

ORDINANCE #9

ZONING ORDINANCE OF VANCE COUNTY, NORTH CAROLINA

Under the authority granted to Vance County under North Carolina General Statute S153-A, Article 18, the Vance County Board of Commissioners doth ordain:

Section I. ZONING ORDINANCE ADOPTED.

The "Zoning Ordinance of Vance County, North Carolina" is hereby adopted by reference as fully as though set out herein as the Zoning Ordinance for the County of Vance. Said "Zoning Ordinance of Vance County, North Carolina", as hereby enacted and as hereafter amended, is hereby made a part of the Book of Ordinances of the County of Vance; said Zoning Ordinance, and amendments hereafter made thereto, is hereby designated a "Technical Ordinance" pursuant as a separate book or supplement from the general ordinances, and shall be available at the Office of the Vance County Auditor for reference.

Section II. THE "OFFICIAL ZONING MAP(s)"

The "Official Zoning Map(s)" of Vance County, North Carolina", as referred to in the Zoning Ordinance of Vance County, North Carolina and as it may be hereafter amended by appropriate entries establishing or amending the boundaries of Zoning Districts throughout Vance County is hereby adopted by reference as fully as though set out herein. The establishment or amendment of boundaries for the various Zoning Districts should be codified by appropriate entries upon said map(s) which shall be accessible to the public and permanently retained in the meeting room of the Vance County Board of Commissioners in the Courthouse in Henderson, North Carolina or some other County Office generally accessible to the public.

Section III. ZONING BOARD

Pursuant to Chapter 153-A, Article 18, of the General Statutes of North Carolina, the Vance County Board of Commissioners, does hereby establish a five (5) member Vance County Zoning Board as provided in Article XIII of the Zoning Ordinance of Vance County, North Carolina. Said Vance County Zoning Board shall be appointed by and serve at the pleasure of the Vance County Board of Commissioners. Each member of the Vance County Zoning Board shall serve for a term of one (1) year from date of appointment.

Section IV. EFFECTIVE DATE.

This Ordinance shall take effect and be in full force and effect from and after the 27th day of June, 1977 at 11:59 p.m.

Under the authority granted to Vance County by NC 153-A Article 18, this is an ordinance establishing zoning regulations in certain areas of Vance County, North Carolina, for the purpose of promoting health, safety, morals and the general welfare by regulating the height, number of stories, size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry residence or other purposes except farming; creating districts for said purposes, and establishing boundaries; defining terms used in the ordinance, providing for the administration; amending and enforcing the ordinance; providing penalties for violation of the ordinance; providing for and defining the duties and responsibilities of a board of adjustment; and for other purposes.

ARTICLE I

AUTHORITY AND ENACTMENT CLAUSE

The Board of County Commissioners of Vance County, North Carolina, pursuant to the authority granted by the General Statutes of North Carolina, particularly by Article 18 of Chapter 153-A, General Statutes does hereby enact into law these Articles and Sections.

ARTICLE II

TITLE

This ordinance shall be known and may be cited as The Zoning Ordinance of Vance County, North Carolina.

ARTICLE III

JURISDICTION

This ordinance shall apply to all land, except bona fide farms as shown on the official Zoning Map(s) of Vance County, North Carolina.

ARTICLE IV

DEFINITION OF TERMS

Section 40. Interpretation of Words and Terms.

- 40.1 The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- 40.2 The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

- 40.3 The word “shall” is mandatory, the word “may” is permissive.
- 40.4 The words “used” or “occupied” include the words “intended, designed or arranged to be used or occupied”.
- 40.5 The word “lot” includes the word “plot” or “parcel”.
- 40.6 The word “map” or “zoning map” shall mean the official Zoning Map(s) of Vance County, North Carolina.
- 40.7 The term “Board of Adjustment” shall mean the Zoning Board of Adjustment of Vance County, North Carolina.

Section 41. Definitions

- 41.1 Accessory Use or Structure - A use or structure in the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.
- 41.2 Buildable Area - The portion of a lot remaining after required yards have been provided.
- 41.3 Building - Any structure having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals, or chattels.
- 41.4 Dwelling, Single Family - A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.
- 41.5 Dwelling, Two Family - A detached residential building containing two dwelling units, designed for occupancy by not more than two families.
- 41.6 Dwelling, Multiple Family - A residential building designed for or occupied by two or more families, with the number of families in residence not exceeding the number of dwelling units provided.
- 41.7 Dwelling Unit - One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or rental, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.
- 41.8 Family - One or more persons occupying the premises and living as a single housekeeping unit, but not including a group occupying a boarding house, lodging house, club, fraternity house or similar type dwelling.

41.9 Home Occupation - An occupation conducted in a dwelling unit, provided that:

- (A) No person other than members of the family residing on the premises shall be engaged in such occupation. A doctor or dentist may have one nurse or receptionist employed in his office.
- (B) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- (C) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one non-illuminated sign, not exceeding three (3) square feet in area.
- (D) No home occupation shall be conducted in any accessory building.
- (E) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and required parking shall be met off the street and other than in a required front yard.
- (F) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.

41.10 Lot - A parcel of land in one (1) ownership occupied or intended for occupancy by a principal building together with its accessory buildings, including the open space required under the terms of the ordinance. For the purposes of this ordinance the word "lot" shall be taken to mean any number of contiguous lots of record or portions thereof required to meet the standards of this ordinance for the location of one (1) principal building and its accessory buildings.

41.11 Lot, Corner - A lot which occupies the interior angle at the intersection of two (2) street right-of-way lines which make an angle of more than forty-five degrees with each other. The owner shall be required to specify which is the front when requesting a Certificate of Zoning Compliance.

