

Town of Lilesville

Zoning
Ordinance

Adopted April 27, 2001

Amended May 7, 2018

Contents

ARTICLE I	1
ARTICLE II	2
Section 20 INTERPRETATION OF CERTAIN TERMS AND WORDS	2
Section 21 DEFINITIONS.....	2
ARTICLE III	16
Section 31 DISTRICT BOUNDARIES.....	16
Section 32 RULES GOVERNING BOUNDARIES.....	16
ARTICLE IV	17
Section 40 USE	17
Section 41 HEIGHT AND DENSITY	17
Section 42 LOT SIZE.....	17
Section 43 YARD USE LIMITATIONS	17
Section 44 ONLY ONE PRINCIPAL BUILDING ON ANY LOT	17
Section 45 FENCE AND HEDGE LIMITATIONS	17
ARTICLE V	18
Section 50 NON-CONFORMING USE.....	18
Section 51 Customary Home Occupations	18
Section 52 ADVERTISING SIGNS AND STRUCTURES.....	19
Section 53 OFF-STREET AUTOMOBILE PARKING AND STORAGE.....	20
Section 54 SPECIAL USE PERMITS FOR OFF-STREET PARKING IN RESIDENTIAL ZONES.....	25
Section 55 OFF STREET LOADING AND UNLOADING SPACE	26
Section 56 THE LOCATION AND REGULATION OF MANUFACTURED HOMES AND MANUFACTURED HOME PARKS	26
ARTICLE VI	31
Section 60 R-General Residential District	31
Section 61 RMH-General Residential District	32
Section 62 TCD—TOWN CENTER DISTRICT.....	34
Section 63 GB-LI GENERAL BUSINESS—LIGHT INDUSTRIAL DISTRICT	36
Section 64 WS-IV Water Supply Watershed Overlay District Rules and Regulations.....	39

ARTICLE VII	40
ARTICLE VIII	41
Section 80 LOT OF RECORD.....	41
Section 81 FRONT YARD SETBACKS FOR DWELLINGS.....	41
Section 82 HEIGHT LIMITATIONS.....	41
Section 83 VISIBILITY AT INTERSECTIONS	41
Section 84 GROUP PROJECTS.....	41
ARTICLE IX	43
Section 90 ZONING ENFORCEMENT OFFICER.....	43
Section 91 ZONING PERMIT REQUIRED	43
Section 92 APPLICATION FOR ZONING PERMIT.....	43
Section 93 CERTIFICATE OF OCCUPANCY REQUIRED.....	43
Section 94 PENALTIES FOR VIOLATIONS.....	44
Section 95 REMEDIES.....	44
ARTICLE X	45
Section 100 ESTABLISHMENT OF BOARD ADJUSTMENT	45
Section 101 JURISDICTION AND DECISIONS OF THE BOARD OF ADJUSTMENT.....	45
Section 102. PROCEEDINGS OF THE BOARD OF ADJUSTMENT	45
Section 103. APPEALS, HEARINGS, AND NOTICE	46
Section 104. STAY OF PROCEEDINGS.....	46
Section 105. POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT.....	46
Section 106. APPEALS FROM THE BOARD OF ADJUSTMENT	49
ARTICLE XI	50
ARTICLE XII	51
Section 120. CONFLICT WITH OTHER REGULATIONS.....	51
Section 121. VALIDITY.....	51
Section 122. EFFECTIVE DATE	51

ZONING ORDINANCE

TOWN OF LILESVILLE, NORTH CAROLINA

AN ORDINANCE REGULATING THE USES OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, COMMERCE, RESIDENCE, RECREATION, PUBLIC ACTIVITIES OR OTHER PURPOSES, THE SIZE OF YARDS, COURTS, AND OTHER OPEN SPACES, THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES; THE DENSITY AND DISTRIBUTION OF THE BOUNDARIES THEREOF, DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION, AMENDMENT AND ENFORCEMENT, PROVIDING PENALTIES FOR VIOLATIONS, PROVIDING FOR A BOARD OF ADJUSTMENT AND DEFINING THE DUTIES AND POWERS OF SAID BOARD; REPEALING CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

ARTICLE I

PURPOSE, AUTHORITY, SHORT TITLE AND JURISDICTION

PURPOSE

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive land use plan and designed to lessen congestion in the streets, secure safety from fire, panic and other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue congestion of population; facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public facilities. They have been made with reasonable consideration to the character of the various districts and their peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

AUTHORITY

The Board of Commissioners of the Town of Lilesville, North Carolina, in pursuance of the authority granted by the General Statutes of North Carolina (chapter 160A-381) hereby ordains and enacts into law the following Articles and Sections

SHORT TITLE

This ordinance shall be known and may be cited as The Zoning Ordinance of the Town of Lilesville, North Carolina.

ARTICLE II
DEFINITIONS OF TERMS USED IN THIS ORDINANCE

For the purpose of interpreting this ordinance, certain words or terms are herein defined. Except as defined herein, all other words used in this ordinance shall have their customary dictionary definition.

Section 20 INTERPRETATION OF CERTAIN TERMS AND WORDS

- 20.1 Words used in the present tense include the future tense.
- 20.2 Words used in the singular number include the plural, and words used in the plural number include the singular.
- 20.3 The word “person” includes a firm, association, organization, partnership, corporation, trust and company as well as individual.
- 20.4 The word “lot” includes the “plot,” “parcel” or “tract”.
- 20.5 The word “building” includes the word “structure.”
- 20.6 The words “shall” and “will” are always mandatory and not merely discretionary.
- 20.7 The words “used” or “occupied” as applied to any land or buildings shall be construed to include the words “intended, arranged, or designed to be used or occupied.”
- 20.8 The word “Map”, “Zoning Map”, or “Lilesville Zoning Map” shall mean the “Official Zoning Map, of Lilesville, North Carolina.”

Section 21 DEFINITIONS

ACCESSORY BUILDING. A detached subordinate building, the use of which is incidental to that of the principal building and located on the same lot.

ACCESSORY DWELLING UNIT. A dwelling that exists either as part of a principal dwelling or as an accessory building that is secondary and incidental to the use of the property as single family residential.

ADULT ESTABLISHMENT. The definition of "adult establishment" for purposes of this ordinance shall be consistent with Chapter 14, Article 26A of the N.C. General Statutes as currently written or hereafter amended. Adult establishments include adult bookstores, adult motion picture and mini motion picture theaters, adult video sales and rentals, adult live entertainment business and massage businesses as those terms are defined by G.S.14.202.10, and adult motels and adult cabarets.

"Adult motel" is defined as a hotel, motel or similar commercial establishment that:

- (a) offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes,

slides or other photographic reproductions that depict or describe "specified sexual activities," or "specified anatomical areas" as one of its principal business purposes; or

- (b) offers a sleeping room for rent for a period of time that is less than ten hours; or
- (c) allows a tenant or occupant of a sleeping room to subagent the room for a period of time that is less than ten hours.

"Adult Cabaret" is defined as a nightclub, bar, restaurant or other commercial establishment that regularly features, exhibits or displays as one of its principal business purposes:

- (a) persons who appear nude or semi-nude, or
- (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or
- (c) films, motion pictures, video cassettes, slides or other photographic reproductions which depict or describe "specified anatomical areas."

AGRICULTURAL USE. The use of land for agricultural purposes, including farming, dairying, stock watering, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for storing the products. The term shall include incidental retail sales by the producer of products raised on the farm. Agriculture does include forest management and timber harvesting activities, provided a management plan for that activity has been prepared by a Professional Forester registered in the State of North Carolina. See definition of Forest Land.

ALLEY. A public thoroughfare which affords only a secondary means of access to abutting property.

ALTERATION. Any change, addition, relocation, replacement, or other physical modification to a sign or sign structure other than routine maintenance or change of copy not requiring the replacement of any part of the sign face.

ANIMAL USE. A unit of measurement developed by the U.S. Environment Protection Agency that is used to compare different types of animal operations.

AUTOMOBILE REPAIR SERVICES, MAJOR. An establishment primarily engaged in one or more of the following activities: 1) general repair or service, 2) engine repair, 3) installation or repair of transmissions, 4) installation or repair of automotive glass, 5) installation or repair or exhaust systems, 6) repair of tops, bodies and interiors, and 7) automotive painting and refinishing.

AUTOMOTIVE REPAIR SERVICES, MINOR. An establishment primarily engaged in one or more of the following activities: 1) diagnostic service and tune-ups, 2) installation or repair of air conditioners, brakes, carburetors, electrical systems, fuel systems, generators and starters, and radiators, 3) lubricating service, and 4) front end and wheel alignment.

BAR. An establishment primarily engaged in the retail sale of beer or wine for consumption on the premises. Such establishment must obtain an ABC license for on-premise beer or wine consumption only. The establishment may also be engaged in the retail sale of prepared food for on-premise consumption.

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

BILLBOARD. An outdoor structure or display, pictorial or otherwise, which advertises or directs attention to a business, commodity, service or other activity, conducted, sold or offered elsewhere than on the premises on which said sign is located.

BOARD OF ADJUSTMENT. A local body, created by this Ordinance, whose responsibility is to hear appeals from decisions of the local zoning enforcement officer and to consider requests for variances and conditional use permits permissible under terms of this Ordinance.

BUFFER. An area of natural or planted vegetation through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

BUFFER STRIP. An area of land planted or constructed to separate uses.

BUILDABLE AREA. The interior area of a lot established by the minimum front, side and rear yard area requirements of this Ordinance.

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

BUILDING, ACCESSORY. A building subordinate to the main building on a lot and used for purposes customarily incidental to the main or principal building and located on the same lot therewith.

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

BUILDING, PRINCIPAL. A building in which is conducted the principal use of the lot in which said building is situated.

BUILT-UPON AREA. Built-upon area shall include that portion of a development project that is covered by impervious or partially impervious cover, including buildings, pavement, gravel areas (e.g. roads, parking lots, paths, recreation facilities (e.g. tennis courts), etc., (NOTE: Wooden slatted decks and the water area of a swimming pool are considered pervious).

CHILDCARE INSTITUTION. An institutional facility housing more than nine orphaned, abandoned, dependent, abused, or neglected children.

CLUB OR LODGE, PRIVATE (NON-PROFIT). A non-profit 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. The affairs and management of such private club or lodge are conducted by a board of directors, executive committee, or similar body chosen by the members. It shall be permissible to serve food and meals on such premises provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale of alcoholic beverages is in compliance with all applicable federal, state and local laws.

