

ZONING ORDINANCE  
TAYLORSVILLE, NORTH CAROLINA

PURPOSE

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 population; creating districts for said purposes and establishing 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  
AUTHORITY AND ENACTMENT CLAUSE

The Town Board of Commissioners of the Town of Taylorsville, in pursuance of the authority granted by the General Statutes of North Carolina, particularly Article 14 of Chapter 160, hereby ordains and enacts into law the following Articles and Sections.

ARTICLE II  
SHORT TITLE

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

ARTICLE III  
JURISDICTION

Section 151.01 Extraterritorial Jurisdiction

The provisions of this Ordinance shall be applicable not only within the corporate limits of the Town of Taylorsville, North Carolina, but also within the territory beyond such corporate limits, as now or hereafter fixed, for a distance of up to one (1) mile in all directions as shown on the Official Zoning Map.

ARTICLE IV  
PROVISIONS FOR OFFICIAL ZONING MAP

Section 151.03 Official Zoning Map

The districts established in Article VI of this Ordinance as shown on the Official Zoning Map, together with all explanatory matter thereon, are hereby adopted as part of this Ordinance.

Section 151.04 Identification of Official Zoning Map

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the Town Clerk, and bear the seal of the Town of Taylorsville.

ARTICLE V  
DEFINITIONS OF TERMS USED IN THIS ORDINANCE

For the purpose of interpreting this Ordinance, certain words and terms are herein defined. Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated.

Section 151.10 Interpretation of Certain Terms and Words

- 151.10.1 Words used in the present tense include the future tense.
- 151.10.2 Words used in the singular number include the plural, and words used in the plural number include the singular.
- 151.10.3 The word "person" includes a firm, association, organization, partnership, corporation, trust and company, as well as an individual.
- 151.10.4 The word "lot" includes the word "plot" and "parcel."
- 151.10.5 The word "building" includes the word "structure."
- 151.10.6 The word "shall" is mandatory, not directory.
- 151.10.7 The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."
- 151.10.8 The words "Map", "Zoning Map" or "Taylorsville Zoning Map" shall mean the "Official Zoning Map of the Town of Taylorsville, North Carolina."

Section 151.11 Definitions

- 151.11.1 **ACCESSORY USE, ACCESSORY STRUCTURE.** A use or structure customarily incidental and subordinate to the principal use or structure and located on the same lot with such principal use or structure. Manufactured homes and tractor-trailers are not considered accessory uses or structures.
- 151.11.2 **ALLEY.** A public thoroughfare, which affords only a secondary means of access to abutting property.
- 151.11.3 **APARTMENT.** A room or suite of one or more rooms in a multiple structure intended for use as a residence by a single family.
- 151.11.4 **AUTOMOTIVE REPAIR.** The repair, reconditioning, or rebuilding of motor vehicles or parts thereof, including collision service, painting, and

steam cleaning of vehicles.

- 151.11.5 **AUTOMOTIVE SERVICE STATION** (gas, filling station). A building used for the sale and dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation and minor services customarily incidental thereto; facilities for washing and for chassis and gear lubrication of vehicles are permitted if enclosed in a building.
- 151.11.6 **AUTOMOTIVE WRECKING YARD**. The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot of four or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute an automobile wrecking yard.
- 151.11.7 **BASEMENT**. A story partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet.
- 151.11.8 **BED & BREAKFAST**. A building where, for compensation, lodging and/or meals are provided for not more than ten (10) persons. Duration of stay may not exceed three (3) weeks.
- 151.11.9 **BEST MANAGEMENT PRACTICES (BMP)**. A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.
- 151.11.10 **BILLBOARD**. An off-premise sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign.
- 151.11.11 **BOARDING HOUSE**. A building where, for compensation, lodging and/or meals are provided for not more than ten (10) persons.
- 151.11.12 **BUFFER STRIP**. A buffer strip shall consist of a planting strip at least ten (10) feet in width, composed of deciduous or evergreen trees or a mixture of each, 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 five (5) feet or more in height after one (1) growing season, and said strip shall be planted and maintained in a healthy, growing condition by the property owner. No such buffer strip shall, however, extend nearer to a street right-of-way line than the established building line of the adjoining

lot.

