

ZONING ORDINANCE

Town of Rich Square North Carolina

(Effective July 1, 2021)

**ZONING ORDINANCE
OF THE
TOWN OF RICH SQUARE, NORTH CAROLINA
(Effective July 1, 2021)**

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APPENDIX

ARTICLE I
AUTHORITY AND ENACTMENT

The Board of Commissioners of the Town of Rich Square, North Carolina, in pursuance of the authority granted by the General Statutes of North Carolina, Chapter 160D, hereby ordain and enact into law the following Articles and Sections.

ARTICLE II
TITLE

This ordinance shall be known as the “Zoning Ordinance of the Town of Rich Square, North Carolina.”

ARTICLE III
JURISDICTION

The provisions of this ordinance shall be applicable to all land within the corporate limits of the Town of Rich Square, North Carolina as established on the map entitled “Official Zoning Map, Town of Rich Square.”

ARTICLE IV
COMPLIANCE

It is the intent of the Town of Rich Square that its Zoning Ordinance be in compliance with applicable provisions of G.S. Ch.160D as enacted by the legislature, effective July 1, 2021. In the case where prior, local ordinance is in conflict with G.S. Ch.160D, it is the intent of the Board of Commissioners that provisions of G.S. Ch. 160D prevail on its effective date of July 1, 2021.

ARTICLE V
ESTABLISHMENT OF DISTRICTS

Section 5-1. Use Districts Named

For the purpose of this ordinance, the Town of Rich Square, North Carolina is hereby divided into the following districts:

R-40	Low-Density Residential District
R-20	Medium Density Residential District

R-10	High Density Residential District
A-0	Apartment and Office District
C-1	Retail Business District
C-2	Highway Business District
I-1	Light Industrial District

Section 5-2. District Boundaries

The boundaries of those districts are hereby established as shown on a map entitled “Official Zoning Map, Town of Rich Square.” Said map and all explanatory matter thereon accompanies and is hereby made a part of this ordinance; it shall be properly attested and on file in the office of the town clerk. Supplementary maps in the possession of the Town of Rich Square will also be available for inspection.

Section 5-3. Rule 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:

- 5-3-1 Boundaries indicated as approximately following the center lines of streets, highways, alleys, streams, rivers or other bodies of water, shall be construed to follow such center lines.
- 5-3-2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 5-3-3 Boundaries indicated as approximately following city limit lines shall be construed as following such city limit lines.
- 5-3-4 Where district boundaries are so indicated that they are approximately parallel to the center line 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 therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale show on said zoning map.
- 5-3-5 Where physical features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by Subsections 4-3-1 through 4-3-4 above, the Planning Subcommittee shall interpret the district boundaries.

ARTICLE VI
DISTRICT PROVISIONS¹

Section 6-1. R-40 Low-Density Residential District

This district is designed to accommodate single-family dwellings on large lots in areas where public water and/or sewer are not available.

6-1-1 In the R-40 district, the following uses are permitted:

Single family dwellings

Parks

Playgrounds

Golf courses, except miniature golf courses or practice driving tees operated for commercial purposes.

Schools, elementary and secondary

Day nurseries

Kindergartens

Colleges

Churches

Police, fire and rescue squad stations

Customary accessory buildings

Customary home occupations

Signs, subject to the provisions of Section 6-7

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NOTE: Section 2.9(b) of S.L. 2019-111 provides that “[a]ny special use district or conditional use district zoning district . . . shall be deemed a conditional zoning district consistent with the terms of this act, and the special or conditional use permits issued concurrently with establishment of those districts shall be valid . . . Any valid ‘conditional use permit’ issued prior to January 1, 2021, shall be deemed a ‘special use permit’ consistent with the provisions of this act.”

6-1-2 In the R-40 district the following shall be conditional uses, subject to the provisions of Section 10-5-3:

Public utilities

Cemeteries

Clubs

Hospitals

Nursing homes

6-1-3 In the R-40 district, the following dimensional requirements apply:

Minimum Lot Area In Square Feet	Minimum Lot Width at Building Line in Feet	Minimum Yard Requirements in Feet			Maximum Height in Feet
		Front	Side	Rear	
40,000	150	40	25	25	35

Section 6-2. R-20 Medium-Density Residential District

This district is designed to accommodate medium density single family residential development in areas where public water and sewer are available.

6-2-1 In the R-20 district, the following uses are permitted:

Single family dwellings

Parks

Playgrounds

Schools, elementary and secondary

Day nurseries

Kindergartens

Colleges

Churches

Police, fire and rescue square stations

Customary accessory buildings

Customary home occupations

Signs, subject to the provisions of Sections 6-7

6-2-2 In the R-20 district, the following shall be conditional uses, subject to the provisions of Section 10-5-3:

Public utilities

Cemeteries

Clubs

Community Centers

Libraries

Professional offices

Garage apartments

Hospitals

Nursing homes

6-2-3 In the R-20 district, the following dimensional requirements apply:

Minimum Lot Area In Square Feet	Minimum Lot Width at Building Line in Feet	Minimum Yard Requirements in Feet			Maximum Height in Feet
		Front	Side	Rear	
20,000	100	35	15	20	35

Section 6-3. R-10 High Density Residential District

This district is designed to accommodate high density single- and two-family dwellings in areas where public water and sewer are available.

6-3-1 In the R-10 district, the following uses are permitted:

Single family dwellings

Two family dwellings

Parks

Playgrounds

Schools, elementary and secondary

Day nurseries

Kindergartens

Colleges

Police, fire and rescue squad stations

Customary accessory buildings

Customary home occupations

Signs, subject to the provisions of Section 6-7

6-3-2 In the R-10 district the following shall be conditional uses, subject to the provisions of Section 10-5-3:

Public utilities

Clubs

Community Centers

Libraries

6-3-3 In the R-10 district, the following dimensional requirements apply:

Minimum Lot Area In Square Feet	Minimum Lot Width at Building Line in Feet	Minimum Yard Requirements in Feet			Maximum Height in Feet
		Front	Side	Rear	
10,000 for single family 14,000 for two-family dwelling or other building	75	30	10	15	35

Section 6-4. An A-O Apartment and Office District

This district is designed to accommodate a compatible mixture of apartments and offices.

6-4-1 In the A-O district, the following uses are permitted:

Two-family dwellings

Multi-family dwellings

Offices – business, professional and public

Restaurants and snack bars for employees, provided these uses are not visible from the outside of any building and there is no exterior advertising of such use

Parks

Playgrounds

Schools

Day nurseries

Kindergartens

Colleges

Churches

Police, fire and rescue squad stations

Hospitals

- Clinics
- Nursing homes
- Clubs
- Community centers
- Libraries
- Customary accessory buildings
- Customary home occupations
- Signs, subject to the provisions of Section 6-7

6-4-2 In the A-O district, the following shall be conditional uses, subject to the provisions of Section 10-5-3:

- Public utilities

6-4-3 In the A-O district, the following dimensional requirements apply:

Minimum Lot Area In Square Feet	Minimum Lot Width at Building Line in Feet	Minimum Yard Requirements in Feet			Maximum Height in Feet
		Front	Side	Rear	
10,000 square feet for duplex or any non-residential building; 40,000 additional square feet for each dwelling unit in excess of 2	75	25	10	10	35

Section 6-5. C-1 Retail Business District

This district is designed to accommodate most types of retail businesses, offices, and services which are not predominantly high-way oriented.