CLUSTER DEVELOPMENT. The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project. This term includes non-residential subdivisions and multi-family residential developments that do not involve the subdivision of land.

COMPOSTING FACILITY. A facility in which only stumps, limbs, leaves, grass, and untreated wood collected from land clearing or landscaping operations is deposited.

CONDITIONAL LAND USE. A use that generally would not be appropriate in a zoning district if such use is without restriction. However, if such use is controlled as to number, area, location, or relation to the neighborhood, it would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, and/or general welfare, it could be permitted.

CONVENIENCE STORE. A one-story, retail store designed and stocked to sell primarily gasoline, food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract, and depends upon, a large volume of stop-and-go traffic. Illustrative examples of convenience stores are those operated by various oil companies and various chain store groups such as "Stop & Go", "7-11", "QuickChek" etc.

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 license. A convalescent home is a home for chronic or nursing 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 convalescent home provides care for persons who have remedial ailments or other ailments for which continuing medical and skilled nursing care is 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. A major factor which distinguishes convalescent homes is that the residents will require individual medical care.

CRITICAL AREA. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed, The critical area is define as extending either one-half (1/2) mile from the normal pool elevation of the reservoir in which the intake is located or to ridge line of the watershed (whichever comes first); or one-half (1/2) mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Since WS-I Watersheds are essentially undeveloped, establishments of a critical area is not required. Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half (1/2) mile.

CUSTOMARY HOME OCCUPATIONS. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. Provided further that no mechanical equipment is installed or used, except, as is normally used for domestic or professional purposes, and that not over twenty-five (25%0 percent of the total floor space of any structure is used for the occupation. No home occupation shall be conducted in any accessory building, except for storage and service of a vehicle that is driven off site, such as service repair truck, delivery truck, etc.

DAY CARE CENTER, CHILD. Any child care arrangement which provides day care on a regular basis for more than four (4) hours per day, for more than five (5) children, wherever operated and whether or not operated for profit. However, the following facilities are not included in this definition: public schools, non-public schools whether or not accredited by the North Carolina Department of Public Instruction and which regularly and exclusively provide a course of grade school instruction to children who are public school age; summer day camps having children in full-time residence; summer day camps; and Bible schools normally conducted during vacation periods.

DAY CARE FACILITY, ADULT. Adult day care is a service for aging, disabled, and handicapped adults who need a structured day program of activities and services. A day care home is a program for 2 to 6 people, while a day care center is a program for 7 or more participants.

DEVELOPER. A person who is responsible for any undertaking that requires a zoning permit, special-use permit, conditional-use permit, sign permit, or building permit.

DEVELOPMENT. Means any man-made change to improved or unimproved real estate, including, but not limited to: the construction of, or alteration to, buildings or other structures; mining; dredging; filling; grading; paving; excavation or drilling operations; or the storage of equipment and or materials.

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

DISCHARGING LANDFILL. A landfill which discharges treated leachate and which requires a National Pollution Discharge Elimination System (NDPES) permit.

DWELLING UNIT. One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided therein. Units in dormitories, hotels, motels, shelters for the homeless or other structures designed for transient residents are not dwelling units.

DWELLING, SINGLE-FAMILY. A building arranged or designed to be occupied by one (1) family.

DWELLING, TWO-FAMILY. A building arranged or designed to be occupied by two (2) families living independently of each other.

DWELLING, MULTI-FAMILY. A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other and doing their cooking therein.

EXISTING DEVELOPMENT. Those projects that are built or those projects that at a minimum have established a vested right under North Carolina Zoning Law as of the effective date of this Ordinance based on at least one of the following criteria:

- (1) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or,
- (2) Having an outstanding valid building permit as authorized by the General Statutes (G.S. 153A-344.1) and (G.S. 160A-385.1); or,
- (3) Having expended substantial resources (time, labor, money) and having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1).

EXITING LOT (LOT OF RECORD). A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this Ordinance, or a lot described by meters and bounds, the description on which has been so recorded prior to the adoption of this Ordinance.

FAMILY. One or more persons occupying a dwelling unit and living as a single household.

FAMILY CARE HOME. A home meeting the North Carolina Residential Building Code with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for six or fewer resident handicapped persons, pursuant to NCGS §168.21.

GARAGE, PRIVATE. A building or space used as an accessory to, or a part of, the main building permitted in any district that provides storage space for motor vehicles and in which no business, occupation or service for profit is conducted, unless specifically allowed by this Ordinance.

GROSS FLOOR AREA. The total area of all buildings in the project including basements, mezzanines and upper floors, exclusive of stairways and elevator shafts. It excludes separate service facilities outside the store such as boiler rooms and maintenance shops.

GROUP CARE FACILITY. A facility licensed by the State of North Carolina, (by whatever name it is called, other than "Family Care Home" as defined by this Ordinance), with support and supervisory personnel that provides room and board, personal care or habilitation services in a family environment.

HALFWAY HOUSE. A home for not more than nine persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or anti-social or criminal conduct, together with not more than two persons providing supervision and other services to such persons, all of whom live together in a single housekeeping unit.

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

HANDICAPPED OR INFIRM INSTITUTION. An institutional facility housing and providing care or assistance for more than nine persons who are physically or mentally handicapped or infirm. Persons residing in such homes. Including the aged or disabled, principally need residential care rather than medical treatment.

HARDSHIP. An unusual situation or condition that relates to a particular property and which denies the property owner full or reasonable use of the property if strict enforcement of the Zoning Ordinance is followed. A hardship exists only when it is not self-created or when it is not economic in nature. In other words, a true hardship exists only when the literal interpretation and/or enforcement of the zoning regulations would place a property owner or individual in an unusual situation and in doing so, would deny him the right to use his property for any permitted use or create an unnecessary burden on him.

HAZARDOUS MATERIAL. Any substance listed as such in: SARA Section 302, Extremely Hazardous Substances, CERLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

HOME FOR THE AGED. A place for the care of aged and infirm persons whose principal need is a home with such sheltered and custodial care as their age and infirmities require. In such homes, medical care is only occasional or incidental, such as may be required in the home of any individual or family for persons who are aged and infirm. The residents of such homes will not, as a rule, have remedial ailments or other ailments for which continuing medical care is required. A major factor which distinguishes these homes is that the residents may be given congregate services as distinguishes from individual medical care required in "patient" care. A person may be accepted for sheltered or custodial care because of a disability which does not require continuing planned medical care, but which does make him unable to maintain himself in individual living arrangements.

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

INOPERATIVE VEHICLE. Any vehicle, designated to be self-propelled which by virtue of broken or missing component parts, is no longer capable of self propulsion. For the purpose of this Ordinance, any vehicle, which is registered with the North Carolina Department of Motor Vehicles and has a current North Carolina motor vehicle registration license affixed to it shall not be considered inoperative.

LANDFILL. A facility for the disposal of solid waste on land in sanitary manner in accordance with Chapter 130A Article 9 of the N.C. General Statutes. For the purpose of this Ordinance this term does not include composting facilities.

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

LOT. A parcel of land occupied or capable of being occupied by a building or group of buildings devote to a common use, together with the customary accessories and open spaces belonging to the same.

LOT DEPTH. The mean horizontal distance between front and rear lot 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 Register of Deeds of Anson County, or a lot described by metes and bounds, the description of which has been so recorded.

LOT WIDTH. The distance between side lot lines measured at the building front set-back line.

MAJOR VARIANCE. A variance from the minimum statewide water supply Watershed Protection rules that results in the relaxation, by a factor of greater than ten percent (10%) of any management requirement that takes the form of a numerical standard under the low-density option.

MANUFACTURED HOME. "Manufacture home" means a structure, transportable in one or more sections, which in the traveling mode is eight feet or more in width, or 40 feet or more in length, or, when erected on site is 320 square feet, or more, in area. The manufactured home is built on a permanent chassis and designed to be used as a single family dwelling, with or without a permanent foundation, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured housing units, designed for transportation on their own chassis, that can be connected on site for placement on a temporary or semi-permanent foundation. Each unit shall be 32 feet or more in length and eight or more feet in width. The term "manufactured home" does not include a recreational vehicle.

The manufactured home provides complete, independent living facilities for one family when connected to required utilities. The manufactured home shall meet or exceed construction standards developed under the US Department of Housing and Urban Development and the National Manufactured Housing Construction and Safety Standards Act of 1974. For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width, also known as a "mobile home".

MANUFACTURED (MOBILE) HOME PARK. Any tract or parcel of land used, maintained or intended to be used, leased or rented for occupancy by two (2) or more manufactured (mobile) homes together with accessory structures provided in connection therewith. This definition shall not include trailer sales lots on which occupied trailers are parked for the purpose of inspection and sale.

MINOR VARIANCE. A variance from the minimum statewide Watershed Protection rules that results in a relaxation, by a factor of up to ten percent (10%), of any management requirement under the low-density option.

MODULAR HOME. A dwelling unit constructed in accordance with the standards set forth in the North Carolina Uniform Residential Building Code, as amended and applicable to site-built homes or a series of panels or room sections. The unit (home) is composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

MOTOR VEHICLE, JUNKED. A motor vehicle that does not display a current license plate and is one or more of the following: 1) is partially dismantled or wrecked; or 2) cannot be self-propelled or moved in the manner in which it originally was intended to move; or 3) is more than five years old and appears to be worth less than one hundred dollars (\$500.00).

NON-CONFORMING LOT OF RECORD. A lot described by a plat or a deed that was recorded prior to the effective date of this Ordinance (or its amendments) that does not meet the minimum lot size or other development requirements of this Ordinance.

NON-CONFORMING SITUATION. A situation that occurs when, on the effective date of this Ordinance or any amendment to it, an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures do not satisfy maximum height or minimum floor space limitations, because the relationship between existing buildings and the land (in such matters as density and set-back requirements) is not in conformity with the Ordinance, or because land or buildings are used for purposes made unlawful by the Ordinance.

NON-CONFORMING USE. A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial activity in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is nonconforming use, provided it was established prior to the date of adoption).

NURSING CARE HOME. A facility maintained for the purpose of providing skilled nursing care and medical supervision to not more than nine persons. Such care is provided at a lower level than the care available in a hospital.

NURSING CARE INSTITUTION. An institutional facility maintained for the purpose of providing skilled nursing care and medical supervision to more than nine persons. Such care is provided at a lower level than the care available in a hospital.