41.12 Lot Depth - The depth of a lot is the distance measured in the mean direction of the side lines of the lot from the midpoint of the rear lot line.

41.13 Lot of Record - A lot which is a part of a subdivision, a plot of which has been recorded in the office of the Register of Deeds of Vance County, or a lot the

description of which is contained in a recorded deed, will of record, recorded plat, or lease (with an initial term of at least ten years).

- 41.14 Lot Width - The width of a lot shall be measured at the building setback line of the principal building, and shall be the distance between side lot lines.
- 41.15 Mobile Home - A detached residential dwelling unit designed for transportation after fabrication, on streets or highways on its own wheels or on flatbed or other trailers and arriving at a site where it is to be occupied as a dwelling unit complete and ready for occupancy except for minor unpacking and assembly operations. Such unit shall be considered a mobile home whether or not the wheels have been removed and whether or not set on jacks, skirtings, masonry blocks, or other supports. A travel trailer is not to be considered a mobile home.
- 41.16 Mobile Home Park - See Vance County Ordinance Re: Mobile Home Parks. Any site or tract of land upon which two (2) or more mobile homes are placed for residential purposes regardless of whether or not a charge is made for accommodation and shall include any structure or enclosure intended for use as part of the equipment of such site or tract.
- 41.17 Sign - Any device designed to inform or attract the attention of persons not on the premises on which the sign is located.
- 41.18 Sign, Business Identification - A sign which directs attention to a business commodity, service, entertainment, or other activity conducted, sold, or offered on the premises upon which the sign is located.
- 41.19 Sign Advertising - Any sign, including a standard poster panel either free-standing or attached to a structure which directs attention to a business commodity, service entertainment, or other activity conducted, sold, or offered elsewhere than on the property on which the sign is located.
- 41.20 Non-Conforming Use - A structure or land lawfully occupied by an existing use that does not conform to the permitted uses for the zoning district in which it is situated either at the effective date of this ordinance or as a result of subsequent amendments to this ordinance.
- 41.21 Special Exception - A use that would not be generally appropriate without restriction throughout the zoning district but which if controlled as to number, area, location or relation to the neighborhood, would promote the public health safety, morals, general welfare, order, comfort, convenience, appearance or prosperity. Such uses may be permitted in such zoning district as special exceptions if specific provision for such special exceptions is made in this zoning ordinance.

- 41.22 Street - A dedicated and accepted public right-of-way for vehicular traffic. The word "street" shall include the word "road".
- 41.23 Variance - A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is granted only for dimensional changes in height, area, and size of yards and open space requirements. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.
- 41.24 Yard, Front - An open, unoccupied space extending between side lot lines across the front of a lot adjoining a public street. Depth of required front yards shall be measured at right angles to a straight line joining the foremost point of the side lot lines.
- 41.25 Yard, Rear - A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards. The depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum with required by district regulations with its inner edge parallel to the rear lot line.
- 41.26 Yard, Side - A yard extending from the rear line of the required front yard to the rear lot line. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full and half depth front yards have been established shall be considered side yards.

ARTICLE V

DISTRICT BOUNDARIES AND USE DISTRICTS

Section 50. Official Zoning Map

The boundaries of these districts are hereby established as shown on map(s) hereafter entitled "Official Zoning Map of Vance County, North Carolina". Said map(s) and the explanatory material thereon is hereby made a part of this ordinance.

Section 51. Rules for Interpretation of District Boundaries

When uncertainty exists with respect to the boundaries of districts as shown on the official Zoning Map(s) the following rules shall apply:

- 51.1 Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.
- 51.2 Boundaries indicated as approximately following city limits shall be construed as following such city limits.
- 51.3 Boundaries indicated as approximately following city limits shall be construed as following such city limits.
- 51.4 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- 51.5 Boundaries indicated as parallel to or extensions of features indicated in sub-sections 1 through 4 shall be so construed.
- 51.6 Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- 51.7 Where physical or cultural features existing on the ground are at variance with those shown on the official Zoning Map or in other circumstances not covered by sub-sections 1 through 6 above, the Board of Adjustment shall interpret the District Boundaries.
- 51.8 Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

Section 52. Establishment of Use Districts

For the purposes of this ordinance, portions of the unincorporated area of Vance County, North Carolina, are hereby divided into nine (9) use districts and designated as follows:

52.1 R-1 Residential District

The purpose of this district shall be to maintain a compatible mixture of single family dwellings and agricultural uses to maintain a minimum lot size of twenty thousand (20,000) square feet. The principal purpose of lot size in this district is to insure that residential development not having access to public water supplies and dependent upon septic tank systems for sewage disposal will occur at sufficiently low densities as to insure a healthful environment. Should public water and sewer facilities be made available, the minimum lot size shall be reduced to twelve thousand (12,000) square feet.

A. Permitted Uses (See Note 52.10)

- (1) Forestry
- (2) Single family dwellings
- (3) Churches, provided that church parking lots when abutting residential property shall provide a continuous visual buffer of a height not less than four (4) feet consisting of a combined fence and evergreen hedge or shrubbery.
- (4) Golf courses, but not including "Par-Three" or "Putt-Putt" courses.
- (5) Public or private parks, playgrounds, picnic areas, golf course, club houses and swimming pools.
- (6) Schools, provided that no school building shall be placed within seventy-five (75) feet of a property line.
- (7) Essential Public Safety and Utility Buildings such as fire stations, electrical and telephone sub-stations, sewage lift stations, provided that all buildings shall observe the same setback lines as single family dwellings and be suitably landscaped, and provided that they do not create excessive noise, odor, smoke dust or other objectionable characteristics.
- (8) Accessory buildings for private use only provided that such are not located in the required yards.