6-5-1 In the C-1 district, the following uses are permitted:

If no smoke, odor, dust, fumes, or noise is emitted from the building, any retail business or service conducted within an enclosed building, except those of an automotive nature, day nurseries, kindergartens, and elementary schools and volatile uses

Any retail business making products sold primarily at retail on the premises if all operations are conducted within a building and no smoke, odor, dust, fumes or noise is emitted from the building excluding volatile uses

Automobile parking lots and garages

Banks and other financial institutions, including loan and finance companies

Billiard or pool halls

Bus stations

Hotels and motels

Jewelry repair shops

Medical and dental clinics and laboratories

Newspaper offices and printing establishments

Offices – business, professional and public

Opticians

Parks

Photographic studios

Public and semi-public buildings, except day nurseries, kindergartens, and elementary schools

Restaurants, indoor

Theaters, indoor

Customary accessory buildings

Signs, subject to the provisions of Section 6-7

6-5-2 In the C-1 district, the following shall be conditional uses, subject to the provisions of Section 10-5-3:

Service stations

Public utilities

6-5-3 In the C-1 district, the following dimensional requirements shall apply:

Minimum Lot Area In Square Feet	Minimum Lot Width at Building Line in Feet	Minimum Yard Requirements in Feet#			Minimum* Height in Feet
		Front	Side	Rear	
None	20	None	None	None	50

*In the C-1 district, every building hereafter erected to exceed 50 feet in height shall be set back from the front lot line one (1) foot for each two (2) feet rise above fifty (50) feet or fraction thereof, but in no case shall the required setback exceed ten (10) feet.

#When side or rear yards or alleys are provided, there shall be at least six (6) feet between buildings.

6-5-4 Off-Street Parking. Shall be provided as required in Article VI, Section 6-5 for all new buildings in this district.

6-5-5 Off-Street Loading and Unloading. Shall be provided as required in Section 6-6.

Section 6-6. C-2 Highway Business District

This district is designed primarily to encourage the development of recognizable, attractive groupings of facilities to serve persons traveling by automobile and local residents. Since these areas are generally located on the major highways, they are subject to the public view. They should provide an appropriate appearance, ample parking, and be designed to minimize traffic congestion.

6-6-1 In the C-2 district, the following uses are permitted:

Animal hospitals

Automobile car wash

Automobile sales and service

Banks and other financial institutions including savings and loan and finance companies

Bowling alleys, miniature golf, or other recreational uses conducted for profit, excluding outdoor theatres

Building materials provided a continuous visual buffer strip is provided along any street frontage or any property in separate ownership such that none of the material stored can be seen from a street or from property in separate ownership

Bus station

Farm equipment sales and service

Funeral parlors

Mobile home sales

Motels

Laundries, laundromats, and dry-cleaning establishments

Offices – business, professional and public

Public and semi-public buildings, structures or areas except day nurseries, kindergartens and elementary schools

Public utilities

Repair or service shops

Restaurants, including drive-in and take-out restaurants

Service stations

Tire recapping and retreading

Wholesale business, excluding volatile uses

Customary accessory buildings

Signs, subject to the provisions of Section 6-7

6-6-2 The following shall be conditional uses in the C-2 district subject to the provisions of Section 10-5-2:

Retail stores or business and light industrial uses, provided the use will not be detrimental to the public welfare or injurious to property or improvements in the area

6-6-3 Dimensional requirements of the C-2 district are:

Minimum Lot Area In Square Feet	Minimum Lot Width at Building Line in Feet	Minimum Yard Requirements in Feet			Maximum Height in Feet
		Front	Side	Rear	
10,000	80	35	15	20	35

6-6-4 Off-Street Parking. Shall be provided as required in Article VI, Section 6-5.

6-6-5 Off-Street Loading and Unloading. Shall be provided as required in Article VI, Section 6-6.

6-6-6 Required Buffers. Where this district abuts a lot in a residential district, there shall be provided and maintained along said property line a continuous visual buffer. (See Subsection 12-2-3.)

Section 6-7. I-1 Industrial District

In the light industrial district those manufacturing, wholesaling, and warehousing uses which can be conducted without producing harmful effects on the town's citizens are permitted.

6-7-1 In the I-1 district the following uses are permitted provided that the use does not emit noise, glare, odor, smoke or other disturbance from the property on which it is located:

Food and beverage processing, except meat, poultry, seafood, fish, animal and marine fats and oils, vinegar, yeast

Textile products-manufacturing

Apparel and other finished products made from fabrics, leather, and similar materials-manufacturing, except leather tanning and finishing

Lumber and wood products except paper and paper products manufacturing, sawmills, logging camps are not permitted

Printing, publishing and bookkeeping

Pharmaceutical preparations-manufacturing

Stone, clay and glass products-manufacturing

Fabricated metal products-manufacturing, except ammunition

Professional, scientific and controlling instruments-manufacturing

Photographic and optical goods-manufacturing

Watches and clocks-manufacturing

Jewelry, silverware, and plateware-manufacturing

Musical instruments and parts-manufacturing

Toys, amusement, sporting and athletic good-manufacturing

Pens, pencils and other office materials-manufacturing

Costume jewelry, costume novelties, buttons, and miscellaneous notions-manufacturing

Tobacco, brooms and brushes-manufacturing

Lamp shades-manufacturing

Signs-manufacturing

Umbrellas, parasols, and canes-manufacturing

Warehousing

Wholesaling

Truck Terminals

Repair or service shops

Tire recapping and retreading

Police, fire and rescue squad stations

Any retail or service establishment dependent or closely related to an industry

Public utilities

Parks

Storage yards, including building materials and lumber yards, provided a continuous visual buffer strip is provided along any street frontage or any property in separate ownership such that none of the material stored can be seen from a street or from property in separate ownership but not over 16 feet in height; however, automobile wrecking, junk and salvage yards are not permitted.

Signs, subject to the provisions of Section 6-7

6-7-2 The following shall be conditional uses in the I-1 district, subject to the provisions of Section 10-5-3:

Any of the above uses which would emit noise, glare, odor, smoke, or other disturbance from the property on which it is located.

Manufacturing uses not otherwise named herein which come within the spirit or intent of this zoning district.

Automobile wrecking, junk and salvage yards provided that:

- (a) All motor vehicles must be stored or kept so that they will not catch or hold water in which mosquitoes may breed and so that they will not

constitute a place or places in which rats, mice or other vermin may be harbored, reared or propagated.

- (b) Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than two hundred (200) feet from any established residential zone.
- (c) All outdoor storage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen or wall, excepting driveway areas, at least ten (10) feet in height and no more than sixteen (16) feet in height. Storage between the road or street and such fence, screen, or wall is expressly prohibited. Any fence, screen or wall for screening purposes shall be properly painted and/or otherwise maintained in good condition.
- (d) All such yards shall be so maintained as to be in a sanitary condition so as not to be a menace to the public health or safety.
- (e) The number of vehicular access driveways permitted on any single street frontage shall be limited to:
 - 1. One driveway where the parcel to be used has a maximum road or street frontage of one-hundred (100) feet or less;
 - 2. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. However, in no case will more than two (2) driveways per street or road be permitted;
 - 3. Driveways used for egress and ingress shall be limited to twenty-five (25) feet in width.

6-7-3 Dimensional requirements of the I-1 Industrial district are:

Minimum Lot Area In Square Feet	Minimum Lot Width at Building Line in Feet	Minimum Yard Requirements in Feet			Maximum* Height in Feet
		Front	Side	Rear	
40,000	100	30	15	20	35

*No building shall exceed thirty-five (35) feet in height unless the depth of the front and total width of the side yards required herein shall be increased one (1) foot for each two (20 feet or fraction thereof of building height in excess of thirty-five (35) feet.

- 6-7-4 Off-Street Parking. Shall be provided as required in Article VI, Section 6-5.
- 6-7-5 Off-Street Loading and Unloading. Shall be provided as required in Article VI, Section 6-6.
- 6-7-6 Required Buffers. Where this district abuts a lot in a residential district there shall be provided and maintained along said property line a continuous visual buffer. (See Subsection 12-2-3).