OPEN STORAGE. The storing, depositing or accumulating of materials, goods, equipment, etc., for any use or sale, within any uncovered area, whether enclosed by a fence or not.

PLANNED UNIT DEVELOPMENT (PUD). A form of development usually characterized by a unified site design plan for a number of housing units or a clustering of buildings, and providing common open space, density increases, and mix of buildings types and land uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis.

PLANNING AND ZONING BOARD. The public agency in a community empowered to prepare a comprehensive plan and to evaluate proposed changes in land use, either by public or private

developers, for conformance with the plan. The Planning and Zoning Board hears, deliberates, and makes recommendation to Board of Commissioners on all Ordinances and map amendments.

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

PUBLIC SEWAGE DISPOSAL SYSTEM. An approved sewage disposal system serving ten (10) or more connections, including municipal and sanitary district water systems as well as water systems designed to serve particular subdivisions at full development and constructed to specifications approved by the Anson County Sanitarian in consultation with the State Board of Health.

PUBLIC WATER SUPPLY SYSTEM. An approved water supply system serving ten (10) or more connections, including municipal and sanitary district water systems as well as water systems designed to serve particular subdivisions at full development and constructed to specifications approved by the Anson County Sanitarian in consultation with the State Board of Health.

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

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

RESTAURANT. An establishment whose principle business is the sale of food and beverages to customers in a ready-to-serve state. In order to qualify as a restaurant under this ordinance, such an establishment which also sells alcoholic beverages must receive at least 51% of its gross income from the sale of food.

SET-BACK. The minimum required horizontal distance between a structure or activity and the property line, or street right-of-way line excluding the outermost three (3) feet of any uncovered porches, steps, eaves, gutters and similar fixtures, and the street or highway right-of-way line when measured perpendicularly thereto.

SIGN. Any form of publicity, visible from any public highway and directing attention to an individual activity, business, service, commodity or product and conveyed by means of words, figures, numerals, lettering, emblems, devices, designs, trademarks or trade names, or other pictorial matter designed to convey such information and displayed by means of bills, panels, posters, paints, or other devices erected on an open framework, or attached or otherwise applied to posts, stakes, poles, trees, buildings, or other structures or supports.

- (a) Business Sign. A sign which directs attention to a business, profession, commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is attached.
- (b) Advertising Sign. A sign which directs attention to a business, commodity, activity, service, or product not necessarily conducted, sold or offered upon the premises where such sign is located.

Other Signs. Those signs as specified under the various classifications of Article VI of this ordinance. SIGN AREA. Sign area shall be measured by the smallest square, rectangle, circle or combination thereof, which will encompass the entire advertising copy area excluding architectural trim and structural supports. In computing area, only one (1) side of a double-face sign shall be considered.

SINGLE-FAMILY RESIDENTIAL. Any development where: (1) no building contains more than one dwelling unit; (2) every dwelling unit is on a separate lot; and (3) where no lot contains more than one dwelling unit.

STREET, PUBLIC. A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties. STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground.

SUBDIVIDER. Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

SUBDIVISIONS. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all division of land involving the dedication of a new street or a change in an existing street; but the following shall not be included within this definition nor be subject to the regulations authorized by this Ordinance.

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of resultant lots are equal to or exceed the standards of this Ordinance;
- (2) The division of land into parcels greater than then (10) acres where no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets.
- (4) The division of a tract in single ownership whose entire area is not greater than two (2) acres into not more than three (3) lots, where not street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance;
- (5) The division of a tract into plots or lots used a cemetery

TOXIC SUBSTANCE. Any substance or combination of substance(s), including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organism or their offspring or other adverse health effects.

TOURIST HOME. A dwelling where lodging only is provided for compensation for not more than fourteen (14) persons, and open to transients.

TRAILER, CAMPER. A vehicle with or without its own motive power, equipped or use for temporary living purposes and mounted on wheels or designed to be so mounted and transported.

VARIANCE. A variance is a relaxation of the terms of this 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 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, and size of a structure, or size of yards and open spaces. The 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 use in an adjoining zoning district.

WAREHOUSING, WAREHOUSE. The storage of any type of goods without retailing operations on a lot or within a structure.

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

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

WATERSHED ADMINISTRATOR. An official or designated person responsible for administration and enforcement of this Ordinance - The Zoning Enforcement Officer for the Town of Lilesville.

WATERSHED VARIANCE. A permission to develop or use property granted by the Watershed Review Board relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this Ordinance.

WHOLESALE SALES. On-premises sale of goods primarily to customers engaged in the business of reselling such goods.

WHOLESALEING. The selling of goods of merchandise to retailers or jobbers for resale to the ultimate consumer.

YARD. A space on the same lot with a principal building open; unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

YARD, FRONT. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street right-of-way line and the front building line, projected to the sidelines of the lot.

YARD, REAR. An open, unoccupied space on the same lot with the principal building, extending the full width of the lot and situated between the rear lot line and the rear building line.

YARD, SIDE. An open unoccupied space on the same lot with a principal building, situated between the building and the side lot line and extending from the rear of the front yard to the front of the rear yard.

ZONING MAP. The map delineating the boundaries of districts which, along with the text, comprises the zoning aspects of this ordinance.

ZONING PERMIT. A permit issued by the Zoning Enforcement Officer that authorizes the recipient to make use of Property in accordance with the requirements of this Ordinance.

ZONING ENFORCEMENT OFFICER. The official charger with the Administration and enforcement of the Zoning ordinance.

ARTICLE III
ESTABLISHMENT OF DISTRICTS

For the purpose of this ordinance the Town of Lilesville is hereby divided into five (5) districts designated as follows:

R	-	Residential
RMH	-	Residential District
TCD	-	Town Center District
GB-LI	-	General Business –Light Industrial District
WA-IV	-	Water Supply Watershed Overlay District

Section 31 **DISTRICT BOUNDARIES**

The boundaries of these districts are hereby established as shown on a map entitled “Official Zoning Map, Lilesville, North Carolina”, adopted by the Board of Commissioners and Certified by the Town Clerk. Said map and all explanatory matter thereon accompanies and is hereby made part of this ordinance. Said map shall be retained in the office of the Town Clerk.

Section 32 **RULES GOVERNING BOUNDARIES**

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

- 32.1 Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or railroad right-of-way lines or such lines extended, such center lines, street lines, or railroad right-a-way lines shall be construed to be such boundaries.
- 32.2 Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries
- 32.3 Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, highways, or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning map. If no distance is given, such dimension shall be determined by use of the scale shown on said map.
- 32.4 Where a district boundary line divides a lot in single ownership, the requirements for the least restrictive district shall be deemed to apply to the whole lot provided that such district extensions shall not apply to any part of such lot that is more than thirty-five (35) feet beyond the district boundary line. Each permitted use shall conform to the dimensional requirements of the district in which it is located. For example, within an R – General Residential District, single family residences are permitted uses. The residence shall meet the dimensional requirements set forth for that district.

ARTICLE IV
APPLICATIONS OF REGULATIONS

Except as hereinafter provided:

Section 40 USE

No building or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, moved or structurally altered except in conformity with the regulations of this ordinance, or amendments thereto, for the district in which it is located. Provided, however that in any district defined in this ordinance it shall be lawful to place a trailer on a construction site for use as an office of the builder during the construction period for any building or structure permitted in a district by securing a permit from the Zoning Enforcement Officer prior to placing such trailer on the construction site.

Section 41 HEIGHT AND DENSITY

No building shall hereafter be erected or altered so as to exceed the height limit, or to exceed the density regulations of this ordinance for the district in which it is located.

Section 42 LOT SIZE

No lot, even though it may consist of one (1) or more adjacent lots of record, shall be reduced in size so that the lot width or depth, front or rear yards, lot area per family or other requirements of this ordinance are not maintained. This prohibition shall not be construed to prevent the condemnation of narrow strips of land for public utilities or street right of way purposes.

Section 43 YARD USE LIMITATIONS

No part of a yard or other open space required around about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space similarly required for another building.

Section 44 ONLY ONE PRINCIPAL BUILDING ON ANY LOT

Only one (1) principal building and its customary accessory buildings may hereafter be erected on any lot, except as authorized by Section 84, nor shall any building be erected on any lot which does not have at least twenty-five (25) feet of frontage on a publicly dedicated or maintained street..

Section 45 FENCE AND HEDGE LIMITATIONS

Fences consisting of either masonry, rock, wire or wooden material and hedges may be installed on the boundaries of any residential lot, except that the height of such fencing or screening shall be limited to a maximum height of three (3) feet for that section adjacent to the street. Fencing and hedges on all other boundaries or residential property shall be limited to a maximum of eight (8) feet in height, except as otherwise specifically stipulated herein.

**ARTICLE V
GENERAL PROVISIONS**

Section 50 NON-CONFORMING USE

Any building, structure or use of land existing at the time of the enactment of this ordinance or any amendment thereto may be continued subject to the following provisions. They shall not be:

- 50.1 Changed to another non-conforming use, unless the Board of Adjustment shall make a finding that the proposed change would be in the best interest of the neighborhood.
- 50.2 Enlarged or extended except in conformity with this ordinance.
- 50.3 Re-established after discontinuance for one hundred eighty (180) days
- 50.4 Rebuilt, altered or repaired after damage exceeding sixty per cent (60%) of its fair market value immediately prior to damage
- 50.5 Non-conforming signs will be allowed to remain indefinitely in good repair. However, under the following conditions, all signs must be changed to conform to the regulations of this ordinance:
 - (a) Any alteration of a non-conforming sign shall make that sign conform to the regulation of this ordinance
 - (b) Any nonconforming sign on a building which is vacant for a period of ninety (90) days shall be altered to conform with the regulations of this ordinance.
 - (c) Any non-conforming sign damaged over sixty per cent (60%) by any means, shall either be removed or repaired in a manner to conform with the regulations of this ordinance.
- 50.6 Notwithstanding the foregoing provisions, repairs and renovations, which do not increase or extend the non-conformity of an existing use will be allowed.

Section 51 Customary Home Occupations

Customary home occupations may be established in a dwelling or accessory building in any residential district. The following requirements shall apply in addition to all other applicable requirements of this ordinance for the residential district in which such uses are located.

- 51.1 The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the residential character of the dwelling.
- 51.2 Use of the dwelling for home occupations shall be limited to twenty-five per cent (25%) of one (1) floor of the principal building
- 51.3 Only residents of the dwelling may be engaged in the home occupation (except that not more than one (1) non-resident may be employed on the site.

