted or the permit will be null and void.

5.22.11 **Collocation:** Prudent and reasonable efforts must be made to co-locate a new cellular antenna on existing wireless support structures, or other structures. A co-location analysis is required whenever a tower is within three (3) miles of the proposed tower site. The report shall also illustrate a search ring. County staff or representatives will evaluate the report with consideration given both to the communication provider's needs and to the community's desires to limit new tower construction. If staff or representative determines that co-location is not prudent and not feasible, a new wireless support structure site will be authorized and the project can proceed with site plan and permit approvals. If staff determines that co-location is prudent and feasible, the new wireless support structure site will be denied, requiring co-location on an existing tower or structure. The co-location analysis report shall be submitted and consist of the following items:

- A. Detailed description of the purpose of proposed site, i.e., capacity or coverage, and area designed to cover (search ring);
- B. Site Plan showing wireless support structure location, wireless support structure height, ground elevation, and type of wireless support structure;
- C. Detailed description of all existing wireless support structures or other structures of significant height within a three (3) mile radius of the proposed tower, including height of structure, ground elevation, number of existing users, height available for co-location, if any, and structural deficiencies, if any;
- D. Propagation maps showing coverage without proposed tower, coverage with proposed tower, and coverage for each co-location possibility. Base maps should include roads and other physical features at a minimum, and;
- E. Detailed analysis of co-location possibilities including coverage overlap percentages, signal interference problems, etc.

5.22.12 **Collocation Review:** Additional information may be requested after initial review for further analysis. If the department or representative determines that collocation is prudent and feasible after its review, it may submit the information to a radio frequency

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engineer for an independent analysis. Also, wireless support structures shall be constructed so as to allow future location of additional antennas. A collocation application entitled to streamline processing under G.S. 160D-934 shall be deemed complete unless the County provides notice in writing to the applicant within forty-five (45) days of submission or within some other mutually agreed upon timeframe. The notice shall identify the deficiencies in the application which, if cured, would make the application complete. The application shall be deemed complete on resubmission if the additional materials cure the deficiencies identified. Staff or a County representative shall issue a written decision approving or denying an application within forty-five (45) days in the case of collocation applications entitled to streamlined processing under G.S. 160D-933 and within a reasonable period of time consistent with the issuance of other land-use permits in the case of other applications, each as measured from the time the application is deemed complete.

**5.22.13 Collocation Application Requirements:** Applications for collocation entitled to streamline processing under this section shall be reviewed for conformance with applicable site plan and building permit requirements but shall not otherwise be subject to zoning requirements, including design or placement requirements, or public hearing review.

A. Applications for collocation of wireless facilities are entitled to streamlined processing if the addition of the additional wireless facility does not exceed the number of wireless facilities previously approved for the wireless support structure on which the collocation is proposed and meets all the requirements and conditions of the original approval. This provision applies to wireless support structures which are approved on or after December 1, 2007.

B. The streamlined process set forth in subsection A of this section shall apply to all collocations, in addition to collocations qualified for streamlined processing that meet the following requirements:

- The collocation does not increase the overall height and width of the tower or wireless support structure to which the wireless facilities are to be attached.
- The collocation does not increase the ground space area approved in the site plan for equipment enclosures and ancillary facilities.
- The wireless facilities in the proposed collocation comply with applicable regulations, restrictions, or conditions, if any, applied to the initial wireless facilities placed on the tower or other wireless support structure.
- The additional wireless facilities comply with all Federal, State, and local safety requirements.
- The collocation does not exceed the applicable weight limits for the wireless support structure.

**5.22.14 Collocation of Small Wireless Facilities:** Small wireless facilities located inside private rights-of-way or outside public rights-of-way not exceeding ten (10) feet in height



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above a support structure shall be permitted-by-right. Small wireless facilities permit applications shall include:

- A. Completed zoning permit application
- B. Engineering certification the support structure can support the additional equipment
- C. Attestation that the small wireless facilities shall be collocated on the support structure and that the small wireless facilities shall be activated for use by a wireless service provide to provide service no later than one (1) year from the permit issuance date, unless the county and wireless provider agree to extend this period or a delay is caused by lack of commercial power at the site.
- D. An applicant seeking to collocate small wireless facilities at multiple locations within the county jurisdiction shall be allowed at the applicant's discretion to file a consolidated application for no more than twenty-five (25) separate facilities and receive a permit for the collocation of all the small wireless facilities meeting the requirements of this section. The county may remove small wireless facility collocations for which incomplete information has been provided or that are denied. The county shall issue a separate permit for each collocation that is approved.
- E. Each separate small wireless facilities location shall be subject to the zoning permit fee established by the Planning Department fee schedule. For consolidated applications a fee of \$100.00 per facility for the first five (5) facilities is required plus fifty dollars (\$50.00) for each additional small wireless facility in the application

**5.22.15 Termination of Use:** Whenever a wireless facility, wireless support structure, antenna, or related equipment ceases to be in active operation for communication purposes for more than one hundred eighty days (180), all structures shall be removed by the wireless facility owner. A one-time extension of an additional 180 days may be approved by staff following a written request from the wireless facility owner or their representative.

**5.22.16 Radio Frequency Interference:** Whenever the County encounters radio frequency interference with its public safety communications equipment and it believes that such interference has been or is being caused by one or more wireless facility and wireless support structures, the following steps shall be taken:

- A. The County shall provide notification to all wireless facility and wireless support structure service providers operating in the jurisdiction of possible interference with the public safety communications equipment. Upon such notification, the owners shall use their best efforts to cooperate and coordinate with the County and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety "Best Practices Guide," released by the FCC in February 2001, including the "Good Engineering Practices," as may be amended or revised by the FCC from time to time.

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- B. If any wireless facility and wireless support structure owner fails to cooperate with the County in complying with the owner's obligations under this section or if the FCC makes a determination of radio frequency interference with the County public safety communications equipment, the owner who fails to cooperate and/or the owner of the wireless facility and wireless support structure which caused the interference shall be responsible, upon FCC determination of radio frequency interference, for reimbursing the County for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the jurisdiction to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in the "Best Practices Guide" within twenty-four (24) hours of the County's notification.

## SECTION 5.23 Temporary Uses and Structures

5.23.1 Temporary uses and structures shall only be operated or placed on parcels within Hoke County in compliance with the applicable regulations listed in this section. Temporary permits for a specific temporary use or activity may only be issued for a property once every one hundred eighty (180) days.

5.23.2 No other temporary permit shall be granted for the same or similar temporary use on any adjacent property within forty-five (45) days of the issuance of a temporary permit.

5.23.3 In addition to the typical zoning permit requirements temporary amusement events, community yard sales and flea markets, firework stands, religious events, and equipment storage must provide the following application requirements:

- Completed zoning permit application.
- Written approval from the property owner(s) giving the applicant authorization for the temporary use and / or structure.
- Public Liability or General Insurance Policy for personal injury and property damage at a minimum valuation of \$100,000.00.
- A hold harmless letter from the applicant addressed to the County of Hoke.
- Site plan detailing the proposed structures on the property.

5.23.4 List of Temporary Uses and Structures:

- A. **Amusement Events:** Temporary events such as, but not limited to, carnivals, circuses, fairs, and amusement rides are only permitted in non-residential zoning districts or on residentially zoned property currently used for permanent commercial or institutional uses. Temporary amusement event permits are limited to a maximum of twenty-one (21) days.
- B. **Community Yard Sales and Flea Markets:** Community yard sales and flea markets are those conducted by a coordinated group of individuals, or by a civic or religious

## CHAPTER 5: SUPPLEMENTAL REQUIREMENTS

organization for the purpose of selling surplus household items or other goods for profit or charity.

- Community yard sales and flea markets are permitted in residential zoning districts and on property used for religious or civic institutional purposes.
- Outdoor storage of goods shall be stored in the side or rear yard except on days of the sale.
- Community yard sales are limited to daylight hours.
- Community yard sale permits shall not exceed seven (7) days.

C. **Fireworks Stands:** Temporary fireworks stands are permitted in the Highway Commercial (HC), Corporate Park (CP) and Industrial (I) zoning districts. A maximum of one (1) portable structure is permitted for temporary fireworks stands. Temporary fireworks stand permits are limited to forty-five (45) consecutive days.

D. **Mobile Food Vending Service:** Singular mobile food vendors also referred to as food trucks, are only permitted in non-residential zoning districts used for non-residential purposes.

- Individual mobile food vendors are prohibited on vacant property.
- Mobile food vendors may participate in other temporary events under the temporary permit for amusement, community yard sale and flea market, religious, and seasonal events.
- Mobile food vendors must provide written permission from the property owner.
- Mobile food vendors shall not be located in any required setback of the underlying zoning district or within any sight triangles.
- Trash receptacles must be located within ten (10) feet of the mobile food vendor.
- The mobile food vendor is responsible for removing all trash in the vicinity of the vendor at the end of the day.
- Hours of operation are limited to 8:00 AM to 9:00 PM daily.
- Mobile food vendor temporary permits shall not exceed ninety (90) days.

E. **Outdoor Sales / Sidewalk Vendors:** Temporary outdoor sales of non-agricultural products are only permitted in the Highway Commercial (HC) zoning district on property with a permanent structure containing a commercial use.

- Outdoor sales / sidewalk vendors may not encroach into any public rights-of-way.
- Temporary outdoor sales / sidewalk vendor permits are limited to thirty (30) consecutive days. Temporary outdoor sales / sidewalk vendor permits are not required for any temporary outdoor sales by children aged 17 or younger with permission from the property owner.

F. **Religious Events:** Temporary religious events are those events held by religious institutions on property that does not have a structure used by a religious institution such as a church, mosque, or synagogue.

- Temporary religious events are permitted in any non-residential zoning district.
- Temporary religious event permits are limited to thirty (30) consecutive days.

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- G. **Seasonal Sale of Agricultural Products including Christmas Tree Lots:** A maximum of one (1) building / display booth shall be permitted. The structure must be portable and removed at the expiration of the temporary permit. Sales shall be limited to daylight hours. Seasonal sale temporary permits are limited to ninety (90) days.
- H. **Temporary Equipment Storage:** Temporary structures for the storage of construction materials, tools, equipment, and other items associated with the construction or development of a project may be placed onsite.
- Temporary equipment storage structures are permitted in all zoning districts.
  - Temporary equipment storage structures must be a minimum of thirty (30) feet from the front property line.
  - Temporary equipment storage must obtain a zoning permit as well as all applicable permits from Environmental Health and Building Inspections.
  - Temporary equipment storage must be removed within thirty (30) days following the issuance of a Certificate of Occupancy or obtain all necessary permits to establish the structure as a permanent accessory structure meeting the requirements of Section 5.2.
- I. **Temporary Family Health Care Structure**
- Temporary family health care structures are considered accessory structures and must meet the requirements of Section 5.2.1 and 5.2.2.
  - Setbacks for temporary family health care structures must meet the primary structure setbacks for the underlying zoning district.
  - Only one (1) temporary family health care structure is permitted on a parcel of land.
  - Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.
  - Any temporary family health care structure shall be removed within 60 days after the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided by the caregiver.
- J. **Temporary Living Quarters:** Temporary living quarters are permitted on residential and commercial properties during the construction or repair of any dwelling unit or non-residential structure.
- The temporary living quarters may be an accessory structure, recreational vehicle, manufactured home, or other temporary structure.
  - Temporary living quarters are permitted in all zoning districts.
  - Temporary living quarters must meet the accessory structure requirements of Section 5.2. Temporary living quarters must obtain a zoning permit as well as all applicable permits from Environmental Health and Building Inspections.
  - Temporary living quarters are only permitted to remain onsite while the construction permit for the dwelling unit or non-residential structure is open and valid with Building Inspections.

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- K. **Temporary Office Space:** Temporary office space consists of construction trailers, administrative / management trailers, temporary real estate offices associated with subdivision or commercial development.
- Temporary office spaces are permitted in all zoning districts.
  - Temporary office spaces must obtain a zoning permit as well as all applicable permits from Environmental Health and Building Inspections.
  - Temporary office spaces are only permitted to remain onsite for residential subdivision developments until the final lot within the subdivision has been sold.
  - Temporary office spaces are only permitted to remain onsite for commercial development for sixty (60) days following the issuance of a Certificate of Occupancy for the project.
- L. **Similar and Compatible Uses Not Specified:** Similar and compatible uses are those uses which are similar and compatible to those listed in this Section for temporary use. Determination of similarity and compatibility shall be made by the Zoning Administrator.

# CHAPTER 6: ENVIRONMENTAL REQUIREMENTS

## SECTION 6.1 Purpose

6.1.1 The purpose of this Chapter is to protect existing environmental resources including streams, wetlands, floodplains, soils, forest stands, specimen trees, and other significant vegetation and wildlife as well as to promote the reservation of open space in environmentally sensitive areas.

## SECTION 6.2 Environmental Assessment and Suitability of Land

6.2.1 **Existing Features Plan:** Existing Features Plans are required for the following:

- A. All residential subdivisions greater than five (5) lots.
- B. Commercial and industrial developments over one (1) acre.

## SECTION 6.3 Preservation of Trees and Natural Features Encouraged

6.3.1 Hoke County encourages the preservation of significant forest stands, natural vegetation, specimen trees, and natural topography, drainage features and water courses to the extent reasonable and practical while not unreasonably prohibiting development.

6.3.2 Hoke County encourages that forested and vegetated areas whose physical site conditions render them unsuitable for development be preserved as conservation areas or open space. Wooded sites should be developed with consideration of the natural characteristics of the site.

6.3.3 When portions of forested stands must be developed, careful consideration should be given to preserving wooded perimeters of the most desirable natural features to retain the aesthetic character of the site. Isolated pockets of existing trees or specimen trees should be protected as an asset to the property.

## SECTION 6.4 Stream Buffers

6.4.1 Stream buffers shall be established on all perennial streams, intermittent streams, and wetlands. Buffers shall remain undisturbed except for pedestrian greenways within the designated open space of a development.

6.4.2 The following table establishes the minimum buffer widths from perennial and intermittent streams and wetlands based on the slope of the property.

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Slope Range*	Minimum Buffer Width		
	Perennial Stream	Intermittent Stream	Wetland
0-9%	50 feet	50 feet	50 feet
10-19%	70 feet	50 feet	50 feet
20-29%	90 feet	50 feet	50 feet
30-39%	110 feet	50 feet	50 feet
40-50%	130 feet (Building not recommended)	50 feet (Building not recommended)	50 feet (Building not recommended)
51% or higher	Building Not Permitted	Building Not Permitted	Building Not Permitted

6.4.3 Slope Range used for determining buffer width shall be the greatest slope on the development site.

## SECTION 6.5 Floodplain Overlay District

### 6.5.1 Findings of Fact

- A. The flood prone areas within the jurisdiction of Hoke County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

6.5.2 **Statement of Purpose:** It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- A restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- B require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

# CHAPTER 6: ENVIRONMENTAL REQUIREMENTS

- C control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- D control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- E prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

**6.5.3 Objectives:** The objectives of this Section are:

- A to protect human life and health;
- B to minimize expenditure of public money for costly flood control projects;
- C to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D to minimize prolonged business losses and interruptions;
- E to minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- F to help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- G to ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

**6.5.4 Lands to Which this Section Applies:** This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of Hoke County.

**6.5.5 Basis for Establishing the Special Flood Hazard Areas:** The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) dated July 7, 2014 for Hoke County and associated Flood Insurance Rate Maps (FIRM) panels, including any digital data developed as part of the Flood Insurance Study, which are adopted by reference and declared a part of this ordinance, and all revisions thereto.

**6.5.6 Establishment of Floodplain Development Permit:** A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with 8.5.5 of this Ordinance.



## CHAPTER 6: ENVIRONMENTAL REQUIREMENTS

- 6.5.7 **Compliance:** No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.
- 6.5.8 **Interpretation:** In the interpretation and application of this Section, all provisions shall be:
- A. Considered as minimum requirements;
  - B. Liberally construed in favor of the governing body; and
  - C. Deemed neither to limit nor repeal any other powers granted under State statutes.
- 6.5.9 **Warning and Disclaimer of Liability:** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Hoke County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
- 6.5.10 **Designation of Floodplain Administrator:** The Director of Planning and Inspections or his/her designee, hereinafter referred to as the “Floodplain Administrator”, is hereby appointed to administer and implement the provisions of this Section.
- 6.5.11 **Floodplain Development Application, Permit, and Certification Requirements:** Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a Floodplain Development Permit:
- A. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed Floodplain Development:
    - 1. the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
    - 2. the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in 6.5.5, or a statement that the entire lot is within the Special Flood Hazard Area;
    - 3. flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in 6.5.5;
    - 4. the boundary of the floodway(s) or non-encroachment area(s) as determined in 6.5.5;

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5. the Base Flood Elevation (BFE) where provided as set forth in 6.5.5, 13.10.12, 13.10.13, or 6.5.16;
  6. the old and new location of any watercourse that will be altered or relocated as a result of proposed development;
  7. certification of the plot plan by a registered land surveyor or professional engineer.
- B. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
1. Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
  2. Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and
  3. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;
- C. If floodproofing, a Floodproofing Certificate with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures, which shall meet the requirements of 6.5.14.B.
- D. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
1. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
  2. Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with 6.5.14.D.3, when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30;
  3. Usage details of any enclosed areas below the regulatory flood protection elevation.
  4. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;

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5. Copies of all other Local, State and Federal permits required prior to Floodplain Development Permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)
6. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure 6.5.14.F and G are met.
7. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

6.5.11.2 **Permit Requirements:** The Floodplain Development Permit shall include, but not be limited to:

- A. A description of the development to be permitted under the Floodplain Development Permit.
- B. The Special Flood Hazard Area determination for the proposed development per available data specified in 6.5.4.
- C. The regulatory flood protection elevation required for the reference level and all attendant utilities.
- D. The regulatory flood protection elevation required for the protection of all public utilities.
- E. All certification submittal requirements with timelines.
- F. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
- G. The flood openings requirements, if in Zones A, AO, AE or A1-30.

### 6.5.11.3 **Certification Requirements**

- A. Elevation Certificates
  1. An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the

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reference level, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit.

2. An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
3. A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

- B. **Floodproofing Certificate:** If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data and an operational plan, is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data and plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

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- C. If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per 6.5.14.C.
- D. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a Floodplain Development Permit.
- E. Certification Exemptions. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
  - 1. Recreational Vehicles meeting requirements of 6.5.14.F.1:
  - 2. Temporary Structures meeting requirements of 6.5.14.G; and
  - 3. Accessory Structures less than 150 square feet meeting requirements of 6.5.14.H.

### **6.5.12 Corrective Procedures**

- A. Violations to be Corrected: When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- B. Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
  - 1. that the building or property is in violation of the Flood Damage Prevention Ordinance;
  - 2. that a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
  - 3. that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

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- C. **Order to Take Corrective Action:** If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one-hundred-eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.
- D. **Appeal:** Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the County Clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- E. **Failure to Comply with Order:** If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

8.5.13 **Provisions for All Special Flood Hazard Areas:** In all Special Flood Hazard Areas the following provisions are required:

- A. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- B. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- C. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- D. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers, etc.), hot water heaters, and electric outlets/switches.

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- E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- G. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- H. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of “new construction” as contained in this ordinance.
- I. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- J. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in 14.9.6 (I). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to 6.5.11.13 of this ordinance.
- K. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- L. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- M. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- N. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334.

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## **8.5.14 Provisions for All Special Flood Hazard Areas where Base Flood Elevation data is Provided:**

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in 6.5.5, or 13.10.12, 13.10.13, the following provisions, in addition to 6.5.13, required:

- A. Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Chapter 15 of this ordinance.
- B. Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Chapter 15 of this ordinance. Structures located in A, AE and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in 2.11.11.3, along with the operational and maintenance plans.
- C. Manufactured Homes.
  - 1. New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Chapter 15 of this ordinance.
  - 2. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by engineer certification, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
  - 3. All enclosures or skirting below the lowest floor shall meet the requirements of 6.5.14.D.
  - 4. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home



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parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management coordinator.

D. Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures which is below the lowest floor:

1. shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
2. shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria;
  - A minimum of two flood openings on different sides of each enclosed area subject to flooding;
  - The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
  - If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
  - The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
  - Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
  - Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

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## E. Additions / Improvements.

1. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
  - not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
  - a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
2. Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
3. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
  - not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
  - a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
4. Where an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

## F. Recreational Vehicles. Recreational vehicles shall either:

1. be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
2. meet all the requirements for new construction.

## G. Temporary Non-Residential Structures. Prior to the issuance of a Floodplain Development Permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a

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hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

1. a specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year;
2. the name, address, and phone number of the individual responsible for the removal of the temporary structure;
3. the time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
4. a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
5. designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

H. Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

1. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
2. Accessory structures shall not be temperature-controlled;
3. Accessory structures shall be designed to have low flood damage potential;
4. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
5. Accessory structures shall be firmly anchored in accordance with 6.5.13;
6. All service facilities such as electrical shall be installed in accordance with 6.5.13.D; and
7. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with 6.5.14.D.3.
8. An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with 6.5.11.3.

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## **6.5.15 Reserved**

**6.5.16 Standards for Floodplains without Established Base Flood Elevations:** Within the Special Flood Hazard Areas designated as Approximate Zone A and established in 6.5.5, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to 6.5.13 and 14, shall apply:

- A. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. The BFE used in determining the regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:
  - 1. If Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in 13.10.12 and 13.10.13.
  - 2. All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per 6.5.5 to be utilized in implementing this ordinance.
  - 3. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated to or above the regulatory flood protection elevation, as defined in Chapter 16.

**6.5.17 Standards for Riverine Floodplains with Base Flood Elevations but without Established Floodways or Non-Encroachment Areas:** Along rivers and streams where BFE data is provided but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- A. Standards outlined in 6.5.13 & 14; and
- B. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other

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existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

**6.5.18 Standards for Floodways or Non-Encroachment Areas:** Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in 6.5.5. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in 6.5.13 and 14, shall apply to all development within such areas:

- A. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated that:
  - 1. the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of Floodplain Development Permit, or
  - 2. a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
- B. If A above is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- C. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
  - 1. the anchoring and the elevation standards of 6.5.14.C; and
  - 2. the no encroachment standard of A above.

**6.5.19 Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance:** This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted March 2, 1989, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued there under are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of Hoke County enacted on March 2, 1989, as amended, which are not reenacted herein, are repealed.

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6.5.20 **Effect upon Outstanding Floodplain Development Permits:** Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a Floodplain Development Permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

## SECTION 6.6 Watersupply Watershed Overlay District (WP)

6.6.1 **Enactment and Jurisdiction:** The provisions of this Section shall only apply within the areas designated as Water Supply Watersheds by the North Carolina Department of Environment and Natural Resources (NC DENR) Division of Water Quality and shall be depicted on the Hoke County Official Zoning Map. Where there is a conflict between the regulations contained in this section and any other portion of this Zoning Ordinance, the provisions of this section shall apply. The provisions of this section took effect on January 18, 1994.

6.6.2 **Exceptions to Applicability:** Existing development, as defined in this ordinance, is not subject to the requirements of this section. Expansions to structures classified as existing development on any lot other than a lot containing a single-family residence as the principal use must meet the requirements of this ordinance; however, the built-upon area of existing development is not required to be included in the impervious calculations.

6.6.3 **Establishment of Watershed Areas:** The purpose of this Section is to list and describe the water supply watershed overlay district herein created. The following overlay district shall be in place and is depicted on Hoke County's Official Zoning Map:

WS-IV-PA (Protected Area) Watershed Overlay District

6.6.4 Watershed Overlay District Regulations

A Only new development activities that require an erosion/sedimentation control plan under North Carolina law are required to meet the provisions of this ordinance when located in a WS-IV-PA Zoning District. These activities are ones that disturb one acre or more of land. Best management practices for forestry and transportation (reference NCDOT publication Best Management Practices for the Protection Surface Waters) are required.

B In addition to Conditional and Permitted Uses listed for the appropriate district, the following are allowed uses, in the Overlay District.

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1. Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990.
2. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).
3. Sludge applications and new non-discharging landfills.

C Uses not permitted:

Discharging Landfills

D Density and Maximum Built-upon Limits:

1. Single Family Residential Uses: The minimum lot size is 20,000 square feet or twenty-four percent (24%) built upon area. The minimum lot size may be reduced if approved in a cluster development.
2. All Other Residential and Non-Residential Uses: Development shall not exceed a maximum of twenty-four percent (24%) built-upon area.

6.6.5 **Cluster Development:** Clustering of a development is permitted under the following conditions:

- A. Minimum lot sizes are not applicable to single family cluster development projects. However, the total number of lots shall not exceed the number of lots allowed for single family detached developments in Chapter 2. Built upon area shall not exceed twenty-four percent (24%).
- B. All built upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.
- C. The remainder of the tract shall remain in a vegetated or natural state, not to be developed at any future date. Title to the open space shall be conveyed to an incorporated homeowners' association for management, to a local government-for-preservation as a park or open space, or to a conservation organization for the preservation in a permanent easement. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds, and individual property owners shall be responsible for maintenance.

6.6.6 Buffer Areas Required

- A. Should any new development take place on or after the effective date of these regulations on a lot containing or bordering a perennial stream [as indicated on the most up-to-date version of a U.S.G.S. 1:24,000 (7.5 minute) map or as otherwise determined by local government studies] and which is subject to the

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regulations of this section, a fifty (50) foot buffer measured from the centerline of the stream shall be placed or maintained. The first twenty-five (25) feet shall be undisturbed. Desirable artificial stream bank or shoreline stabilization is permitted.

- B. No new development is allowed in the vegetative buffer area except for water-borne structures (e.g., piers, docks, etc.) and public projects such as road crossings, sewer lines, and greenways, where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.