52.2 R-2 Residential District

The purpose of this district shall be to maintain a minimum lot density of twenty thousand (20,000) square feet in order that residential development not having access to public water supplies and dependent upon septic tank system for sewage disposal will occur at sufficiently low densities as to insure a healthful environment. If no public water and sewer system is available, twenty thousand (20,000) square feet shall be allowed for each dwelling unit. Should public water and sewer systems be made available the minimum lot size required shall be ten thousand (10,000) square feet.

A. Permitted Uses (See Note 52.10)

- (1) Any uses permitted in R-1
- (2) One story duplex apartments
- (3) Home occupations
- (4) Cemeteries, provided that no grave space shall be located closer than fifty (50) feet to any property line and when abutting residential property shall provide a continuous visual buffer of a height not less than four (4) feet consisting of a combined fence and hedge.
- (5) Kindergarten or day nursery, provided that the entire play area is surrounded by a fence having a minimum height of four (4) feet.
- (6) Hospitals and care homes, provided that the minimum lot size shall

be two acres and that the structure shall have minimum side and rear yards of at least fifty (50) feet.

52.3 R-3 Residential District

The purpose of this district shall be to maintain a minimum lot density of ten thousand (10,000) square feet in order that residential development not having access to public water supplies and dependent upon septic tank systems for sewage disposal will occur at sufficiently low densities as to insure a healthful environment, if no public water and sewer system is available ten thousand (10,000) square feet shall be allowed for each dwelling unit. Should public water and sewer systems be made available the minimum lot size required shall be five thousand (5,000) square feet.

A. Permitted Uses (See Note 52.10)

- (1) Single family dwellings
- (2) Mobile homes
- (3) Mobile home parks

52.4 R-O Office and Apartment District

The purpose of this district shall be to protect areas in which residential, business and professional uses can be and are compatibly mixed. This district shall be used for the logical separation and buffering of residential, commercial, and industrial uses. The uses permitted below apply only if public water and sewer facilities are made available. Otherwise, only those uses permitted in the R-1 district shall be permitted.

A. Permitted Uses (See Note 52.10)

- (1) Any use permitted in R-2
- (2) Multi-family dwellings
- (3) Boarding houses or rooming houses
- (4) Apartment buildings
- (5) Art studio
- (6) Bank or Savings and Loan Institution with or without drive-in facilities
- (7) Business school
- (8) Dance studio
- (9) Funeral home
- (10) Medical, dental, or similar clinic
- (11) Music studio
- (12) Office building
- (13) Off-street parking facilities
- (14) Sign-business identification
- (15) Utility building

52.5 MA Medical Arts District

The purpose of this district shall be to create an area in which a hospital, doctors and dentists offices, drug stores, and other health related establishments or offices may be compatibly mixed in order that these related uses can be near each other for the convenience of the general public and the medical and dental professions.

A. Permitted Uses (See Note 52.10)

- (1) Hospital
- (2) Convalescent or nursing home
- (3) Physicians, surgeons or dentists office
- (4) Medical or dental clinic
- (5) Prescription center or drug store where licensed pharmacist is employed
- (6) Physical therapist office
- (7) Orthopedic supply store
- (8) Utility building
- (9) Sign, business identification
- (10) Optician
- (11) Chiropractor
- (12) Chiropodist

52.6 CN Neighborhood Commercial District

The purpose of this district shall be to provide convenient shopping facilities consisting primarily of necessity goods and personal services required to serve a neighborhood.

A. Permitted Uses (See Note 52.10)

- (1) Coin operated cleaners and/or laundry
- (2) Barber shop
- (3) Beauty shop
- (4) General offices
- (5) Doctors office
- (6) Drug store
- (7) Dry cleaning and laundry
- (8) Food store
- (9) Post Office sub-station
- (10) Restaurant
- (11) Specialty or notion store
- (12) Sign, business identification
- (13) Sign, advertising

52.7 CS Shopping Center

The purpose of this district is to provide convenient shopping and service facilities by means of compact development and providing adequate off-street parking facilities, side walks, and suitable landscaping to shield from incompatible land uses.

A. Permitted Uses (See Note 52.10)

- (1) Antique store
- (2) Apparel store
- (3) Appliance store
- (4) Automatic laundry and dry cleaning store
- (5) Bakery goods store
- (6) Banks, savings and loan institutions
- (7) Barber shop
- (8) Beauty shop
- (9) Book store
- (10) Delicatessen
- (11) Department store
- (12) Drug store
- (13) Dry cleaning and laundry pick-up
- (14) Florist
- (15) Food Store
- (16) Gift shop
- (17) Hardware store
- (18) Hobby shop
- (19) Home furnishings store
- (20) Jewelry store
- (21) Music store
- (22) Office equipment sales store
- (23) Optical goods store
- (24) Optician
- (25) Pawnbroker
- (26) Pet shop
- (27) Photo store and/or studio
- (28) Restaurant
- (29) Service station
- (30) Shoe repair store
- (31) Shoe store
- (32) Sign, advertising
- (33) Sign, business identification
- (34) Specialty or notions store
- (35) Sporting goods store
- (36) Stationery store

- (37) Tailor or dressmaker
- (38) Toy store
- (39) Variety store

52.8 CH Highway Commercial District

The purpose of this district shall be to provide for the proper grouping and development of roadside uses.