- 51.4 No exterior display of products shall be visible from the street and only products made on the premises may be sold on the premises
- 51.5 No internal or external alterations inconsistent with the residential use of the building shall be permitted.
- 51.6 No machinery that causes noises or other interference in radio and television reception shall be allowed.
- 51.7 Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the customary home occupation
- 51.8 No chemical, electrical, or mechanical equipment that is not normally a part of domestic or household equipment shall be used primarily for commercial purposes.
- 51.9 Instruction in music, dancing, and similar subjects shall be limited to two (2) students at any other time

Section 52 ADVERTISING SIGNS AND STRUCTURES

All advertising signs or structures shall be approved by the Zoning Enforcement Officer and shall comply with the following regulations:

- 52.1 Location. No advertising sign or structure shall be erected, constructed or maintained so as to interfere with clear sight vision along any street, road or highway or at any intersection of two (2) or more traffic arteries. Nor shall any advertising sign or structure be located within the street, road or highway right-of-way. All advertising signs or structures shall meet the set-back requirements of the district in which they are permitted.
- 52.2 Size. (a) No advertising sign area shall exceed sixty (60) square feet.
(b) No advertising sign or structure shall exceed sixty-five (65) feet in height
(c) No advertising sign shall be less than eight (8) feet above the ground, street or sidewalk level.
- 52.3 Illumination. No flashing, intermittent, red, green or yellow illumination shall be used on any sign or structure located in the same line of vision as a traffic control signal. All illuminated signs or structures shall be so placed as to prevent the light rays or illumination therefrom being cast upon residential dwellings. All advertising signs or structures shall not use flashing or intermittent lights.
- 52.4 Maintenance. All advertising structures, together with any supports, braces, guys, and anchors shall be kept in repair and in a safe state of preservation. All signs erected to serve a temporary purpose shall be removed within thirty (30) days from the date the purpose ceased to exist.

52.5 Administration. The Zoning Enforcement Officer shall refuse a permit for the erection or construction of any advertising sign or structure, which does not meet the requirements of this section. The Zoning Enforcement Officer shall order the removal of any signs that are not constructed or maintained in accordance with the provision of this section.

Section 53 OFF-STREET AUTOMOBILE PARKING AND STORAGE

Off street automobile parking or storage space shall be provided on every lot on which any of the following uses are hereafter established in all districts except the Town Center District; or provided that no parking space can be reasonably provided on the same lot, a substantial portion of which is within five-hundred (500) feet of such uses. No Certificate of Occupancy will be issued upon completion of any building or group of buildings unless and until all off-street parking and loading requirements, shown upon the plans or made part of the building permit, shall be in place and ready for use. The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except that one-half (1/2) of the parking space required for churches, theaters or assembly halls whose peak attendance will be at night or on Sundays. Each automobile parking space shall not be less than two-hundred (200) square feet in area exclusive of adequate access drivers and maneuvering space. Such space shall be provided with vehicular access to a street or alley; such use shall not thereafter be encroached upon or altered; and shall be equal in number to at least the minimum requirements for the specific use set forth below.

USE CLASSIFICATION

PARKING SPACE REQUIREMENT

Automobile sales and repair garages

One (1) space for each two (2) employees at maximum employment on a single shift, plus two (2) spaces for each 300 square feet of repair or maintenance space.

Bowling alleys

Two (2) spaces for each lane, plus one (1) additional space for each two (2) employees

Churches

One (1) space for each five (5) seats in the main chapel

Elementary schools and Junior High Schools,
both Public and private

One space for each employee

Hospitals

One (1) space for each four (4) patient beds plus
One (1) space for each staff or visiting doctor,
Plus one (1) space for each four (4) employees.

Libraries

One (1) space for each four (4) seats provided
for patron use.

Medical offices and clinics

Four (4) spaces for each doctor practicing at the
Clinic, plus one (1) space for each employee.

Manufactured Home Parks	Two (2) spaces for each manufactured home.
Mortuaries and funeral homes	One (1) space for each four (4) seats in each chapel, or family room, or fifty (50) spaces for each Chapel or family room, whichever is greater
Motels, tourist homes, and tourist courts, hotels	One (1) space for each room plus one (1) additional space for each employee
Offices, professional, business, or public, including banks	One (1) space for each 200 square feet of gross floor area
Places of public assembly, including private clubs and lodges, auditoriums, dance halls, pool rooms, theaters, stadiums, gymnasiums, amusement community centers, and similar assembly places of public assembly.	One (1) space for each four (4) seats provided for patron use, plus one (1) space for 100 square feet of floor or ground area used for amusement or parks, but not containing fixed seats.
Rescue squads and armories	Parking space equivalent to three (3) times the floor space in the main building.
Residential dwellings	Two (2) spaces for each dwelling

Restaurants, drive-in or similar uses designed for curb-type service	Five square feet of parking area of each one (1) square foot of gross floor area; provided further, however, that no facility shall have less than fifteen (15) spaces.
Restaurants, indoor	One (1) space for each three (3) seating accommodations, plus one (1) space for each two (2) employee on the shift of largest employment.
Retail business and consumer service outlets	One (1) space for each 200 square feet of total floor area.
Rooming and boarding houses	One (1) space for each two (2) quest rooms, plus, one (1) additional space for the owners.
Sanitariums, rest and convalescent homes, homes for the aged, and similar institution.	One (1) space for each four (4) patient beds, plus, one (1) space for each staff or visiting doctor, plus one (1) space for each two (2) employees.
Senior high schools and colleges, both public and private	One (1) space for each for each five (5) students for whom the school was designed, plus one (1) space for each employee.

Service stations

Two (2) spaces for each gas pump plus three (3) spaces for each grease rack or similar facility.

Shopping centers

Two square feet of parking area of each square foot of gross floor area

Wholesaling and industrial employees

One (1) space for each two (2) use maximum employment on a single shift.

Section 54 SPECIAL USE PERMITS FOR OFF-STREET PARKING IN RESIDENTIAL ZONES

After the following design standards have been met by the applicant and his development plan has been approved by the Zoning Board of Adjustment, the Board of Commissioners shall hold a public hearing before making a final decision in relation to the issuance of the special use permit for off-street parking in residential zones.

- 54.1 All off-street parking facilities shall be designed with appropriate means of access to a street or alley, as well as maneuvering space
- 54.2 A parking space shall be determined as the space required to park one (1) car and shall be not less than two-hundred (200) square feet.
- 54.3 Parking areas shall be adequate drainage, and shall be provided with bumper guards when required.
- 54.4 Parking areas shall be used for parking of automobiles only, with no sales, storage, repair work, dismantling or servicing of any kind to be permitted.
- 54.5 Where set-back lines are required from the street, the set-back area shall not be considered as part of the parking lot but shall be properly seeded and landscaped
- 54.6 All required parking shall be of such design and location to as to be convenient and readily usable by the patrons.
- 54.7 Sufficient area shall be provided within the property lines so that all vehicles may enter and leave in a forward motion.
- 54.8 A fence or planted screen shall be required whenever a parking lot abuts or is opposite a residential zone. The design and material of a fence or screen not less than three (3) feet nor more than six (6) feet in height shall be approved by the Planning and Zoning Board for the purpose of giving sufficient protection to the resident property owners from physical hazards and unsightliness.
- 54.9 All parking lots shall be constructed in such a manner that contamination by dust will not exist. This is to be accomplished by concrete, black top, crushed gravel, or other non-dust producing surfacing.
- 54.10 If night time parking is to be permitted, it shall be lighted with the provision that the light shall be shielded so as to prevent the direct beaming of light or glare into a residential area.
- 54.11 The duration of a special use permit for residential parking shall be from one (1) to five (5) years. Actual time limit is to be determined by the Board of Commissioners after review of the applicant's plans for improvement. Issuance of a five-year permit will necessitate the developer using a hardtop surfacing installing shielded lights, providing adequate screening or fencing to prevent head lights from beaming into residential property and providing adequate landscaping

so as not to detract from surrounding residential property. This permit may be revoked by the Board of Commissioners after just cause is presented to the special permit holder.

Section 55 OFF STREET LOADING AND UNLOADING SPACE

Every building or structure used for business, trade or industry hereafter erected shall provide space as indicated here in for the loading and unloading of vehicles off the street or public alley. Such space shall have access to an alley, or if there is no alley, to a street. For the purpose of this section, an off-street loading space shall have minimum dimensions of twelve (12) feet by forty (40) feet and overhead clearance of fourteen (14) feet in height above the alley or street grade.

- 55.1 Retail business One (1) space for each 5,999 square feet of floor space.
- 55.2 Wholesale and industrial One (1) space for each 10,000 square feet of floor space.

Section 56 THE LOCATION AND REGULATION OF MANUFACTURED HOMES AND MANUFACTURED HOME PARKS

No manufactured home may be used for human habitation or living, sleeping or business purposes on any premises located within the jurisdiction of the Town of Lilesville, except upon premises located within a manufactured home park, a permit for which has been granted pursuant to the requirements of this ordinance. However, an individual manufactured home may be used for temporary office purposes during construction of any permanent building or for temporary classrooms for public schools. Permits for such uses must be obtained from the Zoning Enforcement Officer. Furthermore, a manufactured home may be permitted as a residence on a temporary basis subject to the provision of Section 56.8 of this ordinance.

- 56.1 Permit for Manufactured Home Parks Required.

It shall be unlawful for any person to construct, maintain or use any lot or other parcel of land within the jurisdiction of the Town of Lilesville for a manufactured home park until application has been made and a permit therefor has been issued by the Town Commissioners. The Town Commissioners shall, prior to issuing a permit, determine if all requirements of this ordinance can be complied with. No on-site improvements may be made until a permit has been granted by the Town Commissioners. A manufactured home park permit may be revoked by the Town Commissioners upon a finding of fact that a violation of the requirements of this ordinance exists, provided, however, the owner, lessee, or other responsible person is notified in writing of such violation and after the expiration of five (5) days from the date of receipt of such written notice. It shall be unlawful for any person, firm, or corporation to continue such manufactured home park or manufactured home lot after a permit therefor has been revoked by the Town Commissioners.

- 56.2 Conflict with Health Department Regulations.

In the event the State or Anson County Board of Health has adopted regulations governing manufactured homes or manufactured home parks, the requirements of this ordinance or the requirements of the State or County Board of Health, whichever is more stringent, shall govern.