ARTICLE VII

GENERAL PROVISIONS

Section 7-1. Application of Regulations

The regulations set forth in this ordinance affect all land, every building, and every use of land and/or building and shall apply as follows:

- 7-1-1 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 for the district in which it is located.
- 7-1-2 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.
- 7-1-3 Lot Size. No lot, even though it may consist of one or more adjacent lots of record in single ownership, shall be reduced in size so that the lot width or depth, front, side or rear yards, lot area per dwelling unit, or other requirements of this ordinance are not maintained. This prohibition shall not be construed to prevent the purchase or condemnation of narrow strips of land for public utilities or street right-of-way purposes.
- 7-1-4 Yard Use Limitations. No part of a yard or other open space required about any building or use 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 or use.
- 7-1-5 More than One Principal Structure on a Lot. In any district, more than one structure housing a permitted or permissible use may be erected on a single lot, provided that all minimum lot area, yard, and other requirements of this ordinance shall be met for each structure as though it were on an individual lot, except that in the case of a specially designed complex of institutional, residential, commercial or industrial structures in an appropriate zoning district, each structure in such a complex shall meet all yard requirements as though on an individual lot and the mean lot area per principal structure in the complex shall be at a minimum equal to the minimum lot area required in the zoning district in which the complex is located.
- 7-1-6 Necessary Repairs Permitted. Nothing in this ordinance shall prevent the strengthening or restoration to a safe or lawful condition of any part of any building or structure declared to be unsafe or unlawful.
- 7-1-7 Lot Frontage. All lots shall front on a public street.

Section 7-2. Non-conformities

Within the districts established by this ordinance or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited regulated or restricted under the provisions of this ordinance or future amendment. These are called non-conformities and are subject to the following provisions:

7-2-1 Non-conforming Vacant Lots. This category of non-conformance consists of vacant lots for which plats or descriptions have been recorded in the Office of the Register of Deeds of Northampton County, which at the time of enactment or amendment of this ordinance fail to comply with the dimensional requirements for the district in which they are located. Any such non-conforming lot may be used for any of the minimum uses permitted by this ordinance in the district in which it is located, provided as follows:

(a) Such vacant lot of record does not adjoin another lot of record to which it can be combined as called for in Section 8-1.

(b) The requirements in Section 8-1 are met.

7-2-2 Non-conforming Substandard Structures. This category of non-conformance consists of structures existing at the time of the adoption or amendment of this ordinance whose size or location does not conform with the yard, height, parking, loading, access, and lot area provisions of this ordinance or amendment thereto. Such structures may remain and their conforming use may continue, provided as follows:

(a) Any enlargements to such structures must comply with the yard, height, parking, loading, access and all other applicable requirements of this ordinance for the district in which such structure is located.

(b) Substandard structures which are damaged or destroyed by fire, explosion, flood, or other calamity may be reconstructed. When reconstructed, such structures shall comply with the yard, height, parking, loading, access and all other applicable requirements of this ordinance, for the district in which such structure is located, unless the structure is situated on a non-conforming lot of record in which case the provisions in Section 7-2-1 apply. The Planning Subcommittee may grant a variance in cases where the nature of the undamaged portion would make it infeasible for all requirements to be met when the structure is rebuilt.

(c) A substandard structure may not be moved off the lot or lots on which it is located, unless when relocated it complies with the regulations for the district in which it is relocated.

7-2-3 Non-conforming Open Uses of Land. This category of non-conformance consists of lots used for storage yards, used car lots, auto wrecking, junk yards, and similar open uses where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use of the land is not permitted to be established hereafter, under this ordinance, in the district in which it is located. A legally established non-conforming open use of land may be continued except as follows:

- (a) Where a non-conforming open use of land has been changed to a conforming use, it shall not thereafter revert to any non-conforming use, nor may such use be moved off of the lot or lots on which it is located unless, when relocated, it complies with the regulations for the district in which it is relocated.
- (b) A non-conforming open use of land shall not be changed to any but conforming uses.
- (c) A non-conforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became non-conforming.
- (d) When any non-conforming open use of land is discontinued for a period in excess of one year, any future use of the land shall be limited to those uses permitted in the district in which the land is located. Vacancy and/or non-use of the land regardless of the intent of the owner or tenant shall constitute discontinuance under this provision.

7-2-4 Non-conforming Uses of Buildings or Structures. This category of non-conformance consists of buildings or structures used at the time of enactment of this ordinance for purposes of use not permitted in the district in which they are located. Such uses may be continued as follows:

- (a) Any existing non-conforming use of a building or structure may not be changed to another non-conforming use, except that the Planning subcommittee may permit as a conditional use a change in non-conforming use if the subcommittee finds that such new use would be more in character with the uses permitted in the district than the previous use, provided that once the Planning Subcommittee has permitted such substitution, the substituted use shall lose its status as a legal, non-conforming use and become subject to any conditions required by the Planning Subcommittee.
- (b) A building or structure occupied by a non-conforming use may not be moved off the lot or lots on which it is located unless when relocated, it complies with the regulations for the district in which it is relocated.
- (c) When a non-conforming use of a building or structure has been changed to a conforming use, it shall not thereafter be used for any non-conforming use.

- (d) A non-conforming use of a building or structure shall not be extended or enlarged except into portions of the structure which, at the time the use became non-conforming were already erected and arranged or designed for such non-conforming use.
- (e) Non-conforming existing residential structures in either business or industrial districts may be enlarged, extended or structurally altered provided no additional dwelling units result from such enlargement and the extensions or alteration shall comply with the dimensional requirements for the district in which it is located.
- (f) Maintenance and repairs necessary to keep a non-conforming structure in sound condition shall be permitted.
- (g) A structure occupied by a non-conforming use may be changed to be more in character with the uses permitted in the district in which it is located, provided that once so changed it shall not subsequently be changed to be less in character.
- (h) When any non-conforming use of a building or a structure is abandoned for a period in excess of one year, the building or structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- (i) Reconstruction of Damaged Buildings or Structures. Any non-conforming use, which has been damaged by fire, wind, flood, or other causes, may be repaired and used as before if repairs are initiated in twelve (12) months and completed within two (2) years of such damage, unless such building or structure has been declared by the zoning administrator to have been damaged to an extent exceeding eighty percent (80%) of its assessed value at the time of destruction. If the building or structure is damaged to a degree greater than eighty percent (80%), future use of the building and site must come into conformance with the regulations for the district in which it is located.

7-2-5 Nonconforming signs shall follow the regulations in Section 7-7-1 (h).

7-2-6 Mobile homes on individual lots which are a non-conforming use in the district in which they are located may remain, provided that once any such mobile home is removed from the lot on which it is located it shall lose its status as a non-conformity and the same or another mobile home may not thereafter be placed on the lot.

Section 7-3. Interpretation of District Regulations

The district regulations shall be enforced and interpreted according to the following rules:

- 7-3-1 Permitted Uses. Uses not designated as permitted uses or subject to additional conditions shall be prohibited. Conditional uses are permitted according to the additional regulations imposed. Those conditional uses can be approved only by the zoning board of adjustment. Additional uses may be added to the ordinance by amendment.
- 7-3-2 Minimum Regulations. Regulations set forth by this ordinance shall be minimum regulations. If the district requirements set forth in this section are at variance with the requirements of any other lawfully adopted uses, regulations, or ordinances the more restrictive or higher standard shall govern.
- 7-3-3 Land Covenants. Unless restrictions established by covenants with the land are prohibited by or are contrary to the provisions of this ordinance, nothing herein contained shall be construed to render such covenants inoperative.

Section 7-4 Visibility at Intersections

On a corner lot nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2-1/2) feet and ten (10) feet in a triangular area formed by a diagonal line between two (2) points on the right of way lines, twenty (20) feet from where they intersect.