6.6.7 **Nonconforming Situations:** Nonconforming situations which existed on or after the effective date of these regulations shall comply with this Ordinance, with the following exceptions:

- A Residential Structures or Lots

1. A nonconforming lot of record which existed on the effective date of these regulations which is used for single-family purposes shall not be subject to the rules and regulations pertaining to the WS district in which it is located. This exception is not applicable to multiple contiguous lots under a single ownership.
2. Whenever two or more adjoining lots of record, one of which contains a principal residential use and the other(s) being undeveloped (i.e., not containing a principal use), and such lots are in single ownership at any time on or after the effective date of these regulations, and such lots individually or jointly have less area than the minimum requirements for residential uses in the WS district in which it is located, such lots shall be combined to create lots which meet the minimum requirements of that WS district or minimize the degree of nonconformity.

- B Nonresidential Structures or Uses of Land

1. If, on or after the effective date of these regulations, a lot contained one or more structures or uses of land, where aggregate built-upon area calculations exceeded the maximum allowed for the particular WS district in which said lot is located, and such structure is destroyed (i.e., received damage in excess of sixty (60) percent of its assessed value at the time of destruction), reconstruction of said structures or uses may occur provided that under no circumstances may be increased beyond the allowed twenty-four percent (24%) built-upon area.



## CHAPTER 6: ENVIRONMENTAL REQUIREMENTS

2. Unless otherwise specified by the permit issued by the Zoning Administrator, an application for a zoning permit authorizing the repair or replacement of said structures must be submitted to and approved by the Hoke County no later than one-hundred and eighty (180) days after the damage occurred. Further information on rebuilding destroyed nonconforming structures can be found in Chapter 9.

### **6.6.7 Public Health Regulations**

- A. No activity, situation, structure or land use shall be allowed within a WS district which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.
- B. The Zoning Administrator shall monitor land use activities within all WS districts to identify situations that may pose a threat to water quality. The Zoning Administrator shall report all findings to the proper agency to handle the threat, and/or the Board of Commissioners. The Zoning Administrator may consult with any public agency or official and request recommendations. Where the Board of Commissioners finds a threat to water quality and the public health, safety and welfare, the Board shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation as herein authorized.

### **6.6.8 Amendments to Regulations Pertaining to a WS District**

- A. Under no circumstances shall the Board of Commissioners adopt any amendment, addition, or deletion that would cause these regulations to violate the watershed protection rules as adopted by the N.C. Environmental Management Commission. Any amendment to the boundaries of any particular Water Supply Watershed District shall be referred to NC DENR Division of Water Quality for its review prior to adoption. Otherwise, amendments to the regulations contained in this Section shall follow procedures prescribed in Chapter 14 of this Ordinance.

# CHAPTER 7: BUILDING REQUIREMENTS

## SECTION 7.4 Non-Residential Design Standards

- 7.4.1 Unless otherwise required by Ordinance the following standards apply to all new commercial and industrial development within Hoke County.
- 7.4.2 **Walls:** Facades must incorporate the following details:
- A. Color change
  - B. Texture change
  - C. Material change
  - D. Architectural or structural plane changes such as an off-set, reveal or projecting rib / pilaster.
- 7.4.3 **Roofs:** Variations in rooflines add interest to, and reduce the scale of large buildings. Roofs require the following:
- A. Rooflines must vary in height across the building façade.
  - B. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and rooftop equipment from view.
  - C. All parapets must have at least one (1) of the following details: cornices, moldings, trim, or variations in brick coursing.
- 7.4.4 **Entryways:** Entryways are the focal points for buildings and provide orientation, transition, and aesthetic character. Entryways require the following:
- A. Entryways shall provide protection from the weather by projecting away from the main façade by utilizing one (1) or more of the following:
    1. Alcoves
    2. Arcades
    3. Arches
    4. Architectural details such as tile work, brick soldier courses, or moldings which are integrated into the building structure or design
    5. Awnings
    6. Canopies
    7. Overhangs / eaves
    8. Peaked roof forms
    9. Raised corniced parapets over the door
    10. Recesses / projections
- 7.4.5 **Mechanical and Service Equipment:** HVAC, satellite dishes, antennas, utility meters, above ground tanks, and other incidental machinery or equipment shall be screened from view or located in a manner it shall not be visible from a public or private right-of-way or parking lot.

## CHAPTER 7: BUILDING REQUIREMENTS

- 7.4.6 **Exterior Building Materials and Color:** Building materials and color shall be compatible with materials and colors used throughout the commercial or industrial development.
- A. **Detailing and Banding:** Detailing and banding shall consist of a different tint and texture to the wall of the structure.
  - B. Exterior walls shall be design to reduce uniformity and impersonal appearance. Exterior elevations shall be visually consistent with neighboring identity, character, and scale.
  - C. Awnings shall be constructed of canvas or similar materials.
  - D. Non-corrosive, stamped metal panels are permitted above 30 feet on the exterior of any industrial use.

# CHAPTER 8: SITE PLAN REQUIREMENTS

## SECTION 8.1 Purpose

- 8.1.1 The purpose of this Chapter is to provide uniform standards for residential and non-residential site plans required to be submitted for review and permitting. All zoning permits are required to submit the applicable development plan contained in this Chapter.
- 8.1.2 **Sketch plan** is defined as a preliminary drawing intended to provide a summary of a proposed project. Sketch plans are typically less detailed than site plans and may be submitted to the County in order for staff to troubleshoot potential issues with the future development of a site. Sketch plan review is not intended as a final review and are not binding.
- 8.1.2 **Site plan** is defined as a scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include, but is not limited to, site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities, that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon the application of objective standards is an administrative decision and a site plan approved based in whole or in part upon the application of standards involving judgement and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

## SECTION 8.2 Sketch Plans

- 8.2.1 A sketch plan shall be required for any pre-application review by the Zoning Administrator. The plan shall be scaled and show in simple sketch form the proposed layout of streets, lots, buildings, open spaces, and other features in relation to existing conditions. It shall also include the following information as applicable:
- The boundaries of the property.
  - The tax map number(s) of the property.
  - The total acreage.
  - Existing street layout and right-of-way width.
  - The name of the proposed development
  - The zoning classification of the property to be developed.

# CHAPTER 8: SITE PLAN REQUIREMENTS

## SECTION 8.3 Site Plans

8.3.1 A site plan is required for all commercial, industrial, multi-family, mixed use and other non-residential development in addition to Special Use Permits and Conditional Zoning applications.

8.3.2 The following information must be included in all Site Plans:

- All Site Plans shall include but are not limited to the following information:
- Title
- Original submittal date
- Revision dates
- Vicinity map
- North arrow
- Scale (no smaller than 1"=100')
- Lot lines with bearings and distances
- Zoning district and applicable overlay districts
- Adjacent property owner names, parcel numbers, and zoning
- Total acreage
- Acreage in right-of-way
- Density per acre
- Building setbacks in table format and building envelopes show on lots
- Locations of existing structures on the development site and within fifty (50) feet of the property lines
- Landscaping notes
- Boundaries of flood plains or note stating that property is not within one
- Location and depth of any existing utility lines on the property or along adjacent right of ways
- Topography and environmental information
- Existing Conditions
- Landscaping Plan
- Lighting Plan
- Grading Plan
- Infrastructure Details
- If Public Water or Sewer is not available, written approval of proposed water supply and/or sewage disposal facilities from the Hoke County Health Department

# CHAPTER 9: PARKING REQUIREMENTS

## **SECTION 9.1 General**

9.1.1 The purpose of this section is to ensure that adequate and well-designed parking is provided for developments in Hoke County. The following are general requirements for all new developments except single-family detached residential and two-family residential uses (duplexes) other than Section 9.2. The expansion of existing development shall follow these requirements to the greatest extent possible.

## **SECTION 9.2 Single Family and Duplex Driveway and Parking Requirements**

9.2.1 New single family and duplex dwellings shall construct and maintain a parking area large enough to accommodate two (2) 9'x18' off-street parking spaces per dwelling unit.

9.2.2 The driveway and garage/carport can serve as these spaces.

9.2.3 The vehicular area, and the vehicular area has a visible and definable edge made of landscape timbers, vegetation or similar technique to distinguish the vehicular use area.

9.2.4 No driveway shall be closer than twenty (20) feet from any intersection, measured from the right-of-way line.

## **SECTION 9.3 Required Number of Spaces for Off-Street Parking**

9.3.1 The following are minimum parking ratios for the uses indicated:

<u>Use</u>	<u>Minimum</u>
Air, Motor, and Rail Freight Terminals	1 per each employee, plus 1 per each vehicle used in the operation
Airport, Railroad Passenger Stations, and Bus Terminals	1 per each 4 seating accommodations for waiting passengers, plus 2 per each 3 employees, plus 1 per each vehicle used in the operation
Amusement Facilities	1 per 300 square feet of gross floor area
Assembly Uses (not including schools)	1 per 6 seats in the largest assembly room
Automobile Repair	3 spaces per service bay
Automobile, Manufactured Home, and Farm Equipment Sales	1 per 375 square feet of gross floor area, plus spaces for inventory
Bed & Breakfast Inn	1 per bedroom plus 1 per employee
Campground	2 per campsite

## CHAPTER 9: PARKING REQUIREMENTS

Cemeteries	1 for each employee plus adequate parking along internal drives for funerals
Clubs & Lodges	1 per 300 square feet of gross floor area
Commercial (Office & Retail) uses not specified	1 per 300 square feet of gross floor area
Day Care Centers	1 per 10 children, plus 1 per employee, plus adequate stacking room for high volume drop off and pick up times
Electronic Gaming Operations	1 for every 2 terminals or 1 for every 100 square feet of total floor area, whichever is greater
Emergency Service Facilities	2 per employee or volunteer on duty at one time
Florist & Nursey Supply (no retail sales on premises)	1 per each employee
Hair, Nail, and Skin Services	1 per 500 square feet of gross floor area
Hotel / Motel / Inn	1 per room plus 1 per employee
Government Buildings	1 per each employee, plus 1 per 5 seats in the largest assembly room
Libraries	1 per 4 seats
Medical Facilities (Excluding medical offices)	1 per 2 patients or residents at full capacity, plus 1 per employee
Medical / Health Care Office	4 per doctor plus 1 per employee
Mixed Use	Use minimums for Commercial and Multi-Family Residential
Multi-Family Residential	1 per bedroom up to 2 bedrooms, plus 0.5 per additional bedrooms
Residential Care Facilities & Hospitals	1 per bed
Restaurants	1 per 4 seats
Rural Home Occupation	2 in addition to dwelling requirement
Schools, College, Technical & Trade	20 spaces per classroom
Schools, Elementary and Middle	1 per classroom and administrative office, plus 1 large space per bus
Schools, High School	10 spaces per classroom, plus 1 large space per bus
Shopping Centers	1 per 250 square feet of gross floor area
Warehousing / Industrial uses not specified	1 per each employee, plus 1 per vehicle in operation

# CHAPTER 9: PARKING REQUIREMENTS

Other	Minimum of most similar use as determined by the Zoning Administrator
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- 9.3.2 Square footage for commercial uses only pertains to areas that are for the public or customer usage or access.
- 9.3.3 The Zoning Administrator may reduce the minimum number of parking spaces required by up to ten percent (10%) if the applicant can demonstrate that the number of required parking spaces is excessive due to use or property constraints.

## **SECTION 9.4 Design of Commercial Parking Areas**

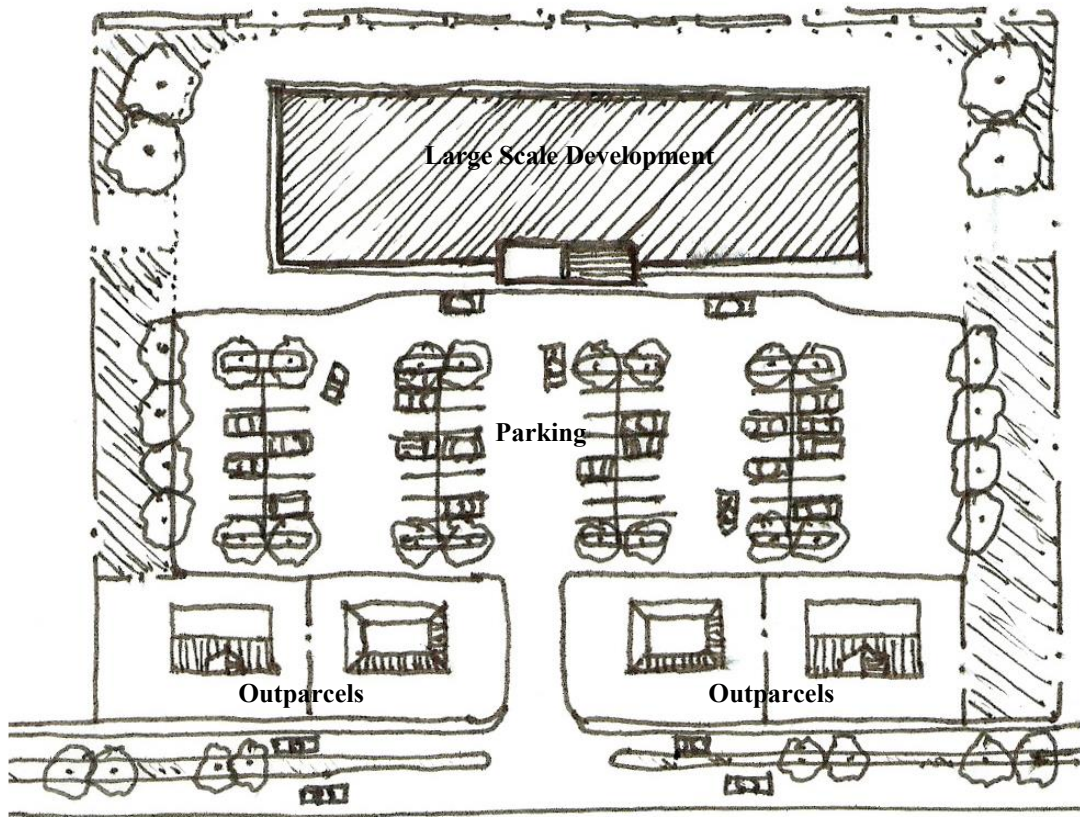
- 9.4.1 Parking areas shall be paved or contain a similar type material approved by the Zoning Administrator.
- 9.4.2 All parking spaces, other than handicapped parking spaces, must have the minimum dimensions of eighteen (18) feet in length and nine (9) feet in width. Parallel parking spaces shall have the minimum dimensions of nine (9) feet in length by twenty-six (26) feet in width.
- 9.4.3 The following are the dimensional standards for all required parking areas:

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



## CHAPTER 9: PARKING REQUIREMENTS

- 9.4.4 For non-residential uses except for institutional uses and those allowed in the Industrial (I) Zoning District, a maximum of two (2) rows of parking spaces may be located in the front yard of the principal building unless otherwise approved by the Board of Commissioners. All other parking shall be located in either the rear or side yards of the principal building. For large scale developments with large parking areas with more than two (2) rows of parking in front, parking may be shared and screened with outparcel buildings as shown in the figure below:



- 9.4.5 Off-street parking areas shall be designed to facilitate adequate movement and access by sanitation, emergency, and other public service vehicles.
- 9.4.6 Off-street parking areas shall be designed so that parked vehicles do not encroach upon, extend onto, or cause vehicles to back into public rights-of-way, sidewalks or strike against or damage any wall, vegetation, utility, or other structure.
- 9.4.7 The size of any single surface parking lot shall be limited to three (3) acres, unless divided by a street or building. Larger parking lots shall be separated by buildings or landscaped areas.
- 9.4.8 Paved parking areas shall have lines demarcating each parking space.

# CHAPTER 9: PARKING REQUIREMENTS

9.4.9 Off-street parking areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, off-street parking area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

9.4.10 A secure bicycle rack is required for all parking lots greater than 50 spaces. Bicycle parking may be placed in the front yard.

## SECTION 9.5 Handicapped Parking Standards

9.5.1 All uses shall be required to provide the following number of spaces in addition to the required spaces in Section 9.3.

<b>Total Number of Required Space</b>	<b>Minimum Spaces</b>
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total
1,001 +	20 plus 1 for each 100 over 1,000

9.5.2 Accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.

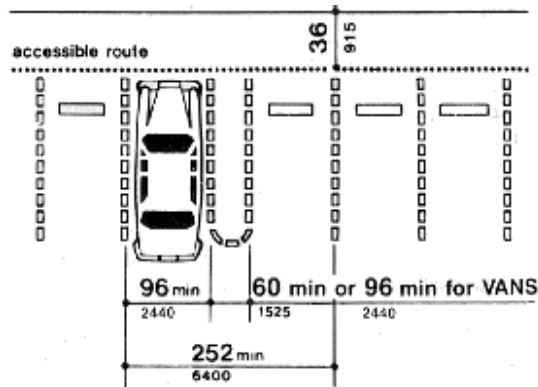
9.5.3 Accessible parking spaces shall be at least eight (8) feet wide.

9.5.4 One in every eight (8) accessible spaces shall be served by an access aisle a minimum of eight (8) feet wide and shall be designated "van accessible".

9.5.5 Parking access aisles shall be part of an accessible route to the building or facility entrance. The access aisle shall be a minimum of five (5) wide for cars or a minimum of

## CHAPTER 9: PARKING REQUIREMENTS

eight (8) wide for vans. The accessible route connected to the access aisle at the front of the parking spaces shall be a minimum of three (3) feet wide. Two (2) accessible parking spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions.



Dimensions of Parking Spaces

- 9.5.6 Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces designated for vans shall have an additional sign "Van-Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.
- 9.5.7 The minimum vertical clearance of nine and half (9.5) feet at accessible passenger loading zones and along at least one (1) vehicle access route to such areas from site entrance and exit is required. Van accessible parking spaces must provide minimum vertical clearance of ninety-eight (98) inches at the parking space and along at least one vehicle access route to such spaces from site entrance and exit.

# CHAPTER 9: PARKING REQUIREMENTS

## **SECTION 9.6 Off-Street Loading Requirements**

9.6.1 Off-street loading areas shall be provided for all uses greater than 5,000 square feet of gross floor area. The loading area shall be designed in accordance with this section.

9.6.2 Uses which normally handle large quantities of goods shall provide off-street loading areas in the following ratios:

<b>Gross Floor Area</b>	<b>Minimum Number of Spaces Required</b>
5,000—20,000 square feet	1
20,001—50,000 square feet	2
50,001—80,000 square feet	3
80,0001 +	1 per each 45,000 square feet over 80,001 square feet

9.6.3 Uses which normally do not handle large quantities of goods shall provide off-street loading areas in the following ratios:

<b>Gross Floor Area</b>	<b>Minimum Number of Spaces Required</b>
5,000—80,000 square feet	1
80,001—200,000 square feet	2
200,001—320,000 square feet	3
320,0001 +	1 per each 180,000 square feet over 320,001 square feet

9.6.4 The following table shows the minimum design requirements:

<b>Building Size</b>	<b>Minimum Length</b>	<b>Minimum Width</b>	<b>Minimum Overhead Clearance</b>
Less than 20,000 square feet	15 feet	30 feet	15 feet
20,000 square feet or more	15 feet	45 feet	15 feet

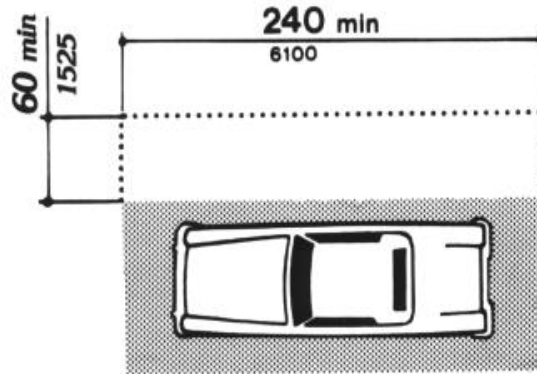
9.6.5 Loading areas shall be paved or contain a similar type material approved by the Zoning Administrator.

# CHAPTER 9: PARKING REQUIREMENTS

9.6.6 Loading areas shall be located in such a way that no truck or service vehicle shall block or interfere with the normal movement of other vehicles for general circulation.

## SECTION 9.7 Passenger Loading Area

9.7.1 A handicapped access aisle is required at any passenger loading zone. The aisle must be at least twenty (20) feet long measured parallel to the vehicle pull-up area, and five (5) feet wide measured perpendicular to the vehicle area. This aisle must be clear of obstructions and at the same level as the vehicle area.



Access Aisle at Passenger Loading Zones

## SECTION 9.8 Driveways

9.8.1 Driveways shall not be closer than thirty (30) feet from any intersection, measured from the right of way line.

9.8.2 Driveways shall be not less than 10 feet in width for one-way traffic and 18 feet in width for two-way traffic.

9.8.3 Ten (10)-foot wide driveways are permissible for two-way traffic when:

1. The driveway is no longer than 50 feet; and
2. The driveway provides access to not more than five (5) parking spaces; and
3. Sufficient turning space and stacking area is provided so that vehicles need not back into a public street.

9.8.4 In no case shall a driveway width exceed 24 feet, except as required by NCDOT.

9.8.5 Only one (1) combined entrance and exit connection will be permitted where the frontage is less than 300 feet.

## CHAPTER 9: PARKING REQUIREMENTS

- 9.8.6 Driveways shall be as nearly perpendicular to the street right-of-way as possible.
- 9.8.7 Driveways shall line up with other driveways across the street and be shared between adjacent uses wherever possible.
- 9.8.8 Driveways connected to state-maintained streets shall comply with NCDOT standards.
- 9.8.9 Construction of curb cuts for purposes of ingress and egress on a public right-of-way shall be approved by the authority having jurisdiction over the right-of-way.

### **SECTION 9.9 Lighting**

- 9.9.1 Outdoor lighting shall be designed, located and mounted at heights no greater than eighteen (18) feet above grade for non-cut-off lights, or thirty-five (35) feet above grade for cut-off lights; and located at least 10 feet from property lines defining rear and side yards or required landscaping areas.
- 9.9.2 All outdoor lighting shall be designed and located such that the maximum illumination measured in foot candles at the property line shall not exceed 0.3 for non-cut-off lights and 1.5 for cut-off lights. The average intensity illumination for outdoor lighting shall not exceed 6-foot candles in intensity as measured at grade. Fixtures should be placed to provide uniform distribution of light and to avoid intense lighting that produces excessive glare.
- 9.9.3 Lighting shall be functionally and architecturally integrated with site and building design.
- 9.9.4 A Lighting Plan with photometric information shall be submitted with the Site Plan as deemed necessary by the Zoning Administrator.

# CHAPTER 10: LANDSCAPE DESIGN STANDARDS

## SECTION 10.1 General

- 10.1.1 The purpose of this Chapter is to regulate the protection, installation, and long-term management of trees and shrubs and to minimize potential nuisances, such as visual impacts, noise, dust, odor, litter, and glare of lights, from adjacent properties. The appropriate use of existing and supplemental landscaping enhances the appearance of built environment and blends new development with the natural landscape. Existing vegetation should be retained where possible to ensure a natural established landscape.
- 10.1.2 All new developments except infill single-family detached residential uses, shall be designed in accordance with the requirements of this Chapter. A change of use or expansion of an existing building or parking area also requires compliance with the requirements of this Chapter. Generally, the responsibility for screening is that of the more intense land use.
- 10.1.3 Where necessary to accommodate creativity in site design, or where conformance with the strict requirements of this Chapter are not feasible, the Board of Commissioners, Planning Board, or Technical Review Committee, whichever is responsible for approving the plan, may modify these requirements, provided that the type and amount of landscaping or other features are equivalent in effectiveness.

## SECTION 10.2 Buffer Requirements

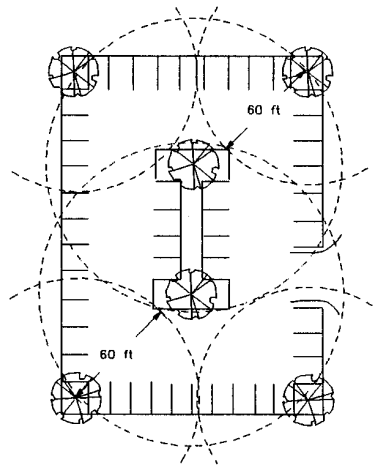
- 10.2.1 Buffer areas are required along the full extent of property lines of all commercial and industrial uses adjacent to land that is zoned or being used for residential purposes.
- 10.2.2 Buffers shall be required adjacent to proposed and existing rights-of-way in accordance with Section 10.4.
- 10.2.3 Manufacturing, Warehousing, and Distribution uses shall install and maintain the following buffer requirements:
- A. Minimum ten (10) foot wide buffer area with a three (3) foot tall evergreen hedge expected to opaque and reach a minimum height of six (6) feet within three (3) years; or
  - B. Fifty (50) foot wide buffer area with a minimum of three (3) trees and five (5) shrubs per one-hundred (100) linear feet of the buffer area.
- 10.2.4 Retail, Office, and Services uses shall install and maintain the following buffer requirements:
- A. Minimum ten (10) foot wide buffer area with a two (2) foot tall evergreen hedge expected to be opaque and reach a minimum height of five (5) feet within three (3) years; or
  - B. Thirty-five (35) foot wide buffer area with a minimum of three (3) trees and five (5) shrubs per one-hundred (100) linear feet of buffer area.

# CHAPTER 10: LANDSCAPE DESIGN STANDARDS

- 10.2.5 Existing vegetation within the buffer area may be used toward meeting the required landscaping provided existing trees have a minimum two (2) inch caliper and existing shrubs have a minimum height of one (1) foot.
- 10.2.6 The property owner or lessee shall be responsible for the maintenance of all buffer areas. Litter and debris shall be cleared and dead plants must be replaced with plants meeting the specifications of this Section.
- 10.2.7 When a fence is located in a buffer area, any vegetation must be located on the side of the fence furthest from the development.
- 10.2.8 Passive recreation is permitted within the buffer areas. No structures, parking, drives, or any other uses are permitted within the buffer area.