56.3 Preliminary Plan.

The procedure for securing a Manufactured Home Park permit shall consist of the following:

- (a) A preliminary plan shall be submitted to the Planning Board for review and approval prior to making application to the Town Commissioners for a manufactured home park permit. Such preliminary plan shall be drawn at a scale of not less than one-hundred (100) feet to the inch and shall show the following on one or more sheets:
 1. The name of the manufactured home park, the names and addresses of the owner(s) and the designer of the park; date, approximate north arrow, and scale; and the boundary lines of the tract with accurate bearings and distances (dimensions) drawn to scale.
 2. The locations of existing and platted property lines, streets, buildings, water courses, railroad, bridges, water mains, sewers, and culverts, drainpipes and any utility easements on the land to be developed as a manufactured home park. The names of adjoining subdivisions or the names of the owners of adjoining parcels of unsubdivided land shall also be shown.
 3. The names, proposed location and approximate dimensions of proposed streets, alleys, driveways, entrance, exists, walkways, easements, recreation areas, parks and other spaces, reservations, manufactured home spaces and buildings lines within the park. This information should be graphical only, not requiring detailed computations or field work above that required to obtain the above information.
 4. Plans of proposed utility layouts (sewer lines, water lines, storm drainage, etc.) showing feasible connection to existing and proposed utility systems, plan for electric lighting; and the location and number of garbage receptacles.
 5. When deemed necessary by the Planning Board, profiles of all proposed streets showing natural and finished grades drawn to scale of not less than one (1) inch equals forty (40) feet horizontal and one (1) inch equals four feet vertical.
- (b) After the preliminary plan has been approved by the Planning Board, two (2) copies of the final plan shall be submitted to the Town Commissioners for final approval. The final plan shall be prepared on Mylar and shall contain the preliminary plan as approved. If desired by the applicant, it may constitute only that portion of the approved preliminary plan, which he proposes to develop at the time; provided, however, that such portion conforms to the minimum requirements of this Article. The final plan shall be drawn in black ink upon Mylar sheets either fifteen (15) inches by twenty-one (21) inches or twenty (20) inches by twenty-four (24) inches in size, to a scale of not less than one (1) inch equals one-hundred (100) feet. It shall contain the following:

1. A site plan for the manufactured home park.
2. The name of the manufactured home park, the names and addresses of the owner (s) and the designer of the park.
3. Date, approximate north arrow and scale.
4. The boundary lines of the tract with accurate bearings and angular (dimensions) drawn to scale.
5. The names, locations and dimensions of proposed streets, alleys,
6. Driveways, entrances, exits, walkways, easements, recreation areas, parks, and other open spaces, reservations, manufactured home spaces and building lines within the park. The information should be drawn accurately with detailed computations and field work completed.

56.4 Utilities Required.

- (a) Water. An adequate and safe supply of water shall be readily available at each manufactured home space. This requirement shall be deemed to have been met: (1) when an approved connection is made to the municipal water system, or (2) when an independent water supply capable of furnishing three hundred (300) gallons of water per day per manufactured home space and which has been approved by the County Health Department as a safe supply of drinking water is available on the manufactured home park or manufactured home space.
- (b) Sanitary Sewer. Each manufactured home space shall be required to have a connection with the municipal sanitary sewer system in the manner as required or, if located beyond the municipal service area, a sanitary sewer system approved by the County Health Department. Any extension of the municipal sanitary sewer system required to comply with this requirement shall be made in accordance with the utility extension ordinance or policies of the Town of Lilesville then in effect.
- (c) Electricity. Each manufactured home so parked in accordance with this ordinance must have an individual metered connection to an electric supply and must have an approved fused disconnect box at the metered location. All wires from the meter to manufactured home must be buried underground cable in conformance with the State Electrical Code.

56.5 Site Requirements.

Dimensional site requirements for all manufactured home parks shall be as follows:

- (a) The minimum size lot, tract or parcel of land to be used for a manufactured home park not be less than two (2) acres in size, and shall contain sites for at least five (5) manufactured homes. In no event shall there be more than eight (8) manufactured homes per acre.

- (b) No manufactured home shall be located closer than twenty-four (24) feet to another manufactured home or structure.
- (c) No manufactured home shall be located closer than forty (40) feet to any public or exterior boundary line of the manufactured home park.
- (d) Two (2) off-street automobile parking spaces shall be provided on the manufactured home park site in approved manner for each manufactured home. Such off-street parking space shall be set aside in a location convenient to the occupants of the manufactured home units and no manufactured home shall have direct access to a public street. Ingress and egress to the manufactured home park shall be made accessible only through driveways or home park shall be made accessible only through driveways or openings not exceeding twenty-five (25) feet in width at the curb line of the street. Interior streets shall be graded to a width of thirty (3) feet and finished grade, cross-section and profile shall be approved by a Professional Engineer registered in the State of North Carolina. All interior streets shall have a pavement width of:

Eighteen (18) feet if no parking is permitted; or Twenty-nine (29) feet if parking is permitted on one side of the street; or thirty-seven (37) feet if parking is permitted on both sides of the interior street.

Cul-de-sacs shall be provided with a turn-around having a forty (40) foot radius. All interior streets shall be retained as private streets on the manufactured home park property.

- (e) The manufactured home park shall have a buffer strip at least ten (10) feet in width between it and all adjacent properties.

56.6 Facilities Required.

Each manufactured home park shall provide minimum facilities for manufactured home occupants as follows:

- (a) All plumbing installations shall conform to the applicable Town, County or State building and plumbing codes. Furthermore, each manufactured home shall be required to make separate connection with sanitary sewer facilities immediately upon occupying a manufactured home site. A minimum of four (4) inch connection shall be required and shall have approved fittings to insure a water-tight connection and means for capping closing such connection when it is not in use.
- (b) Garbage and trash containers. One (1) covered garbage and trash container (thirty-two (32) gallon maximum capacity) shall be provided for each manufactured home; containers shall be placed on racks which are approved by the County Health Department, and such racks shall be located within the manufactured home park at a point which is readily accessible for collection.

In lieu of requiring individual garbage and trash containers for each manufactured home, other approved garbage and trash disposal facilities may be provided with the approval of the Town Commissioners.

- (c) Each manufactured home must be provided with a minimum ten (10) foot by ten (10) foot concrete pad at the front entrance or an approved porch constructed in accordance with the building code requirements.

56.7 General Sanitation.

It shall be the duty and responsibility of the owner or his authorized agent to keep the manufactured home park in a reasonably clean and sanitary condition at all times, subject to approval of the Town Commissioners, and to maintain and keep in good repair all required manufactured home park facilities. All wastewater from washing machines and other similar sources shall be discharged into the sanitary sewer system and under no circumstances shall such wastes be discharged on the ground or in streams.

56.8 Manufactured home: Temporary Permit.

In any RMH – Residential District, not more than one (1) manufactured home may be permitted in a rear yard as an accessory use on a temporary basis, provided the Town Board of Commissioners of the Town of Lilesville justifying such a special exception exists. Such hardship shall involve the need to care for the elderly parents or other dependents of the family occupying the principal building. Reasons justifying separate quarters shall be incompatibility contagious disease, illness, or lack of adequate space within the principal building. Application for renewal of a temporary use permit shall be made thirty (30) days prior to the expiration date of said permit. All applications shall be made to the Zoning Enforcement Officer and in turn shall be reviewed by the Town Commissioners of the Town of Lilesville to determine relative need. All such manufactured homes must have access to water and sewer systems approved by the town of Lilesville or the Anson County Health Department and said manufactured homes must be maintained in such a way as not to create nuisance conditions. Furthermore, all manufactured homes must comply with the dimensional requirements of the RMH District.

ARTICLE VI
USE REQUIREMENTS BY DISTRICT

Section 60 **R-General Residential District**

The regulations for this district are intended to provide for quiet, medium density residential neighborhoods consisting of single and two-family residences and low density multifamily units along with limited home occupations and limited public and private community uses. It should be noted that the majority of this district has town water and sewer service.

60.1 The following uses shall be permitted by right.

Single Family residences including site-built residences built in conformance to the North Carolina Residential Building Code.

Two family residence provided that each dwelling units has a minimum lot area of 7,500 square feet.

Churches and their customary related uses provided that all buildings shall be set back at least twenty (20) feet from any property line and that cemeteries and graves must be set back at least ten (10) feet from any property line.

Accessory buildings or structures shall be permitted only in a rear yard and shall be not less than ten (10) feet from any property line, and further provided, that in the case of corner lots, such buildings or structures shall be set back at least twenty-five (25) feet from any side street right-of-way line.

Schools: elementary and/or secondary schools meeting all requirements of the compulsory education laws of the State of North Carolina, and not providing residential accommodations.

Customary accessory uses and structures: swimming pools and other structures shall be permitted only in the rear yard and shall not cover more than thirty percent (30%) of said rear yard. Furthermore, no part of any structure shall be located within five (5) feet of any side or rear property line. Private garages and carports may be located in the side yard provided the aforementioned set back requirements are met.

Signs: one (1) professional or announcement sign per lot for customary home occupations and such signs shall not exceed six (6) square feet in area. No such sign shall be illuminated.

Church Bulletin Boards and signs announcing non-profit recreation facilities and schools. Such sign shall be limited to one (1) per lot and eighteen (18) square feet in area. Such signs may be of the type which is lighted from behind to silhouette letters and figures or by flood lighting which is shielded or angled so as to prevent a direct view of the light source from a neighboring residence.

60.2 The following conditional uses are permitted upon findings of fact that each requirement has been met by the Board of Adjustment after said Board holds a public hearing. It is also recommended that each request be reviewed by the Planning board prior to submission the Board of Adjustment for consideration:

Multifamily units provided that no residential structure contain more than four (4) dwelling units and the minimum lot area for each unit is 6,000 square feet. There shall be adequate area for the parking of personal vehicles and said vehicles shall not be parked in the front yard area.

Conversion apartments: the conversion of any single family residence so as to provide additional dwelling units shall be permitted only if each dwelling has a minimum of six hundred fifty (650) square feet of usable floor area and contains adequate and separate private bathroom and kitchen areas. Adequate area shall be provided for the parking of additional personal vehicles but vehicles shall not be parked in the front yard area.

Parks, playgrounds, community centers, libraries, swimming pools and similar recreational uses.