A. Permitted Uses (See Note 52.10)

- (1) Ambulance service
- (2) Animal hospital
- (3) Auto, truck and boat sales and service
- (4) Auto upholstery shop
- (5) Auto wash
- (6) Car, truck, and trailer rentals
- (7) City, county, state welcome, information, and promotion sign
- (8) Drive-in restaurant
- (9) Drive-in theater
- (10) Farm implement sales and storage
- (11) Farmers market, feed or grain sales
- (12) Funeral home
- (13) Freezer locker or ice plant
- (14) Golf driving range or miniature golf course
- (15) Greenhouse or nursery
- (16) Motel
- (17) Mobile home sales
- (18) Radio station
- (19) Rest area
- (20) Restaurant
- (21) Retail auto parts and tire service
- (22) Service station
- (23) Sign, business identification
- (24) Sign, advertising
- (25) Skating rink
- (26) Tire recapping and retreading service
- (27) Tobacco sales and warehousing
- (28) Essential public safety or public utility facilities
- (29) Building Supplies and Sales

52.9 M-I Industrial District

The purpose of this district shall be to provide for and protect areas for those uses of an industrial, warehousing and storage nature which do not create an

excessive amount of noise, smoke, dust, odor, or other objectionable characteristics which might be detrimental to surrounding areas or to the other uses permitted in the district.

A. Permitted Uses (See Note 52.10)

- (1) Agriculture, including the processing or sale of products produced on the premises.
- (2) Amusements, commercial, including but not limited to miniature golf, bowling lanes, theaters
- (3) Broadcasting studios
- (4) Chick hatcheries
- (5) Correctional Institutions
- (6) Dental laboratories
- (7) Eating establishments
- (8) Exhibition galleries, buildings, or showrooms
- (9) Flammable liquids, gases, storage or such permitted use must comply with applicable provisions of the National Fire Code.
- (10) Freight terminals
- (11) Golf courses, including par three, driving range, or "Putt-Putt"
- (12) Laboratories, research
- (13) Laundries, dry cleaning or linen supply
- (14) Lumber yards
- (15) Manufacture of foodstuffs, textiles, electrical components, or tobacco products; fabrication or assembly of products from prestructured materials or components; fabrication of wood, leather, metal paper, water or plastic products
- (16) Offices
- (17) Parking areas or structures
- (18) Parks or recreational facilities
- (19) Public safety or public utility facilities
- (20) Printing or binding
- (21) Riding stables
- (22) Schools, vocational or professional
- (23) Services, including but not limited to barber shops, self-service laundries, repair shops, rental shops, custom fabrication
- (24) Service stations
- (25) Signs, business identification
- (26) Signs, advertising
- (27) Stadiums, armories, fairgrounds, auditoriums or meeting halls
- (28) Store retail
- (29) Welding or other metal working
- (30) Wholesale storage, sales, or storage services
- (31) Any other legal enterprise or use

Note: 52.10 The rules and regulations of the North Carolina States Health Department and the Vance County Health Department shall apply to all use districts.

Section 53 R-A Rural and Agricultural Farmlands

Section 54-59 Reserved for future Classification of Use

ARTICLE VI

APPLICATION OF DISTRICT REGULATIONS, TABLE OF DIMENSIONAL REQUIREMENTS, EXCEPTIONS AND MODIFICATIONS

Section 60.

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure of, land, and particularly as hereinafter provided.

- 60.1 No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations specified herein for the districts in which it is located.
- 60.2 No building or other structure shall hereafter be erected or altered:
 - (A) To exceed the height;
 - (B) To accommodate or house a greater number of families;
 - (C) To have narrower or smaller front yards, side yards, rear yards, or other open spaces;
 - (D) To occupy a greater percentage of lot area than permitted herein or any other manner contrary to this ordinance.
- 60.3 No part of a yard or other open space, of off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking space or loading space similarly required for any other building.
- 60.4 No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lot created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

60.5 Visibility at Intersections in Residential Districts

On a corner lot in any residential district nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of two and one half (2½) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the curb line or paving edge or such corner lots and a line joining points along said street lines twenty five (25) feet from the point of the intersection.

60.6 Accessory Buildings

No accessory buildings shall be erected in any required yard, and no separate accessory building shall be erected within five (5) feet of any other building.

60.7 One Principal Building on a Lot

Every Building hereafter erected or moved shall be located on a lot, and in no case shall there be more than one (1) principal residential building and its accessory buildings on a lot.

60.8 Access

Every building hereafter erected or moved shall be on a lot adjacent to a public street, and structures shall be so located as to provide safe and convenient access for servicing, fire protection and required off-street parking.

SECTION 61. TABLE OF DIMENSION REQUIREMENTS FOR RUSE DISTRICTS

District	Minimum Lot Area in Square Feet See Note 1	Minimum Lot Width Feet	Minimum Front Yard Setback Feet - See Note 2	Minimum Side Yard Setback Feet - See Note 4	Minimum Rear Yard Setback Feet	Height Feet See 3
R-1 Residential	20,000 with septic tank	100	50	20	25	35
	20,000 with public water and sewer	75	35	23	25	35
R-2 Residential	20,000 with septic tank	100	50	20	25	35
	10,000 with public water and sewer plus 5,000 for each family over one for which a dwelling unit is provided	75	35	12	25	35
R-3 Residential	10,000 with septic tank	100	50	20	25	35
	5,000 with public water and sewer plus 5,000 for each family over one for which a dwelling unit is provided	60	35	10	25	35

TABLE OF DEMENSIONAL REQUIREMENTS FOR USE DISTRICTS (Continued)