## SECTION 10.3 Parking Lot Landscaping Requirements

- 10.3.1 A five (5) foot wide buffer area is required around the perimeter of all parking areas adjacent to public rights-of-way. This area must be guarded by wheel stops and planted with vegetation in compliance with the applicable standards of Section 10.2.
- 10.3.2 A minimum of one (1) canopy tree shall be located within sixty (60) feet of every parking space.



## SECTION 10.4 Street Yard Requirements

- 10.4.1 Street yards are required along all sides of the development adjacent to a public right-of-way.
- 10.4.2 Street yards must be a minimum of ten (10) feet in width measured from the right-of-way line.



# CHAPTER 10: LANDSCAPE DESIGN STANDARDS

10.4.3 The minimum landscaping requirement for a street yard is two (2) large trees, two (2) small or intermediate trees, and fourteen (14) shrubs per one-hundred (100) linear feet of the right-of-way.

## **SECTION 10.5 Fence Requirements**

10.5.1 Permitted fence types:

- Open picket
- Post and rail
- Wrought iron
- Open wire (hurricane and chain link)
- Brick or stone (solid or pierced)
- Solid plank

10.5.2 Placement and dimensions of fence:

- A. Open picket, post and rail, wrought iron, and open wire fences shall not exceed six (6) feet in height and are permitted in all yards.
- B. Solid plank, brick, or stone fences shall not exceed six (6) feet in height in the side or rear yard for residential properties.
- C. Solid plank, brick, or stone fences shall not exceed eight (8) feet in height in the side or rear yard for commercial and industrial properties.
- C. Solid plank, brick, or stone fences shall not exceed four (4) feet in height in the front yard for residential and commercial properties.
- E. Fences must be constructed with the finished side facing the adjacent property or right-of-way.

## **SECTION 10.6 Solid Waste Storage Requirements**

10.6.1 Solid waste receptacles, including compost bins, for non-residential uses must be located in an enclosed area that is screened on all sides. The enclosure must be a minimum of six (6) feet in height and opaque.

10.6.2 Latching gates must be installed.

10.6.3 Permitted permanent materials for the enclosure may be concrete or stone block, brick, wood, or similar material. Chain link fences with slats shall not be permitted as appropriate screening material.

10.6.4 Landscaping or permanent materials may be used to enclose solid waste receptacles. Landscaping alone must be designed to form a continuous, solid screen within three (3) years.

# CHAPTER 10: LANDSCAPE DESIGN STANDARDS

## SECTION 10.7 Landscaping Recommended Species List

10.7.1 **Small Shrubs:** Small shrubs are good for landscaping due to their relatively low maintenance demands.

Botanical Name	Common Name	Height	Notes
Chaenomeles japonica	Japanese Flowering Quince	2'-3'	Withstands urban conditions.
Cotoneaster horizontalis	Rockspray Cotoneaster	2'-3'	Useful for rock gardens. Combines well with stone or wood
Daphne odora	Winter Daphne	3'-4'	Beautiful foliage plant for landscaping
Deutzia gracilis	Slender Deutzia	3'-4'	Good as a filler in mixed shrub borders and flower gardens.
Hypericum patulum	St John's Wart	3'	Works well in shrub borders and foundation plantings.
Ilex cornuta	Carissa Holly	3'-4'	Excellent formal shrub. May be used in foundation plantings
Ilex cornuta Rotunda	Dwarf Horned Holly	2'-3'	May be used as an accent plant, foundation plant, hedge, or container plant
Ilex vomitoria Nana	Dwarf Yaupon Holly	2'-4'	Usefully as a low growing foundation plant
Leucothoe fontanesiana	Drooping Leucothoe	3'-4'	Good filler between other shrubs.
Ligustrum japonicum Rotybdifolium	Curlyleaf Ligustrum	4'	Withstands urban conditions and drought well
Mahonia aquifolium	Oregon Grape Holly	2'-3'	Excellent for foundation plantings except near red brick.
Pinus mugo Compacta	Dwarf Mugo Pine	3'-4'	Excellent container planting
Prunus laurocerasus Otto Luyken	Otto Laurel	3'-4'	Good for foundation and low hedges
Raphiolepis indica	India Hawthorn	3'-4'	Good informal hedge with excellent foliage and flower color combination
Viburnum davidii	David Viburnum	3'-4'	Excellent low growing foundation plant
Yucca filamentosa	Adam's Needle Yucca	1'-4'	Very resistant to drought and adverse growing conditions. Not to be used near play areas.

# CHAPTER 10: LANDSCAPE DESIGN STANDARDS

10.7.2 **Medium Shrubs:** Medium shrubs are useful as hedges, small screens, accent plants, large mass plantings, and large foundation shrubs.

Botanical Name	Common Name	Height	Notes
<i>Abelia x grandiflora</i>	Glossy Abelia	4'-6'	Good plant for informal hedges
<i>Aucuba japonica</i>	Aucuba Japonica	4'-5'	Excellent for dark or shady locations.
<i>Berberis julianae</i>	Winterberry barberry	4'-6'	Good as a hedge, border, or background material.
<i>Buddleia davidii</i>	Butterfly Bush	5'-8'	Useful scattered through large shrub borders.
<i>Buxus sempervirens</i>	American Boxwood	3'-6'	Requires pruning to keep in bounds.
<i>Cytisus scoparius</i>	Scotch Broom	5'-7'	Has grass-like green stems, yellow spring flowers
<i>Euonymus alatus</i>	Winged Euonymus	5'-8'	Excellent for parks or industrial sites.
<i>Euonymus kiautschovicus</i>	Spreading Euonumus	4'-6'	Useful as hedge, screen, border, or foundation planting.
<i>Fatsia japonica</i>	Japanese Fatsia	4'-6'	Very tolerant of urban conditions.
<i>Ilex cornuta Burfodii Nana</i>	Dwarf Burford Holly	4'-6'	Versatile and dependable as hedge and foundation plant. Grows well in containers.
<i>Ilex crenata Hetzi</i>	Hetzi Japanese Holly	4'-6'	Vigorous growth
<i>Ilex crenata Rotundifolia</i>	Roundleaf Japanese Holly	4'-6'	Withstands urban conditions well.
<i>Kalmia latifolia</i>	Mountain Laurel	4'-6'	Mass on northern sides of buildings, in dark nooks, or under trees.
<i>Mahonia bealei</i>	Leatherleaf Mahonia	5'-6'	Dependable for use in shrub borders
<i>Mahonia pinnata</i>	California Holly Grape	4'-6'	Grows well in the sun
<i>Nadina domestica</i>	Nandina	4'-6'	Excellent vertical accent. Avoid placing new red brick foundations.
<i>Pieris floribunda</i>	Mountain Andromeda	4'-6'	Useful in foundation plantings and mixed shrub borders.
<i>Pieris japonica</i>	Japanese Andromeda	4'-6'	Useful in shrub borders.
<i>Raphiolepis umbellate</i>	Yeddo-Hawthorne	4'-6'	Fairly drought resistant.
<i>Yucca gloriosa</i>	Mound Lily Yucca	4'-6'	Seen grouped with smaller growing yuccas.

# CHAPTER 10: LANDSCAPE DESIGN STANDARDS

10.7.3 **Large Shrubs:** Practical uses for large shrubs include screening or as accent plants.

These size shrubs are appropriate as foundation plantings where the buildings / structures are large in scale. The plants in this category are deciduous and evergreen, flowering and berry producing plants, along with cultivars with various park and foliage textures.

<b>Botanical Name</b>	<b>Common Name</b>	<b>Height</b>	<b>Notes</b>
Buxus sempervirens arborescens	Tree Boxwood	8'-12'	Good evergreen screen for large area
Camellia japonica	Camellia	8'-15'	May be used as background or espalier
Camellia sasanqua	Sasanqua Camellia	8'-15'	Excellent for informal border, specimen, accent, and sheared or natural hedges.
Chionanthus virginicus	Fringetree	10'-12'	Good in urban areas.
Cleyera japonica	Cleyera	8'-12'	Excellent for large shrub borders and screens.
Elaeagnus pungens	Thorny Elaeagnus	8'-11'	Effective as natural hedge, shrub border, covering on banks.
Ilex aquifolium	English Holly	8'-12'	Useful as mass or hedge.
Ilex crenata	Japanese Holly	10'-12'	Suitable for screening or hedge.
Ilex latifolia	Lusterleaf Holly	8'-12'	Use in large scale shrub borders. Excellent for industrial sites or other large scale sites.
Ilex pernyi	Perny Holly	9'-12'	Tall, showy holly shrub
Ilex vomitoria	Yaupon Holly	5'-15'	Adapts to most conditions. Useful as border, screen or barrier for large sites.
Illicium anisatum	Anisetree	8'-12'	Excellent as foundation plant for large buildings
Ligustrum japonicum	Japanese Privet	6'-10'	Good for formal hedge or shrub border. Not a good foundation plant.
Ligustrum lucidum	Tall-Glossy Privet	8'-12'	Excellent screening plant
Magnolia virginiana	Sweet Bay	10'-12'	Use against architecture or evergreen background.
Myrica cerifera	Wax Myrtle	10'-12'	Excellent screening plant. Native to southeastern North Carolina
Nerium oleander	Oleander	7'-10'	Excellent in shrub border. All parts of the plant are very toxic.
Osmanthus x fortunei	Fortune Tea Olive	9'-12'	Excellent in large borders and screens or as a clipped hedge.
Osmanthus heterophyllus	Holly Osmanthus	6'-10'	May be used as formal hedge.
Photinia x fraseri	Fraser Photinia	7'-12'	Best used as hedge in full sun. Commonly known as "Red Tip"
Prunus laurocerasus	English Laurel	10'-12'	May be used for tall hedges, wind breaks, or foundation plantings for large buildings.
Pyracantha koidzumii	Formosa Firethorn	6'-10'	Interesting as border or screen plant
Viburnum plicatum tomentosum	Doublefile Viburnum	8'-10'	Useful in shrub borders

# CHAPTER 10: LANDSCAPE DESIGN STANDARDS

10.7.4 **Small and Intermediate Trees:** Small and intermediate trees are functional and offer seasonal beauty. The trees are generally easy to maintain and do not require excessive pruning. Blooms, berries, and foliage are strong assets for most of the trees listed.

<b>Botanical Name</b>	<b>Common Name</b>	<b>Height</b>	<b>Notes</b>
Betula nigra	River Birch	25'-40'	Multi-trunk is desired. Excellent, native tree which can be transplanted
Carpinus caroliniana	American Hornbeam	20'-30'	Good street or shade tree. Also for hedges, gamecover, and natural areas.
Cornus florida	Flowering Dogwood	20'-30'	Excellent landscape tree for good soils; many varieties to plant
Continus coggyria	Smoketree	10'-15'	'Daydream' – purple form very interesting habit
Crataegus phaenopyrm	Washington Hawthorn	25'-30'	Nice fall color, berries persisting through winter
Eriobotrya japonica	Loquat	10'-20'	Excellent accent plant, fruits on coastal areas
Ilex cassine	Dahoon Holly	20'-30'	Beautiful tree with green foliage, red berries, grey bark
Ilex opaca	American Holly	20'-30'	Excellent native tree, must have both sexes to fruit
Lagerstroemia indica	Crape Myrtle	20'-25'	Interesting in tree form, showy display of blooms in summer, excellent fall color
Oxydendrum arboretum	Sourwood	20'-30'	Excellent native tree – interesting panicles in fall
Perunus serrulata	Japanese Cherry	15'-25'	Excellent for spring color and fragrance
Pinus virginiana	Virginia Pine	20'-40'	Will grow on windswept, dry, open sites. Good cover for difficult areas. Use as mass screen or windbreak.
Pistacia chinensis	Pistachio	25'-40'	Outstanding as a park, street, or lawn tree.
Prunus caroliniana	Carolina Cherry Laurel	20-30'	Excellent green foliage, black fruit
Prunus cerasifera	Purple Leaf Plum	15'-25'	Foliage is purple from spring to fall
Prunus persica	Peach	10'-20'	Many varieties for excellent fruiting – good for edible landscaping
Punica granatum	Pomegranate	12'-25'	Use as specimen or as a high hedge closely planted and pruned.
Pyrus calleryana	Callery Pear	20'-40'	Excellent street tree, Bradford –better selection

# CHAPTER 10: LANDSCAPE DESIGN STANDARDS

10.7.5 **Large Trees:** Large trees are dominant features in the landscape and are used to provide spatial and visual buffers, shade, and break noise and wind.

<b>Botanical Name</b>	<b>Common Name</b>	<b>Height</b>	<b>Notes</b>
<i>Acer floridanum</i>	Florida Maple	40'-50'	Excellent shade tree and beautiful color
<i>Acer platanoides</i>	Norway Maple	60'-80'	Crimson King – red purple foliage
<i>Acer rubrum</i>	Red Maple	40'-50'	Beautiful habit and color
<i>Carya illinoensis</i>	Pecan	60'-100'	Good shade tree for edible landscape
<i>Catalpa bignonioides</i>	Southern Catalpa	30'-50'	
<i>Cedrus deodora</i>	Deodar Cedar	30'-50'	Good substitute for white pines
<i>x Cupressocyparis leylandii</i>	Leyland Cypress	50'-70'	Excellent screening plant
<i>Diospyros virginiana</i>	Persimmon	40'-50'	Withstands urban conditions
<i>Fagus grandifolia</i>	Beech	60'-80'	Large tree with very dense shade
<i>Fraxinus americana</i>	White Ash	60'-80'	Tolerates adverse conditions
<i>Ginkgo biloba</i>	Maidenhair Tree	40'-70'	Excellent as street tree or specimen for large areas. Avoid planting female tree which produces foul-smelling fruit.
<i>Gleditsia triacanthos inermis</i>	Thornless Honeylocust	50'-75'	Casts light shade and endures poor soil. Withstands urban conditions
<i>Juniperus virginiana</i>	Eastern Red Cedar	40'-50'	Native evergreen. Good for evergreen screening
<i>Liquidambar styraciflua</i>	Sweet Gum	60'-100'	Excellent landscape tree in a natural area
<i>Liriodendron tulipifera</i>	Tulip Tree	60'-150'	Fast growing shade tree
<i>Magnolia grandiflora</i>	Southern Magnolia	40'-60'	Use as specimen or large screen
<i>Pinus palustris</i>	Longleaf Pine	80'-100'	Excellent in mass or as a specimen for suburban areas, roadsides, or lawns.
<i>Pinus sylvestris</i>	Scotch Pine	40'-70'	Good landscape form and color
<i>Pinus taeda</i>	Loblolly Pine	70'-90'	Usefully in masses as tall windbreak or freestanding as specimen and shade tree.
<i>Platanus occidentalis</i>	Sycamore	70'-100'	Good shade tree. Withstands severe conditions and urban atmosphere
<i>Quercus alba</i>	White Oak	60'-100'	Slow growing but excellent for any landscape.
<i>Quercus coccinea</i>	Scarlet Oak	60'-80'	Excellent for framing, background, shade, and street planting
<i>Quercus nigra</i>	Water Oak	50'-75'	Frequently used as specimen, canopy, and background
<i>Quercus phellos</i>	Willow Oak	60'-80'	Excellent shade or street tree
<i>Taxodium distichum</i>	Bald Cypress	50'-100'	Often used as specimen for poorly drained sites but also grows well in average soil.

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Tilia cordata	Littleleaf Linden	30'-50'	Excellent street trees and for areas requiring dense shade
Tsuga canadensis	Canadian Hemlock	30'-80'	Excellent screen and prunes well
Ulmus americana	American Elm	75'-125'	Beautiful habit of growth
Zelkova serrata	Japanese Zelkova	50'-60'	Excellent shade tree.

# CHAPTER 11: SIGN REGULATIONS

## SECTION 11.1 Purpose and Applicability

- 11.1.1 The purpose of this section is to support and complement the various land uses allowed in Hoke County by the adoption of policies and regulations concerning the placement of signs. The outdoor placement of signs is a legitimate use of private property, but the erection of signs should be controlled and regulated in order to promote the health, safety, welfare, convenience, and enjoyment of travel on roadways, as well as protect the public investment in such roadways. The provisions of this section are also intended to promote the reasonable, orderly, and effective display of such signs, displays, and devices. It is also the intent of this section to prevent signs from dominating the visual appearance of the area in which they are located and to enhance the aesthetic environment of the Hoke County.
- 11.1.2 Except as otherwise provided in this Ordinance, it shall be unlawful for any person to erect, construct, enlarge, move, or replace any sign, without first having obtained a sign permit for such sign from the Zoning Administrator as required by this Ordinance.
- 11.1.3 Changing the copy in an existing sign as long as it does not change the use or size of the sign does not require a permit.
- 11.1.4 A fee, in accordance with a fee schedule adopted by the Board of Commissioners, shall be charged for each sign permit issued.

## SECTION 11.2 Property Address Display

- 11.2.1 Every residence, office, retail establishment, industry, or any other structure shall display the property address in such a way as to be easily visible. The numbers shall be of such size and color as to be easily recognizable and shall be attached to the wall of the building facing the street or, if the distance to sight line to the street not practical, displayed on a nameplate or number sign placed at the main entrance to the property.

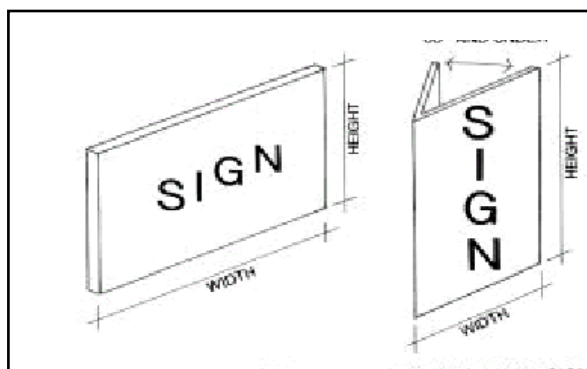
## SECTION 11.3 General Provisions

- 11.3.1 Maximum Number of Signs Allowed:
- A. Unless otherwise specified in this Section, no establishment shall have more than one (1) primary identification sign.
  - B. Corner lots may be permitted to have one (1) freestanding sign per street frontage.
  - C. Wall signs may be permitted where a primary entrance fronts a parking lot.
  - D. Accessory structures subordinate to the principal structure are permitted one (1) wall sign.



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11.3.2 **Sign Area:** The surface area of a sign is computed by including the entire area within a parallelogram, triangle, circle, semi-circle or other regular geometric figure, including all of the elements of the display, but not including blank masking (a plain strip, bearing no advertising matter around the edge of a sign), frames, display of identification or licensing officially required by any governmental body, or structural elements outside the sign surface and bearing no advertising matter. In the case of signs mounted back-to-back, only one side of the sign is to be included in the area. Otherwise, the surface area of each sign is to be separately computed. In the case of cylindrical signs, signs in the shape of cubes, or other signs which are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces are included in computations of area. In the case of embellishments (display portions of signs extending outside the general display area), surface area extending outside the general display area and bearing advertising material is to be computed separately (according to the method described immediately above in this Section) as part of the total surface area of the sign. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area onto which the sign face or letter.



11.3.3 **Sign Height:** The height of a sign shall be measured from the highest point of a sign to the point of ground surface beneath it. Ornamentation such as caps, spires, and finials shall not extend more than two (2) feet from the top of the sign. The use of berms or raised landscape areas is only permitted to raise the base of the sign to the mean elevation of the fronting street.

11.3.4 **Sign Setbacks:** Unless otherwise noted all signs shall be set back a minimum of five (5) feet from the right-of-way of a public or private street. No sign is permitted inside a sight triangle as defined by this Ordinance.

11.3.5 **Sign Illumination:** Illuminated signs shall conform to the following:

- A. All illuminated signs shall have their lighting directed in such a manner as to illuminate the face of the sign only.
- B. External light sources shall not be visible from the right-of-way nor cause glare hazards to pedestrians, motorists, or adjacent properties.

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- C. A maximum of ten (10) foot candles may be permitted on any portion of a sign.
- D. All lighting shall meet applicable electrical code requirements.
- E. A new commercial sign within one-hundred (100) feet of an existing residential structure shall not be illuminated between the hours of 12:00 midnight and 6:00 AM.

## **SECTION 11.4 Prohibited Signs**

- 11.4.1 Any sign, banner, or display placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any public street or right-of-way is prohibited other than those placed by a government entity or otherwise permitted by this Ordinance.
- 11.4.2 Pennants, ribbons, streamers, exterior strings of lights, spinners, or other similar devices.
- 11.4.3 Inflatable signs including inflated balloons having a diameter greater than two (2) feet.
- 11.4.4 Roof signs or any display extending above the eaves or roofline of the structure.



- 11.4.5 Any sign which the Zoning Administrator determines obstructs the view of bicyclists or motorists using any street, approach to any street intersection, or which interferes with the effectiveness of, or obscures, any traffic sign, device, or signal shall be prohibited.
- 11.4.6 Signs which contain lights, rotating disks, words, and other devices not erected by a public authority which may be erroneously construed as government signs or emergency warning signs.
- 11.4.7 Flashing signs and signs with flashing or reflective disks, flashing lights or lights of changing degree of intensity or color.
- 11.4.8 Illuminated, highly reflective signs or spotlights which hamper the vision of motorists or bicyclists.
- 11.4.9 Any sign located outdoors which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or provided light or air.

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11.4.10 Any sign located in such a way as to intentionally deny an adjoining property owner visual access to an existing sign.

11.4.11 Signs placed on property without permission from the property owner(s).

11.4.12 Other signs not expressly permitted in this Ordinance.

## **SECTION 11.5 Signs Not Requiring a Permit**

11.5.1 Signs listed within this section are exempt from permit requirements and may be placed in any district provided they are in conformity with the regulations of this Section.

11.5.2 Driveway Signs: Only one (1) entrance and one (1) exit sign no larger than two (2) square feet each may be erected at each point of ingress and egress.

11.5.3 Unlit signs not exceeding one (1) square foot in area located on a wall within three (3) feet of the primary entrance to a structure identifying the structure and address.

11.5.4 Flags, pennants, insignias, and symbols when not displayed in connection with a commercial promotion or as an advertising device.

11.5.5 Signs placed by a public authority such as federal, state, or local government.

11.5.6 Integral decorative or architectural features of buildings, including signs denoting the name of the building and / or date of erection when cut into any masonry surface or fixed with a metal plate.

11.5.7 Temporary real estate signs advertising a specific property for sale, lease, rent or development shall be located as follows:

- A. One sign per street frontage advertising real estate "For Sale", "For Rent", "For Lease" or "For Development" not greater than ten (10) square feet in area in a residential district and sixty four (64) square feet in area in nonresidential districts may be located on the property being advertised so long as said sign is located behind the street right-of-way line. If the property so advertised lies on a corner lot or double frontage lot, then a second sign may be oriented along the second street so long as the two signs are at least one hundred (100) feet apart as measured by the shortest straight line.
- B. In addition to the on-site real estate sign(s), a maximum of three (3) directional signs, each not exceeding four (4) square feet in area, shall be permitted off the subject premises. The message of said signs shall be limited to the name of the property or development being advertised, an address, a telephone number, a directional arrow, mileage to the subject property, and the terms "Lot/Home for Sale", "For Rent", "For Lease", "For Development", etc.

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- C. No more than three (3) temporary directional signs advertising a specific planned commercial or mixed-use development, subdivision, multi-family development, etc. may also be permitted off-site. Each such sign may have a maximum area of three (3) square feet.
- D. All such temporary signs shall be removed within two (2) days after the property has been sold, rented, leased, etc.
- E. No sign allowed under this subsection shall be lighted.

### 11.5.8 Temporary construction signs provided that:

- A. Signs in conjunction with any residential use shall not exceed ten (10) square feet each.
- B. Signs in conjunction with all other uses shall have a maximum area of thirty two (32) square feet each.
- C. Only one (1) such sign oriented per street front per premises shall be erected. Any two (2) such signs located on the same premises shall be located at least one hundred (100) feet apart as measured by using a straight line.
- D. Such signs shall not be illuminated.
- E. Such signs shall only appear at the construction site.
- F. Such signs shall be removed within two (2) days after a completion of the project.

### 11.5.9 Temporary farm product signs provided that:

- A. One on-premises sign may be used. Said sign shall be located off the street right-of-way and at least ten (10) feet away from any side lot line. Such sign shall have a maximum area of nine (9) square feet and may not be illuminated.
- B. A maximum of two off-premise signs shall be permitted. Said off-premise signs may be no greater than four (4) square feet apiece and shall not be illuminated. No such sign shall be allowed in the street right-of-way or within 10 feet of a side lot line.

### 11.5.10 Temporary special event signs provided that:

- A. Signs shall be erected no sooner than ten (10) days prior and removed no later than two (2) days after the event.
- B. No such sign shall exceed six (6) square feet.
- C. No such sign shall be illuminated.
- D. All such signs shall be located off the street right-of-way, unless otherwise granted permission for such location by NCDOT. In no case may any such sign extend onto or over a street pavement or impede the view of any motorists or pedestrians. Location of such signs within a road right-of-way shall be limited to the day of the event.

### 11.5.11 Temporary displays as part of annual or special events so long as any such displays are not located within a street right-of-way unless permission for such is first granted by NCDOT.

### 11.5.12 One (1) on-premise and three (3) off-premises yard sale signs per yard sale. All such signs shall be removed within 24 hours after the yard sale has been terminated. No such

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sign shall be greater than four (4) square feet in area. All such signs shall be located off the street right-of-way.