Public works and public utility facilities such as transformer stations, transmission lines, pumping stations, water towers, and telephone exchanges, provided:

- (a) Such facilities are essential to serve the immediate area.
- (b) No vehicles or materials shall be stored on the premises, and no offices shall be permitted
- (c) All buildings shall be set back at least twenty (20) feet from property lines and shall be designed and landscaped in such a way as to blend in with the surrounding area.
- (d) All dangerous apparatus shall be enclosed by a chain-link fence at least eight (8) feet in height.

Rest and convalescent homes not used primarily for the treatment of contagious diseases, alcoholics, drug addicts or psychotics.

Family Care Homes provided they are located no closer than ¼ mile from the nearest existing Family Care Home.

Section 61 RMH-General Residential District

The regulations for this district are intended to provide for quiet, medium density residential areas consisting of single and two-family residences and low density multifamily units along with limited home occupations and limited public and private community uses. The district also provides for manufactured housing on individual lots and manufactured home parks.

Section 61.1 The following uses shall be permitted by right:

Single family residences including site-built residences as well as manufactured and modular housing units that have been built in conformance to the North Carolina Residential Building Code.

Two family residences provided that each dwelling units has a minimum lot area of 7,500 square feet.

Single family manufactured homes (single or doublewide units) on individual lots.

Churches and their customary related uses provided that all buildings shall be set back at least twenty (20) feet from any property line and that cemeteries and graves must be set back at least ten (10) feet from any property lines.

Accessory buildings or structures, shall be permitted only in a rear yard and shall be note less than ten (10) feet from any property line, and further provided, that in the cases of corner lots, such buildings or structures shall be set back at least twenty-five (25) feet from any side street right-of-way line.

Schools: elementary and/or secondary schools meeting all requirements of the compulsory education laws of the State of North Carolina, and not providing residential accommodations.

Customary accessory uses and structures: swimming pools and other structures shall be permitted only in the rear yard and shall not cover more than thirty percent (30%) of said rear yard. Furthermore, no part of any structure shall be located within five (5) feet of any side or rear property line. Private garages and carports may be located in the side yard provided the aforementioned set back requirements are met.

The following conditional uses are permitted upon finding of fact that each requirement has been met by the Board of Adjustment after said Board holds a public hearing. It is also recommended that each request be reviewed by the Planning Board prior to submission to the Board of Adjustment for consideration.

Multifamily units provided that no residential structure contain more than four (4) dwelling units and the minimum lot area for each unit is 6,000 square feet. There shall be adequate area for the parking of personal vehicles and said vehicles shall not be parked in the front yard area.

Conversion apartments: the conversion of any single residence so as to provide additional dwelling units shall be permitted only if each dwelling has a minimum of six hundred fifty (650) square feet of usable floor area and contains adequate and separate private bathroom and kitchen areas. Adequate area shall be provided for the parking of additional personal vehicles, but vehicles shall not be parked in the front yard area.

Manufactured home parks shall conform to the provisions contained in Section 56 of this Ordinance.

Parks, playgrounds, community centers, libraries, swimming pools and similar recreational uses.

Public works and public utility facilities such as transformer stations, transmission lines, pumping stations, water towers, and telephone exchanges, provided:

- (a) Such facilities are essential to serve the immediate area
- (b) No vehicles or materials shall be stored on the premises, and no offices shall be permitted
- (c) All buildings shall be set back at least twenty (20) feet from property lines and shall be designed and landscaped in such a way as to blend in with the surrounding area.
- (d) All dangerous apparatus shall be enclosed by chain-link fence at least eight (8) feet in height.

Rest and convalescent homes not used primarily for the treatment of contagious diseases, alcoholics, drugs addicts or psychotics.

Family Care Homes provided they are located no closer than ¼ mile from the nearest existing Family Care Home.

Section 62 TCD—TOWN CENTER DISTRICT

The regulations of this district are intended to provide for the retailing of goods and services to the nearby residential areas of Lilesville

62.1 The following uses shall be permitted by right:

Bakeries, where the products are sold exclusively at retail on the premises.

Banks and other financial institutions, including loan and finance companies.

Barber and beauty shops.

Business colleges, barber and beauty colleges, art schools, music and dance studios, and similar facilities, but excluding industrial trade schools.

Dairy bars and ice cream manufacturing for retail sales on the premises only.

Daycare centers, provided that not less than one hundred (100) square feet of outside play area is provided for each child and that said play space is surrounded by a sturdy fence at least four (4) feet in height.

Drug stores, with or without fountain service.

Dry cleaning and laundry pick-up stations and dry-cleaning plants having less than two thousand (2,000) square feet of floor area.

Floral and gift shops, but excluding commercial greenhouses.

Funeral homes and mortuaries.

Health and fitness centers.

Locksmiths and gunsmiths.

Medical and dental offices, clinics and laboratories.

Offices: business, professional and public.

Photographic studios.

Radio and TV repair shop, electric appliance repair shops.

Restaurants, including drive-in/fast food restaurants, where uses are adjacent to or abutting residential uses or residential zoning districts, such restaurant facilities shall be in harmony with the residential character of the neighborhood.

Retail establishments, such as convenient stores and department, clothing, fabric, shoe, variety, notion, drug, hardware, furniture, appliance, floor covering, paint, antique, art goods, jewelry, gift, candy, tobacco, pet and hobby and craft stores, but not excluding similar retail outlets.

Service stations, but not including major repair work, provided that gasoline pumps shall be located at least twelve (12) feet behind the property line, provided further that on all sides where such stations abut residential districts, a six (6) foot high fence and suitable landscaping shall be provided.

Shoe repair shops.

Signs, accessory to and on the same premises with uses permitted in this section, provided:

- (a) the aggregate size of such signs shall be limited to two (2) square feet of area per lineal foot of each building wall facing a public street;
- (b) no sign shall project more than one (1) foot from any building wall or canopy edge;
- (c) illuminated signs shall be limited to those lighted from behind to silhouette letters and figures and those utilizing flood lighting which is shielded or angled so as to prevent a direct view of the light source from a neighboring residence. Signs with intermittent or flashing lighting effects and billboards are prohibited.

Customary accessory uses and structures when located on the same lot as the principal structure, excluding however, open storage

Tailor and seamstress shops.

- 62.2 Conditional Uses. The following uses shall be permitted subject to a finding by the Board of Adjustment, after review by and recommendation on the Planning Board, that the additional conditions listed below will be met:

The conversion of any residential structure so as to provide additional dwelling units shall be permitted only if each resulting dwelling units has a minimum of six hundred fifty (650) square feet of usable floor area and adequate and separate private bathroom and kitchen areas.

Mixed uses, i.e., buildings erected for both dwelling and business purposes, provided such buildings shall be furnished with side yards on each side of the building measuring not less than eight (8) feet in width, provided, however, that this regulation shall not apply to the street side of a corner lot.

Section 63 GB-LI GENERAL BUSINESS—LIGHT INDUSTRIAL DISTRICT

These commercial and light industrial uses are generally located along major highways and roads. They dispense retail goods and services to the community and provide space for light manufacturing and warehousing activities.

- 63.1 The following uses shall be permitted by right.

Animal hospitals, provided no pens or kennels are located closer than twenty (20) feet to any property line, provided further there shall be no open kennels.

Automobile repair garages, including body works, but excluding the outdoor storage of wrecked cars.

Automobile sales, new and used.

Automobile washing establishments.

Bakeries and other establishments manufacturing or packaging food products for wholesale distribution.

Bedding and carpet manufacturing and cleaning establishments.

Bottling plants or distribution facilities.

Bowling alleys and skating rinks.

Building materials storage and sales yards.

Bus repair and storage terminals.

Cabinet, woodworking and upholstery shops.

Contractors' offices and storage yards.

Clothing and textile manufacturing.

Clubs and lodges catering exclusively to members and their guests.

Collection centers for off premises recycling operations.

Dairy products processing and distributing facilities.

Day care centers, provided that not less than one hundred (100) square feet of outside play area is provided for each child and provided further said play space is surrounded by a sturdy fence four (4) feet in height.

Dry cleaning and laundering plants.

Electrical appliances and electronic equipment manufacturing.

Electrical supplies and equipment, sales and repairs.

Farm machinery assembly, sales, and repairs.

Feed and seed stores, hatcheries.

Freezer lockers, ice plants.

Funeral homes and mortuaries.

Furniture manufacturing.

Glass and mirror shops, venetian blind and awning shops, tile companies, and similar building specialties outlets.

Greenhouses and horticultural nurseries.

Industrial supplies and equipment, sales, and service.

Industrial trade schools, research laboratories.

Launderettes and Laundromats.

Lawnmower, and power saw sales and service.

Leather products and luggage manufacturing.

Locksmiths and gunsmiths.

Machine and welding shops.

Miniature golf courses.

Mobile home display lots.

Monument works and sales.

Motels and motor lodges.

Office pertaining to any permitted use.

Paper goods manufacturing and distributing.

Pharmaceutical manufacturing and distributing.

Plumbing, heating and electrical supply houses.

Precision instrument manufacturing.

Printing, publishing, and reprographic establishments.

Public safety facilities such as fire stations, rescue squad headquarters, and civil defense centers.

Public works and public utility facilities, including service and storage yards.

Radio and TV stations and towers.

Railroad stations and yards.

Recreation equipment sales and service including but not limited to bicycles, motorcycles, off-road vehicles, boats, campers, etc.

Restaurants, including drive-in/fast food restaurants, provided such drive-in restaurants are fenced on all sides that abut residential districts. Such fences shall be solid from the ground to a height of six (6) feet.

Second-hand stores and swap shops.

Service stations, including major repair work if conducted entirely within a building, provided that gasoline pumps shall be located at least twelve (12) feet behind the property line, provided further that on all sides where such stations abut residential districts, a six (6) foot high fence and suitable landscaping shall be provided.

Sheet metal, roofing, plumbing, heating, electrical and refrigeration shops.

Sign painting and fabricating shops.

Signs, including billboards, subject to the conditions listed under Section 52.

Tire recapping shops.

Truck sales, service and/or repair facilities.

Trucking terminals.

Vending companies.

Wholesale and warehousing establishments.

Wholesale storage of gasoline and oil products, including bottled gas and oxygen.

Customary accessory uses and structures including open storage, provided the area devoted to open storage is enclosed by a solid fence at least eight (8) feet in height.

63.2 Conditional uses. The following uses shall be permitted subject to a finding by the Board of Adjustment, after review by and recommendation of the Planning Board, that the additional conditions listed below will be met:

Other commercial or light manufacturing uses not otherwise named herein which come within the spirit or intent of this zoning district.