District	Minimum Lot Area in Square Feet See Note 1	Minimum Lot Width Feet	Minimum Front Yard Setback Feet - See Note 2	Minimum Side Yard Setback Feet - See Note 4	Minimum Rear Yard Setback Feet	Height Feet See 3
RO Office & Apartment	With septic tank: 20,000 for each dwelling unit of office	100	50	20	10	
	With public water and sewer		25	10	10	
	Single family 7,000	70	25	10	10	
	Two family 11,000	100	25	10	10	
	Each additional dwelling unit 3,000	100	25	10	10	
	All other permitted uses 7,000	70	25	10	10	
MA Medical Arts	20,000 with septic tank	100	50	20	25	35
	10,000 with public sewer and water	75	35	20	25	35
CN Neighborhood Commercial	None	None	40	None	None	None
CS Shopping Center	None	None	40	None	None	None
M-1 Industrial	None	None	40	None	None	None

Section 62. Exceptions and Modifications

Note 1. Lot of Records

Where the owner of one (1) or more lots of official record in any district at the time of the adoption of this ordinance does not own sufficient land to allow him to conform to minimum lot size requirements, such lots may be used as building sites, provided that the requirements of the district are complied with or a variance is obtained from the Board of Adjustment.

Note 2. Front Yard Setbacks for Dwellings

The front yard setback requirements of this ordinance shall not apply to any lot where the average setback of existing dwellings located within 100 feet on either side of the dwelling and on the same side of the block, is less than the minimum required front yard depth. In such cases, the setback on such lots may be not less than ten (10) feet from the street right-of-way line.

Note 3. Exceptions to Height Regulations

The height limitations contained in the schedule of District Regulations do not apply to hospitals. Neither do they apply to spires, belfries, antennas, water tanks, fire towers, chimneys, or roof structures for the housing of elevators, stairways, air conditioning apparatus not intended for residential use.

Note 4. Corner Lots

In any residential district, the side yard requirements for corner lots along the side street right-of-way line shall have an extra width of five (5) feet.

Note 5. Planned Unit Development

In the case of two (2) or more buildings to be constructed on a plot of at least two (2) acres not subdivided into customary streets and lots, the application of the terms of this ordinance may be varied by the Board of Adjustment in a manner that will be in harmony with the character of the neighborhood. In no case shall the Board of Adjustment authorize a use prohibited in the district in which the development is to be located.

ARTICLE VII

OFF-STREET PARKING AND LOADING

Section 70. Off-Street Parking Provided for Each Lot

Required off-street parking shall be provided on every lot or with in a distance of 500 feet from the lot if such parking space cannot be reasonably provided on the lot. Each application for a Certificate of Zoning Compliance shall include information as to the location and dimensions of off-street parking. Parking and loading space shall be not less than 200 square feet exclusive of access drives and maneuvering space.

Section 71.

The following off-street parking space shall be required:

<u>USE</u>	<u>REQUIRED OFF-STREET PARKING</u>
71.1 <u>RESIDENTIAL</u>	One (1) parking space for each dwelling unit. Plus: An additional parking space for each two rooms rented
71.2 <u>PUBLIC AND SEMI-PUBLIC</u>	
Hospitals	One (1) parking space for each two (2) patient beds plus one (1) space for each four (4) employees.
Medical and Dental Clinics	Four (4) parking spaces for each doctor plus one (1) parking space for each full-time employee.
Nursing Homes	One (1) parking space for each five (5) patient beds.
Churches	One (1) parking space for each four (4) seats in the sanctuary.
Schools	
Elementary and Junior High	One (1) parking space for each classroom and administrative office.

Senior High	One (1) parking space for each twenty (20) students and one (1) space for each classroom and administrative office.
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Public or Private Clubs	One (1) parking space for each 200 square feet of gross floor space.
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71.3 Business and Industrial Uses

Offices, Professional, Business, or Public	One (1) parking space for each 300 square feet of gross floor area.
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Motels and Tourist Home	One (1) space for each room to be rented plus one (1) space for each three (3) employees.
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Retail Business	One (1) space for each 400 square feet of gross floor area.
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Service Stations	Two (2) spaces for each gasoline pump plus three (3) spaces for each grease rack or washing facility.
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Funeral Homes	One (1) space for each four (4) seats in the chapel or assembly room.
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Wholesale Uses	One (1) space for each two (2) employees on the largest shift.
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Industrial Uses	One (1) parking space for each two (2) employees on the largest shift.
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Section 72. Off-Street Loading and Unloading

Every structure used for business trade or industry constructed after the adoption of this ordinance shall provide space for the loading and unloading of vehicles off the street. An off-street loading space shall have minimum dimensions of twelve feet by twenty-five feet and having an overhead clearance of at least fourteen feet and providing adequate means of ingress and egress. Retail business, wholesale business and industrial establishments shall provide one (1) off-street loading and unloading space for the first twenty thousand (20,000) square feet of gross floor space and (1) additional space for each additional forty thousand (40,000) square feet of gross floor space.