11.5.13 Directional signs to non-residential uses provided that:

- A. No more than three (3) directional signs per principal use may be erected. No two directional signs advertising the same principal use shall be located within 1,000 feet of each other as measured using the straightest short line distance.
- B. Directional signs greater than three (3) feet in height as measured from the grade of the road upon which it fronts shall be located outside the required sight triangle.
- C. Directional signs shall not be illuminated.
- D. All directional signs shall be free-standing signs.
- E. There shall be no greater than four (4) directional signs on separate supports at the intersection of any two (2) roads.
- F. More than one (1) sign may be placed on the same supports.
- G. No two (2) directional signs hung from separate supports shall be located within five (5) feet of each other.
- H. The maximum area of any directional sign shall be six (6) square feet.

11.5.14 Temporary window signs located inside the window provided that they do not exceed twenty-five percent (25%) of the window area.

11.5.15 “Warning”, “No Trespassing”, and similar informational signs provided they do not exceed four (4) square feet.

11.5.16 Any sign inside a building, not attached to or placed within an external window or piece of glass that is not legible more than three (3) feet beyond the building in which it is located.

11.5.17 Temporary banners that do not exceed thirty-two (32) square feet and are attached flush to a wall face and do not remain in place for more than thirty (30) days per calendar year.

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## **SECTION 11.6 Signs by Zoning District**

11.6.1 A “P” means the sign is permitted-by-right with permits issued by Hoke County. A “-” means the sign is not permitted within the associated zoning district.

11.6.2 Table of Permitted Signs:

USE	RP	RA-20	R-20	R-15	R-8	RMH	RMF	NB	HC	CP	I
Freestanding	P	P	P	P	P	P	P	P	P	P	P
Wall	P	P	P	P	P	P	P	P	P	P	P
Neighborhood Identification	P	P	P	P	P	P	P	P	-	-	-
Projecting	-	-	-	-	-	-	-	P	P	P	P
Rural Home Occupation	P	P	P	P	-	-	-	-	-	-	-

## **SECTION 11.7 Sign Requirements by Type**

11.7.1 Freestanding Signs must comply with the following:

- A. Freestanding signs shall be monument style with the bottom of the sign beginning not more than three (3) feet from the ground.
- B. One (1) sign per street frontage.
- C. Maximum sign area is thirty-two (32) square feet.
- D. Developments with two (2) or more tenants on the same parcel shall use a multi-tenant sign. Four (4) square feet of sign area per unit or tenant may be added to the maximum sign area of 32 square feet.
- E. Five (5) foot minimum setback from all rights-of-way and property lines.
- F. Maximum sign height is ten (10) feet.
- G. Examples include the following:



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- 11.7.2 Wall Signs must comply with the following:
- A. Wall signs may not extend above the parapet or eave of the building.
  - B. Maximum sign area is a choice between either twenty percent (20%) of the wall area or two (2) square feet of sign area for each linear foot of the wall length.
- 11.7.3 Neighborhood Identification Signs must comply with the following:
- A. Two (2) signs are allowed per each main entrance
  - B. Maximum sign area of fifty (50) feet.
  - C. Five (5) foot minimum setback from all rights-of-way and property lines.
  - D. Maximum height of ten (10) feet.
  - E. External illumination only.
- 11.7.4 Projecting Signs must comply with the following:
- A. Maximum sign area of six (6) square feet.
  - B. The sign must maintain a seven and a half (7.5) foot clearance between ground level and the bottom of the sign.
- 11.7.5 Rural Home Occupation Signs must comply with the following:
- A. Maximum sign area of four (4) square feet.
  - B. Five (5) foot minimum setback from all rights-of-way and property lines.
  - C. Maximum height of five (5) feet.
- 11.7.6 **Comprehensive Sign Package:** As an option to the sign standards contained in this Chapter, the uses of Shopping Centers, Mixed Use Developments, and developments subject to Conditional Zoning approval shall be allowed to apply for a Comprehensive Sign Package. Comprehensive Sign Packages shall be reviewed as a Special Use Permit in accordance with the procedures set forth in Chapter 14 of this Ordinance. The Comprehensive Sign Package application must include the following:
- A. Dimensions of all proposed permanent signage for the project.
  - B. Site plan showing the location of all proposed signage.
  - C. Comprehensive Sign Package applications should give consideration toward establishing a visually continuous theme throughout the development.
  - D. Design all signage to be of compatible scale with the proposed building / site.
  - E. Meet the overall intent of the sign regulations contained in this Chapter.

## SECTION 11.8 Off-Premise Sign Standards

- 11.8.1 **Intent:** It is the intent of this section to provide for off-premise signs which give the traveling public directional information to a residential development, business, or industry located in Hoke County but off the major highway system. No existing or future residential or commercial use with frontage on US 401, NC 211, or NC 20 is eligible to use this type of signage. Non-digital signs are permitted in all zoning districts. Digital signs are permitted only in commercial and industrial zoning districts.

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- 11.8.2 **Content:** Off-premise signs shall advertise only the name, logo, location, and provide a directional arrow of an eligible business or industry. No other advertising content is permitted including prices or individual products sold or manufactured.
- 11.8.3 **Size:** Non-digital signs are permitted a maximum area of thirty-two (32) square feet. Maximum height of twelve (12) feet. Digital signs are permitted a maximum area of 300 square feet. A maximum height of forty (40) feet.
- 11.8.4 **Location:** The sign must be located on private property outside of public rights-of-way. The applicant must have written permission from the property owner. The minimum setback for non-digital signs is five (5) feet from all rights-of-way and property lines. The minimum setback for digital signs is equal to the total height of the sign. The signs must be a minimum of one thousand (1,000) feet from an intersection of two public roads.

## SECTION 11.9 Sign Maintenance

- 11.9.1 All signs and all components thereof, including supports, braces, and anchors shall be kept in a good state of repair, in compliance with all building and electrical codes, and in conformance with the requirements of this Ordinance.
- 11.9.2 Signs which do not meet the requirements of the applicable sections of this Chapter shall be deemed non-conforming and must comply with the provisions for non-conforming signs in Chapter 12.
- 11.9.3 Any sign which is determined by the Zoning Administrator or Building Inspector as being not secure, in danger of falling or otherwise endangering the public safety shall be immediately removed by its owner unless it is repaired and made to otherwise comply with the requirements of this Ordinance.



# CHAPTER 12: NONCONFORMITIES

## **SECTION 12.1 General**

- 12.1.1 The purpose of this Chapter is to regulate and limit the continued existence of uses and structures established prior to the effective date of this Ordinance (or any amendment subsequent thereto) that do not conform to this Ordinance.
- 12.1.2 Any nonconformity created by a change in the classification of property or the text of these regulations shall be regulated by the provisions of this Chapter.
- 12.1.3 Nonconformities may continue, but the provisions of this Chapter are to curtail substantial investment in nonconformities and to bring about eventual elimination and / or lessen their impact upon surrounding conforming properties in order to preserve the integrity of the area in which it is located and the intent of this Ordinance.
- 12.1.4 Nonconforming situations that were otherwise lawful on the effective date of this Ordinance may be continued, subject to the restrictions and qualifications set forth in this Chapter.

## **SECTION 12.2 Nonconforming Lots**

- 12.2.1 Any lot of record existing at the time of the adoption of this Ordinance which has dimensions that do not meet the requirements of this Ordinance shall be subject to the following exceptions and modifications:
- 12.2.2 When two (2) or more adjoining lots in the same ownership are individually less than the minimum square footage and / or less than the minimum width required in the district in which they are located, where no more than one (1) is developed, such group of lots shall be considered as a single lot.
- 12.2.3 Except as allowed in 12.2.2 above, in any district in which single family dwellings are permitted, any lot of record existing at the time of the adoption of this Ordinance which has dimensions that are less than required may be developed provided that the use meets all applicable setback requirements for the zoning district in which it is located.

## **SECTION 12.3 Nonconforming Structures**

- 12.3.1 Any building which is nonconforming solely because of its encroachment into a required setback may be enlarged or altered in any lawful manner than does not increase the nonconformity.
- 12.3.2 Any nonconforming building for which major repair or reconstruction are proposed for damage caused from a fire, storm, or other natural/uncontrollable factor in any amount equal to or less than fifty percent (50%) of the taxed value may be permitted only if the

# CHAPTER 12: NONCONFORMITIES

owner applies for a building permit with Hoke County for the work proposed within six (6) months of the date of its destruction.

## **SECTION 12.4 Nonconforming Uses**

- 12.4.1 A nonconforming use may be extended through any portion of a completed building that, when the use was made nonconforming by this Ordinance, was distinctly designed or arranged to accommodate such use. The nonconforming use shall not be extended to occupy any land outside the building.
- 12.4.2 A nonconforming use may not be extended to cover more land than was occupied at the time of the adoption of this Ordinance.
- 12.4.3 If the nonconforming use is discontinued for a continuous period exceeding one hundred eighty (180) days, the use shall not be allowed to reestablish. All future uses of the premise shall be conforming.

## **SECTION 12.5 Nonconforming Electronic Gaming Operations**

- 12.5.1 Any electronic gaming operations that are operating without a zoning permit issued by Hoke County must comply with the provisions of Section 5.8 within one (1) year of the adoption of any change to applicable regulations contained within this Ordinance.

## **SECTION 12.6 Nonconforming Manufactured Homes**

- 12.6.1 If the use of a nonconforming manufactured home is discontinued either by destruction of the home or by removal of the home from the present location, all future uses of the property must be conforming.

## **SECTION 12.7 Nonconforming Signs**

- 12.7.1 Subject to the restrictions of this Section, nonconforming signs that were otherwise lawful on the effective date of this Ordinance may be continued.
- 12.7.2 If a nonconforming sign which advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be deemed abandoned and shall be removed or brought into compliance by the sign owner, property owner, or other party having control over such sign within thirty (30) days after the use has ceased operation or the service or commodity has ceased being offered.

## CHAPTER 12: NONCONFORMITIES

- 12.7.3 If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this Ordinance, and the remnants of the former sign structure shall be cleared from the land. For purposes of this Section, a nonconforming sign shall be considered "destroyed" if it receives damage to an extent of more than fifty percent (50%) of the cost of replacing the sign copy.
- 12.7.4 No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign or causes a previously conforming sign to become nonconforming.
- 12.7.5 A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Ordinance. Once a nonconforming sign is removed from the premises or otherwise taken down or moved, said sign may only be replaced with a sign which is in conformance with the terms of this Ordinance.
- 12.7.6 Minor repairs and maintenance of nonconforming signs necessary to keep a nonconforming sign in sound condition are permitted. If repair or maintenance of a nonconforming sign results in the removal of the sign frame structure for any length of time, the replaced sign frame structure and any copy placed on it shall be in conformance with this Ordinance.
- 12.7.7 Notwithstanding other provisions contained in this Section, the message of a nonconforming sign may be changed so long as this does not create any new nonconformities.
- 12.7.8 If a nonconforming sign remains blank for a continuous period of six (6) months, that sign shall be deemed abandoned and shall, within thirty (30) days after such abandonment, be altered to comply with this Ordinance or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this Ordinance, a sign shall be deemed "blank" if:
- A. It advertises a business, service, commodity, accommodations, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or
  - B. The advertising message it displays becomes illegible in whole or substantial part; or
  - C. It does not contain an advertising message. (For such purposes, the terms "Sign for Rent", "Sign for Lease", "Sign for Sale", etc. shall not be deemed to be an advertising message).

# CHAPTER 13: BOARDS AND ADMINISTRATION

## SECTION 13.1 Purpose

13.1.1 The purpose of this chapter is to provide the duties and responsibilities of the governing, advisory, and staff level boards and committees involved in land use planning and decision making.

## SECTION 13.2 Rules of Procedure

13.2.1 Rules of procedure for any advisory board may be adopted by the Board of Commissioners. In the absence of action by the Board of Commissioners, each advisory board is authorized to adopt its own rules of procedure. A copy of any adopted rules of procedure shall be maintained by the Planning Department and the Clerk to the Board of Commissioners and posted on the Hoke County website. Each board shall keep minutes of its proceedings.

## SECTION 13.3 Oath of Office

13.3.1 All members appointed to the Planning Board and Board of Adjustment by the Board of Commissioners shall, before entering their duties, qualify by taking an oath of office.

## SECTION 13.4 Conflicts of Interest

13.4.1 The following has been adopted pursuant to N.C.G.S. 160D-109.

13.4.2 Board of Commissioners: A member of the Board of Commissioners shall not vote on any legislative decision regarding a development regulation 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 member of the Board of Commissioners 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.

13.4.3 Appointed Boards: Members of the Planning Board and Board of Adjustment shall not vote on any advisory or legislative decision regarding a development regulation 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.

13.4.4 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

# CHAPTER 13: BOARDS AND ADMINISTRATION

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.

## SECTION 13.5 Hoke County Board of Commissioners

13.5.1 The Board of Commissioners shall hold the following powers and duties related to this Ordinance:

- A. Review, hold public hearings, and made decisions for text amendments and map amendments, and to approve, approve with conditions or deny applications for special use permits, and conditional zoning requests unless otherwise assigned.
- B. To make decisions on all issues related to the Comprehensive Land Use Plan, Land Use Plan Map, Zoning Map, and other land use plans which may be adopted.
- C. Unless specified otherwise by statute or local ordinance, all appointments to advisory boards shall be made by the Board of Commissioners. The Board of Commissioners may establish reasonable procedures to solicit, review, and make appointments.
- D. The duties of the Board of Commissioners in connection with this Ordinance shall not include the hearing or passing upon of disputed questions that may arise in connection with the enforcement thereof, but the procedure for determining such questions shall be as prescribed in this Ordinance.

13.5.2 **Voting Requirement:** No vote greater than a majority vote shall be required for the Board of Commissioners to approve or deny any requests before them.

13.5.3 **Quasi-Judicial Procedures:** The Board of Commissioners shall follow the procedures of this section when deciding quasi-judicial cases:

- A. For the purposes of quasi-judicial hearings, vacant positions on the Board and members who are disqualified from voting shall not be considered "members of the board" for calculation of the requisite majority.
- B. A member of the Board of Commissioners shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse themselves, the remaining members shall by majority vote rule on the objection.
- C. The Chair of the Board of Commissioners or any member temporarily acting as Chair may in their official capacity administer oaths to witnesses in any matter coming before the Board. All testimony before the Board must be under oath and recorded. The Board

# CHAPTER 13: BOARDS AND ADMINISTRATION

of Commissioners may subpoena witnesses and compel the production of evidence. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of Commissioners may apply to the General Court of Justice for an order requiring that its order be obeyed, and the Court shall have jurisdiction to issue these orders after notice to all proper parties. No testimony of any witness before the Board of Commissioners pursuant to a subpoena issued in exercise of the power may be used against the witness in the trial of any civil or criminal action other than a prosecution for false swearing committed on the examination. Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely, is guilty of a Class 1 misdemeanor.

- D. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not present, the hearing shall be continued until the next regular board meeting without further advertisement.
- E. The Zoning Administrator shall transmit to the board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.
- F. Presentation of Evidence: The applicant, the county, and any person who would have standing to appeal the decision of the board shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board.
- G. Objections regarding jurisdictional and evidentiary issues, including but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. The board chair shall rule on any objections and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to G.S. 160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.

## **SECTION 13.6 Hoke County Planning Board**

13.6.1 Duties: The following are the duties of the Planning Board:

- A. Prepare, review, maintain, monitor, and periodically update and recommend to the Board of Commissioners a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing research, data, collection, mapping and analysis.

## CHAPTER 13: BOARDS AND ADMINISTRATION

- B. Facilitate and coordinate citizen engagement and participation in the planning process.
- C. Develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
- D. Advise the Board of Commissioners concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by G.S. 160D-604.
- E. Exercise any functions in the administration and enforcement of various means for carrying out plans that the Board of Commissioners may direct.
- F. Provide a preliminary forum for review of quasi-judicial decisions, provided that no part of the forum or recommendation may be used as a basis for the deciding board.
- G. Perform any other related duties that the Board of Commissioners may direct.

13.6.2 **Membership:** The Hoke County Planning Board shall consist of a total of seven (7) members. All members shall be residents of Hoke County and shall serve for overlapping terms of three (3) years.

13.6.3 Members shall be compensated for their attendance at regular and special meetings of the Planning Board at a rate set by the Board of Commissioners.

### SECTION 13.7 Hoke County Board of Adjustment

13.7.1 Duties: The Board of Adjustment shall

- A. Have the power and duty to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.
- B. Interpret zoning maps and pass upon disputed questions of lot lines or district boundary lines and similar questions that may arise in the administration of the Ordinance.
- C. Authorize, upon appeal where a literal enforcement of this Ordinance will result in undue hardship, a variation or modification of any regulation or provision of the Ordinance so that the spirit of the ordinance is observed, public safety and welfare secured, and substantial justice done.
- D. Have the power and duty to hear and decide requests for variances from Floodplain Overlay District requirements of Section 8.5 of this Ordinance.
- E. Have the power and duty to serve as the Watershed Review Board. The Board shall retain the responsibility to grant variances from the regulations of Section 8.6 of this Ordinance.

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- F. Have the power and duty to hear and take final action on Special Use Permit requests for Class B Manufactured Homes.
- G. Hear and decide all matters upon which it is required to pass under any statute or development regulation adopted under this Ordinance.

### 13.7.2 Membership:

- A. The Board of Adjustment shall consist of five (5) members and two (2) alternates.
- B. All members shall be residents of Hoke County and serve terms no longer than three (3) years as appointed by the Board of Commissioners.
- C. Members may be removed for cause by the Board of Commissioners upon written charges and after a public hearing.
- D. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members.
- E. Each alternate member, while attending any regular or special meeting of the Board of Adjustment and serving on behalf of a regular member, has and may exercise all the powers and duties of a regular member.
- F. The Board of Adjustment shall elect a chair and vice-chair from its membership and such other officers as the Board of Adjustment deems appropriate.

13.7.3 **Meetings:** Meetings of the Board of Adjustment shall be held at the call of the Chair and at such times as the majority of the Board determines. All meetings of the Board of Adjustment shall be open to the public. The Board shall keep minutes of the procedures showing the vote of each member upon each question or if absent an indication of such fact.

13.7.4 Members shall be compensated for their attendance at regular and special meetings of the Planning Board at a rate set by the Board of Commissioners.

13.7.5 **Voting Requirement:** The Board of Adjustment, by a majority vote of its members, may reverse any order, requirement decision, or determination of an administrative officer charged with enforcing this Ordinance, or may decide on a matter upon which the Board is required to act under this Ordinance, or decide on a variance from the provisions of this Ordinance.

13.7.6 **Quasi-Judicial Procedures:** The Board of Adjustment shall follow the procedures of this section when deciding quasi-judicial cases:

- A. Vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered "members of the Board" for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such members.
- B. A member of the Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a



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

- C. The Chairman of the Board of Adjustment or any member temporarily acting as Chairman may in his official capacity administer oaths to witnesses in any matter coming before the Board. All testimony before the Board must be under oath and recorded. The Board of Adjustment may subpoena witnesses and compel the production of evidence. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of Adjustment may apply to the General Court of Justice for an order requiring that its order be obeyed, and the Court shall have jurisdiction to issue these orders after notice to all proper parties. No testimony of any witness before the Board of Adjustment pursuant to a subpoena issued in exercise of the power may be used against the witness in the trial of any civil or criminal action other than a prosecution for false swearing committed on the examination. Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely, is guilty of a Class 1 misdemeanor.
- D. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not present, the hearing shall be continued until the next regular board meeting without further advertisement.
- E. The Zoning Administrator shall transmit to the board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.
- F. Presentation of Evidence: The applicant, the county, and any person who would have standing to appeal the decision of the board shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board.
- G. Objections regarding jurisdictional and evidentiary issues, including but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. The board chair shall rule on any objections and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to G.S.

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160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.

- 13.7.7 **Decisions:** All decisions by the Board of Adjustment shall be in writing and filed with the Zoning Administrator. A written copy of the decisions on variances shall be sent by first class mail to the applicant within ten (10) days of the decision of the Board of Adjustment.
- 13.7.8 **Rehearing:** Upon the denial of the original application, or upon the denial of an application from which the rehearing has been conducted, a similar application may not be filed for a period of one (1) year after the date of denial of the original application.
- 13.7.9 **Appeals of the Board of Adjustment:** Each decision of the Board of Adjustment is subject to review by the Superior Court by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board is filed, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chair of the Board at the time of its hearing of the case, whichever is later.

## SECTION 13.8 Hoke County Technical Review Committee

- 13.8.1 The Technical Review Committee is formed to review site plans along with the Zoning Administrator or their designee for compliance with this Ordinance and all related plans and policies applicable to development. The Zoning Administrator will circulate the proposed plan to the relevant government agencies and officials for review when appropriate and applicable.
- 13.8.2 Agencies associated with Technical Review Committee reviews include but are not limited to the following: Hoke County Manager, Hoke County Attorney, Hoke County Utilities Department, Hoke County Emergency Management, Hoke County Sheriff's Department, Hoke County Fire Marshal, Hoke County Tax Department and GIS Division, Hoke County Emergency Communications, Hoke County Soil and Water, Regional Land Use Advisory Committee (RLUAC), NC Department of Transportation (NCDOT), NC Department of Environmental Quality (NCDEQ), any private engineering or contracting firm contracted with Hoke County or any other state or local agency.

## SECTION 13.9 Hoke County Zoning Administrator

- 13.9.1 The various provisions of this ordinance shall be administered by the Zoning Administrator and designated Planning Department. The Zoning Administrator may appoint any person in this Department to assume their duties.

## CHAPTER 13: BOARDS AND ADMINISTRATION

13.9.2 **Duties:** Duties assigned to the Zoning Administrator shall include, but are not limited to, drafting and implementing plans and development regulations to be adopted by the Board of Commissioners; determining whether applications for development approvals are complete, receipt and processing applications for development approvals; providing notices of applications and hearings; making decisions and determinations regarding development regulation implementation; determining whether applications for development approvals meet applicable standards as established by local law and local ordinance; conducting inspections; issuing or denying certificates of compliance; enforcing development regulations, including issuing notices of violation, orders to correct violations, and recommending bringing judicial actions against actual or threatened violations; keeping adequate records; and any other actions that may be required in order to adequately enforce the laws and development regulations under their jurisdiction.

13.9.3 In administering the provisions of this Ordinance, the Zoning Administrator shall:

- A. Maintain paper or digital format copies of all zoning permits on file at the Planning Department. Copies shall be made available upon request to interested parties.
- B. Maintain paper or digital format copies of all plans submitted. Copies shall be made available for inspection during regular business hours by any interested parties.
- C. Maintain paper or digital format copies of current and prior adopted zoning district maps for public inspection.
- D. Maintain paper or digital format copies of maps officially promulgated state and federal maps referenced or incorporated by reference in this Ordinance.
- E. Transmit to the appropriate board or commission all applications and plans for which their review and action is required.

### **SECTION 13.10 Hoke County Floodplain Administrator**

13.10.1 The Floodplain Administrator shall perform, but not be limited to, the following duties listed in this section.

13.10.2 Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this Ordinance have been satisfied.

13.10.3 Advise permittee that additional Federal or State permits (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required, and require that copies of such permits be provided and maintained on file with the Floodplain Development Permit.

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- 13.10.4 Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- 13.10.5 Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- 13.10.6 Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of 6.5.16 are met.
- 13.10.7 Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with 6.5.11.3.
- 13.10.8 Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with 6.5.11.3.
- 13.10.9 Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with 6.5.11.3.
- 13.10.10 When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with 6.5.11.3 and 6.5.14.B.
- 13.10.11 Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- 13.10.12 When Base Flood Elevation (BFE) data has not been provided in accordance with 6.5.5, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to 6.5.16.B.2, in order to administer the provisions of this Ordinance.
- 13.10.13 When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with 6.5.5, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this Ordinance.
- 13.10.14 When the lowest ground elevation of a parcel or structure in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the Floodplain Development Permit file.

## CHAPTER 13: BOARDS AND ADMINISTRATION

- 13.10.15 Permanently maintain all records that pertain to the administration of this Ordinance and make these records available for public inspection.
- 13.10.16 Make on-site inspections of work in progress. As the work pursuant to a Floodplain Development Permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- 13.10.17 Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- 13.10.18 Revoke Floodplain Development Permits as required. The Floodplain Administrator may revoke and require the return of the Floodplain Development Permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any Floodplain Development Permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- 13.10.19 Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- 13.10.20 Follow through with corrective procedures of 6.5.12.
- 13.10.21 Review, provide input, and make recommendations for variance requests.
- 13.10.22 Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with 6.5.5 of this Ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- 13.10.23 Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

# CHAPTER 13: BOARDS AND ADMINISTRATION

## SECTION 13.11 Hoke County Watershed Administrator

- 13.11.1 The Watershed Administrator shall administer and enforce the provisions of the Watersupply Watershed Overlay District as follows in this Section.
- 13.11.2 Review all Watershed Protection Permit applications and issue permits for all proposed development within a Watersupply Watershed Area to assure that the requirements of this Ordinance have been satisfied. A record of all permits shall be kept on file for public inspection.
- 13.11.3 Keep records of all amendments to the Water Supply Watershed Protection Ordinance and shall provide copies of all amendments upon adoption to the Supervisor of the Classification and Standards Group, Water Quality Section, Division of Environmental Management.
- 13.11.4 Make determinations, administer and enforce the provisions of this Ordinance, exercising in the fulfillment of his responsibility the full police power of the County. The Administrator, or this person's duly authorized representative, may enter any building, structure, or premises, as provided by law, to perform any duty imposed upon this person by this Ordinance.
- 13.11.5 Keep a record of variances to the local Water Supply Watershed Protection Ordinance. This record shall be submitted to the Supervisor of the Classification and Standards Group, Water Quality Section, Division of Environmental Management on or before January 1<sup>st</sup> of each year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

# CHAPTER 14: REVIEW AND PROCEDURE

## SECTION 14.1 General

14.1.1 The purpose of this Chapter is to establish an orderly process to develop land within Hoke County. It is also the intent of this Chapter to provide a clear and comprehensive development process that is fair and equitable to all interests including the petitioners, affected neighbors, County staff, related agencies, the Technical Review Committee, the Planning Board, Board of Adjustment, and the Board of Commissioners. Approved plans shall be the guiding documents for final approval and permitting.