Section 64 WS-IV Water Supply Watershed Overlay District Rules and Regulations

64.1 Authority, Enactment and General Regulations

The Legislature of the State of North Carolina has, in Chapter 160A, Article 3, Section 174, General Ordinance Authority; and in Chapter 143, Article 21, Watershed Protection Rules, delegated the responsibility or directed local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The Board of Commissioners of the Town of Lilesville do hereby ordain and enact into law the following Watershed Protection Ordinance rules and regulations as part of the Town of Lilesville's Zoning Ordinance.

**ARTICLE VII
AREA YARD AND HEIGHT REQUIREMENTS**

The following table of minimum dimensional Area Yard and Height Requirements are required for the respective zoning districts: [FRF – the R & RMH districts should not set separate setbacks or lot sizes based upon services available]

ZONING DISTRICT AND PERMITTED USES	MINIMUM LOT SIZE/SQ. FT. PER DWELLING UNIT	MINIMUM YARD REQUIREMENTS				MAXIMUM HEIGHT IN FEET
		Lot Width in Feet	Front Yard Setback in Feet	Side Yard in Feet	Rear Yard in feet	
R-General Residential and RMH Residential Districts						
Single Family Residential without public water and sewer service	20,000	100	50	15(a)	40	35
Single Family Residential with either public water or sewer service	15,000	100	50	15(a)	40	35
Single Family Residential with both public water or sewer service	10,000	80	40	10(a)	30	35
Two Family (Duplex)	7,500	110	50	15(a)	40	35
Multifamily Units	6,000	120	50	15(a)	40	35
All Other Uses	40,000	200	50	15(a)	40	35
Town Center District	(b)	(b)	30(c)	(d)	(d)	35
GB-LI General Business-Light Industrial	20,000	100	50	15(a)	15	35
WS IV Watershed Single Family Residential	20,000 OR 1/3 acre (14,5000 sq. ft.) (e)	100	40	15	30	35
All Other Residential and Non-Residential Development	24% Built-upon area 36% Built-upon area (e)	100	40	15	30	35

(a) Corner Lots add ten (10) feet on the street side of the lot. Accessory buildings in the rear yard must also comply with this requirement.

(b) None applicable – no minimum lot size.

(c) May be used for parking except in the GB-LI General Business –Light Industrial District.

(d) Where areas abut residential districts the required side and/or rear yards (s) shall require a buffer strip in the required set-back area.

A ten (10) foot side yard is required as well as a buffer strip

(e) For projects without a curb and gutter street system.

**ARTICLE VIII
EXCEPTIONS AND MODIFICATIONS**

Section 80 LOT OF RECORD

Where the owner of a lot of official record in any district at the time of the adoption of this ordinance or his successor in the thereto does not own sufficient contiguous land to enable him to conform to the minimum lot size requirements of this ordinance, such lot may be used as a building site approved, however that the requirements of the district are complied with or a variance is obtained from the Board of Adjustment.

Notwithstanding the foregoing, whenever two (2) or more adjoining vacant lots of records are in single ownership at any time after the adoption of this ordinance and such lots individually have less area or width than the minimum requirements of the district in which such lots are located, such lots shall be combined into one or more lots which meet the minimum requirements of this ordinance for the district in which such lots are located.

Section 81 FRONT YARD SETBACKS FOR DWELLINGS

The front yard set-back requirements of this ordinance for dwellings shall not apply to any lot where the average set-back of existing buildings located wholly or partially within one-hundred (100) feet on either side of the proposed dwelling and on the same side of the street as such lot is less than the minimum required front yard depth. In such case the set-back on such lots may be less than the required set-back but not less than the average of the existing setbacks on the aforementioned lots, or a distance of ten (10) feet from the street right-of-way line, whichever is greater.

Section 82 HEIGHT LIMITATIONS

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, chimneys, smokestacks conveyors, flag poles, radio towers, television towers, masts, aerials and similar structures, except as otherwise provide in a vicinity of airports.

Section 83 VISIBILITY AT INTERSECTIONS

On a corner lot in any residential district, no planting, landscaping or shrubby, structure, sign, fence, wall or obstruction to vision more than three (3) feet in height measure from the center line of the street shall be place or maintained within the triangular area formed by the intersecting street right-of-way lines and a straight line connecting points on said street right-of-way lines each of which thirty-five (35) feet distant from the point of intersection.

Section 84 GROUP PROJECTS

In the case of two (2) or more buildings to be constructed on a plot of ground of at least two (2) acres not subdivided into the customary streets and lots, and which will not be so subdivided, the application of the terms of this ordinance may be varied by the Board of Adjustment after review of plans upon recommendations of the Planning Board in a manner that will be in harmony with the character of the neighborhood, provided:

- 84.1 Such uses are limited to those permitted within the zoning district in which the project is located. In no case shall the Board authorize a use prohibited in the district in which the project is to be located;
- 84.2 The overall intensity of land use is no higher, and the standard of open space is no lower than that permitted in the district in which the project is located;
- 84.3 The distance of every building from the nearest property line shall meet the front yard set-back and side yard requirements of the district in which the project is located;
- 84.4 The building heights do not exceed the height limits permitted in the district in which the project is located; and
- 84.5 If the property lies within or abuts upon a residential district, and is to be used for a non-residential purpose, there shall be a buffer strip along the rear and/or side lot lines abutting the residential properties. No such buffer shall, however, extend nearer to a street right-of-way line than the established building line of the adjoining residential lot.

**ARTICLE IX
ADMINISTRATION, ENFORCEMENT AND PENALTIES**

Section 90 ZONING ENFORCEMENT OFFICER

It shall be the duty of the Zoning Enforcement Officer to enforce and administer the provisions of this ordinance. If a ruling of the Zoning Enforcement Officer is questioned, the aggrieved party or parties may appeal such ruling to the Board of Adjustment.

Section 91 ZONING PERMIT REQUIRED

No building, sign or other structure shall be erected, moved, extended or enlarged, or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be commenced, until the Zoning Enforcement Office has issued a zoning permit for such work.

Section 92 APPLICATION FOR ZONING PERMIT

Each application to the Zoning Enforcement Office for a zoning permit shall be accompanied by plot plans in duplicate showing.

- 92.1 The actual dimensions of the lot to be built upon
- 92.2 The size of the building to be erected;
- 92.3 The location of the building on the lot;
- 92.4 The location of existing structures on the lot, if any;
- 92.5 The number of dwelling units the building is designed to accommodate;
- 92.6 The approximate set-back lines of buildings on adjoining lots; and
- 92.7 Such other information as may be essential to determine which of the provisions of this ordinance are being observed.

Any zoning permit issued shall expire and be cancelled unless the work authorized by it shall have begun within six (6) months of its date of issue, or if the work authorized by it is suspended or abandoned for a period of one (1) year. Written notice thereof shall be given to the persons affected, including notice that further work as describe in the cancelled permit shall not proceed.

Section 93 CERTIFICATE OF OCCUPANCY REQUIRED

A certificate of occupancy issued by the Zoning Enforcement Officer is required in advance of:

- 93.1 Occupancy or use of a building hereafter erected, altered, or move;
- 93.2 A change of use of any building or land.

A certificate of occupancy, whether for the whole or a part of building shall be applied for coincident with the application for a zoning permit and shall be issued within ten (10) days after the

erection or structural alteration of such building, or part, shall have been completed in conformity with the provisions of this ordinance. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this ordinance.

If the certificate of occupancy is denied, the Zoning Enforcement Officer shall state in writing the reasons for refusal and the applicant shall be notified of the refusal. A record of all certificates shall be notified or the refusal. A record of all certificates shall be kept on file in the office of the Zoning Enforcement Officer and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building or land involved.

Section 94 PENALTIES FOR VIOLATIONS

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

Section 95 REMEDIES

In case any building is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building or land is used in violation of this ordinance, the Zoning Enforcement Officer or any other appropriate town authority, or any persons who would be damaged by such violation, in addition to other remedies, may request that the Town Board institute an action for injunction, or mandamus, or other appropriate action or processing to prevent such violation.

In case any sign shall be installed, erected or constructed in violation of any of the terms of this ordinance, the Zoning Enforcement Officer shall notify by personal notice or registered mail the owner or lessee thereof to alter such sign as to comply with this ordinance and to secure the necessary permit thereof, or to remove the sign. If such an Order is not complied within ten (10) days, the Zoning Enforcement Officer shall remove such sign at the expense of the owner or lessee thereof. In the event that sign or wall bulletin should become insecure, or in danger of falling, the person maintaining the same shall, upon written notice from the Zoning Enforcement Office, forthwith, in case of immediate danger, and in any case, within ten (10) days, secure the same in a manner approved by the Zoning Enforcement Officer.

**ARTICLE X
BOARD OF ADJUSTMENT**

Section 100 ESTABLISHMENT OF BOARD ADJUSTMENT

A board of Adjustment is hereby established. Said Board shall consist of ten (10) members. Five (5) members of the Board shall be appointed by the Town Board of Commissioner, and five (5) members shall be appointed by the Board of County Commissioner of Anson County for overlapping terms of three (3) years. The members of the Board of Adjustment serving on the effective date of this ordinance, under a zoning ordinance effective prior thereto shall be considered as the five-(5) members to be appointed. Initial appointment term of three (3) years, two (2) members for a term of two (2) year and two (2) members for a term of one (1) year. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the Board.

Section 101 JURISDICTION AND DECISIONS OF THE BOARD OF ADJUSTMENT

The five (5) members appointed to the Board by the Board of County Commissioners as representatives of the one-mile area outside the Town of Lilesville shall be residents of such area and citizens of Anson County. Such members shall have equal rights, privileges, and duties with other members of the Board in all matters pertaining to the regulation of the one-mile area. The concurring vote of five (5) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official charge with enforcement of this ordinance within the one-mile area or to decide in favor of the applicant any matter upon which it is required to pass under the zoning ordinance except to effect any variation of such ordinance, which shall require eight (8) members of the Board voting to grant such variance.

On all matters pertaining to the incorporated area of the Town of Lilesville, only those Board members representing the Town of Lilesville shall vote. The concurring vote of three (3) members of the Board from the Town of Lilesville shall be necessary to reverse any order, requirement, decision or determination of the Zoning Enforcement Office of the Town Manager within the Town of Lilesville, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance except to effect any variation of this ordinance, which shall require eight (8) members of the Board voting to grant such variance.