ARTICLE VIII

MOBILE HOME PARKS

Section 80. Requirements for Mobile Home Parks

A mobile home park may be established in certain districts as prescribed by Article V of this ordinance and subject to the following conditions:

- A. Each mobile home park shall be located on a site of at least three acres and shall contain at least two (2) mobile home spaces.
- B. Each mobile home space shall be at least forty (40) feet wide and contain at least five thousand (5,000) square feet of ground area.
- C. Each mobile home shall be located at least fifteen (15) feet from any other mobile home, including any extensions thereof; fifteen (15) feet from any building within the mobile home park; and fifteen (15) feet from all property lines.
- D. Each mobile home shall abut upon an improved driveway of at least twenty (20) feet in width which shall have access to a public street.
- E. One (1) guest automobile parking space shall be provided in the mobile home park for each mobile home spaces.
- F. An improved parking space shall be provided adjacent to each mobile home.
- G. Not less than five (5) percent of the gross site area shall be devoted to recreation space, generally to be provided in a central location. Recreation area shall include space for community use facilities, adult recreation child play areas, and swimming pools.
- H. The following shall be provided for each mobile home space:
 - 1. Connections to:
 - A. An approved source of potable and sanitary water
 - B. An approved system of sewage disposal
 - C. Electrical system
- I. The owner of the mobile home park shall comply with the rules and regulations established by the Vance County Board of Health.
- J. Where garbage and trash collection and disposal is not provided by a public system, arrangements for the disposal of garbage and trash shall be approved by the Vance County Health Department.

- K. Management offices and other common facilities shall be conveniently located for the uses intended. Consolidation of laundry, recreation management and other common facilities in a single building and location is acceptable.
- L. All requirements of the Vance County Ordinances regulating the operation and establishing of Mobile Home Parks are included herein as a requirement of this section.

ARTICLE IX

SIGNS

Section 90. Signs Must Comply With Provisions of Ordinance.

No type of sign shall be erected, painted, posted or hung in any district except in compliance with this ordinance.

Section 91. Signs as Business Uses

Signs of all types are business uses, and, except where specifically authorized by the terms of this ordinance, shall not be permitted in any district other than Neighborhood Commercial Districts, Medical Arts Districts, Shopping Center Districts, Highway Commercial Districts, or Industrial Districts. The following types of signs may be erected in any district.

- A. Any sign not exceeding two (2) square feet in area on one side including signs of professions or businesses.
- B. "For Sale" or "For Rent" signs pertaining to realty, on the premises offered for sale or for rent, not exceeding four (4) square feet in area and non-illuminated. Such signs may be placed not closer than ten (10) feet to the property line.
- C. Signs for churches or public buildings to include bulletin boards, lighted or unlighted, not exceeding twelve (12) square feet in area. Such signs may be placed not closer than fifteen (15) feet to the property line.
- D. Signs offering agricultural products, produced on the premises, not exceeding sixteen (16) square feet in area.
- E. Legal notices, identification, informational or directional signs erected or required by governmental bodies.

Section 92. Permit Required

No sign shall be erected without a permit from the Zoning Enforcement Officer; provided that no permit shall be required for signs listed in Section 91A through E above.

Section 93. Area of Sign

For the purposes of this ordinance, the square feet of any sign shall be measured to include the entire sign, including lattice work, fencing, or wall work incidental to its decoration.

Section 94. Area Permitted

94.1 A maximum of three (3) square feet of advertising or business identification sign area for each linear foot of lot frontage shall be permitted in CS, CH, CN or M-1 use districts.

94.2 A maximum of one (1) square foot of business identification sign for each linear foot of building frontage shall be permitted in the RO use district.

Section 95. Signs Prohibited

No signs of any nature except those erected for orderly traffic control and other governmental purposes shall be permitted on any public right-of-way.

95.1 Signs, beacons, rotating disks, and other devices which resemble traffic signals, traffic signs, emergency vehicle flashing lights, or which can be misconstrued by the traveling public as being an official governmental sign or emergency warning, or which by their distracting nature create a hazard to motorists.

95.2 Illuminated signs casting glare into a roadway to an extent that it creates a hazard to motorist are prohibited in all districts.

Section 96. Compliance with Existing Regulations

Design, erection, and installation of signs in all districts shall meet the standards and requirements of the North Carolina State Building Code, and Electrical Code.

ARTICLE X

NON-CONFORMING USE

Section 100. Intent

Within the districts established by this ordinance these may exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this ordinance was passed but

which would be prohibited, regulated, or restricted under the terms of this ordinance. It is the intent of this ordinance to permit there non-conformities to continue until they are removed, but not to encourage their survival.

Section 101. Non-Conforming Uses of Land and/or Structures

Where a non-conforming use of land exists under the provisions of this ordinance, such non-conforming use may be continued provided that:

- 101.1 No such non-conforming use shall be enlarged or increased nor extended to occupy a greater portion of the lot than was occupied prior to the adoption of this ordinance.
- 101.2 If any such non-conforming use ceases for any reason for a period of more than 120 days any subsequent use of such land conform to the regulations specified by this ordinance for the district in which such land is located.
- 101.3 No additional structure not conforming to the requirements of this ordinance shall be erected in the connection with such non-conforming use of land.

Section 102. Non-Conforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 102.1 No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
- 102.2 Should any non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- 102.3 Should such structure be moved for any reason for any distance, it shall conform to the regulations for the district in which it is located after it is moved.

Section 103. Repairs and Maintenance

On any non-conforming structure work may be done on ordinary repairs, wiring, and plumbing provided that the cubic content shall not be increased. Nothing in this ordinance shall be deemed to prevent the restoring or strengthening of a structure to a safe condition, provided however, that the Zoning Enforcement Officer shall determine the necessity and scope of such repairs.

Section 104. Special Use Permits

A special exception within the meaning of this zoning ordinance is one which is expressly permitted in a given zoning district upon proof that certain facts and conditions detailed in the ordinance exist. A Special Use Permit is granted by the Board of Adjustment after a public hearing and upon a finding that the specified conditions have been satisfied.