## SECTION 14.2 Zoning Permits

### **14.2.1 Zoning Permit Required**

- A. No land shall be used or occupied and no building hereafter shall be structurally altered, erected, moved, used, or its use changed, until a Zoning Permit is issued by the Zoning Administrator stating the land, building, and/or the proposed use complies with the provisions of this Ordinance.
- B. The Zoning Administrator shall collect fees for the issuance of Zoning Permits as authorized by the fee schedule adopted by the Board of Commissioners.
- C. The issuance of a valid Zoning Permit shall confer with it the right to undertake and complete the development and/or use of property under the terms and conditions of such permit, provided that such action as authorized by the permit is commenced with one hundred eighty (180) days of issuance and provided that all other permits are obtained. Otherwise the permit shall be void.
- D. If at time of application, it is determined that the property lies in a Water Supply Watershed, as shown on the Zoning Map, a Watershed Protection Permit will be required in addition to the Zoning Permit. All requirements and procedures are the same as for a Zoning Permit.
- E. If at time of application it is determined that the property lies in a Flood Zone as shown on the Flood Insurance Rate Map, a Floodplain Development Permit will be required in addition to the Zoning Permit.

### **14.2.2 Application Procedures**

- A. Each application for a residential Zoning Permit shall be accompanied by two (2) copies of a plot plan meeting the requirements of Section 8.2.
- B. Each application for non-residential Zoning Permits shall be accompanied by the number of site-plans equal to the number of Technical Review Committee members necessary for

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the review of the site plan. Non-residential site plans shall meet the requirements of Section 8.3.

- C. One copy of the plans shall be returned to the applicant by the Zoning Administrator after the copy is marked as approved or denied and signed. The second copy of the plans, similarly marked, shall be held on file with the Zoning Administrator.
- D. Developments that require Planning Board or Board of Commissioners approval shall be subject to the applicable approval process and submittal requirements of this Ordinance prior to the issuance of a Zoning Permit.

14.2.3 **Expiration of Zoning Permit:** Any zoning permit issued in accordance with this Ordinance will lapse and become invalid unless the work for which it was issued is started within six (6) months of the date of issue, or if the work authorized by the permit is suspended or abandoned for a period of at least one (1) year.

## SECTION 14.3 Sign Permits

### 14.3.1 Sign Permit Required

- A. No sign shall be erected or changed until a Sign Permit is issued by the Zoning Administrator stating that the proposed sign complies with the provisions of this Ordinance.
- B. The Zoning Administrator shall collect fees for the issuance of Sign Permits as authorized by the fee scheduled adopted by the Board of Commissioners.

14.3.2 **Application Procedures:** Each application for a Sign Permit shall be accompanied by two (2) sets of the Sign Plan and site plan meeting the following requirements:

- A. A copy of a Sign Plan drawn to scale including the following information:
  - The design of the sign including all dimensions of the proposed sign as required by Chapter 11.
  - Method of attachment or support
  - Source of illumination as applicable.
  - Sign material
- B. A site plan showing the location of the sign in relation to the property lines, easements, rights-of-way, and other signs.
- C. One (1) copy of the plans shall be returned to the applicant by the Zoning Administrator after the copy has been approved or denied. The second copy of the plans shall be held on file with the Zoning Administrator.



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14.3.3 Expiration of Sign Permit: Any zoning permit issued in accordance with this Ordinance will lapse and become invalid unless the work for which it was issued is started within six (6) months of the date of issue, or if the work authorized by the permit is suspended or abandoned for a period of at least one (1) year.

## **SECTION 14.4 Sketch Plan**

14.4.1 The Sketch Plan review process is an option for development. This process is a non-binding and informal review of a development proposal intended to provide information to the applicant from the Hoke County Technical Site Plan Review Committee and does not confer upon the applicant any development rights.

14.4.2 The Sketch Plan is a working document intended to change and conform to the regulations of this Ordinance and the needs of the County through various reviews prior to any final approval of preliminary plats, site plans, engineering documents, improvement plans, permits, or final plats. Below is the Sketch Plan procedure for Site Plans, Special Use Permits, and Conditional Zonings.



14.4.3 The applicant may schedule a pre-application meeting with the Zoning Administrator to review an initial Sketch Plan of the proposed development. The Zoning Administrator will advise the applicant of all applicable County regulations and policies, suggest development alternatives, application procedures, and fees. The Hoke County Board of Commissioners may adopt from time to time, a schedule of fees for application and approval processing as specified in this Ordinance. The pre-application meeting is a non-binding and informal review of a development proposal intended to provide information to the applicant on the procedures and policies of Hoke County and does not confer upon the applicant any development rights.

14.4.4 Planning Staff shall review the Sketch Plan for completeness in accordance with the submittal requirements outlined in Chapter 8 and for compliance with Ordinance regulations and County plans and policies. Following review by Planning Staff a sketch plan may be sent to the TRC for discussion.

14.4.5 The Technical Review Committee shall review the Sketch Plan for compliance with Ordinance regulations and County plans and policies and for overall project design. Following review by the TRC and applicable revisions to the Sketch Plan by the applicant, the TRC shall discuss the plans with the applicant.

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## SECTION 14.5 Site Plan Review Process

14.5.1 The applicant may begin at this step or may follow the sketch plan process before submitting for site plan review. The chart below outlines the site plan review process.



14.5.2 The applicant shall schedule a pre-application meeting with the Zoning Administrator to review an initial Site Plan of the proposed development. The Zoning Administrator will advise the applicant of all applicable County regulations and policies, suggest development alternatives, application procedures, and fees. The Board of Commissioners may adopt from time to time, a schedule of fees for application and approval processing as specified in this Ordinance. The pre-application meeting is a non-binding and informal review of a development proposal intended to provide information to the applicant on the procedures and policies of Hoke County and does not confer upon the applicant any development rights.

14.5.3 **Planning Staff** shall review the Site Plan for completeness in accordance with the submittal requirements outlined in Chapter 8 and for compliance with Ordinance regulations and County plans and policies. Following review by Planning Staff and applicable revisions to the Site Plan by the applicant, Planning Staff shall make a recommendation to the TRC to recommend approval or denial of the request and give reasons for the recommendation.

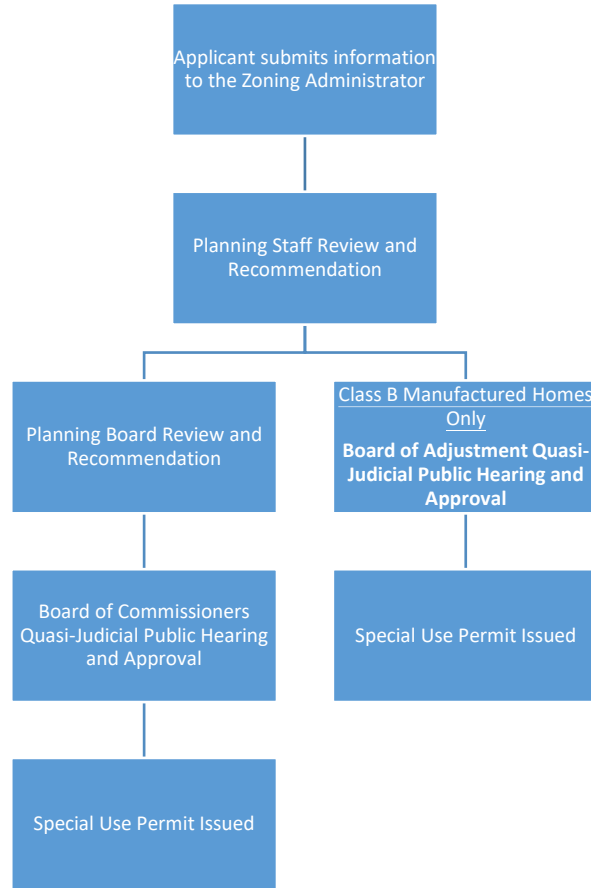
14.5.4 **Technical Review Committee:** The TRC shall review the Site Plan for compliance with Ordinance regulations and County plans and policies. The TRC may consider the recommendation made by the Planning Staff but is not bound by them for approval or denial provided all Zoning Ordinance requirements are met. The TRC shall have 60 days from the date that it first reviewed the Site Plan until a vote is taken to approve or deny the request unless the request is withdrawn by the applicant.

14.5.5 **Permits Issued:** Following review and approval by the TRC the applicant may apply for all relevant permits.

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## SECTION 14.6 Special Use Permits

14.6.1 There are some land uses which are basically in keeping with the intent and purpose of the district but which may have an impact on the area around them. These uses may be established, under certain conditions and with proper controls, in such a manner as to minimize any adverse effects. To ensure that these uses would be compatible with surrounding development and in keeping with the purposes of the district in which they are located, their establishment shall not be as a matter of right but only after review and approval of a Special Use Permit



14.6.2 **Special Use Permit Application Requirements:** The following materials are required for a complete Special Use Permit application:

- Complete Special Use Permit application. Application shall include landowner information and signed consent, applicant name and contact information if different from property owner, proposed use, and other information as required by the Zoning Administrator on the application established by the Planning Department.
- Nonrefundable fee. The application form and fee shall be waived for any Special Use Permit submitted by a Hoke County official or agency acting on behalf of Hoke County.

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- Site plan meeting the applicable requirements of Chapter 8 as determined by the Zoning Administrator.
- A set of first-class stamps and envelopes for each individual property owner within 500 feet of the property line for each meeting applicable to the Special Use Permit application.

### 14.6.3 Review Process

- A. Special Use Permit applications deemed complete by the Zoning Administrator will be placed on the next available meeting cycle of the Planning Board and Board of Commissioners.
- B. The Planning Board shall hold a public meeting to review the Special Use Permit application. In their review the board may suggest reasonable conditions to the location, nature, and extent of the proposed use and its relationship to surrounding properties, parking areas, driveways, pedestrian and vehicular circulation systems, screening and landscaping, timing of development, and any other appropriate conditions. Such conditions may include dedication of any rights-of-way or easements for streets, water, sewer, sidewalks, greenways, trails, or other public utilities necessary to serve the proposed development.
- C. The Board of Commissioners shall hold a quasi-judicial public hearing at its next regularly scheduled meeting or any called meeting, provided the application has been completed in form and content and the following requirements:
  - Hoke County shall give notice of all public hearings.
  - Said notice shall become a part of the record of the proceedings of the Board of Commissioners.
  - Notices shall become a part of the record of the proceedings of the Board of Commissioners. Notices shall be sent by the County by first class mail to the applicant and to owners of all contiguous properties within 500 feet of the property line of the subject property at least ten (10) days prior to the public hearing.
  - The notice shall indicate the nature of the public hearing and the date, time and place at which it is to occur.
  - Notice shall also be posted by the Zoning Administrator in a conspicuous location in the County Administrative Building, or any other public location where notices are posted by the County, at least ten (10) days prior to the public hearing. Said notice shall indicate the nature of the public hearing and the date, time and place at which it is to occur.
  - At least one (1) sign shall also be conspicuously placed by the County on the subject property(ies) stating the property is subject to a public hearing and the date, time and place at which it is to occur. Said sign(s) shall be placed on the property(ies) in question at least ten (10) days prior to the public hearing.

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14.6.4 **Class B Manufactured Home Review Process:** Special Use Permit requests for Class B Manufactured Homes may only be approved by the Hoke County Board of Adjustment. The Board of Adjustment shall have all of the same powers, duties and responsibilities as the Board of Commissioners concerning special use permit requests when considering Class B Manufactured Home special use permit requests as described in the Zoning Ordinance.

14.6.5 **Conditions, Evidence, and Findings-of-Fact:** In approving an application for a Special Use Permit, the Board of Commissioners may attach fair and reasonable conditions to the approval. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board of Commissioners. In no instance shall any of these conditions be less restrictive than any requirements which would pertain to that particular development found elsewhere in a similar zoning district. The applicant has the burden of producing competent material and substantial evidence tending to establish the facts and conditions. If any person submits evidence allegedly contrary to any of the facts or conditions, the burden of proof for overcoming such evidence shall rest with the applicant. The Board of Commissioners shall issue a Special Use Permit if it has evaluated an application for a site plan and determined the four findings below to be true.

- A. The use requested is listed among the special uses in the district for which application is made; or is similar in character to those listed in that district;
- B. The requested use will not impair the integrity or character of the surrounding or adjoining districts; not adversely affect the safety, health, morals or welfare of the community or of the immediate neighbors of the property;
- C. The requested use is essential or desirable to the public convenience or welfare and will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- D. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- E. The exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhood;
- F. The requested use will be in conformity with the Land Use Plan;
- G. Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;
- H. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public streets; and

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- I. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

### **14.6.6 Effect of Approval and Expiration of Approval:**

- A. If an application for a Special Use Permit is approved by the Board of Commissioners, the owner of the property shall have the ability to develop the use in accordance with the stipulations contained in the Special Use Permit or develop any other use listed as a “permitted use” for the general zoning district in which it is located. Any Special Use Permit so authorized shall be perpetually binding to the property included in such permit unless subsequently changed or amended by the Board of Commissioners.
- B. Unless the Board of Commissioners issues a Special Use Permit which either is specifically exempt from any time constraints or has some other specified time period for implementation, the applicant must either record a final plat or secure a valid building permit within a one (1) year period from date of issuance of the Special Use Permit.
- C. In addition, if the project for which a Special Use Permit was issued is not complete and a valid final plat or building permit is not in place at the end of said one (1) year period, the Zoning Administrator shall notify the applicant of either such finding.
- D. Within sixty (60) days of said notification the Board of Commissioners shall make a decision concerning the rescission of the Special Use Permit. After having conducted a public hearing the Board of Commissioners may then rescind the Special Use Permit or extend the life of the Special Use Permit for a specified period of time not to exceed one (1) year.

### **14.6.7 Alterations to Site and Amendments to Special Use Permits**

Minor changes in the detail of the approved site may be made with approval of the Zoning Administrator provided those changes:

- will not alter the basic relationship of the proposed development to adjacent property, and
- will not increase the gross floor area of any non-residential use by the smaller of ten (10) percent or 10,000 square feet, and
- will not decrease the off-street parking ratio or reduce the yards provided at the periphery of the site by greater than five (5) feet

Further changes to the development may only be made by the Board of Commissioners by amending the Special Use Permit through the Special Use Permit approval process.

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## 14.6.8 Reapplication Following Denial

- A. If a request for a Special Use Permit is denied by the Board of Commissioners, similar application for the same property or any portion thereof shall not be filed until the expiration of a one (1) year period from the date of the most recent denial by the Board of Commissioners. The waiting period shall not be applicable where the application for a Special Use Permit is substantially different from the original application. The term “substantially different” as herein applied shall mean:
- The proposed principal use is different than the use contained in the original application; or
  - The gross floor area of the proposed development is fifty (50) percent or smaller than contained in the original application.

## SECTION 14.7 Certificate of Compliance

14.7.1 **Final Zoning Inspection:** The Zoning Administrator shall conduct a final zoning inspection of any new or expanded structure (except single-family residential uses) prior to the issuance of a Certificate of Occupancy by the Hoke County Building Inspector. During the final zoning inspection, the Zoning Administrator shall ensure that all minimum requirements and conditions of approval have been met and that the project matches the approved site plan.

14.7.2 **Certificate of Occupancy Required:** No structure hereafter erected, moved, structurally altered or changed in use shall be used or occupied until a Certificate of Occupancy has been issued by the Hoke County Building Inspector. Any Certificate of Occupancy issued shall state that the structure or portion of a structure complies with the information stated on the zoning permit and with all applicable provisions of this Ordinance. A record of all Certificates of Occupancy shall be kept on file in the office of the Hoke County Building Inspector and copies shall be furnished, on request, to all interested parties. If a Certificate of Occupancy is denied, the reasons for such denial shall be specified in writing and provided to the applicant.

14.7.3 **Temporary Certificate of Occupancy:** A temporary Certificate of Compliance shall not be issued for any structure or development that has not yet met all minimum requirements and conditions of approval. A temporary Certificate of Compliance may only be issued for projects that have landscaping requirements and the weather is not suitable for the installation of such landscaping. A temporary Certificate of Compliance shall expire after a period of three (3) months. A final Certificate of Compliance shall not be issued until such landscaping is installed.

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## SECTION 14.8 Ordinance and Zoning Map Amendments

14.8.1 **Amendment Initiation:** Any amendment may be initiated by the Board of Commissioners or Planning Board on its own resolution, by any owner of, or individual with legal or equitable interest in, the property affected by the amendment, by a local government agency of Hoke County, or by any other person living or owning property within the jurisdiction of Hoke County.

Property may only be placed in a Conditional Zoning District in response to a petition by the owners of all the property included and in compliance with the requirements of Section 14.9.

### 14.8.2 **Application Requirements:**

#### A. Zoning Map Amendment Application Requirements

- Complete rezoning application. Application shall include landowner information and signed consent, applicant name and contact information if different from property owner, current zoning designation, proposed zoning designation, and other information as required by the Zoning Administrator on the application established by the Planning Department.
- Nonrefundable application fee.
- A set of first-class stamps and envelopes for each individual property owner within 500 feet of the property line for each meeting applicable to the rezoning application.

#### B. Text Amendment Application Requirements

- Complete text amendment application. Application shall include applicant contact information and signature, the specific chapter, section, subsection, paragraph, or item proposed to be changed as well as the wording of the proposed change.
- Such wording may be edited by the Zoning Administrator in the such ways, but not limited to, to match the style, formatting, referencing, grammar of the existing ordinance text.
- Written explanation from the applicant for the proposed request.
- Nonrefundable application fee.

C. The application form and fee shall be waived for any zoning map or text amendment request submitted by a Hoke County official or agency acting on behalf of Hoke County.

### 14.8.3 Public Meeting Notifications.

A. Zoning map must first be reviewed by the Planning Board before being considered by the Board of Commissioners. Both meetings occur separately and both meetings must comply with the following meeting notification requirements contained in this subsection.



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- B. Hearing with Published Notice: A notice of the hearing shall be given once a week for two (2) successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than ten (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. Mailed Notice: The owner of affected parcels of land, and the owners of all parcels of land within 500 feet of that parcel of land, shall be mailed a notice of the hearing on a proposed zoning map amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. For the purpose of this section, properties separated by a street, railroad, or other transportation corridor shall be considered within the 500-foot radius. This notice must be deposited in the mail at least ten (10) but not more than 25 days prior to the date of the hearing.
- D. Option for Large Scale Zoning Map Amendments: The first-class mail notice required under subsection C of this section shall not be required if the zoning map amendment proposes to change the zoning designation of more than 50 properties, owned by at least 50 different property owners, and the county elects to use the expanded published notice provided for in this subsection. In this instance the county may choose to make the mailed notice provided for in section C or, as an alternative, elect to publish notice of the hearing as required by B, provided that each advertisement shall not be less than one-half (1/2) of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions of subsection C of this section.
- E. Notice to Military: If the adoption or modification of a zoning map or text amendment would result in changes to the zoning map or would change or affect the permitted uses of land located five (5) miles or less from the perimeter boundary of a military base, the local government shall provide written notice of the proposed change by certified mail, return receipt requested, to the commander of the military base not less than ten (10) days nor more than 25 days before the date fixed for the hearing. If the military provides comments or analysis regarding the compatibility of the proposed development regulation or amendment with military operations at the base, the board shall take the comments and analysis into consideration before making a determination.
- F. Posted Notice: When a zoning map amendment is proposed the county shall 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 county shall post sufficient notices to provide reasonable notice to interested persons.

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- G. Actual Notice: Except for a county-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the landowner or authorized agent, the applicant shall certify to the county that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of the hearing. Actual notice shall be provided in any manner permitted under G.S. 1A-1, Rule 4(j). If notice cannot with due diligence be achieved by personal delivery, certified mail, or by a designated delivery service authorized pursuant to 26U.S.C 705(f)(2), notice may be given by publication consistent with G.S. 1A-1, Rule (j1). The person or persons required to provide notice shall certify to the county that notice has been provided, and such certificate shall be deemed conclusive in the absence of fraud.

### 14.8.4 Planning Board Decision

- A. The Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Land Use Plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners.
- B. If no written report is received from the Planning Board within thirty (30) days of referral of the amendment to that Board, the Board of Commissioners may proceed in its consideration of the amendment without the Planning Board report. The Board of Commissioners is not bound by the recommendations, if any, of the Planning Board.

### 14.8.5 Board of Commissioners Action

- A. Plan Consistency: When adopting or rejecting any zoning text or map amendment, the Board of Commissioners shall approve a brief statement describing whether its action is consistent or inconsistent with the adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the Board of Commissioners that at the time of action on the amendment the Board of Commissioners was aware of and considered the Planning Board's recommendations and any relevant portions of an adopted comprehensive plan.
- B. If the amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land use map in the approved plan and not additional request or application for a plan amendment shall be required.

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- C. 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 Board of Commissioners statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.
- D. **Statement of Reasonableness:** When adopting or rejecting any petition for a zoning text or map amendment, a brief statement explaining the reasonableness of the proposed rezoning shall be approved by the Board of Commissioners. If a zoning map amendment qualifies as a “large-scale rezoning” under 14.8.3(D), the Board of Commissioners statement on reasonableness may address the overall rezoning. The statement of reasonableness may consider, among other factors:
- The size, physical conditions, and other attributes of any area proposed to be rezoned;
  - The benefits and detriments to the landowners, the neighbors, and the surrounding community;
  - The relationship between the current actual and permissible development and the development permissible under the proposed amendment;
  - Why the action taken is in the public interest; and
  - Any changed conditions warranting the amendment.
  - The statement of reasonableness and the plan consistency statement may be approved as a single statement.

14.8.6 **Conditional Zoning:** A conditional zoning is a general use rezoning tied to a site-specific development plan in which applicants may propose alternative zoning and development standards specific to the project.

- A. Property may be placed in a Conditional Zoning District only in response to a petition by all owners of the property to be included.
- B. Specific conditions may be proposed by the petitioner or the county or its agencies, but only those conditions mutually approved by the county and the petitioner may be incorporated into the zoning regulations.
- C. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to county ordinances and adopted plans, or the impacts reasonably expected to be generated by the development or use of the site.
- D. Conditional Zoning decisions are a legislative process subject to judicial review using the same procedures and standard of review as apply to general use district zoning decisions. The applicant shall propose site-specific standards that consider the following:

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- The proposed Conditional Zoning District’s use appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the current Land Use Plan.
- The use(s) requested are among those listed as an eligible permitted use in the general use district as included in the rezoning request.
- The design of the proposed Conditional Zoning District uses minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare and vibration and not creates a nuisance.
- The use limitations and conditions as proposed and/or imposed for the requested district can reasonably be implemented and enforced for the subject property.
- When implemented the proposed and/or imposed use limitations and conditions will mitigate specific land development issues that would likely result if the subject property were zoned to accommodate all the uses and the minimum standards of the corresponding general zoning district. If any standards are proposed that are different from the underlying zoning district, the applicant must clearly demonstrate that the overall resultant project is greater than that which is typically allowed by the general district.
- The applicant has agreed to accept the use limitations and conditions as proposed and/or imposed for the requested district.
- The applicant shall submit a “Statement of Reasonableness” of the proposed rezoning.
- For an approval, the Board of Commissioners must determine and assert to the amendment being consistent with the adopted Land Use Plan and why the Board considers the action to be reasonable and in the public interest.

E. **Scope of Approval:** The approval of a Conditional Zoning District does not authorize development activity. The rezoning to a Conditional Zoning District and approval of a site-specific development plan shall authorize the applicant to apply for all necessary administrative development permits through county staff.

F. **Recordation of Conditional Zoning Districts:** The applicant will ensure that the Ordinance approving the CZ District is duly certified, and that the legal description and accompanying plan, is recorded in the office of the Register of Deeds of Hoke County. The applicant shall also record a deed restriction upon the subject property that requires compliance with the conditions attached to the CZ District Ordinance. The deed restriction is perpetually binding on the property, unless another rezoning request is brought to the County and approved by the Board of Commissioners. The applicant must provide the Zoning Administrator a copy of the recorded notification, affixed with the Register’s seal and date, book and page number of recording in order to receive approval of the application for a zoning permit.

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- G. **Violations:** A violation of a condition of rezoning to a CZ district as set forth in the Final Development Plan and a violation of other related official documents associated with such rezoning are considered violations of this Ordinance subject to the same remedies and penalties. Upon determining that such a violation has occurred, the Zoning Administrator shall notify the property owner of his findings and set a reasonable time for the violation to be corrected or abated in accordance with Chapter 13.
- H. **Invalidity:** If any condition imposed or consideration made is found to be illegal or invalid, or if an applicant should fail to accept a condition, such CZ District and Preliminary Plat or Site Plan shall be null and void. Proceedings will be instigated to rezone the property to its previous classification.

### 14.8.7 Rehearing:

- A. An application for any rezoning of the same property or any application for the same amendment to this Ordinance, except as described in 11.8.7.B, shall be permitted only once within a six (6) month time period.
- B. If the Board of Commissioners has denied an application for the rezoning of a piece of property or an application for a text amendment, the Planning Board shall not review any application for the same changes affecting the same property or any portion thereof or the same text amendment until the expiration of one (1) year from the date of denial from the Board of Commissioners.
- C. The Zoning Administrator may allow re-submission of such petition within said one (1) year period if he determines one (1) of the following has occurred:
- There has been a signification change in the zoning district classification of an adjacent piece of property.
  - The Board of Commissioners has adopted a plan that changes public policy regarding how the property affected by the amendment should be developed.
  - Construction or expansion of a road, water line, sewer line, or other such infrastructure has occurred to serve the property and can adequately accommodate the intensity of development allowed under the proposed classification.
  - There has been some other extraordinary change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one (1) year restriction on a new petition; this however, shall not include a change in the ownership of the subject property.