On all appeals, applications and other matters brought before the Board of Adjustment said Board shall inform, in writing, all of the parties involved of its decisions and the reasons therefor.

Section 102. PROCEEDINGS OF THE BOARD OF ADJUSTMENT

The board of Adjustment shall elect a chairman and a vice-chairman from its members who shall serve for one (1) year or until re-elected or until their successors are elected. The Board shall appoint a secretary who may be municipal officer, an employee of the town, a member of the Planning Board, or a member of the Board of Adjustment. The Board of Commissioners shall adopt rules of procedure in accordance with the provisions of this ordinance and of Article 19, Chapter 160A, of the General Statutes of North Carolina. Meetings of the Board shall be held at the call of the chairman, and at such

other times as the Board may determine. The chairman, or in his absence, the vice-chairman, may administer oaths. All meetings of the board shall be open to the public.

Section 103. APPEALS, HEARINGS, AND NOTICE

An appeal from the decision of the Zoning Enforcement Office may be appealed by the aggrieved party to the Board of Adjustment. Such appeals shall be received within thirty (30) days of constructive notice of a decision of the Zoning Enforcement Officer by filing with the Town Clerk and with the notice of appeal specifying the grounds thereof. Each appeal to the Board of Adjustment shall be accompanied by a fee of thirty dollars (\$30.00) which shall be charged for processing said appeal. The Town Clerk shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken. The Board of Adjustment shall have thirty-six (36) days within which to hear the appeal. A public hearing shall be heard by the Board before any decisions rendered. A notice of such public hearing shall be given in a newspaper of general circulation in the Town of Lilesville, said notice to be published not less than five (5) days prior to the date established for such public hearing. Furthermore, due notice shall be given to the parties in interest. At the hearing, any party may appear in person or by agent or attorney. The Board of Adjustment shall render a decision within thirty (30) days after the date of public hearing.

Any petition for an appeal may be withdrawn at any time at the discretion of the person initiating such a request, upon written notice to the Town Clerk.

Section 104. STAY OF PROCEEDINGS

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Enforcement Office certifies to the Board of Adjustment after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Zoning Enforcement Officer, and on due cause shown.

Section 105. POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT

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

- 105.1 Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Enforcement Officer or the Town Manager in the enforcement of this ordinance.
- 105.2 Special Exceptions. To hear and decide special exceptions to the terms of this ordinance upon which the Board of Adjustment is required to pass under this ordinance, e.g., conditional uses and group developments.
- 105.3 Variances. To authorize upon appeal in specific cases such as variances from the terms of ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of the ordinance will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed,

public safety and Welfare secured, and substantial justice done. The existence of a non-conforming use of neighboring land, buildings, or structures in the same district or of permitted or non-conforming uses in other districts shall not constitute a reason for the requested variance. The fact that property may be utilized more profitably will not be considered adequate to justify the Board in granting a variance. A variance may be granted for unnecessary hardship upon a finding by the Board of Adjustment that the following conditions exist.

- 105.31 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.
- 105.32 Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
- 105.33 A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
- 105.34 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.
- 105.35 The special circumstances are not the result of the actions of the applicant
- 105.36 The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.
- 105.37 The variance is not a request to permit a use of land, building or structure, which is not permitted by right or by special exception in the district involved.

6.1-4 Action by The Board of Adjustment. The following action shall be taken by the *Board of Adjustment* upon receipt of the completed application:

- (a) A public hearing shall be held on the requested variance within thirty-six (36) days of receipt of a complete application.
- (b) Notice of the hearing shall be given by mail to:
 - 1. The person or entity whose variance application or request is the subject of the hearing;
 - 2. The owner of the property that is subject to the hearing if the owner did not initiate the hearing; and,
 - 3. Owners of all parcels of land abutting the parcel of land that is the subject of the hearing and owners of all properties that lie within five-hundred (500) feet of the subject property; and,
 - 4. To any other person who makes a written request for such notice at least ten (10) days prior to the date of the hearing.

Such notices shall be deposited in the mail at least ten (10) days but not more than twenty-five (25) days prior to the date of the hearing.

- (c) A sign shall be prominently posted on the subject property or an adjacent street or highway right-of-way at least ten (10) but not greater than twenty-five (25) days prior to the date of the hearing.
- (d) In considering the application, the *Board of Adjustment* shall review the application materials, the staff recommendation, the general purpose and standards set forth in this Article for the granting of variances, and all testimony and evidence received by the Board at the public hearing.
- (e) After conducting the public hearing, the *Board of Adjustment* may:
 - 1. Deny the request;
 - 2. Conduct an additional public hearing on the request; or
 - 3. Grant the request. The concurring vote of four-fifths (4/5) of the members of the *Board of Adjustment* shall be necessary to grant a variance. Any approval or denial of the request shall be accompanied by written findings that the variance meets or does not meet each of the standards set forth in subsection 6.1-6 below or, for flood protection regulation variances, as set forth in Article 18 of this Ordinance. For purposes of this section, vacant positions and members of the Board who are disqualified from voting on the hearing decision shall not be considered “Board members” for calculation of the majority if there are no qualified alternate Board members available to take the place of such members.

6.1-5 Conditions Appropriate conditions, which must be reasonably related to the condition or circumstance that results in the need for the variance, may be attached to any variance approval granted by the *Board of Adjustment*.

6.1-6 Standards of Review. The *Board of Adjustment's* decision shall be based on competent, material and substantial evidence. All persons providing evidence shall be sworn or affirmed by the Chairman or the Clerk to the Board. The *Board of Adjustment* shall not grant a variance until it makes each of the following findings:

- (a) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate, in the absence of a variance, that no reasonable use can be made of the property.;

- (b) The hardship results from conditions that are peculiar to the property such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, shall not be the basis for granting a variance.;
- (c) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.; and,
- (d) The requested variance is consistent with the spirit, purpose and intent of the ordinance; such that public safety is secured and substantial justice is achieved.

6.1-7 Effective Date of Decision: Any decision made by the Board of Adjustment regarding a variance shall be reduced to writing and reflect the Board's decision of contested facts and their application to the applicable standards. The written decision shall be signed by the Chair and shall be filed with the Town Clerk. The effective date of the decision shall be upon the date it is filed with the Town Clerk. The decision shall be delivered by the Administrator or his designee via personal delivery, electronic mail or by first class mail to the applicant, property owner and to any person who has submitted a written request for a copy prior to the close of the public hearing on the case. The person making such deliveries shall certify that the deliveries have been made.

Following the effective date of the decision of the *Board of Adjustment*, the following actions may be taken:

- (a) After the *Board of Adjustment* approves a variance, the applicant shall follow all appropriate procedures set forth in this ordinance for the receipt of permits, certificates, and other approvals necessary in order to proceed with development.
- (b) After the denial of the variance request, the applicant may make application for a rehearing in accordance with *Board of Adjustment's* rules of procedure and this Ordinance.

6.1-8 Duration. The variance may be issued for a limited duration only. Unless otherwise specified, construction and/or operation shall be commenced within twenty-four (24) months of the date of issuance of a variance, or the variance shall become void.

Section 106. APPEALS FROM THE BOARD OF ADJUSTMENT

Any person or persons, acting jointly or severally, and any taxpayer, or any officer, department, board or bureau of the Town of Lilesville aggrieved by any decision of the Board may, within thirty (30) days after the filing of the Board's decision, present to Superior Court of Anson County a petition duly verified, setting forth that such decisions is illegal, in whole or in part, specifying the ground of illegality, whereupon such decision of said Board shall be subject to review by certiorari as provided by law.

ARTICLE XI AMENDMENTS

A petition for a zoning amendment may be initiated by the Board of Commissioners, the Lilesville Planning and Zoning Board, any department or agency of the town, or the owner of any property within the zoning jurisdiction of the Town of Lilesville.

Any application for an amendment to the zoning ordinance, or Official Zoning Map, shall be filed with the Town Clerk at least ten (10) days period to the date on which it is to be introduced to the Board of Commissioners. The Town Clerk shall be responsible for presenting the application to the Board of Commissioners. Each application shall be signed, be in duplicate, and shall contain at least the following information.

1. The applicant's full name and address, and the address or description of property petitioned to be rezoned
2. The applicant's interest, if applicable, in the property and the type of zoning amendment requested.
3. If the proposed change would require a change in the zoning map, an accurate diagram of the property proposed for rezoning showing:
 - a. all property lines with dimensions, north arrow;
 - b. adjoining streets with rights-of-way and paving widths;
 - c. the location of all structures; the use of all land; and
 - d. zoning classification of all abutting zoning districts.
4. A statement describing how the proposed change will be consistent with the town's comprehensive land use plan and why this change reasonably necessary to the promotion of the public health, safety, and general welfare.

Unless initiated by the Lilesville Planning Board, all proposed amendments to the zoning ordinance shall be submitted to the Planning Board for review and recommendation. The Planning Board shall have forty-five (45) days within which to submit its report to the Town Board of Commissioners. If the Planning Board fails to submit a report within the above period, it shall be deemed to have approved the proposed amendment.

A public hearing shall be held by the Board of Commissioners before the adoption of any proposed amendment to the zoning 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 the Town of Lilesville, said notice to be published the first time not less than ten (10) nor more than twenty five (25) days before the date fixed for the hearing. In computing such period, the day of publication is not to be counted but the day of hearing shall be counted.

Any petition for an amendment to this ordinance may be withdrawn at any time at the discretion of the person initiating such a request, upon written notice to the Town Clerk.

When the Board of Commissioners denies an application for a rezoning of property in any zoning district, it shall not accept another application for rezoning the same property or any portion thereof, until the expiration of six (6) months from the date of such previous denial.

ARTICLE XII
LEGAL STATUS PROVISIONS

Section 120. CONFLICT WITH OTHER REGULATIONS

Whenever the regulations of this ordinance require a greater width or size of yards, courts, or other open space, or require a lower height of buildings or lesser number of stories or require a greater percentage of lot to be left unoccupied or impose other more restrictive standards than are required by any other statute, the regulations and requirements of this ordinance shall govern.

Whenever the provisions of any other statute require more restrictive standards that are required by this ordinance, the provisions of such statute or agreement shall govern.

Section 121. VALIDITY

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

Section 122. EFFECTIVE DATE

This ordinance shall take effect and be in force from and after its adoption by the Board of Commissioners of the Town of Lilesville, North Carolina, on _____ day of _____ 2018.