- 151.11.13 **BUFFER, WATERSHED.** An area of natural or planted vegetation through which stormwater 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 waters and from the bank of each side of free-flowing streams, river, branches, etc.
- 151.11.14 **BUILDING.** An independent enclosed structure, anchored to a permanent foundation and having exterior or party walls and a roof designed for the support, shelter or enclosure of persons, animals, chattels or property of any kind. 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 one building.
- 151.11.15 **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. Manufactured homes and tractor-trailers are not considered accessory buildings.
- 151.11.16 **BUILDING, HEIGHT.** The vertical distance measured from the average elevation of the finished lot grade at the front building line to the highest point of the roof beams adjacent to the front of the wall in case of a flat roof; to the average height of the gables in the case of a pitched roof; and to the deck line in the case of a mansard roof.
- 151.11.17 **BUILDING, PRINCIPAL.** A building in which is conducted the principal use of the lot on which said building is situated. In any residential district any structure containing a dwelling unit shall be defined to be the principal building on the plot on which the same is situated.
- 151.11.18 **BUILDING, SETBACK LINE.** A line establishing the minimum allowable distance between the nearest portion of any building, excluding the outermost five (5) feet of any overhang, uncovered porches, steps, gutters, and similar fixtures, and the related front, rear, or side property or right-of-way line, whichever is closest to the building.
- 151.11.19 **BUILT-UPON AREA.** That portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel, recreation facilities, etc., excluding wooden slatted decks and the water area of a swimming pool.
- 151.11.20 **BUSINESS, CBD.** A business, office and mixed-use district that provides a full range of services and a variety of uses in a downtown atmosphere.

- 151.11.20 **BUSINESS, CONVENIENCE.** Commercial establishments designed to attract and to be dependent upon large volumes of stop-and-go traffic, including, but not limited to, all types of convenience stores and fast food restaurants, with or without drive-in windows.
- 151.11.21 **BUSINESS, GENERAL.** Commercial establishments that, in addition to serving day-to-day commercial needs of a community, also supply the more durable and permanent needs of a whole community, including supermarkets, department stores, discount stores, variety stores, hardware and garden supply stores, apparel and footwear stores, florists, gift shops, jewelry stores, book and stationery stores, specialty shops, sporting goods stores, furniture and home furnishing stores, automotive supply stores, and appliance stores.
- 151.11.22 **BUSINESS, OFFICE-TYPE.** Quasi-commercial uses that generally accommodate occupations such as administrative, executive, legal, accounting, writing, clerical, and drafting occupations, and including offices of a charitable, philanthropic, religious, or educational nature.
- 151.11.23 **BUSINESS, NEIGHBORHOOD.** Small scale unified or independent commercial establishments with a per-unit floor area no more than three thousand (3000) square feet that generally serve the day-to-day commercial needs of a residential neighborhood, including but not limited to: small drugstores, tobacco shops, newsstands, bakeries, confectioneries, delicatessens, food markets, beauty salons, and child daycare facilities.
- 151.11.24 **BUSINESS, WHOLESALE.** Commercial establishments that generally sell commodities in large quantities or by the price to retailers, jobbers, other wholesale establishments, or manufacturing establishments, basically for use in the fabrication of a product or for use by a business service.
- 151.11.25 **CHURCH.** A structure in which persons regularly assemble for religious worship and which is maintained by a religious body organized to sustain public worship.
- 151.11.26 **CLINIC.** An organization of professional specialists such as physicians or dentists, who have their offices in a common building. A clinic may include laboratory facilities in conjunction with normal clinic services.
- 151.11.27 **CLUSTER DEVELOPMENT.** A development design technique that allows the subdivision of land into not more than the number of lots permissible in a conventional subdivision of the same property in the same

zone, but where the size of individual lots may be reduced in order to gain land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

- 151.11.28      **COMPREHENSIVE PLAN.** A plan or any portion thereof, adopted by the Taylorsville Planning Board and Town Board of Commissioners, establishing goals, objectives and policies designed to manage the quantity, type, cost, location, timing, and quality of development and redevelopment in the corporate limits and ETJ of Taylorsville.
- 151.11.29      **CONDITIONAL USE PERMIT.** A permit, granted by the Board of Adjustment after said Board holds a public hearing, which authorizes a use which would not generally be appropriate throughout a particular zoning district, but which, if controlled as to number, size, location, or relation to the neighborhood, would promote the public health, safety, and general welfare.
- 151.11.30      **CUSTODIAL CARE FACILITY.** A facility providing custodial care and treatment in a protective living environment for persons residing voluntarily or by court placement, including, without limitation, correctional and post-correctional facilities, juvenile detention facilities, and temporary detention facilities.
- 151.11.31      **DAY NURSERY.** An agency, organization, or individual providing daytime care of six or more children not related by blood or marriage to, or not the legal wards or foster children of the attendant adult.
- 151.11.32      **DEVELOPMENT.** The use or occupancy of any land or structure, or the construction, erection, alteration, or moving of any structure; 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 of precipitation into the soil.
- 151.11.33      **DWELLING, MULTIPLE OR MULTI-FAMILY.** A building or portion thereof, containing three (3) or more dwelling units designed for occupancy by three (3) or more families living independently of each other.
- 151.11.34      **DWELLING, SINGLE-FAMILY.** A building arranged or designed to be occupied by one family, the structure having only one dwelling unit.
- 151.11.35      **DWELLING, TWO-FAMILY OR DUPLEX.** A building containing two (2) dwelling units designed exclusively for occupancy by two (2) families independent of each other, such as a duplex building unit.
- 151.11.36      **DWELLING UNIT.** A building, or portion thereof, designed and

arranged, and used for living quarters for one (1) or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels or other structures designed for transient residence.