Section 7-5. Off Street Parking

Off-street automobile parking space shall be provided on every lot on which any of the following uses are hereafter established, in all districts except the C-1 district where off-street parking is required for new buildings only, or provided that no parking space can be reasonably provided on the same lot, such space shall be provided on any lot a substantial portion of which is within two-hundred (200) feet of such uses. No certificate of zoning compliance will be issued upon completion of any building unless all off-street parking requirements, shown upon the plans or made part of the preliminary zoning permit shall be in place and ready for use and conforming to requirements. The required parking space for any number of separate uses may be combined in one (1) 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, may be assigned to a use which will be closed at nights or on Sundays. Each automobile parking space shall be not less than two-hundred (200) square feet in area exclusive of adequate access drives 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; proof that applicant has sufficient control over the required off-street parking space to prevent later encroachment or alteration shall be required; and spaces shall be equal in number to at least the minimum requirements for the specific use set forth below:

<u>USE CLASSIFICATION</u>	<u>PARKING SPACE REQUIREMENT</u>
Automobile sales and repair	One (1) parking space for each two (2) employees at maximum employment on a shingle shift, plus two (2) spaces for each 300 square feet of repair or maintenance space.
Automobile car wash	One (1) space for each two (2) employees at maximum employment on a signal shift. Reserve spaces equal to five (5) times the capacity of the facility at the location of both ingress and egress.
Bowling alleys	Two (2) spaces for each lane, plus one (1) additional space for each two (2) employees.
Camps for tents and camping trailers	One (1) parking space for each site provided for tents and camping trailers plus ten (10) additional spaces
Elementary schools and Junior High schools, (public and private)	Two (2) spaces for each classroom and administrative office.
Churches	One (1) space for each four (4) seats.
Filling stations	Two (2) spaces for each gas pump, plus three (3) spaces for each grease rack or similar facility
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.
Hotels	One (1) space per guest room, plus one (1) additional space for each five (5) employees.
Kindergarten or nurseries	One (1) space for each employee and four (4) spaces for off-street drop-off and pick-up.
Libraries	One (1) space for each four (4) seats provided for patron use.
Mortuary or funeral home	One (1) space for each four (4) seats in the assembly room or chapel.

Motel, tourist homes or tourist courts	One (1) space per guest room plus two (2) additional spaces for each twenty (20) units.
Offices: professional, business, or public, including banks and savings and loan associations.	One (1) space for each 400 square feet of gross floor area.
Medical offices and clinics	Six (6) spaces for each doctor practicing at the clinic, plus three spaces for each nurse, plus one (1) space for each employee.
Places of public assembly, including private clubs and lodges, auditoriums, dance halls, theaters, stadiums, gymnasiums, amusement parks, community centers, and all similar places of public assembly	One (1) space for each four (4) seats provided for patron use, plus one (1) space for each 100 square feet of floor or ground area used for amusement or assembly but not containing fixed seats.
Rooming and boarding houses	One (1) space for each three (3) guest rooms, plus one (1) additional space for the owners, if resident lives on the premises.
Residential dwellings and mobile homes on individual lots	Two (2) space for each dwelling unit or mobile home
Restaurants, drive-in or take-out	Parking space equivalent to five (5) times the floor space in the main building.
Retail business	One (1) space for each 200 square feet of gross floor area.
Sanitariums, rest and convalescent homes, homes for the aged and similar institutions	One (1) space for each six (6) patient beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each four (4) employees.
Senior high schools and colleges, both public and private	One (1) space for each five (5) students for whom the school was designed, plus one (1) space for each classroom and administrative office.
Shopping centers	Three (3) square feet of parking space for each square foot of gross floor area.
Mobile home parks	Prohibited

Wholesaling and industrial uses	One (1) space for each two (2) employees at maximum employment on a single shift.
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Section 7-6. Off-Street Loading and Unloading Space

Every building or structure used for business, trade or industry hereafter erected shall provide space as indicated herein 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 purposes of this section an off-street loading space shall have a minimum dimension of twelve (12) feet by forty (40) feet and an overhead clearance of fourteen (14) feet in height above the alley or street grade. No certificate of zoning compliance will be issued upon completion of any use unless all off-street loading requirements shown on the plan or made part of the preliminary zoning permit shall be in place and ready for use and conforming to requirements.

Retail Operations:	One (1) loading space for each twenty-thousand (20,000) square feet of gross floor area of fraction thereof
Wholesale and Industrial Operations:	
<u>Building Area in Square Feet</u>	<u>Number of Spaces</u>
0-40,000	1
40,000 –100,000	2
100,000–160,000	3
160,000-240,000	4
240,000-320,000	5
320,000-400,000	6
Each 90,000 above 400,000	1 additional

Section 7-7. Sign Regulations

7-7-1 General sign regulations

- (a) No sign shall be erected or constructed to interfere with vision clearance as defined in Section 7-4.
- (b) No sign except those erected for governmental purposes shall be permitted on any public right-of-way.
- (c) All signs shall be at least ten (10) feet from street right-of-way. Any sign less than seven (7) feet from street right-of-way after street widening shall be moved by owner to be at least ten (10) feet from street right of way.
- (d) All signs, together with any supports, braces, guys, and anchors shall be kept in good repair. Signs shall meet all structural requirements of the State Building Code.
- (e) Illuminated signs shall be limited to those lighted from behind to silhouette letters and figures and illuminated internally. Except for time or temperature units, no flashing or neon signs shall be permitted. All illuminated signs or structures shall be placed so as to prevent the light rays or illumination from being cast directly on any dwelling.
- (f) Ground signs shall not exceed twenty (20) feet in height.
- (g) Window signs shall be placed only on the inside on commercial building and shall not exceed twenty-five (25) percent of the glass area of the pane on which the sign is displayed.
- (h) Non-conforming signs, when removed for other than normal maintenance may not be erected again nor may any such sign be replaced with another non-conforming sign.

7-7-2 Signs Which May Be Placed in Any District Without a Permit

The following signs are permitted in all districts without a permit:

- (a) One (1) professional or announcement sign per dwelling unit or business or industrial establishment which may not exceed three (3) square feet in area and which must be mounted flat against a wall or door or hung from a mailbox or lamp post.
- (b) Real estate signs not to exceed four (4) square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily

located provided that such signs shall not be placed within fifteen (15) feet of the edge of the street.

- (c) Church or public bulletin boards not exceeding fifteen (15) square feet in area.
- (d) Memorial signs, tablets, names of buildings, and date of construction when cut into any masonry surface or constructed of metal and affixed flat against a structure.
- (e) Official signs such as traffic and other governmental signs.
- (f) House numbers and names of occupants provided such signs are mounted flat against a wall or door or hung from a mailbox or lamp post and that no sign of this type exceeds three (3) square feet in area.
- (g) For two weeks prior to an election, one (1) campaign sign, not exceeding four (4) square feet in area may be placed on each piece of noncontiguous property in separate ownership. Such sign shall be removed within two (2) days after the election unless the election is a primary and a general election is to take place within one (1) month, in which case the sign may be left until two (2) days after the general election.
- (h) Signs advertising agricultural products produced on the premises not exceeding twenty (2) square feet in area.
- (i) Construction site placards not exceeding twelve (12) square feet in area and non-illuminated, only during the period construction is taking place on the premises.
- (j) Temporary banners, pennants, and streamers if non-illuminated for a period of not more than two (2) weeks after the opening of a new business or sale. Portable commercial signs are not included in (j).
- (k) Signs directing and guiding traffic to parking areas on private property, but containing no advertising matter, not to exceed ten (10) square feet in areas for each sign.

7-7-3 Sign Regulations for the R-40, R-20, R-10, and R-MH Districts

In addition to the regulations in Section 6-7-1 and 6-7-2, in the R-40, R-20, and R-10 districts the following sign regulations shall apply:

One (1) identification sign not to exceed twelve (12) square feet in area or two (2) signs not to exceed nine (9) square feet per sign on matching entrance pillars may be constructed at each entrance to a subdivision or neighborhood, school, club,

golf course, college, day nursery, kindergarten, church, community center, library, cemetery, park, hospital, nursing home, public utility, mobile home park, or police, fire, or rescue squad station with a preliminary zoning permit and certificate of zoning compliance.

7-7-4 Sign Regulations for the A-O District

In addition to the regulations in Section 6-7-2 and 6-7-2, in the A-O district, the following sign regulations shall apply:

- (a) One (1) identification sign not to exceed twelve (12) square feet in area or two (2) signs on matching pillars not to exceed nine (9) square feet per sign may be constructed at each entrance to an apartment or office complex, or any of the uses listed in Section 6-7-3 with a preliminary zoning permit and certificate of zoning compliance.
- (b) Signs showing names of occupants of offices may be four (4) square feet in area. No permit is required.

7-7-5 Sign Regulations for the C-1 District

In addition to the regulations in Section 6-7-2 and 6-7-2, in the C-1 district, the following sign regulations shall apply:

- (a) No off-site sign shall be permitted.
- (b) With a permit, one (1) sign may be mounted flat against the front wall of a building and may project no more than eighteen (18) inches from the building. IF a structure such as a canopy or awning is erected, a sign may be suspended under the structure, provided that the bottom of the suspended sign is at least nine (9) feet above sidewalk level. The total area of all signs shall not exceed two (2) square feet of area per lineal foot of building frontage.