ARTICLE XI

ADMINISTRATION, ENFORCEMENT, PENALTIES, AND RIGHT OF APPEAL

This ordinance shall be administered and enforced by the Zoning Enforcement Officer of Vance County, who shall be appointed by and serve at the pleasure of the Vance County Board of Commissioners. The Zoning Enforcement Officer (hereinafter referred to as ZEO) shall be authorized to administer and enforce the provisions of this Ordinance. If the ZEO finds that any provisions of this Ordinance are being violated, he shall notify the person responsible for such violation or violations (in any instance where any doubt exists as to the person or persons responsible, the owner of record as shown by the listing of taxes in the office of the Vance County Tax Collector shall be that person or persons responsible for such violation or violations). Notification shall be made by registered mail, sent to the last known address of the person(s) deemed responsible. Said notification shall indicate the violation(s), address of the property, and shall order that action deemed necessary by the ZEO to correct such violation. If compliance is not forthcoming within thirty (30) days of receipt of said letter or within such reasonable amount of time as in the discretion of the ZEO compliance can be effected, the ZEO shall institute such legal proceedings as are necessary to enforce the provisions of this Ordinance.

Section 111. Certificate of Zoning Compliance

No land shall be used or occupied and no building or other structure shall be created, moved, enlarged or structurally altered or its use changed nor shall any excavation or filling of any lot for the construction of any building be commenced until the Zoning Enforcement Officer has issued a Certificate of Zoning Compliance. A Certificate of Zoning Compliance either for the whole or part of a building shall be issued provided that such erection or alteration shall have been determined to meet the provisions of the Zoning Ordinance. No previously unoccupied structure shall be occupied until the Certificate of Zoning Compliance is approved.

111.1 A record of all certificates shall be kept on file in the office of the Zoning Enforcement Officer.

Section 112. Application Procedures for Certificate of Zoning Compliance.

Each application to the Zoning Enforcement Officer for a certificate of Zoning Compliance shall be accompanied by plot plans in duplicate showing the following:

- A. The dimensions of the lot to be built on.
- B. The size of the building to be erected and its location on the lot.
- C. The size and locations of all existing structures on the lot.
- D. The number of dwelling units, if any, the building is designed to accommodate.
- E. The location and dimensions of off-street parking facilities and the means of ingress and egress.
- F. The location of the lot with respect to adjacent existing rights-of-way.
- G. The approximate setback lines of buildings on adjoining lots.
- H. Any other information which the Zoning Enforcement Officer may deem essential in enforcing the provisions of this ordinance.
- I. A minimum fee of two (2) dollars will be charged for each application.

Section 113. Certificate of Zoning Compliance Invalid After Six Months

Any certificate of Zoning Compliance issued shall be invalid unless the work authorized shall have been commenced within six (6) months of the date of its issue or if the authorized work is suspended or abandoned for a period of one (1) year.

Section 114. Penalties for Violation

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished for each offense by a fine not to exceed fifty dollars (\$50) or by imprisonment not to exceed thirty (30) days. Each day such violation continues shall be deemed a separate offense.

Section 115. Right of Appeal

If the Certificate of Zoning Compliance is denied, the applicant may appeal the action of the Zoning Enforcement Officer to the Board of Adjustment.

ARTICLE XII

ZONING BOARD OF ADJUSTMENT

Section 120. Creation and Membership

A Board of Adjustment is hereby created. Such Board of Adjustment shall consist of five

(5) members and two (2) alternate members to serve in the absence of regular members.

The five (5) members and two (2) alternates shall be appointed by the Vance County Board of Commissioners and shall serve at the pleasure of said Board. Members shall be appointed for three (3) year terms, except that the original Board of Adjustment shall be appointed as follows: Two (2) members for three (3) years, two (2) members for two (2) years, and one member for (1) year. Alternate members shall serve for three (3) years.

120.1 Board members shall be compensated at the rate of ten dollars (\$10.00) for each meeting attended.

Section 121. Proceedings

121.1 The Board of Adjustment shall elect a Chairman and a Vice-Chairman at its first meeting following the appointment of members and each year thereafter. The Chairman shall preside over all regular or special meetings of the Board of Adjustment. In the absence or disability of the Chairman, the Vice-Chairman shall preside and exercise the powers and duties of the Chairman.

121.2 Meetings of the Board of Adjustment shall be on the second Tuesday after the first Monday in each month at eight p.m. in the meeting room of the Vance County Board of Commissioners. Additional meetings as needed shall be at the call of the Chairman and at such other times as the Board of Adjustment shall specify.

121.3 The concurring vote of 4/5 of the members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision of the Zoning Enforcement Officer or to decide in favor of the applicant on any matter which it is required to pass under this ordinance to grant a variance from the provisions of this ordinance.

121.4 The Board of Adjustment shall keep a complete set of minutes and records of its meetings showing the evidence presented, the findings of fact made by the Board, the decision on each case heard by the Board indicating the vote of each Board member upon each question, or if absent or failing to vote, an indication of such fact. All records of the Board of Adjustment shall be kept and maintained in the office of the Vance County Auditor.

Section 122. Powers and Duties

The Board of Adjustment shall have the following powers and duties:

122.1 Review

To hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with the enforcement of this ordinance.

122.2 Variances

To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardships. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until a written application for a variance is submitted demonstrating:

- A. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
- B. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
- C. That the special conditions and circumstances do not result from the actions of the applicant;
- D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

122.3 General

The Board of Adjustment is not a legislative body. It shall enforce the meaning and the spirit of this ordinance as enacted by the Board of Commissioners of Vance County. Where systematic injustice appears to result from the provisions of this ordinance, it shall be the duty of the Board of Adjustment to recommend to the Board of Commissioners of Vance County that the ordinance be amended. The Board of Adjustment shall make no decisions which will have the cumulative effect of amending this ordinance.