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## SECTION 14.9 Variances

14.9.1 When practical difficulties or unnecessary hardships would result from carrying out the strict letter of this Ordinance, the Board of Adjustment shall have the power to vary or modify any regulation or provision of this Ordinance so that the spirit of the Ordinance is observed, public safety and welfare secured, and substantial justice done. The Board of Adjustment shall follow quasi-judicial procedures in determining variances.

### 14.9.2 Public Hearing Notification

- A. The Board of Adjustment shall cause notice of the hearing to be published in a newspaper having general circulation in the area. The notice shall be published not less than seven (7) days and not more than fifteen (15) days before the date fixed 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.
- B. Notice of evidentiary hearings shall be mailed of the person or entity whose request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is subject to the hearing; and to any other persons entitled to receive notice as otherwise provided by ordinance.
- C. In the absence of evidence to the contrary, the county may rely on the county tax listing to determine owners of property entitled to mailed notice.
- D. The person or persons mailing such notices shall certify to the Board of Adjustment that fact, and such certificate shall be deemed conclusive in the absence of fraud.
- E. The notice must be deposited in the mail at least ten (10) days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the county shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

14.9.3 **Variance Findings of Fact:** The Variance may be granted in such individual cases where the Board of Adjustment makes all of the following findings in the affirmative:

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
- B. A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the zoning district in which the property is located.
- C. The requested Variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.
- D. The special circumstances are not a result of the actions of the applicant.

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- E. The Variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.

### **14.9.4 Board of Adjustment Decision:**

- A. No change in permitted uses may be authorized by variance. Existing nonconforming conditions in the area shall not be considered grounds for the issuance of a Variance.
- B. Appropriate conditions, which must be reasonably related to the condition or circumstance that gives rise to the need for a Variance, may be imposed on any approval issued by the Board. Violation of such conditions and safeguards, when made a part of the terms of the Variance, shall be deemed a violation of this Ordinance and punishable under Chapter 13 and the Variance may be revoked.

### **14.9.5 Water Supply Watershed Variance Procedures:**

- A. When an application for a Major Variance is submitted, the Board of Adjustment shall provide a recommendation to the NC Division of Water Quality. The NC Division of Water Quality shall have the authority to approve or deny the issuance of a major variance. If the NC Division of Water Quality approves the Variance, the Board of Adjustment may direct the Watershed Administrator to issue a Watershed Protection Permit.
- B. For all Watershed Variance requests, the Watershed Administrator shall notify and allow a reasonable comment period for all local governments having jurisdiction within, or using water supply from, the Lumber River Watershed.
- C. A description of all projects receiving a variance and the reason for granting the Variance shall be submitted to the NC Division of Water Quality on January 1<sup>st</sup> of each year.

### **14.9.6 Floodplain Variance Procedures:**

- A. Any person aggrieved by the decision of the Board of Adjustment may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- B. Variances may be issued for:
  - 1. the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
  - 2. functionally dependent facilities if determined to meet the definition as stated in Chapter 16 of this Ordinance, provided provisions of 14.9.6.H.2, 3, and 5 have been satisfied, and such facilities are protected by methods that minimize flood damages.

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3. any other type of development, provided it meets the requirements stated in this Section.
- C. In passing upon Variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
1. the danger that materials may be swept onto other lands to the injury of others;
  2. the danger to life and property due to flooding or erosion damage;
  3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  4. the importance of the services provided by the proposed facility to the community;
  5. the necessity to the facility of a waterfront location as defined under Chapter 16 of this Ordinance as a functionally dependent facility, where applicable;
  6. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  7. the compatibility of the proposed use with existing and anticipated development;
  8. the relationship of the proposed use to the Hoke County Land Use Plan and the Floodplain Management Program for that area;
  9. the safety of access to the property in times of flood for ordinary and emergency vehicles;
  10. the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
  11. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- D. A written report addressing each of the above factors shall be submitted with the application for a Variance.
- E. Upon consideration of the factors listed above and the purposes of this Ordinance, the Board of Adjustment may attach such conditions to the granting of Variances as it deems necessary to further the purposes of this Ordinance.
- F. Any applicant to whom a Variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a Variance to construct a structure below the BFE will result in



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increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all Variance actions, including justification for their issuance.

G. The Floodplain Administrator shall maintain the records of all appeal actions and report any Variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

H. Conditions for Variances:

1. Variances shall not be issued when the Variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
2. Variances shall not be issued within any designated floodway or non-encroachment area if the Variance would result in any increase in flood levels during the base flood discharge.
3. Variances shall only be issued upon a determination that the Variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Variances shall only be issued prior to Development Permit approval.
5. Variances shall only be issued upon:
  - a showing of good and sufficient cause;
  - a determination that failure to grant the Variance would result in exceptional hardship; and
  - a determination that the granting of a Variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

I. A Variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.

1. The use serves a critical need in the community.
2. No feasible location exists for the use outside the Special Flood Hazard Area.
3. The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.
4. The use complies with all other applicable Federal, State and local laws.

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5. The County of Hoke has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a Variance at least thirty (30) calendar days prior to granting the Variance.

### **SECTION 11.9 Appeals**

11.9.1 Except as provided in subsection (c), appeals of decisions made by staff under this Ordinance shall be made to the Board of Adjustment.

#### **11.9.2 Standing:**

- A. Any person who has standing under G.S. 160D-1402 or the county may appeal an administrative decision to the Board of Adjustment. An appeal is taken by filing a notice of appeal with the Zoning Administrator. The notice of appeal shall state the grounds for the appeal.
- B. A person with standing may bring a separate and original civil action to challenge the constitutionality of an ordinance or development regulation or that it is ultra vires, preempted, or otherwise in excess of statutory authority without filing an appeal under this ordinance.
- C. The owner or other party shall have 30 days from receipt of the written notice of the determination within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt of any source of actual or constructive notice of the determination within which to file an appeal. In the absence of evidence to the contrary, notice pursuant to G.S. 160D-403(b) given by first class mail shall be deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

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

11.9.4 **Stays:** An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from and accrual of any fines assessed unless the official who made the decision certifies to the board after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development regulation. In that case, enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within fifteen (15) days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a development approval or otherwise affirming that a proposed use of property is consistent with the development regulation shall not stay the further review of an

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application for development approvals to use such property; in these situations, the appellant or county may request and the board may grant a stay of a final decision of development approval applications, including building permits affected by the issue being appealed.

11.9.5 Notice and Hearing Procedures: Public notice and hearing procedures shall follow all public notice requirements of Section 11.8.

11.9.6 The Board of Adjustment may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination appealed from, and shall make any order, requirement, decision, or determination that in its opinion should be made in the circumstances. To this end, the Board of Adjustment has all of the powers of the Zoning Administrator.

### **SECTION 11.10 Vested Rights**

11.10.1 Hoke County recognizes that local government approval of development typically follows significant investment in site evaluation, planning, development costs, consultant fees, and related expenses. Hoke County finds that it is necessary and desirable to provide for the establishment of certain vested rights in order to ensure reasonable certainty, stability, and fairness in the development regulation process, secure the reasonable expectations of landowners, and foster cooperation between the public and private sectors in land-use planning and development regulation.

#### **11.10.2 Vested Rights for Permits and Permit Choice**

- A. **Permit Choice:** If a land development regulation is amended between the time a development permit application was submitted and a development permit decision is made or if a land development regulation is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal, G.S. 143-755 applies.
- B. **Vested Rights:** Amendments in land development regulations are not applicable or enforceable without the written consent of the owner with regard to any of the following:
- Buildings or uses of buildings or land for which a development permit application has been submitted and subsequently issued in accordance with G.S. 143-755.
  - Subdivisions of land for which a development permit application authorizing the subdivision has been submitted and subsequently issued in accordance with G.S. 143-755.
  - A site-specific vesting plan pursuant to G.S. 160D-108.1.
  - A multi-phased development pursuant to subsection (f) of this section.
  - A vested right established by the terms of a development agreement.

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The establishment of a vested right under any subdivision of this subsection does not preclude vesting under one or more other subdivisions of this subsection or vesting by application of common law principles.

- C. A vested right, once established as provided for in this section or by common law, precludes any action by a local government that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property allowed by the applicable land development regulation or regulations, except where a change in State or federal law mandating local government enforcement occurs after the development application is submitted that has a fundamental and retroactive effect on the development or use.
- D. **Duration of Vesting:** Upon issuance of a development permit, the statutory vesting granted by subsection (B) of this section for a development project is effective upon filing of the application in accordance with G.S. 143-755, for so long as the permit remains valid pursuant to law.
- Unless otherwise specified by this section or other statute, local development permits expire one year after issuance unless work authorized by the permit has substantially commenced.
  - A local land development regulation may provide for a longer permit expiration period. For the purposes of this section, a permit is issued either in the ordinary course of business of the applicable governmental agency or by the applicable governmental agency as a court directive.
  - Except where a longer vesting period is provided by statute or land development regulation, the statutory vesting granted by this section, once established, expires for an uncompleted development project if development work is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months, and the statutory vesting period granted by this section for a nonconforming use of property expires if the use is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months.
  - The 24-month discontinuance period is automatically tolled during the pendency of any board of adjustment proceeding or civil action in a State or federal trial or appellate court regarding the validity of a development permit the use of the property, or the existence of the statutory vesting period granted by this section.
  - The 24-month discontinuance period is also tolled during the pendency of any litigation involving the development project or property that is the subject of the vesting.
- E. **Multiple Permits for Development Project:** Subject to subsection (D) of this section, where multiple local development permits are required to complete a development project, the development permit applicant may choose the version of each of the local land development regulations applicable to the project upon submittal of the application for the initial development permit. This provision is applicable only for those subsequent development permit applications filed within 18 months of the date following the approval of an initial permit. For purposes of the vesting protections of this subsection, an

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erosion and sedimentation control permit or a sign permit is not an initial development permit.

- F. **Multi-Phased Development:** 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.
- G. **Continuing Review:** Following issuance of a development permit, a local government may make subsequent inspections and reviews to ensure compliance with the applicable land development regulations in effect at the time of the original application.
- H. **Process to Claim Vested Right:** A person claiming a statutory or common law vested right may submit information to substantiate that claim to the zoning administrator or other officer designated by a land development regulation, who shall make an initial determination as to the existence of the vested right. The decision of the zoning administrator or officer may be appealed under G.S. 160D-405. On appeal, the existence of a vested right shall be reviewed de novo. In lieu of seeking such a determination or pursuing an appeal under G.S. 160D-405, a person claiming a vested right may bring an original civil action as provided by G.S. 160D-1403.1.
- I. **Miscellaneous Provisions:** The vested rights granted by this section run with the land except for the use of land for outdoor advertising governed by G.S. 136-131.1 and G.S. 136-131.2 in which case the rights granted by this section run with the owner of a permit issued by the North Carolina Department of Transportation. Nothing in this section precludes judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred. Except as expressly provided in this section, nothing in this section shall be construed to alter the existing common law.

### 11.10.3 Site-Specific Vesting Plan

- A. A site-specific vesting plan consists of a plan submitted to Hoke County in which the applicant requests vesting pursuant to this section, describing with reasonable certainty on the plan the type and intensity of use for a specific parcel or parcels of property. Site-specific vesting requests may only be reviewed by the Planning Board then approved by the Board of Commissioners following a quasi-judicial hearing.
- B. The plan may be in the form of any of the following plans or approvals:
- A planned unit development plan,
  - A subdivision plat,
  - A special use permit and site plan,
  - A conditional district zoning plan,

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- A site-specific development plan meeting the requirements of Chapter 8, Section 8.4.
- C. A variance does not constitute a site-specific vesting plan, and approval of a site-specific vesting plan with the condition that a variance be obtained does not confer a vested right unless and until the necessary variance is obtained. If a sketch plan or other document fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property, it may not constitute a site-specific vesting plan.
- D. Establishment of Vested Right: A vested right is established with respect to any property upon the valid approval, or conditional approval, of a site-specific vesting plan as provided in this section. Such a vested right confers upon the landowner the right to undertake and complete the development and use of the property under the terms and conditions of the site-specific vesting plan, including any amendments thereto.
- E. Approval Criteria: In approving an application for vested rights of a site-specific plan, the Board of Commissioners may attach fair and reasonable ad hoc conditions which tend to support the requiring finding of facts as herein listed. The petitioner shall be given reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board of Commissioners. The Board of Commissioners may not require the landowner to waive his vested right as a condition of developmental approval. The Board of Commissioners may approve the site-specific plan if it has evaluated an application and determined that:
- The use meets all required specifications of the Zoning Ordinance, and
  - The use will not materially endanger the public health or safety and will not substantially injure the value of adjoining property if located where proposed.
  - Conditions, if any, placed on the site-specific development plan by the Board of Commissioners shall be adequate to meet this requirement.
  - If the site-specific development plan is vested for a period of greater than two (2) years, this shall be based on one or more factors so described in (F) below.
  - The burden of proof of producing evidence to support these findings and to overcome any challenges that approval of the site plan would be contrary to one or more of these findings shall rest entirely with the landowner.
- F. If the use or development for which the site-specific development plan is submitted is a conditional use, the Board of Commissioners may approve the site-specific development plan contemporaneously with the approval of the Special Use Permit. In no case, however, may a site-specific development plan be approved for a use or development which requires the issuance of a Special Use Permit without the Special Use Permit having first been issued.
- G. A local government shall not require a landowner to waive the landowner's vested rights as a condition of developmental approval. A site-specific vesting plan is deemed approved upon the effective date of the local government's decision approving the plan or another date determined by the governing board upon approval.

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- H. An approved site-specific vesting plan and its conditions may be amended with the approval of the owner and the local government as follows: any substantial modification must be reviewed and approved in the same manner as the original approval; minor modifications may be approved by staff, if such are defined and authorized by local regulation.
- I. Effect of Approval: The effect of the Board of Commissioners approving a site-specific plan shall be to vest such Site Plan for a period of two (2) years from the date of approval. If the landowner requests, however, the Board of Commissioners may approve a vesting period not to exceed five (5) years from the date of approval. The vesting of any Site Plan beyond a two (2) year period may only be authorized by the Board of Commissioners where it is found that due to:
- sizing and phasing of the development; or
  - level of investment; or
  - need for the development; or
  - economic cycles; or
  - market conditions, building permits for all phases of the development cannot be secured within two (2) years
  - A vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the Site-Specific Development Plan as provided for in this Section. Failure to abide by the terms and conditions placed upon such approval will result in the forfeiture of the vested right previously accorded.
- J. A vested right, once established as herein provided, shall preclude any zoning action by the County which would change, alter, impair, prevent, diminish or otherwise delay the development or use of the property as set forth in the approved site-specific development except under the following conditions:
- The affected landowner provides written consent to the County of his desire to terminate the vested right; or
  - The County determines, after having advertised and held a public hearing, that natural or man-made hazards exist on or in the immediate vicinity of the property which pose a serious threat to the public health, safety and welfare if the project were to proceed as indicated in the site-specific development plan; or
  - Compensation is made by the County to the landowner for all costs, expenses, and other losses incurred including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and any other consultant's fees incurred after approval together with interest thereon at the legal rate until paid; or
  - The County determines, after having advertised and held a public hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the County of the site-specific development plan; or

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- Upon the enactment or promulgation of a State or Federal law or regulations which precludes development as contemplated in the site-specific development plan. In such case the County may (after having advertised and conducted a public hearing) modify the affected provisions upon a finding that the change in State or Federal law has a fundamental effect on the plan.
- Once a vested right is granted to a particular site-specific plan, nothing in this section shall preclude the County from conducting subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided such reviews and approvals are not inconsistent with the original approval.

### **11.10.4 Revocation or Expiration of a Vested Right**

- A. The vested right resulting from the approval of a site-specific plan may be revoked by the Board of Commissioners. In addition, a revocation may occur if the Board of Commissioners determines that the landowner has failed to comply with the terms and conditions of the approval or with any other applicable portion of the Zoning Ordinance. The vested right shall otherwise expire at the end of the approval period established by the Board of Commissioners.
- B. A building permit issued by the Hoke County Building Inspector pursuant to NCGS 153A may not be revoked because of the running of time on a piece of property for which a site-specific development plan has been approved and the vested right period has not otherwise expired.
- C. The establishment of a vested right on a piece of property for a site-specific plan shall not preclude the County from establishing and enforcing on the property any additional regulations (adopted during the time the vested right was in effect) which are general in nature and applicable to all property subject to the regulations of this Ordinance.



# CHAPTER 15: ZONING ENFORCEMENT

## SECTION 15.1 General

15.1.1 If any structure or use is erected, constructed, reconstructed, altered, repaired, converted, or maintained in violation of this Ordinance, an action for injunction or other appropriate action to prevent such violation may be instituted by the Zoning Administrator. This Ordinance may be enforced by any one or more of the remedies authorized by this Chapter.

## SECTION 15.2 Removal of Signs in the Right of Way

15.2.1 The Zoning Administrator or their designee may remove and destroy or otherwise dispose of any sign placed on public property or within a public right-of-way without authorization.

## SECTION 15.3 Enforcement Procedure

15.3.1 **Initial Complaint:** Within fourteen (14) days of receipt of a complaint the Zoning Administrator shall issue a letter to the property owner notifying them of the complaint. The property owner shall have thirty (30) days to respond to the initial letter of complaint. When a property owner or holder of the development approval is informed of the complaint and what steps are necessary to resolve the violation of this Ordinance they shall have a thirty (30) day warning period in which to resolve the violation. Once the thirty (30) day warning period passes without the offender resolving the violation to the satisfaction of the Zoning Administrator a Notice of Violation shall be issued.

15.3.2 **Notice of Violation:** When staff determines work or activity has been undertaken in violation of this Ordinance a written Notice of Violation may be issued. The notice shall be delivered to the holder of the development approval, 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. The notice of violation may be posted on the property.

15.3.3 **Stop Work Order:** Whenever any work or activity is undertaken in substantial violation of this Ordinance or in a manner that endangers life or property, the Zoning Administrator may order the specific part of the work or activity to be immediately stopped. The order shall be in writing, directed to the person doing the work or activity, and shall state the specific work or activity to be stopped, the reasons therefor, and the conditions under which the work or activity may be resumed. A copy of the order shall be delivered to the holder of the development approval and to the owner of the property involved if that person is not the holder of the development approval. Delivery may be by personal delivery, electronic delivery, or first class mail. Violation of a stop work order shall constitute a Class 1 misdemeanor.

# CHAPTER 15: ZONING ENFORCEMENT

15.3.4 The person providing the notice of violation or stop work order shall certify to the county that the notice was provided and the certificate shall be deemed conclusive in the absence of fraud.

## SECTION 15.4 Remedies

15.4.1 Violation of a county ordinance is a misdemeanor or infraction as provided by G.S. 14.4.

15.4.2 **Fines:** If any person shall violate this Ordinance they shall be guilty of a Class 3 misdemeanor and shall be fined fifty dollars (\$50.00) for each separate violation found occurring on a property. Each day's continuing violation is a separate and distinct offense. Fines shall not be levied during the time period of an appeal of a decision of the Zoning Administrator or a judicial appeal.

15.4.3 **Equitable Remedy:** The Zoning Administrator may apply to the court of competent jurisdiction for an appropriate equitable remedy. In such a case, the General Court of Justice has jurisdiction to issue any order that may be appropriate, and it is not a defense to the County's application for equitable relief that there is adequate remedy in the Ordinance.

15.4.4 **Injunction:** When a violation of this Ordinance occurs, the County may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

15.4.5 **Order of Abatement:** In addition to an injunction, the court may enter an order of abatement as a part of the judgement in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed; that fixtures furniture, or other moveable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any another action be taken that is necessary to bring the property into compliance with the Ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, they may be cited for contempt and the county may execute the order of abatement. If the county executes the order, it has a lien on the property, in the nature of a mechanic's and materialman's lien, for the costs of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter was heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.

# CHAPTER 15: ZONING ENFORCEMENT

## SECTION 15.5 Appeals

- 15.5.1 Any decision by the Zoning Administrator under this Chapter may be appealed to the Board of Adjustment.
- 15.5.2 **Judicial Challenge:** A person with standing may bring a separate an original civil action to challenge the constitutionality of an ordinance or development regulation or that it is ultra vires, preempted, or otherwise in excess of statutory authority without filing an appeal under Subsection 15.7.1.
- 15.5.3 **Time to Appeal:** The owner or other party shall have 30 days from receipt of the written notice of the determination within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the determination within which to file an appeal. In the absence of evidence to the contrary notice given by first class mail shall be deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.

## SECTION 15.6 Unsafe Commercial Buildings Condemned

- 15.6.1 **Inspection:** Inspectors shall conduct an inspection of structures used for commercial purposes or located in a commercial zoning district following receipt of a complaint filed with the Hoke County Planning Department, Building Inspections Department, or the Fire Marshal's Office.
- 15.6.2 **Entry:** If entry upon the premises for purposes of inspection is necessary, such entry shall be made pursuant to a duly issued administrative warrant in accordance with G.S. 15-27.2 or with permission of the owner, the owner's agent, a tenant, or other person legally in possession of the premises.
- 15.6.3 **Designation of Unsafe Buildings:** Every commercial building that shall appear, by consensus of the Building Inspector, Fire Marshal, and Zoning Administrator, to be especially dangerous to life because of a liability to fire or because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, or other causes, shall be held to be unsafe, and the inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior of the building.
- 15.6.4 If any person shall remove the notice that has been affixed to any building or structure by a local inspector under this section, that person shall be guilty of a Class 1 misdemeanor.

# CHAPTER 15: ZONING ENFORCEMENT

- 15.6.5 **Failure to Take Corrective Action:** If the owner of a building or structure that has been condemned as unsafe shall fail to take prompt corrective action, the local inspector shall give written notice, by certified mail to the owner's last known address or by personal service:
- A. That the building or structure is in a condition that appears to meet one or more of the following conditions:
    - 1. Constitutes a fire or safety hazard.
    - 2. Is dangerous to life, health, or other property.
    - 3. Is likely to cause or contribute to blight, disease, vagrancy, or danger to children.
    - 4. Has a tendency to attract persons intent on criminal activities or other activities that would constitute a public nuisance.
  - B. That an administrative hearing will be held before the inspector at a designated place and time, not later than ten (10) days but not more than 30 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
  - C. That following the hearing, the inspector may issue such order to repair, close, vacate, or demolish the building or structure as appears appropriate.

If the name or whereabouts of the owner cannot after due diligence be discovered, the notice shall be considered properly and adequately served if a copy is posted on the outside of the building or structure in question at least ten (10) days prior to the hearing and a notice of the hearing is published in a newspaper having general circulation in Hoke County's area of jurisdiction at least once not later than one (1) week prior to the hearing.

- 15.6.6 **Order to Take Corrective Action:** If, upon a hearing held pursuant to notice as set out above, the inspector shall find that the building or structure is in a condition that constitutes a fire or safety hazard or renders it dangerous to life, health, or other property, the inspector shall make an order in writing, directed to the owner of the building to take corrective to remedy the defective conditions by repairing, closing, vacating, or demolishing the building or taking other necessary steps, within such period, not less than sixty (60) days, as the inspector may prescribe; provided, that where the inspector finds that there is imminent danger to life or other property, the inspector may order that corrective action be taken in such lesser period as may be feasible.

An order may require the owner to remove or demolish the nonresidential building or structure if the cost of repair, alteration, or improvement of the building or structure would exceed fifty percent (50%) of its then current value. All other limitations on orders apply as listed in G.S. 160D-1126(e).

- 15.6.7 **Appeal:** Any owner who has received an Order to Take Corrective Action under 15.8.6 may appeal from the order to the Board of Commissioners by giving notice of appeal in writing to the inspector and to the Clerk to the Board of Commissioners within ten (10) days following issuance of the order. In the absence of an appeal, the order of the

# CHAPTER 15: ZONING ENFORCEMENT

inspector shall be final. The Board of Commissioners shall hold a quasi-judicial hearing and render a decision in an appeal within a reasonable time. The Board of Commissioners may affirm, modify and affirm, or revoke the order.

## **15.6.8 Failure to Comply:**

- A. If the owner of a building or structure fails to comply with an order from which no appeal has been taken, or fails to comply with an order of the Board of Commissioners following an appeal, the owner shall be guilty of a Class 1 misdemeanor.
- B. If the owner fails to comply with an order to repair, alter, or improve or vacate and close, or remove or demolish a nonresidential building or structure, the Board of Commissioners may adopt an ordinance ordering the public officer to proceed to effectuate the purpose of this section with respect to the particular property or properties that the public officer found to be jeopardizing the health or safety of its occupants or members of the general public.
- C. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner or owners in the grantors index.
- D. No ordinance shall be adopted to require demolition of a nonresidential building or structure until the owner has first been given a reasonable opportunity to bring it into conformity with the minimum standards established by the governing body.
- E. Following adoption of an ordinance, the inspector may cause the building or structure to be removed or demolished.

## **15.6.9 Outside Contractor**

- A. In an event the county must take action to complete the issues listed in the ordinance and order to take corrective action, contractors necessary to complete the defects or remove / demolish the structure must follow all current Hoke County hiring and contract policies.

## **15.6.10 Liens**

- A. The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the county shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of the General Statutes.

## CHAPTER 15: ZONING ENFORCEMENT

- B. The cost may also be a lien on any other real property of the owner located within the county except for the owner's primary residence. The additional lien is inferior to all prior liens and shall be collected as a money judgement.
- C. If the nonresidential building or structure is removed or demolished by the county, the county shall offer for sale the recoverable materials of the building or structure and any personal property, fixtures, or appurtenances found in or attached to the building or structure and shall credit the proceeds of the sale, if any, against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the county, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court.