7-7-6 Sign Regulations for the C-2 and I-1 Districts

In addition to the regulations in Section 6-7-1 in the C-2 and I-1 districts, the following sign regulations shall apply:

- (a) One (1) sign per building not exceeding fifteen (15) square feet describing the name and/or nature of the premises and/or occupants thereof may be placed flat against the wall of a building without a permit.
- (b) With a preliminary zoning permit and certificate of zoning compliance, one identification sign not exceeding fifteen square feet may be placed at an entrance drive or in the lawn of an industrial establishment or business.

(c) No off-site signs shall be permitted.

Section 7-8. Corner Lots

In any residential district the side yard requirements for corner lots along the side street line or lines shall be increased by ten (10) feet. Accessory buildings shall observe all setback requirements.

Section 7-9. Conditional Uses Permissible on Appeal to the Board of Adjustment

When a conditional use permit is required by the terms of this ordinance, application for such a permit shall accompany the application for a preliminary zoning permit. The application shall be transmitted immediately to the board of adjustment, which shall refer it to the planning board for review and recommendations prior to the public hearing. The applicant shall be notified at least fifteen (15) days in advance of any planning board meeting to consider the conditional use.

If the board of adjustment shall find, after a public hearing, that in the circumstances of that particular application, the use for which the conditional use permit is sought will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use, and will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood, it shall issue a conditional use permit. In granting such a permit the board of adjustment shall designate such conditions in connection therewith as will, in its opinion, assure that the use will conform to the requirements of this ordinance.

If at any time after a conditional use permit has been issued for any conditional use, the board of adjustment finds that the conditions imposed and agreements made have not been and are not being fulfilled by the holder of a conditional use permit, the permit shall immediately be terminated and the operation of such use discontinued. If a conditional use permit is terminated for any reason it may be reinstated only after a public hearing is held.

ARTICLE VIII

REGULATIONS FOR MOBILE HOME PARKS

Any and all mobile home parks are prohibited within the Rich Square city limits under this Ordinance, adopted July 1, 2021.

Placement of single wide mobile home on residential property is permitted for a limited duration in the case of natural disaster and subsequent emergency housing or construction and repair. Removal of the single wide mobile home is required within a reasonable time and no more than one month at the end of construction unless extenuating circumstances exist.

ARTICLE IX
EXCEPTIONS AND MODIFICATIONS

Compliance with the requirements of this ordinance is mandatory except that under the specific conditions enumerated in the following sections, the requirements may be waived or modified as so stated.

Section 9-1. Existing Lots

Where the owner of a lot at the time of the adoptions of this ordinance or an amendment which made the lot non-conforming or his successor in title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this ordinance, such lot may nonetheless be used as a building site; provided that said lot requirements are not reduced below the minimum specified in this ordinance by more than twenty percent (20%). If, however, the owner of two (2) or more adjoining lots with insufficient land dimensions, decides to build on or to sell off these lots he must first combine said lots to comply with the dimensional requirements of the ordinance. Any lot requiring dimensional waivers below the twenty percent (20%) minimum set forth in this section shall be approved by the Planning Subcommittee provided that further decreased dimension requirements shall conform as closely as possible to the required dimensions.

Section 9-2. Minimum Required Front Yard for Dwellings

The minimum required front yard requirements of this ordinance for dwellings shall not apply on any lot where the average front yard of existing buildings located wholly or in part within one-hundred (100) feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required front yard. In such cases, front yard on such lot may be less than the required front yard, but not less than the average of the front yards of the aforementioned existing buildings.

Section 9-3. 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, masts, aerials and similar structures, except as otherwise restricted in the vicinity of airports.

Section 9-4. Non-Residential Trailers

Trailers designed and equipped to be used for educational or classroom purposes and which are being so used shall be permitted as accessory uses to any educational establishment. Any other non-residential trailer shall be a conditional use in any district in which the use for which the trailer is to be used is a permitted or conditional use. A trailer designed and equipped to be used as an office or operational headquarters for any construction firm, corporation or governmental body which is to be used for construction or improvement work within the town shall be a conditional use, provided that a conditional use permit and certificate of zoning compliance for such use shall be issued for a period of not more than one (1) year. The Planning Subcommittee may grant new conditional use permits for periods of one (1) year or less.

ARTICLE X

ADMINISTRATION, ENFORCEMENT, PRELIMINARY ZONING PERMITS, CERTIFICATE OF ZONING, COMPLIANCE, AND PENALTIES

Section 10-1. Zoning Administrator

A zoning administrator designated by the board of commissioners shall administer and enforce this ordinance.

If the zoning administrator shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

Section 10-2. Zoning Permits Required

No building or other structure shall be erected, moved, added to, or structurally altered without a preliminary zoning permit issued by the zoning administrator. No preliminary zoning permit shall be issued by the zoning administrator except in conformity with the provisions of this ordinance, unless he receives a written order from the board of adjustment in the form of an administrative review, conditional use or variance as provided by this ordinance.

Section 10-3. Application for a Zoning Permit

All applications for a zoning permit shall be accompanied by a fee according to a sliding scale currently in use by the town and plans in triplicate drawn to scale which indicate the following:

- 10-3-1 The shape and dimensions of the lot on which the proposed building or use is to be erected or constructed.
- 10-3-2 The location of the said lot with respect to adjacent rights-of-way.
- 10-3-3 The shape, dimensions, and location of all buildings, existing and proposed on the said lot.
- 10-3-4 The nature of the proposed use of the buildings or land, including the extent and location of the use on the said lot.
- 10-3-5 The location and dimensions of off-street parking and means of ingress and egress to such space.

10-3-6 Any other information which the zoning administrator may deem necessary for consideration in enforcing the provisions of this ordinance.

One (1) copy of the plans shall be returned to the applicant by the zoning administrator, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one (1) copy of the plans similarly marked shall be retained by the zoning administrator. If the zoning administrator approves the plans he shall issue the applicant a preliminary zoning permit. No building permit shall be issued until a preliminary zoning permit has been issued.

Section 10-4. Certificates of Zoning Compliance

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate or zoning compliance shall have been issued by the zoning administrator stating that the proposed use of the building or land conforms to the requirements of this ordinance.

10-4-1 No certificates of occupancy shall be issued until a certificate of zoning compliance has been issued in conformity with the provisions of this ordinance upon completion of the work.

10-4-2 A temporary certificate of zoning compliance may be issued by the zoning administrator for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

10-4-3 The zoning administrator shall maintain a record of all certificates of zoning compliance and a copy shall be furnished upon request to any person.

10-4-4 Failure to obtain a certificate of zoning compliance shall be a violation of this ordinance and punishable under Section 9-9 of this ordinance.

Section 10-5. Denial of Zoning Compliance Certificate

If the zoning compliance certificate is denied, the applicant may appeal the action of the zoning administrator to the board of adjustment.

Section 10-6. Expiration of Preliminary Zoning Permit

If the work described in any preliminary zoning permit has not begun within ninety (90) days from the date of the issuance thereof, said permit shall expire; it shall

be cancelled by the administrative officer; and written notice thereof shall be given to the person affected.

If the work described in any preliminary zoning permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be cancelled by the zoning administrator and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new preliminary zoning permit has been obtained.

Section 10-7. Construction and Use to be as Provided in Application, Plans, Permits, and Certificates of Zoning Compliance

Zoning permits or certificates of zoning compliance issued on the basis of plans and applications approved by the zoning administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction differing from that authorized shall be deemed a violation of this ordinance and punishable as provided by Section 9-9 hereof.

Section 10-8. Remedies

If any building is erected, constructed, reconstructed, repaired, converted, or maintained or any building, structure, or land is used in violation of this ordinance, the zoning administrator or other property owner who be damaged by such violation, may institute an injunction or other appropriate action in proceeding to stop the violation.