122.4 Interpretation

The Board of Adjustment shall have the power to hear appeals from the Zoning Enforcement Officer's decisions in matters of the interpretation of the zoning ordinance. The Board's power of interpretation shall consist of determining the true facts in a case and applying to these facts what the Board considers to be the meaning of the ordinance.

122.5 Appropriate Conditions

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. The Board may impose

thereto such conditions regarding the location, character, and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance.

Section 123. Appeals

- 123.1 Appeals from the Zoning Enforcement Officer and requests for special exceptions and variances shall be filed with the Zoning Enforcement Officer specifying the grounds for such appeal or the nature and grounds for special exceptions or variance requested. An appeal from a decision of the Zoning Enforcement Officer should be made with thirty (30) days of said decision of the Zoning Enforcement Officer.
- 123.2 The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice, and publish notice of the hearing in a newspaper of general circulation in Vance County at least once each week for two (2) successive weeks prior to the hearing.
- 123.3 An appeal stays all proceedings in furtherance of the action appeal from unless the Zoning Enforcement Officer certifies to the Board of Adjustment that based on the records of the case a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by an order from the Superior Court.
- 123.4 Any person aggrieved by decision of the Board of Adjustment, any taxpayer or any officer, department, board or bureau of the County may, within thirty (30) days after the date of the Board's decision, but not thereafter, present to a Court of competent jurisdiction, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality, whereupon such decision of said Board shall be subject to review by certiorari, as by law provided.

ARTICLE XIII

AMENDMENTS

Section 130.

The provisions of this ordinance including the official zoning map(s) may from time to time be amended, supplemented, changed, modified or repealed in accordance with the following procedure:

130.1 Petition to Amend

Any petition to amend this ordinance shall be directed to the Vance County Board of

Commissioners for consideration by the Vance County Zoning Board not later than ten (10) days prior to the next regularly scheduled meeting of the Zoning Board. The petition shall state the nature of the proposed amendment, and if applicable, a description of the property involved and the names and addresses of the owner(s) of the property. Each petition shall be accompanied by a fee of \$10.00 to defray a portion of the cost of advertising the petition required by law.

130.2 Public Hearing Required

A public hearing shall be held by the Vance County Zoning Board to consider any request for a zoning amendment. A notice of such public hearing shall be given once a week for (2) successive calendar weeks in a newspaper of general circulation in Vance County, fifteen (15) days prior to the date established for such public hearing.

130.3 Recommendation to the County Board of Commissioners

The Zoning Board shall submit its recommendation in writing to the Clerk of the Board of County Commissioners not more than thirty (30) days after receipt of an acceptable petition to the Zoning Board. Failure of the Zoning Board to submit recommendations within thirty (30) days shall constitute a favorable recommendation. The Zoning Board shall mail or deliver to the petitioner and also to the spokesman for opponents, if any, a copy of its report to the Board of County Commissioners.

130.4 Public Hearing by County Board of Commissioners

A public hearing shall be held by the Board of County Commissioners before adoption of any proposed amendment to this ordinance. A notice of such public hearing shall be given once a week for two (2) successive calendar weeks in a newspaper of general circulation in Vance County, said notice to be published the first time not less than fifteen (15) days prior to the date established for such public hearing.

130.5 Vote of Vance County Board of Commissioners

As provided by 153-A-45 of Article 4 of Chapter 153-A the General Statutes of North Carolina, a simple majority vote of the Board of County Commissioners shall be required to amend this Ordinance provided such public hearings as required have been held in compliance with the General Statutes of North Carolina.

130.6 Denial of Petition

In the event that a petition to amend this Ordinance is denied by the Vance County Board of Commissioners, a period of twelve (12) months shall elapse before such petition containing substantially the same amendment may be resubmitted. However,

the Vance County Board of Commissioners may by a majority vote of said Board require that a public hearing, together with public notice as by law provided, be held in order that said Board might reconsider such petition to amend this Ordinance.

ARTICLE XIV

MINIMUM REQUIREMENTS

Section 140

In the interpretation and application of this ordinance, the provisions of the ordinance shall be considered as minimum standards, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this ordinance are at variance with other requirements of lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

ARTICLE XV

VALIDITY

Section 150

Should any section or provisions of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE XVI

EFFECTIVE DATE

This ordinance shall take effect and be in force from and after 11:59 p.m. on June 27, 1977.

Adopted by the Vance County Board of Commissioners on this the 23rd day of May, 1977.

AMENDMENT TO VANCE COUNTY ZONING ORDINANCE

Section 61. Table of Dimension Requirements for Use Districts

R-3 Residential - Minimum lot area in square feet remained the same

Minimum Lot Width Feet was changed from 100 feet to 50 feet for lots with 10,000 square feet with septic tank

Minimum Lot Width Feet was changed from 60 feet to 50 feet for lots with 5,000 square feet with public water and sewer plus 5,000 for each family over one for which a dwelling unit is provided

Minimum Front Yard Setback Feet was changed from 50 feet to 35 feet for lots with 10,000 square feet with septic tank

(Page 17 of Zoning Ordinance - Page 47 of Ordinance Book 1).

Section 11. Application Procedures for Certificate of Zoning Compliance

I. A minimum fee of two (2) dollars will be charged for each application was amended to read:

I. A minimum fee of ten (10) dollars will be charged for each application.

(Page 30 of Zoning Ordinance - Page 55 of Ordinance Book 1).