### **15.6.11 Funding**

- A. The governing body is authorized to make appropriations from its revenues necessary to carry out the purposes of this section and may accept and apply grants or donations to assist in carrying out the provisions of the ordinances adopted by the governing body.

**15.6.12** Where any portion of this ordinance is found in conflict with applicable sections of Article 11 of N.C.G.S. 160D, the provisions of the General Statutes shall prevail.

# CHAPTER 16: DEFINITIONS

## SECTION 16.1 Purpose

16.1.1 For the purpose of interpreting this Ordinance, certain words, concepts, and ideas are defined herein. Except as defined herein, all other words used in this Ordinance shall have their everyday meaning as determined by their dictionary definition.

## SECTION 16.2 Interpretation

16.2.1 Interpretations and definitions contained in this Ordinance shall be observed and applied, except when the context clearly indicated otherwise.

- A. Words used in the present tense shall include the future tense.
- B. Words used in the singular number shall include the plural number and the plural number shall include the singular.
- C. The word “shall” in mandatory and not discretionary.
- D. The word “may” is permissive.
- E. The word “lot” shall include the words “parcel,” “plot,” and “tract.”
- F. The word “building” shall include all structures regardless of similarities to buildings.
- G. The phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” and “occupied for.”

## SECTION 16.3 Definitions

**ABUTTING** - Having property or district lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street or alley.

**ACCESS** – A way of approaching or entering a property. Access also includes ingress, the right to enter; egress, and the right to leave.

**ACCESSORY BUILDING (APPURTENANT STRUCTURE)** – A structure that is subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. In no event shall “accessory building” be construed to authorize a principal use or structure no otherwise permitted in the district in which the use is located. Accessory structures include but are not limited to detached garages, storage buildings, barns, pools and pool houses, piers and other water related structures.

## CHAPTER 16: DEFINITIONS

**ACCESSORY DWELLING** – A dwelling unit that is accessory, supplementary, and secondary to the principal dwelling unit that may be constructed as an addition to the principal structure or as an accessory to the principal structure.

**ADMINISTRATIVE DECISIONS** – Decisions made in the implementation, administration, or enforcement of development regulations that involves the determination of facts and the application of objective standards set forth in this Ordinance. These are sometimes referred to as “ministerial” decisions or “administrative determinations.”

**ADMINISTRATIVE HEARING** – A proceeding to gather facts needed to make an administrative decision.

**ADDITION (TO AN EXISTING BUILDING)** - An extension or increase in the floor area or height of a building or structure.

**ADULT CARE HOME** - An assisted living residence in which the housing management provides twenty-four (24) hour scheduled and unscheduled personal care services to two (2) or more residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Medication in an adult care home may be administered by designated, trained staff. Adult care homes that provide care to two (2) to six (6) unrelated residents are commonly called family care homes.

**AGRICULTURE** – The use of land for agriculture purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, forestry operation, and animal and poultry husbandry, and necessary accessory uses for packing, treating, or storing the produce; provided, however, the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

**AGRITOURISM** – Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

**AIRPORT** – Any area of land which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings, other airport facilities, or rights-of-way, including all necessary taxiways, aircraft storage, tie down areas, hangers, and other necessary buildings and open spaces.

**AIRPORT ELEVATION** - The highest point of an airport's usable landing area measured in feet (tenths) from the mean sea level.



## CHAPTER 16: DEFINITIONS

**AIRPORT HAZARD** - Any structure, tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking-off of aircraft.

**ALLEY** – A public or private right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on a street and is not intended for general traffic circulation.

**ALTERNATIVE TOWER STRUCTURE** – Manmade trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. These are also referred to as stealth structures.

**AMATEUR RADIO OPERATOR** – Commonly referred to as HAM operator, a resident of Hoke County that has a valid FCC issued license to operate their individual system.

**AMATEUR RADIO SERVICE** – A radio communication service for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest.

**AMBULANCE SERVICE** – An establishment primarily engaged in providing transportation of patients by ground or air, along with medical care. These services are often provided during a medical emergency but are not restricted to emergencies. The vehicles are equipped with lifesaving equipment operated by medically trained personnel.

**AMENDMENT, ADMINISTRATIVE** – An amendment which does not change the meaning of the Land Use Plan, but instead corrects errors of a technical or clerical nature, perhaps involving the addition of explanatory materials and graphics, or calling for the correction of typographical errors.

**AMUSEMENT PARK** – A commercial operated park composed of a variety of attractions, such as mechanical rides, water rides, games, shows, theme exhibits, refreshment stands, and picnic grounds. These establishments may lease space to others on a concession basis.

**ANIMAL SHELTER** - A facility which is used to house or contain seized, stray, homeless, quarantined, abandoned or unwanted animals and which is under contract with, owned, operated, or maintained by Hoke County, the City of Raeford, or other municipality, or by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, rehabilitation, or humane treatment of animals.

**ANTENNA** – Communications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.

**APARTMENT** – See Multi-Family

## CHAPTER 16: DEFINITIONS

**APPLICANT** - The party submitting an application, petition, or seeking other approval required by this Ordinance. An applicant includes a firm, association, organization, partnership, corporation, company, trust, individual, or government unit or any other entity usually defined in legal usage as a person.

**ARCHITECT** - A person who is duly licensed to practice architecture in the State of North Carolina.

**AREA OF SPECIAL FLOOD HAZARD** see also **SPECIAL FLOOD HAZARD AREA (SFHA)**

**ARTIFICIAL OBSTRUCTION** – Related to floodplain regulations it is any obstruction to the flow of water in a stream that is not a natural obstruction, including any that, while not a significant obstruction itself, is capable of accumulating debris and thereby reducing the flood-carrying capacity of the stream.

**ASPHALT PLANT** – An establishment primarily engaged in manufacturing asphalt and tar paving mixtures and blocks from purchased asphaltic materials.

**ASSISTED LIVING RESIDENCE** - Any group housing and services program for two (2) or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one (1) meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more licensed home care or hospice agencies. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. Assisted living residences are to be distinguished from nursing homes subject to provisions of NCGS § 131E-102. There are two types of assisted living residences: adult care homes and adult care homes that serve only elderly persons. Elderly person means:

- a. Any person who has attained the age of 55 years or older and requires assistance with activities of daily living, housing, and services, or
- b. Any adult who has a primary diagnosis of Alzheimer's disease or other form of dementia who requires assistance with activities of daily living, housing, and services provided by a licensed Alzheimer's and dementia care unit.

**AUTHORITY** - The governing body which is lawfully empowered to exercise legal control over the airport. This shall be the county board of commissioners, unless otherwise designated or represented.

**AUTOMOBILE GRAVEYARD** – Site where more than three (3) wrecked, scrapped, ruined, dismantled, or inoperable motor vehicles or motorized equipment not being restored to operation are located on a land parcel or a separate parcel of land used in conjunction with any establishment.

**AUTOMOBILE SERVICE GARAGE** – An establishment which is maintained and operated for the primary purpose of making mechanical and/or body repairs to motor vehicles.

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**AUTOMOBILE SERVICE STATION (GAS STATION)** – Any building or land used for the dispensing, sale or offering for sale at retail any automobile fuels along with accessories such as lubricants or tires, except that car washing, mechanical and electrical repairs, and tire repairs shall only be performed incidental to the conduct of the service station and are performed indoors and there are no fuel pumps within fifteen (15) feet of any property line or street right-of-way. Incidental activities shall not include tire rereading, major body work, major mechanical work, or upholstery work.

**BANK** - Any corporation, other than savings and loan associations, savings banks, industrial banks, and credit unions, receiving, soliciting or accepting money or its equivalent on deposit as a business.

**BASE FLOOD** – Also known as the “100-year flood” means a flood that has a one percent (1%) chance of being equaled or exceeded in any given year. The term “base flood” is used in the National Flood Insurance Program to indicate the minimum level of flooding to be addressed by a community in its floodplain management regulations.

**BASE FLOODPLAIN** – Also known as the “100-year floodplain” means that area subject to a one percent (1%) or greater chance of flooding in any given year, as shown on the current floodplain maps prepared pursuant to the National Flood Insurance Program.

**BASE FLOOD ELEVATION (BFE)** - A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a SPECIAL FLOOD HAZARD AREAS, it may be obtained from engineering studies available from a Federal or State or other source using FEMA approved engineering methodologies. This elevation, when combined with the FREEBOARD, establishes the REGULATORY FLOOD PROTECTION ELEVATION.

**BASEMENT** – The portion of a structure which is partially or completely below grade.

**BED AND BREAKFAST** – A use that takes place within a building that prior to such establishment, was designed and used as a single-family residence, that consists of renting not more than five (5) guest rooms, may provide breakfast accommodations to the overnight guests only, and where the bed and breakfast operation is conducted primarily by persons who reside on the premise, with the assistants of not more than two (2) full time employees.

**BEST MANAGEMENT PRACTICE** – A structural or non-structural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

**BLOCK** – A unit of land bound by streets, public land, waterways, and any other barrier to the continuity of development.

**BONA FIDE FARM** – Except as provided in G.S. 106-743.4 for farms that are subject to a conservation agreement under G.S. 106-743.2, bona fide farm purposes include the production

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and activities relating to or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106.581.1. Activities incident to the farm include existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation. The term “when performed on the farm” contained in G.S. 106.581.1(6) shall include the farm within the jurisdiction of the county and any other farm owned or leased to or from others by the bona fide farm operator, no matter where located. The production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a “Goodness Grows in North Carolina” product that is produced on a farm subject to a conservation agreement under G.S. 106-743.2 is a bona fide farm purpose.

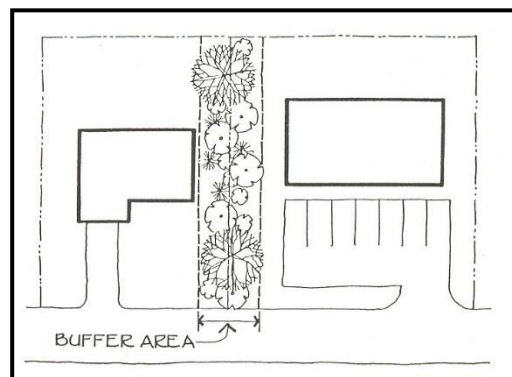
**BOARD OF ADJUSTMENT** – A local body, created by Ordinance, whose responsibility is to hear appeals from decisions of the Zoning Administrator and to consider requests for variances from the terms of the Zoning Ordinance as well as any other role assigned by the governing board.

**BOARD OF COMMISSIONERS** – The governing board of Hoke County.

**BOARDING HOUSE** – A structure that was originally constructed as a dwelling that has been converted for the housing of residents in not more than six (6) guest rooms.

**BROADCASTING AND TELECOMMUNICATION** – Businesses that create content or acquire the right to distribute content and subsequently broadcast the content. This includes businesses that operate broadcasting studios and facilities for over the air or satellite delivery of radio and television programs of entertainment, news, talk, and the like. These establishments are often engaged in the production and purchase of programs and generating revenues from the sale of air time to advertisers and from donations, subsidies, and/or the sale of programs. It also includes establishments operating studios and facilities for the broadcasting of programs that are typically narrowcast in nature (limited format, such as news, sports, education, and youth-oriented programming) on a subscription or fee basis.

**BUFFER** – A strip of land with natural or planted vegetation located between a structure and a side or rear property line intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.



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**BUILDING** – A temporary or permanent structure having a roof supported by exterior walls or constructed columns and which can be used for residence, business, industry, or other public or private purposes or accessory thereto. The term “building” shall be construed as if followed by the words “or part thereof”.

**BUILDING HEIGHT** – The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or the deck line of mansard roof, or to the mean height level between eaves and ridges for gable, hip, and gambrel roofs.

**BUILDING, PRINCIPAL (PRINCIPAL STRUCTURE)** – A building in which is conducted the principal use on the lot on which the building is situated.

**BUILDING SETBACK LINE** – Also referred to generally as the “setback” line, establishing the minimum allowable distance between the nearest portions of any building, including eaves and overhangs, and the nearest edge of the street right-of-way when measured perpendicular thereto.

**BUILT-UPON AREA** – Areas that include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

**BUSINESS SUPPORT SERVICE** – Business that are engaged in providing a range of day-to-day office administrative services, such as financial planning; billing and recordkeeping; personnel; and physical distribution and logistics for others on a contract or fee basis. These establishments do not provide operating staff to carry out the complete operations of a business.

**CAMPGROUND** – Any site upon which two (2) or more campsites are located, established, or maintained for occupancy by people in temporary living quarters, such as tents, recreational vehicles, or travel trailers.

**CAMPING TRAILER** – A folding structure manufactured of metal, wood, canvas, plastic, or other materials, or any combination thereof, mounted on wheels and designed for travel, recreation, or vacation use.

**CAMPSITE** – A plot of land within a campground for exclusive occupancy by a cabin, recreational vehicle, or tent.

**CANOPY, MARQUEE, OR AWNING** – A permanent structure, other than an awning made of cloth, attached or unattached to a building for the purpose of providing shelter to patrons, or a decorative feature on a building wall.

**CAR WASH** – A building, or portion thereof, containing facilities for washing more than two (2) automobiles, using production line methods with a chain conveyor, blower, steam cleaning

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device, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial hand washing of such automobiles, whether washing is performed by operator or by the customer.

**CEMETERY** - Any one, or a combination of more than one of the following in a place used or to be used and dedicated or designated for cemetery purposes:

- A burial park, for earth interment.
- A mausoleum.
- A columbarium

**CERTIFICATE OF COMPLIANCE** – Official certification from the Zoning Administrator indicating that the use or occupancy of, or the connection or provision of utilities to any building or land hereafter created, erected, changed, converted, altered or enlarged in its use or structure complies with all regulations of the Zoning Ordinance.

**CHEMICAL STORAGE FACILITY** - A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

**CHILD CARE**- A program or arrangement where three (3) or more children less than thirteen (13) years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four (4) hours but less than twenty (24) hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption.

**CHILD CARE CENTER** - An arrangement where, at any one time, there are three (3) or more preschool-age children or nine (9) or more school-age children receiving child care.

**CLUB OR LODGE (CIVIC OR FRATERNAL)** – A nonprofit association of persons, who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof; the use of such premises being restricted to members and their guests.

**CLUSTER DEVELOPMENT** – The grouping of buildings in order to conserve land resources and provide innovation in the design of the project. This term includes non-residential development as well as single family residential subdivision and multifamily developments that do not involve the subdivision of land.

**COLLOCATION** – The placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, county utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term “collocation” does not include the installation of new utility poles, county utility poles, or wireless support structures.

**COMMON OPEN SPACE** – A parcel or parcels of land or an area of water or a combination of both land and water within the site designated for development and designed or intended for the

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use and enjoyment of residents of the development or for the general public, not including streets or off-street parking areas. Common Open Space shall be substantially free of structures but may contain such improvements as are in the plan as finally approved and are appropriate for the benefit of residents of the development.

**COMPREHENSIVE PLAN** – The comprehensive plan, land-use plan, small area plans, neighborhood plans, transportation plan, capital improvement plan, and any other plans regarding land use and development that have been officially adopted by the governing board.

**CONDITIONAL ZONING** – A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

**CONDOMINIUM** – An individual dwelling unit in a multi-family structure where separate dwelling units are individually owned and common property, including within the building, accessory structures, and the land itself are jointly owned.

**CONICAL SURFACE** - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet horizontally for each one foot vertically (20:1) for a horizontal distance of 4,000 feet.

**CONVALESCENT HOME** – An institution, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for persons unrelated to the licensee. A convalescent home is home for chronic or nursing patients who, on admission, are not as a rule, acutely ill or who do not usually require special facilities, such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities.

**CONVERSION** – Changing the original purpose of a building to a different use.

**COUNTRY CLUB** – A private recreational facility for use by members and their guests. Uses frequently include golf courses, swimming pools, tennis courts, and club houses. Meal service may be available. A country club may be developed as a free-standing entity or as a part of a residential community or planned residential development.

**COUNTY** – Hoke County

**COVENANT** – A private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded.

**DECISION-MAKING BOARD** – A governing board, planning board, board of adjustment, historic district board, or other board assigned to make quasi-judicial decisions.

**DEDICATION** - The transfer of property from private to public ownership.

**DENSITY** – A ratio expressed as the number of dwelling units per acre (DUA). The ratio is derived by dividing the total number of dwelling units by the total land area (in acres) used or proposed to be used for purposes such as buildings, roads, public facilities, and open space.

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**DETERMINATION** – A written, final and binding order, requirement, or determination regarding and administrative decision.

**DEVELOPER** – A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

**DEVELOPMENT** – The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site or demolition of any structure; excavation, grading, filling clearing or alteration of land; the subdivision of land as defined in G.S. 160D-802 and the Hoke County Subdivision Ordinance; or the initiation or substantial change in the use of land or the intensity of the use of land.

**DEVELOPMENT APPROVAL** – An administrative or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations including plat approvals, permits issued, development agreement entered into, and building permits issued.

**DEVELOPMENT REGULATION** – A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to G.S. 160D, or a local act or charter that regulates land use or development.

**DISCHARGE LANDFILL** – A landfill which discharges treated leachate and which requires a National Pollution Discharge Elimination System (NPDES) permit.

**DISPOSAL** - As defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

**DISH ANTENNA** – A dish antenna is any accessory structure capable of receiving, for the sole benefit of the principal use, radio or television signals for a transmitter or a transmitter relay located in planetary orbit.

**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, except it does not include any manufactured home or mobile home used solely for a seasonal vacation purpose.

**DWELLING, DUPLEX** – A building containing two (2) complete and separate dwelling units.



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**DWELLING, MULTI-FAMILY** – A building containing three (3) or more complete and separate dwelling units.

**DWELLING, SINGLE FAMILY** – A building containing one (1) complete and separate dwelling unit to include barn apartments, garage apartments, stable apartments, and any other structure containing a single dwelling unit.

**DWELLING, TRIPLEX** – A building containing three (3) complete and separate dwelling units.

**EASEMENT** – A nonprofitable interest in land owned by another that entities it holder to a specific limited use, such as a drainage or utility easement.

**ELECTRONIC GAMING OPERATIONS** – Any business or enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, coin-operated machines, video games, pinball machines, and other computer, electronic or mechanical devices that are operated and played for amusement, to conduct games that involve the use of skill or dexterity to solve problems or tasks or to make varying scores or tallies and that:

1. Do not emit, issue, display, print out, or otherwise record any receipt, paper, coupon, token, or other form of record which is capable of being redeemed, exchanged, or repurchased for cash, cash equivalent, or prizes, or award free replays; or
2. In actual operation, limit to eight the number of accumulated credits or replays that may be played at one time and which may award free replays or paper coupons that may be exchanged for prizes or merchandise with a value not exceeding ten dollars (\$10.00), but may not be exchanged or converted to money.

Any video machine shall have affixed to it in view of the player a sticker informing that person that it is a criminal offense with the potential of imprisonment to pay more than that which is allowed by law. In addition, if the machine has an attract chip which allows programming, the static display shall contain the same message.

The exception in subsection (2) above does not apply to any machine that pays off in cash. The exemption in subsection (2) above does not apply where the prizes, merchandise, credits, or replays are:

- i. repurchased for cash or rewarded by cash,
- ii. exchanged for merchandise of a value of more than ten dollars (\$10.00), or
- iii. where there is a cash payout of any kind, by the person operating or managing the machine or the premises, or any agent or employee of that person. It is also a criminal offense, punishable under G.S. 14-309, for the person making the unlawful payout to the player of the machine to violate this section, in addition to any other person whose conduct may be unlawful.

**ELEVATED BUILDING** - A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

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**ELIGIBLE FACILITIES REQUEST** – A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

**ENCROACHMENT** - The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**EQUIPMENT COMPOUND** – An area surrounding or near the base of a wireless support structure within which a wireless facility is located.

**ESTABLISHMENT** – Any real property on which or in which there is operated or maintained any commercial, industrial, or service business or activity for profit.

**EVIDENTIARY HEARING** – A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted by the governing board.

**EXCEPTED HEIGHT LIMITATIONS** - Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree or other vegetation to a height up to 35 feet above the surface of the land.

**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 criteria established under the Hoke County Vested Rights Ordinance.

**EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION** – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of this Ordinance.

**FALL ZONE** – The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

**FAMILY** – An individual or two (2) or more persons directly related by blood, marriage, or adoption living together as a single housekeeping unit, exclusive of household employees; or not more than two (2) unrelated persons not related by blood, marriage, or adoption living together as a single household unit.

**FAMILY CARE HOME** – a home with support and supervisory personnel that provides room and board, personal care and habitation services in a family environment for not more than six (6) resident persons with disabilities.

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**FARM** – Singularly or jointly owned land on which agricultural operations are conducted as the substantial use, to include cultivation of crops, the husbandry of livestock, and forestry.

**FLOOD** or **FLOODING** - A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. the overflow of inland or tidal waters; and/or
- b. the unusual and rapid accumulation of runoff of surface waters from any source.

**FLOOD BOUNDARY AND FLOODWAY MAP (FBFH)** - An official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

**FLOOD HAZARD AREA** – The area designated by a local government, pursuant to Part 6 of Article 12 of Chapter 143 of the General Statutes, as an area where development must be regulated to prevent damage from flooding. The flood hazard area must include and may exceed the base floodplain.

**FLOOD HAZARD BOUNDARY MAP (FHBM)** - An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

**FLOOD INSURANCE** - The insurance coverage provided under the National Flood Insurance Program.

**FLOOD INSURANCE RATE MAP (FIRM)** - An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

**FLOOD INSURANCE STUDY (FIS)** - An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

**FLOOD PRONE AREA** see **FLOODPLAIN**

**FLOOD ZONE** - A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

**FLOODPLAIN** - Any land area susceptible to being inundated by water from any source.

**FLOODPLAIN ADMINISTRATOR** - The individual appointed to administer and enforce the floodplain management regulations.

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**FLOODPLAIN DEVELOPMENT PERMIT** - Any type of permit that is required in conformance with the provisions of the Floodplain Overlay District, prior to the commencement of any development activity.

**FLOODPLAIN MANAGEMENT** - The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

**FLOODPLAIN MANAGEMENT REGULATIONS** - This Ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

**FLOODPROOFING** - Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

**FLOODWAY** - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**FLOOR AREA** – The sum of the gross horizontal areas of the all the floors of the building devoted to the use, including storage areas and basement floor areas.

**FORESTRY OPERATION** – Activities involved in the growing, managing, and harvesting of trees, but not sawmill operations.

**FREEBOARD** - The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

**FRONTAGE** – The lot boundary along a public street.

**FUNCTIONALLY DEPENDENT FACILITY** - A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

**GOVERNING BOARD** – The Hoke County Board of Commissioners. The term is interchangeable with the terms “board of aldermen” and “boards of commissioners” and shall mean any governing board without regard to the terminology employed in charters, local acts, other portion of the General Statutes, or local customary usage.

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**HAZARD TO AIR NAVIGATION** - An obstruction determined to have a substantially adverse effect on the safe and efficient utilization of the navigable airspace. A determination by the Federal Aviation Administration as to a hazard to air navigation is per FAA Form 7460-1.

**HAZARDOUS WASTE FACILITY** - As defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

**HIGHEST ADJACENT GRADE (HAG)** - The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

**HISTORIC STRUCTURE** - “Historic Structure” means any structure that is:

- a. listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- b. certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
- d. certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

**HOME OCCUPATION** – Any occupation or profession carried on entirely within a dwelling by one (1) or more occupants, providing that such use is clearly incidental and secondary to the use of the dwelling.

**HORIZONTAL SURFACE** - A circular horizontal plane 1,000 feet above the airport elevation established by swinging arcs of 10,000 feet radii from the end of the primary surface of each runway end centerline and connecting the adjacent arcs by drawing lines tangent to those arcs.

**HOSPICE INPATIENT FACILITY** - A freestanding licensed hospice facility or a designated inpatient unit in an existing health service facility which provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in an inpatient setting.

**HOSPICE RESIDENTIAL CARE FACILITY** - A freestanding licensed hospice facility which provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in a group residential setting.

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**HOSPITAL** - Any facility which has an organized medical staff and which is designed, used, and operated to provide health care, diagnostic and therapeutic services, and continuous nursing care primarily to inpatients where such care and services are rendered under the supervision and direction of physicians licensed under NCGS § Chapter 90, Article 1, to two (2) or more persons over a period in excess of twenty-four (24) hours. The term includes facilities for the diagnosis and treatment of disorders within the scope of specific health specialties. The term does not include private mental facilities licensed under NCGS § Article 2 of Chapter 122C, nursing homes licensed under NCGS §131E-102, and adult care homes licensed under NCGS §131D-2.

**HOTEL/MOTEL** – A facility offering transient lodging accommodations to the general public and which may provide additional services such as restaurants, meeting rooms, and recreation facilities.

**INDUSTRIAL PARK** – A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.

**INOPERATIVE VEHICLE** – Any vehicle, designed to be self-propelled, which by virtue of broken or missing component parts, is no longer capable of self-propulsion. Any vehicle which is registered with the North Carolina Department of Motor Vehicles and has a current North Carolina Motor Vehicle Registration License Plate affixed to it shall not be considered inoperative.

**JUNK** - Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

**JUNKYARD** – An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills. An establishment or place of business which stores or keeps for a period of fifteen (15) days or more materials within the meaning of junk which has been created as a result of industrial activity shall be deemed to be a junkyard within the meaning of this definition.

**KENNEL, COMMERCIAL** - An establishment wherein any person engages in business or practice, for fee, of boarding, breeding, grooming, letting for hire, or training of more than six (6) domesticated animals at any one (1) time; or an establishment wherein any person engages in the business or practice, for a fee, of selling more than one (1) litter of domesticated animals at any one (1) time. Domesticated animals, for the purpose of this Ordinance, shall be defined as dogs, cats, and other generally acceptable household pets. Litter, for the purpose of this Ordinance, shall be defined as the progeny resulting from the breeding of two (2) domesticated animals. The following shall not constitute the operation of a kennel as defined above and in no way shall this provision regulate the following:

- a. The ownership of domesticated animals as household pets;

## CHAPTER 16: DEFINITIONS

- b. The ownership of domesticated animals for hunting or tracking purposes;
- c. The ownership of domesticated animals for the purpose of exhibiting at shows, obedience or field trials; and
- d. The ownership of domesticated animals for the purpose of protection or guarding of residences or commercial establishments.