Section 10-9. Penalties for Violation

Any person, firm, or corporation who violates the provisions of this ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding fifty dollars (\$50) and/or imprisoned for a period of time not exceeding thirty (30) days. Each day of violation shall be considered a separate offense.

ARTICLE XI

§ 160D-109. CONFLICTS OF INTEREST (NC General Statutes - Chapter 160D 12)

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

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

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

(d) Quasi-Judicial Decisions. – A member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

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

(f) Familial Relationship. – For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

Section 11-2. Jurisdiction and Decisions of the Zoning Board of Adjustment

The concurring vote of four-fifths (4/5) of the members of the board of adjustment is necessary to reverse any order, requirement, decision or determination of any administrative official charged with the enforcement of this ordinance, or to decide in favor of the applicant any matter upon which it is required to pass under this ordinance, or to grant a variance from the provisions of this ordinance.

Section 11-3. Proceedings of the Board of Adjustment

The board of adjustment shall elect a chairman and a vice-chairman from its regular 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 a municipal officer, an employee of the town, or a member of the board of adjustment. The board shall adopt rules and by-laws in accordance with the provisions of this ordinance and of Article 19, Chapter 160D 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 and compel the attendance of the witnesses by subpoena. All meetings of the board shall be open to the public. Minutes will be kept of all meetings.

Section 11-4. Appeals, Hearings, and Notices

Appeals to the board of adjustment may be taken by any person aggrieved by an officer, department, board or agency of the town of Rich Square affected by a decision of the zoning administrator or any other town officials based on this ordinance. Such appeal shall be taken within a reasonable time as provided by the rules of the board, by filing with the zoning administrator a written notice of appeal specifying the grounds thereof. All papers constituting the record upon which the action appealed from was taken shall forthwith be transmitted to the board of adjustment.

The board of adjustment shall fix a reasonable time for the hearing of appeals or other matters referred to it, and give due notice thereof to the parties in interest, and decide the same within a reasonable time. Upon a hearing, any party may appeal in person, or by agent or by attorney.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the administrative officer 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 or 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 administrative officer, and on due cause shown.

Section 11-5. Powers and Duties of the Zoning Board of Adjustment

The zoning board of adjustment shall have the following powers and duties:

- 11-5-1 Administrative Review. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this ordinance.
- 11-5-2 Variance. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where owing to special condition, 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, building 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. Such variance may be granted in such individual cases of unnecessary hardship upon a finding by the zoning board of adjustment that the following conditions exist:
- (a) There are exceptional conditions pertaining to the particular piece of property in question because of its shape, size, or topography that are not applicable to other lands or structures in the same district.
 - (b) 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.
 - (c) 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.
 - (d) 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.

- (e) The special circumstances are not the result of the actions of the applicant.
- (f) The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.
- (g) The variance is not a request to permit a use of land, building or structure which is not permitted in the district involved.

11-5-3 Conditional Uses: Conditions Governing Applications; Procedures

To hear and decide only such conditional uses as the board of adjustment is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether a conditional use should be granted; and to grant conditional uses with such conditions and safeguards as are appropriate under this ordinance, or to deny conditional uses when not in harmony with the purpose and intent of this ordinance. A conditional use shall not be granted by the board of adjustment unless and until:

- (a) A written application for a conditional use is submitted indicating the section of this ordinance under which the conditional use is requested.
- (b) Notice shall be given at least fifteen (15) days in advance of public hearings.
- (c) The public hearing shall be held. Any party may appear in person, or by agent, or attorney.
- (d) The board of adjustment shall make a finding that it is empowered under the section of this ordinance described in the application to grant a conditional use, and that the granting of the conditional use will not adversely affect the public interest.
- (e) Before any conditional use is issued, the board shall make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provision and arrangement has been made concerning the following where applicable.
 1. Satisfactory ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control;
 2. Provision of off-street parking and loading areas where required, with particular attention to the items in 1) above and the

economic, noise, glare, and odor effects of the conditional use on adjoining properties in the area;

3. Utilities, with reference to locations, availability, and compatibility;
4. Buffering with reference to type, location, and dimensions;
5. Signs, if any, and proposed exterior lighting with reference to flare, traffic, safety, economic effect, and compatibility and harmony with properties in the district;
6. Location, use, plan, elevations and dimensions of each building or structure to be constructed;
7. The location, dimensions, and arrangement of all open spaces, yards, access ways, entrances, exits, off-street parking facilities, pedestrian ways, location and width of roads, streets, and sidewalks;
8. General compatibility with adjacent properties and other property in the district.

Section 11-6. Decisions of the Zoning Board of Adjustment

All decisions and findings of the board of adjustment shall in all instances be final administrative decisions.

Section 11-7. Appeal from the Decision of the Board of Adjustment

Appeal from the decision of the board of adjustment shall be taken to the appropriate court of record, as provided by law.

ARTICLE XII
AMENDMENTS

Section 12-1. Initiation of Amendments

This zoning ordinance, including the zoning map, may be amended only by the Board of Commissioners of the Town of Rich Square. Proposed changes or amendments may be initiated by the board of commissioners, planning board, board of adjustment, or by one or more of the property owners within the area proposed to be changed or affected. Proposed changes to the text of the ordinance may also be initiated by any resident or property owner within the jurisdiction covered by this ordinance.

Section 12-2. Application

An application for any amendment shall contain a statement of the present zoning regulation or district boundary, the proposed zoning regulation or district boundary, the name of the applicant, and if an amendment to the zoning map is proposed, the names and addresses of the owner or owners of the lot in question, and the use of each adjacent property. The applicant shall provide additional information related to the proposed amendment if requested by the planning board or board of commissioners. The original and one copy of such application shall be filed with the zoning administrator who shall, within five (5) days, transmit the original to the clerk to the town board and the copy to the secretary of the planning board. The original shall be filed by the zoning administrator after consideration by the town board. No application shall be reconsidered, if denied by the town board of commissioners for a period of twelve (12) months, unless the town board specifies otherwise when denying the application.

Section 12-3. Fee

A fee of twenty-five dollars (\$25) shall be paid to the Town of Rich Square, North Carolina, for each application for an amendment not initiated by an officer or agency of the town to cover the costs of advertising and other administrative expenses involved.

Section 12-4. Action by the Board of Commissioners

12-4-1 Notice of Public Hearing. No amendment shall be adopted by the board of commissioners until after public notice and hearing. Notice of public hearing shall be published in a newspaper of general circulation in the Town of Rich Square at least once each week for two (2) successive weeks prior to the hearing. The initial notice shall appear not more than twenty five (25) nor less than fifteen (15) days prior to the hearing date.

12-4-2 Planning SubCommittee. Before taking such action as it may deem advisable, the board of commissioners shall consider the Planning SubCommittee's recommendations on each proposed zoning amendment. If no recommendation is received after public hearing by the board of commissioners, the proposed amendment shall be deemed to have been approved by the Planning SubCommittee.

12-4-3 Protests. In case, however, of a protest against such change signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or other those immediately adjacent in the rear thereof extending one-hundred (100) feet therefrom, or of those directly opposite lots, such amendment shall not become effective except by favorable vote of three-fourths (3/4) of all the members of the town board of commissioners. No protest petition shall be valid unless it:

- (a) is written;
- (b) bears the actual signatures of the requisite number of property owners and states that they protest the proposed amendment; and
- (c) is received by the town clerk in time to allow at least two (2) normal working days prior to the public hearing on the amendment so as to allow for municipal personnel to check the accuracy and sufficiency of the petition.

ARTICLE XIII

DEFINITION OF TERMS

For the purpose of interpreting this ordinance certain words and terms are herein defined. The following words shall, for the purposes of this ordinance, have the meaning herein indicated.

Section 13-1. Interpretation of Commonly Used Terms and Words

- 13-1-1 Words used in the present tense include the future tense.
- 13-1-2 Words used in the singular number include the plural, and words used in the plural include the singular, unless the natural construction of the wording indicates otherwise.
- 13-1-3 The word “person” includes a firm, association, corporation, trust, and company, as well as an individual.
- 13-1-4 The words “used for” shall include the meaning “designed for.”
- 13-1-5 The word “structure” shall include the word “building.”
- 13-1-6 The word “lot” shall include the words “plot,” and “parcel,” or “tract.”
- 13-1-7 The word “shall” is always mandatory and not merely directory.
- 13-1-8 The word “map,” or “zoning map” shall mean the official zoning map, Town of Rich Square.

Section 13-2. Definitions of Commonly Used Terms and Words

- 13-2-1 Accessory Use of Structure. A use or structure on the same lot with, and of nature customarily incidental or subordinate to the principal use or structure.
- 13-2-2 Alley. A public way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.
- 13-2-3 Buffer Strip. A buffer strip consists of a planting strip at least ten (10) feet in width, composed of evergreen trees, spaced not more than ten (10) feet apart and not less than one (1) row of dense shrubs, spaced not more than five (5) feet apart, and said strip

shall be planted and maintained in a healthy, growing condition by the property owner.

- 13-2-4 Buildable Area. The portion of a lot remaining after required yards have been provided.
- 13-2-5 Building. Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure or persons, animals or chattels.
- 13-2-6 Building, Accessory. A building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.
- 13-2-7 Building, Height of. The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.
- 13-2-8 Building, Principal. A building in which is conducted the main or principal use of the lot on which said building is situated.
- 13-2-9 Building, Setback Line. A line establishing the minimum allowable distance between the nearest portion of any building (excluding the outermost three (3) feet of any uncovered porches, steps, eaves, gutters and similar fixtures) and the street or highway right-of-way (or front lot line if not a public street) when measured perpendicularly thereto.
- 13-2-10 Dwelling. Any building, or portion thereof, which is designed for living and/or sleeping purposes.
- 13-2-11 Dwelling, Single-Family. A building arranged to be occupied by one (1) family, the structure having only one (1) dwelling unit, but excluding mobile homes.
- 13-2-12 Dwelling, Two-Family. A building arranged to be occupied by two (2) families living independently of each other, the structure having two (2) dwelling units.
- 13-2-13 Dwelling, Multi-Family. A building arranged to be occupied by three (3) or more families living independently of each other.
- 13-2-14 Dwelling Unit. A building, or portion thereof, designed, arranged and/or used for living quarters for one (1) or more persons living as a single housekeeping unit with cooking

facilities, but not including mobile homes or units in hotels or other structures designed for transient residence.

- 13-2-15 Home Occupation, Customary. An occupation conducted in a dwelling unit provided that:
- (a) No person other than members of the family residing on the premises shall be engaged in such occupation;
 - (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
 - (c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding three (3) square feet in area, non-illuminated, and mounted flat against the wall of the principal building;
 - (d) No home occupation shall be conducted in any accessory building.
 - (e) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard or side yard.
- 13-2-16 Junk Yard. The use of more than six-hundred (600) square feet of any lot or tract for the outdoor storage and/or sale of waste paper, rags, scrap metal or other junk, and including storage or motor vehicles and dismantling of such vehicles or machinery.
- 13-2-17 Lot. The contiguous land in the same ownership which is not divided by any public highway or alley, including any part thereof subject to any easement for any purpose other than a public highway or alley, but excluding any part thereof severed from another lot where the severance creates any non-conformity of use or structure.
- 13-2-18 Lot, Corner. A lot which occupies the interior angle at the intersection of two (2) street lines. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the lot lines to the foremost

point of the lot meet at an interior angle of less than 135 degrees. The street line of the street toward which the principal use faces shall be deemed the front of the lot.

- 13-2-19 Lot, Depth. The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.
- 13-2-20 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 of Northampton County, or a lot described by metes and bounds, the description of which has been so recorded.
- 13-2-21 Lot Width. The distance between side lots lines measured at the building setback line.
- 13-2-22 Mobile Home. A portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semipermanent foundation having a measurement of over thirty-two (32) feet in length and over eight (8) feet in width. As used in this ordinance mobile home also means a double wide mobile home which is two (2) or more portable manufactured housing units designed for transportation on their own chassis, which connect on site for placement on a temporary or semipermanent foundation having a measurement of over thirty-two (32) feet in length and over eight (8) feet in width.
- 13-2-23 Mobile Home Park. Any lot or tract of land upon which four (4) or more mobile homes occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations. Mobile Home Parks are prohibited within the town limits of Rich Square.
- 13-2-24 Open Storage. Storage areas not included in a building.
- 13-2-25 Public Water Supply System. Any water supply furnishing potable water to ten (10) or more residences or businesses or combination of residences or businesses that has been approved by the Division of Health Services, Department of Human Resources.
- 13-2-26 Private Water Supply System. Any well intended or usable as a source of potable water for human consumption excluding wells intended or usable as a source of water for any public water supply, or any well constructed by an individual on land which is owned or leased by him.

- 13-2-27 Restaurant, indoor. Any restaurant except a drive-in or take-out restaurant.
- 13-2-28 Restaurant, drive-in or take-out. Any restaurant which makes provision for curbside service, outdoor service or a drive-in window or any restaurant more than ten (10) percent of whose average daily customers take their food or beverages out rather than eating in the restaurant.
- 13-2-29 Semi-Public Building. A building maintained as a public service by a private non-profit organization.
- 13-2-30 Sewerage System. A treatment plant and sewer collection system, installed for the purpose of transporting and treating sewage or other liquid wastes, that has been approved under the rules and regulations promulgated by the North Carolina Environmental Management Commission.
- 13-2-31 Sign Area. The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all elements of the matter displayed. However, in computing sign area only one (1) side of a double-faced sign structure shall be considered. Frames and structural members not bearing advertising matter shall not be included in computation of the surface area.
- 13-2-32 Signs. Any notice which can be seen from outdoors containing words, letters, figures, numerals, emblems, devices, trademarks, or trade names, or combination thereof.
- 13-2-33 Sign, Advertising. Any sign, including a standard poster panel either freestanding or attached to a structure which directs attention to a business, commodity, service, entertainment, or other activity conducted, sold, or offered at another place other than on the property on which the sign is located.
- 13-2-34 Signs, Business Identification. A sign which directs attention to a business, commodity, service, entertainment, or other activity conducted, sold or offered on the premises upon which the sign is located.
- 13-2-35 Street, Public. A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting property.

- 13-2-36 Street Line. The dividing line between a right-of-way and the contiguous property.
- 13-2-37 Structure. Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including buildings, fences, and signs.
- 13-2-38 Trailer, Non-Residential. A vehicle mounted on wheels, skids, rollers, or blocks, either self-propelled or propelled by any other means which is used or designed to be used for non-residential purposes, including any such dismantled vehicle, but not those vehicles primarily designed for the transportation of goods.
- 13-2-39 Variance. A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance a variance is authorized only for height, area and size of structure or size of yards and open spaces.
- 13-2-40 Yard. An open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.
- 13-2-41 Yard, Front. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street or highway right-of-way line and the front line of the building projected to the side lines of the lot.
- 13-2-42 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 line of the lot and the rear line of the building to the side lines of the lot.
- 13-2-43 Yard, Side. An open, unoccupied space on the same lot with a principal building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.
- 13-2-44 Zoning Administrator. The official charged with the enforcement of the zoning ordinance.

ARTICLE XIV
LEGAL STATUS PROVISIONS

Section 14-1. Separability

Should any section or provision of this ordinance be declared invalid by any court of jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid. Whenever a variance or conditional use permit includes any condition, it shall be conclusively presumed that the board of adjustment considered such condition necessary to carry out the spirit and purpose of this ordinance and to protect the public health, safety and welfare and that the board would not have granted the authorization to which the condition pertains except in the belief that the condition could lawfully be imposed.

Section 14-2. Repeal of Conflicting Ordinances

All existing ordinances in conflict with this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

Section 14-3. Effective Date

This ordinance shall take effect and be in force from and after the date of its adoption. Duly adopted by the Board of Commissioners of the Town of Rich Square, State of North Carolina, this the ____ day of _____, 2021.