**LAGOON** - A confined body of water to hold animal byproducts including bodily waste from animals or a mixture of waste with feed, bedding, litter or other agricultural materials.

**LAND DISTURBING ACTIVITY** – Any use of land by any person in residential, industrial, education, institutional, commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Regulations do not apply to the following land disturbing activities:

- agriculture
- forestry
- mining

**LAND USE, COMPATIBLE** - The use of land adjacent to the airport that does not endanger the health, safety or welfare of the owners, occupants or users of the land.

**LANDFILL** – A facility for disposal of nonhazardous solid wastes, including household waste, building materials, yard clippings, and similar wastes in a sanitary manner in accordance with NCGS 130A, Article 9. Disposal is normally by burying, but the landfill may also contain an incinerator.

**LANDOWNER OR OWNER** – The holder of the title in fee simple. Absent evidence to the contrary, a local government may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

**LARGER THAN UTILITY RUNWAY** - A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

**LEGISLATIVE DECISION** – The adoption, amendment, or repeal of a regulation under G.S. 160D or an applicable local act. It also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of Article 10 of G.S. 160D.

**LEGISLATIVE HEARING** – A hearing to solicit public comment on a proposed legislative decision.

**LIVESTOCK** - Shall include but is not limited to, equine animals, bovine animals, sheep, goats, llamas, and swine.

## CHAPTER 16: DEFINITIONS

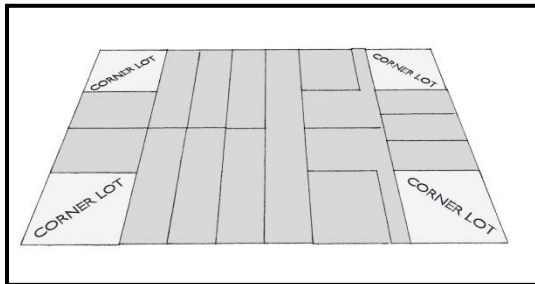
**LOADING SPACE, OFF STREET** - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles. Required off-street loading spaces are not to be included as off-street parking spaces in computation of required off-street parking spaces.

**LOWEST FLOOR** – For floodplain regulations the lowest floor is the lowest enclosed area, including a basement, of the structure. An unfinished or flood resistant enclosed area, other than a basement, that is usable solely for parking vehicles, building access, or storage is not a lowest floor.

**LOADING SPACE, OFF STREET** - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles. Required off-street loading spaces are not to be included as off-street parking spaces in computation of required off-street parking spaces.

**LOT** – A parcel of land, occupied or intended for occupancy by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, lot width and lot areas as required by this Ordinance, and having not less than the minimum required frontage upon a street, either shown on a plat of record, or considered as a unit of property and described by metes and bounds. For the purpose of this Ordinance, the word “lot” shall be taken to mean any number of contiguous lots or portions thereof, upon which one or more main structure for a single use are erected or are to be erected.

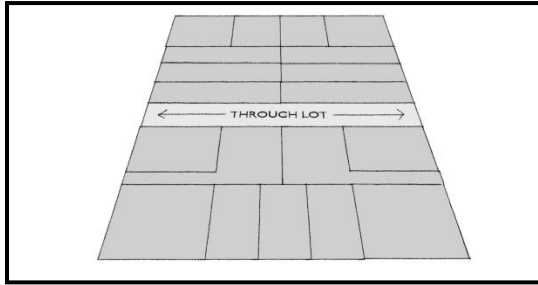
**LOT, CORNER** – A lot which occupies the interior angle at the intersection of two (2) rights-of-way.



**LOT, THROUGH** – A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

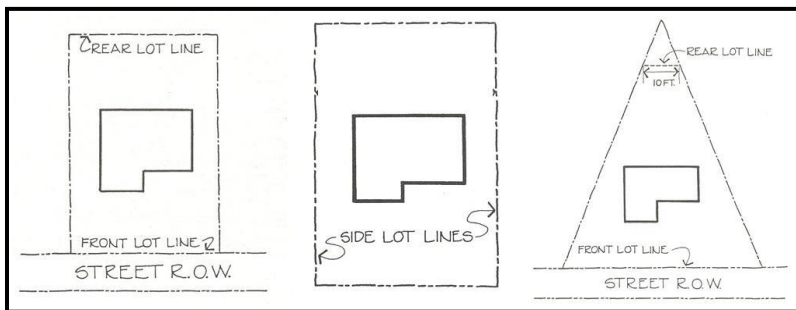


## CHAPTER 16: DEFINITIONS



**LOT DEPTH** – The depth of a lot is the average distance between the front and back lot lines measured at right angles to its frontage.

**LOT LINE** – The line of record bounding a lot which separates one lot from another lot or separates that lot from a public or private street or any other public space.



**LOT WIDTH** – The distance from side lot line to side lot line measured at the required minimum front yard setback parallel to the front property line.

**LOT OF RECORD** – A lot which is a part of a subdivision, a plat of which has been recorded in the office of the County Register of Deeds, or a lot described by metes and bounds, the description of which has been so recorded.

**LOWEST ADJACENT GRADE** - The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

**MANUFACTURED HOME** - A structure that:

- consists of a single unit completely assembled at the factory or of multiple principal components totally assembled at the factory and joined together at the site;
- is designed so that the total structure (or in the case of a double-wide or triple-wide, each component thereof can be transported on its own chassis);
- is over 40 feet long and over 10 feet wide;
- is originally designed for human occupancy and provides complete, independent living facilities for one family when connected to required utilities; and

## CHAPTER 16: DEFINITIONS

- e. does not meet all requirements of the North Carolina Uniform Residential Building Code. For the purpose of this Ordinance, the placement of such a structure on a permanent foundation or the addition of conventionally constructed sections in no way changes its status as a manufactured home.

**MANUFACTURED HOME, CLASS A** - A double or triple-wide or larger manufactured home constructed after July 13, 1994, that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction.

**MANUFACTURED HOME, CLASS B** - Any manufactured home commonly referred to as a single-wide manufactured home.

**MANUFACTURED HOME PARK** – Any site or tract of land of continuous ownership, upon which manufactured home spaces are provided for manufactured home occupancy whether or not a charge is made for such service. This does not include manufactured home sales lots on which unoccupied manufactured homes are parked for the purpose of inspection and sales.

**MANUFACTURED HOME SPACE** – A plot of land within a manufactured home park designed for the accommodation of one manufactured home.

**MARKET VALUE** - The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

**MEAN SEA LEVEL** - For purposes of this Ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

**MODULAR STRUCTURE** - A factory manufactured structure designed for year-round residential or commercial use with major components or modules preassembled and transported to a site for final assembly and utility connection. Such structure must meet all requirements of the North Carolina Uniform Residential Building Code or Commercial Building Code, the same as site constructed buildings and must have attached a North Carolina validating stamp.

**MOTOR HOME** – A portable, temporary dwelling to be used for travel, recreation, and vacation constructed as an integral part of a self-propelled vehicle.

**MOTOR VEHICLE** – Any device designed to run on land, air, or water this is pulled or pushed by a device propelled by non-human or mechanical power.

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**MOTORIZED EQUIPMENT** – Any device that is propelled or powered by non-human or mechanical power sources which is designed to accomplish any work.

**MULTIUNIT ASSISTED HOUSING WITH SERVICES** - An assisted living residence in which hands-on personal care services and nursing services which are arranged by housing management are provided by a licensed home care or hospice agency, through an individualized written care plan. The housing management has a financial interest or financial affiliation or formal written agreement which makes personal care services accessible and available through at least one (1) licensed home care or hospice agency. The resident has a choice of any provider, and the housing management may not combine charges for housing and personal care services. All residents, or their compensatory agents, must be capable, through informed consent, of entering into a contract and must not be in need of twenty-four (24) hour supervision. Assistance with self-administration of medications may be provided by appropriately trained staff when delegated by a licensed nurse according to the home care agency's established plan of care. Multiunit assisted housing with services programs are required to register annually with the Division of Health Service Regulation.

**NATURAL OBSTRUCTION** – Related to floodplain regulations it includes any rock, tree, gravel, or other natural matter that is an obstruction and has been located within the 100-year floodplain by a nonhuman cause.

**NEW CONSTRUCTION** – In relation to floodplain regulations, structures for which the “start of construction” commenced on or after the effective date of the original version of Hoke County’s Flood Damage Prevention Ordinance and includes any subsequent improvements to such structures.

**NONCONFORMING LOT** – Any lot described by plat or deed recorded prior to the effective date of this Ordinance, or any amendments, which does not meet the minimum yard, area requirements, lot size, or any other development requirements of this Ordinance.

**NONCONFORMING SIGN** – A sign that, on the effective date of this Ordinance or the date of any subsequent amendments thereto, does not conform to one or more of the regulations set forth in this Ordinance.

**NONCONFORMING STRUCTURE** – Any structure lawfully existing on the effective date of these regulations, or any amendment to it, rendering such structure nonconforming, which does not comply with all the standards and regulations of this Ordinance or any amendment thereto.

**NONCONFORMING USE** – Any use lawfully being made of any land, building, or structure on the effective date of this Ordinance, or on the effective date of any amendment thereto, rendering such use non-conforming which does not comply with all the regulations of this Ordinance or any amendment thereto.

**NON-ENCROACHMENT AREA** - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively

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increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

**NONPRECISION INSTRUMENT RUNWAY** - A runway end having an instrument procedure utilizing air navigation facilities with horizontal approach guidance or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

**NUISANCE** – Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

**NURSING HOME** - A facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three (3) or more persons unrelated to the licensee. A "Nursing Home" is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A "nursing home" provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision.

**OBSTRUCTION** - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height.

**OCCUPIED RESIDENCE** - A dwelling actually inhabited by a person on a continuous basis as exemplified by a person living in his or her home.

**OUTDOOR RECREATIONAL FACILITY** - Any tract of land on which there is located an outdoor swimming pool, tennis court, or golf course that is open to either the general public or to the members and guests of any organization having 50 or more members.

**PARKING SPACE** – A storage space of not less than one hundred eighty (180) square feet of one automobile, plus the necessary access space.

**PAWNBROKER** – A person engaged in the business of lending money on the security of pledged goods and who may also purchase merchandise for resale from dealers and traders.

**PAWNSHOP** – The location at which, or premises in which, a pawnbroker regularly conducts business.

**PERSON** – An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

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**PERSON WITH DISABILITIES** – A person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)b.

**PHASED DEVELOPMENT PLAN** - A plan which has been submitted to the County by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan determined by the County to be a site-specific development plan.

**PLANNING AND DEVELOPMENT REGULATION JURISDICTION** – The geographic area defined in Part 2 of G.S. 160D within which a city or county may undertake planning and apply the development regulations authorized by G.S. 160D.

**PLANNING BOARD** – Any board or commission established pursuant to G.S. 160D-301 tasked by the governing board to make recommendations regarding legislative and quasi-judicial decisions.

**PLAT** – A map showing the location, boundaries, and ownership of individual properties.

**POST-FIRM** - Construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.

**PRE-FIRM** - Construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map for Hoke County.

**PRIMARY SURFACE** - A surface longitudinally centered on a runway extending 200 feet beyond each end of a hard surfaced runway. The width of the primary surface is set forth as specified by the width of the runway inner approach surface. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**PRINCIPALLY ABOVE GROUND** - At least 51% of the actual cash value of the structure is above ground.

**PROPERTY** – All real property subject to land-use regulation by a local government and includes any improvements or structures customarily regarded as part of real property.

**PROTECTED AREA** – The area adjoining and upstream of the critical area in a WS-IV area in which protection measures are required. The boundaries of the protected areas are defined as extending 5 miles upstream and draining to water supply reservoirs (measured from the normal pool elevation) or to the ridge line of the watershed (whichever comes first). Major landmarks such as highways or property lines may be used to delineate the outer boundary of the protected area if these landmarks are immediately adjacent to the appropriate outer boundary of 5 or 10 miles.

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**PUBLIC ROAD** – Any road or highway which is now or hereafter designated and maintained by the North Carolina Department of Transportation as part of the State Highway System, whether primary or secondary, hard-surfaced or other highway.

**PUBLIC SAFETY** and/or **NUISANCE** - Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

**PUBLIC UTILITY** – An entity, whether organized under the laws of this State or under the laws of any other state or country, engaged in producing, generating, transmitting, delivering, or furnishing electricity for private or public use, including counties, municipalities, joint municipal power agencies, electric membership corporations, and public and private corporations.

**QUASI-JUDICIAL DECISION** – A decision involving the finding of facts regarding a specific application of development regulation and that requires the exercise of discretion when apply the standards of the regulation. Quasi-judicial decisions include but are not limited to decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

**RECREATIONAL VEHICLE (RV)** – A vehicle which is built on single chassis, four hundred (400) square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty truck, and designed primarily not for use as permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**REFERENCE LEVEL** - The bottom of the lowest horizontal structural member of the lowest floor, excluding the foundation system, for structures within all Special Flood Hazard Areas.

**REGULATORY FLOOD PROTECTION ELEVATION** - The “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus three (3) feet of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least three (3) feet above the highest adjacent grade.

**RELIGIOUS BUILDING** – A building used for public worship and/or religious services.

**REMEDY A VIOLATION** – To bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure

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or other affected development from flood damages, implementing the enforcement provisions of the Ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

**REPAIR SHOP** – An establishment which is maintained and operated for the purposes of repairing, storing, keeping, buying, or selling appliances or equipment other than motor vehicles.

**REZONING** – See definition of Zoning Map Amendment.

**RIVERINE**- Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**ROADSIDE STAND** – Establishment offering the sales of agricultural products produced on the premises on the site of a bona fide farm.

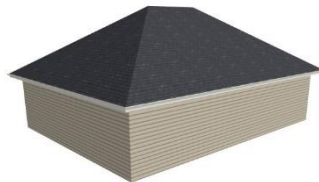
**ROOF, GABLE** – The gable is the triangle formed by a pitched roof. A building may be front-gabled or side-gabled. The house shown here is cross-gabled.



**ROOF, GAMBREL** - A roof with two pitches, designed to provide more space on upper floors. The roof is steeper on its lower slope and flatter toward the ridge.



**ROOF, HIP** – A roof with sloped instead of vertical ends.



**ROOF, MANSARD** – A roof with a double slope, the lower being longer and steeper than the upper.

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**RUNWAY** - A defined area on an airport prepared for the landing and taking off of aircraft along its length. The runway end is the physical end of the hard-surfaced asphalt or turf runway threshold, having a defined coordinate and elevation as noted on the County Zoning Map.

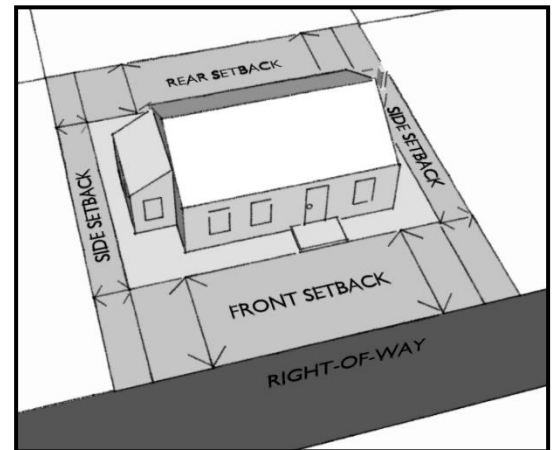
**RUNWAY ENDS** - The planned usable physical end of the hard-surfaced asphalt runway, having a defined coordinate and elevation as noted on the County Airport Height Restriction Ordinance Map.

**SALVAGE YARD** - Any property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

**SCHOOL** – Any public or private institution for the teaching of children under 18 eighteen years of age which is recognized and approved by the North Carolina Board of Education.

**SEARCH RING** - The area within which a wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

**SETBACK** – The required distance between every structure and the lot lines of the lot on which it is located.



**SEXUALLY ORIENTED BUSINESS** – Any businesses or enterprises that have as one of their principal business purposes or as a significant portion of their business an emphasis on matter and conduct depicting, describing, or related to anatomical areas and sexual activities specified in NCGS §14-202.10.

**SHOPPING CENTER** – Two or more commercial establishments having off-street parking and loading facilities provided on the property and related in location, size, and type of shops to the trade area which the unit serves.



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**SIGHT TRIANGLE** – The triangular area formed by a diagonal line connecting two (2) points located on intersecting right of ways.

**SIGN** – Any words, lettering, figures, numerals, emblems, devices, trademarks, or trade names, or any combination thereof, by which anything is made known and which is designed to attract attention and/or convey a message.

**SIGN, IDENTIFICATION** – A sign used to display only the name, address, crest, or trademark of the business, individual, family, organization, or enterprise occupying the premises, the profession of the occupant, or the name of the building on which the sign is displayed.

**SIGN, FLASHING** – Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such is in use. For the purpose of this Ordinance, any moving, illuminated sign shall be considered a “flashing sign”. Such signs shall not be deemed to include time and temperature signs or public message displays using electronic switching.

**SIGN, FREESTANDING** – Any sign supported wholly or in part by some structure other than the building or buildings housing the business to which the sign pertains.

**SIGN, OFF PREMISE** – A sign which directs attention to a business, commodity, service, or other message not exclusively related to the premises which such sign is location or to which it is affixed.

**SIGN, PORTABLE** – A sign generally constructed to be easily moved from location to location without a permanent attachment to the ground or to a building and which may or may not be equipped with wheels.

**SIGN, PROJECTING** – A sign attached to a wall and projecting away from that wall more than twelve (12) inches.

**SIGN, PUBLIC INFORMATION** – A sign, usually erected and maintained by a public agency, which provides public information and in no way relates to a commercial activity including but not limited to, speed limit signs, stop signs, city limit signs, street name signs, and directional signs.

**SIGN, ROOF** – A sign which is displayed above the eaves of a building.

**SIGN, WALL** – A sign attached to a wall and not projecting away from the wall more than twelve (12) inches.

**SITE EVALUATION** – In relation to Swine Farms, an investigation to determine if a site meets all Federal and State standards as evidenced by the Waste Management Facility Site Evaluation Report on file with the Soil and Water Conservation District office or a comparable report certified

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by a professional engineer or a comparable report certified by a technical specialist approved by the North Carolina Soil and Water Conservation Commission.

**SITE PLAN** – A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include, but is not limited to, site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities, that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon the application of objective standards is an administrative decision and a site plan approved based in whole or in part upon the application of standards involving judgement and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

**SMALL WIRELESS FACILITY** – A wireless facility that meets both of the following qualifications:

- a. Each antenna is located inside an enclosure no more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than six (6) cubic feet.
- b. All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. For purposes of this sub-subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.

**SOCIAL ASSISTANCE** – Business that provides a wide variety of social assistance services directly to their clients. These services do not include residential or accommodation services, except on a short stay basis.

**SPECIAL USE PERMIT** – A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one (1) or more general standards requiring that judgement and discretion be exercised as well as compliance with specific standards. This definition includes permits previously referred to as “conditional use permits” or “special exceptions.”

**STABLE** – A structure for the shelter, care, and housing of horses and related equipment.

**START OF CONSTRUCTION** - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction

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does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE** - A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

**STRUCTURAL ALTERATIONS** – Any change in the supporting members of building, such as bearing walls, columns, beams, or girders except for repair or replacement.

**SUBDIVISION** – The division of land for the purpose of sale or development.

**SUBSTANTIAL DAMAGE** - Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”.

**SUBSTANTIAL IMPROVEMENT** - Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or,
- any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

**SUBSTANTIAL MODIFICATION – WIRELESS TELECOMMUNICATIONS** – The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. The burden is on the local government to demonstrate that a mounting that does not meet the listed criteria constitutes a substantial change to the physical dimensions of the wireless support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below.

- a. Increasing the existing vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
- b. Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the

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greater of (i) more than 20 feet or (ii) or more than the width of the wireless support structure at the level of the appurtenance.

- c. Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

**SWIMMING POOL** – Any private, public, commercial or residential structure intended for swimming or recreational bathing that contains water over 24 inches (610mm) deep. This includes in-ground, above-ground and on-ground swimming pools. Swimming pools for residential uses shall be considered accessory structures to the primary use of the residential home on a property.

**SWINE FARMS** – A tract of land devoted to raising 250 or more animals of the porcine species.

**SWINE HOUSE** - A building that shelters porcine animals on a continuous basis.

**TEMPORARY** – Unless otherwise stated in this Ordinance for specific temporary uses / activities, temporary shall mean a time period not to exceed 180 days.

**TEMPORARY FAMILY HEALTH CARE STRUCTURE** – A transportable residential structure, providing an environment facilitating a caregiver’s provision of care for a mentally or physically impaired person, that is primarily assembled at a location other than its site of installation, is limited to one occupant who shall be the mentally or physically impaired person, has no more than 300 gross square feet, and complies with applicable provisions of the State Building Code and G.S. 143-139.1(b).

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

**TRANSMISSION LINE, HIGH VOLTAGE ELECTRIC POWER** – A line transmitting or designed to transmit electricity of sixty-six thousand (66,000) or more volts, including poles, guys, wires, towers, and appliances, but not including transformer stations or substations.

**TRAVEL TRAILER** – A vehicular, portable structure built on a wheeled chassis, designed to be towed by a self-propelled vehicle for use or travel, recreation, or vacation purposes, having a body width of ten (10) feet or less or body length of forty (40) feet or less when equipped for road travel.

**TREE** - Any object of natural growth.

**TOW TRAILER** - A structure designed to be hauled by another vehicle and to transport vehicles, boats, and freight.

**TOW YARD** – A property or establishment for the purpose of permanently or temporarily storing repossessed, seized, purchased, or otherwise acquired motor vehicles.

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**USE** – Any continuing or repetitive occupation or activity taking place upon a parcel of land or within a building.

**UTILITY POLE** - A structure that is designed for and used to carry lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.

**VARIANCE** – A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest, which will not create a nuisance, and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a Variance is authorized only for height, area, size of a structure, or size of yards and open space. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, not shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

**VARIANCE, MAJOR** – A variance from the minimum statewide Water Supply Watershed Protection rules that completely waves a management requirement, relaxes by a factor of more than ten percent (10%) any management requirement that takes the form of numerical standard, or proposes to increase density or built-upon limits.

**VARIANCE, MINOR** – A variance from the minimum statewide Water Supply Watershed Protection rules that results in a relaxation by a factor of up to ten percent (10%) any management requirement.

**VECTOR** – An organism that carries pathogens from one host to another.

**VEGETATION** – Evergreen trees, including by not limited to white pine, and/or hemlock, evergreen shrubs or plants, that can reach a height of eight (8) feet within a period of eight (8) years from the date planted.

**VESTED RIGHT** – The right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in G.S. 160D-108 or under common law.

**VIOLATION** - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 2.21 is presumed to be in violation until such time as that documentation is provided.

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

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**WATER SURFACE ELEVATION (WSE)** - The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**WATERCOURSE** - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

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

**WIRELESS FACILITY** – Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term shall not include any of the following:

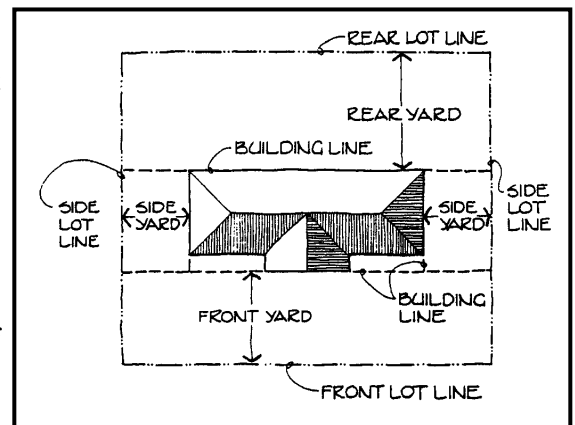
- a. A structure or improvements on, under, within, or adjacent to which the equipment is collocated.
- b. Wireline backhaul facilities.
- c. Coaxial or fiber-optic cable that is between wireless structures or utility poles or city utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

**WIRELESS SUPPORT STRUCTURE** – A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole or city utility pole is not a wireless support structure.

**YARD** – An open space on the same lot with a building, unoccupied and unobstructed for the ground upward, except by vegetation or as otherwise provided herein.

**YARD, FRONT** – A yard across the full width of the lot, extending from the front line of the building to the front line of the lot including, the area of steps and eaves.

**YARD, SIDE** – A yard between the building and side line of the lot, extending from the front building line to the rear yard, or where no rear yard is required, to the rear line of the lot.



**YARD, REAR** – A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

**ZONING ADMINISTRATOR** – The appointed employee(s) or agent(s) designated by the County Manager to oversee the administration and enforcement of this Ordinance. The County

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Manager may administer this Ordinance if the Zoning Administrator or the County Planner is unavailable.

**ZONING MAP AMENDMENT OR REZONING** – An amendment to a zoning regulation to change the zoning district that is applied to a specified property or properties. It does not include the initial adoption of a zoning map by a local government or the repeal of a zoning map and re-adoption of a new zoning map for the entire planning and development regulation jurisdiction. It does not include updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district. It does include the initial application of zoning when land is added to the territorial jurisdiction of a local government that has previously adopted zoning regulations. It does include the application of an overlay zoning district or a conditional zoning district.

**ZONING PERMIT** – A permit issued by the County conferring the right to undertake and complete the development of and use of property in accordance with the standards of this Ordinance.

**ZONING REGULATION** – A zoning regulation authorized by Article 7 of G.S. 160D.