APPENDIX

Index of Permitted and Special ~~Conditional~~ Uses

This index is included as a guide to the districts in which various uses are permitted. All uses are listed except those in the I-1 district. See Section 5-8 for a listing of permitted and conditional uses in the I-1 district and the rules and regulations pertaining to these uses.

A word of caution to the user of this index: Always check back to the text of the ordinance to be sure that the use is, in fact, included in the district indicated, and to note any special regulations pertaining to the use. Also check the definition section to see if the use is defined. This index is for reference purposes only and is not part of the text of the ordinance. In case of any discrepancy, the text of the ordinance governs.

ACCESSORY BUILDINGS, CUSTOMARY, Permitted in all districts.

ANIMAL HOSPITALS, Permitted in C-2.

AUTOMOBILE CAR WASH, Permitted in C-2.

AUTOMOBILE PARKING LOTS AND GARAGES, Permitted in C-1.

AUTOMOBILE SALES AND SERVICE, Permitted in C-2.

BANKS AND OTHER FINANCIAL INSTITUTIONS INCLUDING SAVINGS AND LOAN AND FINANCE COMPANIES, Permitted in C-1, C-2.

BILLIARD OR POOL HALLS, Permitted in C-1, C-2 (recreation for profit).

BOWLING ALLEYS, Permitted in C-2.

BUILDING MATERIALS, Permitted in C-2 and I-1.

BUS STATIONS, Permitted in C-1 and C-2

CEMETARIES, Permitted in A-0. Conditional in R-40, R-20.

CHURCHES, Permitted in R-40, R-20, R-10, A-0, R-MH. If considered semi-public building, permitted in C-1, C-2.

CLINICS, Permitted in A-0, C-1; see also offices, medical offices, hospitals.

CLUBS, Permitted in A-0. If in enclosed building, no nuisance effects, hospitals.

COLLEGES, Permitted in R-40, R-20, R-10, A-0, R-MH. Permitted in C-1 if enclosed within a building, permitted in C-2 if public or semi-public.

COMMUNITY CENTERS, Permitted in A-0. Permitted in C-1 if enclosed within a building. Permitted in C-2 if public or semi-public. Conditional in R-20, R-10, R-MH.

DAY NURSERIES, Permitted in R-40, R-20, R-10, A-0, R-MH.

DRY CLEANING ESTABLISHMENTS, Permitted in C-2. Permitted in C-1 if enclosed within a building, no nuisance effects.

FARM EQUIPMENT SALES AND SERVICE, Permitted in C-2.

FIRE STATIONS, Permitted in all districts.

FUNERAL PARLOR, Permitted in C-2. Also permitted in C-1 if enclosed within a building, no nuisance effects.

GARAGE APARTMENTS, Conditional in R-20.

GOLF COURSE, EXCEPT MINIATURE OR DRIVING TEES OPERATED FOR COMMERCIAL PURPOSES, Permitted in R-40

GOLF COURSES, MINIATURE, Permitted in C-2.

HOME OCCUPATIONS, CUSTOMARY, Permitted in R-40, R-20, R-10, A-0, R-MH.

HOSPITALS, Permitted in A-0. Permitted in C-1 and C-2 if public or semi-public. Conditional in R-40, R-20.

HOTELS, Permitted in C-1

INDUSTRY, LIGHT, Conditional in C-2. See also section 5-8.

JEWELRY REPAIR SHOP, Permitted in C-1, C-2, I-1.

KINDERGARTEN, Permitted in R-40, R-20, R-10, A-0, R-MH.

LAUNDRIES, LAUNDROMATS AND DRY CLEANING ESTABLISHMENTS, Permitted in C-2. Also permitted in C-1 if enclosed within a building and no nuisance effects.

LIBRARIES, Permitted in A-0. Permitted in C-1 if public or semi-public or enclosed in a building and no nuisance effects. Permitted in C-2 if public or semi-public. Conditional in R-20, R-10, R-MH.

LOADING, OFF-STREET, See Section 6-6.

MANUFACTURING, See Section 5-8. See also industry, light.

MEDICAL AND DENTAL CLINICS AND LABORATORIES, Permitted in C-1. See also Clinics.

MOBILE HOMES ON INDIVIDUAL'S LOTS, Permitted in R-MH.

MOBILE HOME PARKS –Not Permitted

MOBILE HOME SALES, PERMITTED IN C-2.

MOTELS, Permitted in C-1 and C-2.

MULTI-FAMILY DWELLINGS, Permitted in A-0.

NEWSPAPER OFFICES, Permitted in C-1, I-1.

NURSING HOMES, Permitted in A-0. Permitted in C-1 if public or semi-public or enclosed within a building and no nuisance effects, permitted in C-2 if public or semi-public. Conditional in R-40, R-20.

OFFICES-BUSINESS, PROFESSIONAL AND PUBLIC, Permitted in A-0, C-1, C-2. See also Professional Offices.

OPTICIANS, Permitted in C-1

PARKING, OFF-STREET, See Section 6-5

PARKS, Permitted in all districts.

PHOTOGRAPHIC STUDIOS, Permitted in C-1.

PLAYGROUNDS, Permitted in R-40, R-20, R-10, A-0, R-MH. Also permitted in C-2 if public or semi-public.

POLICE STATIONS, Permitted in all districts.

PRINTING ESTABLISHMENTS, Permitted in Cp1, I-1.

PROFESSIONAL OFFICES, Conditional in R-20. Sell also offices.

PUBLIC AND SEMI-PUBLIC BUILDINGS EXCEPT DAY NURSERIES, KINDERGARTENS, AND ELEMENTARY SCHOOLS, Permitted in C-1.

PUBLIC AND SEMI-PUBLIC BUILDINGS, STRUCTURES OR AREAS EXCEPT DAY NURSERIES, KINDERGARTENS AND ELEMENTARY SCHOOLS, Permitted in C-2.

PUBLIC UTILITIES, Permitted in C-2 and I-1. Conditional in all other districts. If utility is also a public or semi-public building, permitted in C-1.

RECREATION FOR PROFIT, EXCLUDING OUTDOOR THEATRES, Permitted in C-2. If enclosed in a building, no nuisance effects, also permitted in C-1.

RESCUE SQUAD STATIONS, Permitted in all districts.

RETAIL BUSINESS OR SERVICE CONDUCTED WITHIN AN ENCLOSED BUILDING EXCEPT AUTOMOTIVE, DAY NURSERIES, KINDERGARTENS, ELEMENTARY SCHOOLS AND VOLATILE USES. NO NUISANCE EFFECTS, Permitted in C-1.

RETAIL BUSINESS MAKING PRODUCTS SOLD PRIMARILY AT RETAIL ON PREMISES IN ENCLOSED BUILDING WITH NO NUISANCE EFFECTS. NO VOLATILE USES. Permitted in C-1.

REPAIR OR SERVICE SHOPS, Permitted in C-2 and I-1. Also permitted in C-1 if enclosed within a building and no nuisance effects.

RESTAURANTS FOR OFFICE EMPLOYEES, Permitted in A-0, but see regulations.

RESTAURANTS, DRIVE-IN OR TAKE-OUT, Permitted in C-2.

RESTAURANTS, INDOOR, PERMITTED IN C-1 and C-2.

SCHOOLS, ELEMENTARY AND SECONDARY, Permitted in R-40, R-20, R-10, A-0, R-MH.

SCHOOLS, Permitted in A-0.

SCHOOLS, EXCEPT ELEMENTARY, Permitted in C-1, if enclosed in a building and no nuisance effects or public or semi-public and C-2 if public or semi-public.

SERVICE STATIONS, Permitted in C-2. Conditional in C-1.

SIGNS, See Section 6-7 for sign regulations.

SINGLE FAMILY DWELLINGS, Permitted in R-40, R-20, R-10 and R-MH.

TIRE RECAPPING AND RETREADING, Permitted in C-2 and I-1.

TWO FAMILY DWELLINGS, Permitted in R-10, A-0, R-MH.

THEATRES, INDOOR, Permitted in C-1 and C-2

WAREHOUSING, See Section 5-8.

WHOLESALE BUSINESS EXCLUDING VOLATILE USES, Permitted in C-2.

WHOLESALING, See Section 5-8.