- 151.11.37 EASEMENT. The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.
- 151.11.38 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) having expended substantial 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 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).
- 151.11.39 FAMILY. An individual or two (2) or more persons related by blood, marriage, or adoption living together in a dwelling unit; or a group of not more than six (6) persons, one (1) or more of whom is not related by blood, marriage, or adoption to the others.
- 151.11.40 FLOOR AREA, GROSS. The sum of enclosed areas on all floors of a building or buildings measured from the outside faces of exterior walls, including halls, lobbies, arcades, stairways, elevator shafts, enclosed porches and balconies, and any below-grade floor areas used for access and storage. Not countable as floor area are open terraces, open patios, open atriums, open balconies, open carport garages, and breezeways.
- 151.11.41 FLOOR AREA, RATIO. Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.
- 151.11.42 GROUP MULTI-FAMILY DEVELOPMENT. A type of combined multi-family development of two (2) or more multi-family buildings or duplexes, established on a single development tract, having unified design of buildings and coordinated organization of open space and service areas, and developed in accordance with a site plan.



- 151.11.43 **GROUP COMMERCIAL AND INDUSTRIAL DEVELOPMENT.** A type of combined commercial or industrial development of two (2) or more commercial buildings or two (2) or more industrial buildings established on a single development tract, having unified design of buildings and coordinated organization of open space and service areas, and developed in accordance with a site plan.
- 151.11.44 **HAZARDOUS MATERIAL.** Any substance listed as such in: SARA Section 302, Extremely Harardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).
- 151.11.45 **HOME OCCUPATION.** An occupation conducted as an accessory use of a dwelling unit, provided that:
- (a) The home occupation shall not generate traffic volumes or parking needs greater than would normally be expected in a residential neighborhood.
  - (b) No external evidence of the conduct of the home occupation shall be visible, other than a sign as permitted in Article X of this Ordinance.
  - (c) No person other than members of the resident family shall be engaged in such activity; except that not more than one (1) assistant may be employed by the following occupations: dentist, lawyer, physician, chiropractor, and osteopath.
  - (d) The on-premises sale and delivery of goods which are not the products of the home occupation are prohibited.
  - (e) No equipment or process shall be employed that will cause noise, vibration, odor, glare, or electrical or communication interference detectable to the normal senses from the lot in the case of detached dwelling units, or outside the dwelling unit in the case of attached dwelling units.
  - (f) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes, 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.
- 151.11.46 **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 purpose of manufacturing, assembling, finishing, cleaning or developing any product.
- 151.11.47 **JUNKED VEHICLE.** Any wrecked or non-operable automobile, truck, or other vehicle which does not bear a current license plate and current State inspection sticker.

- 151.11.48 JUNKYARD. The use of any unenclosed portion of a lot or tract for the storage or abandonment of junk, including scrap metals and other scrap material, or dismantling or abandonment of automobiles or other vehicles or machinery, but not including the temporary storage of damaged vehicles in connection with the operation of a repair garage. The deposit or the storage on a lot not in use as a repair garage of one or more wrecked or broken down vehicles titled in the name of the property owner for more than ninety (90) days shall also be deemed a junkyard.
- 151.11.49 KENNEL. Any premises wherein any person(s) engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling domestic pets.
- 151.11.50 LOADING, OFF-STREET. Space located outside of any street right-of-way or easement and designed to accommodate the temporary parking of vehicles used for bulk pickups and deliveries.
- 151.11.51 LOT. A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.
- 151.11.52 LOT, CORNER. A lot that occupies the interior angle at the intersection of two street lines which make an angle of more than 45 degrees and less than 135 degrees with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two street lines are equal; in which case the owner shall be required to specify which is the front when requesting a zoning permit.
- 151.11.53 LOT, COVERAGE. The percentage of a lot which may be covered with buildings or structures (excluding walks, drives, and other similar uses) and recreational facilities which are accessory to a permitted use (such as swimming pools). Properties within the critical or protected areas as defined by the Water Supply Watershed Protection Act shall include walks, drives, and all other impervious and graveled surfaces in the total lot coverage.
- 151.11.54 LOT, DEPTH. The mean horizontal distance between front and rear lot lines.
- 151.11.55 LOT, WIDTH. The distance between side lot lines measured at the building line.
- 151.11.56 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 Alexander County, or a lot described by metes and bounds, the description of which has been so recorded.

- 151.11.57 MAJOR WATERSHED VARIANCE. A variance from the minimum statewide water supply watershed protection criteria that results in any one or more of the following:
- (1) any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater system;
  - (2) the relaxation, by a factor greater than ten percent (10%), of any management requirement under the low density option;
  - (3) the relaxation, by a factor greater than five percent (5%), of any buffer or built-upon area requirement under the high density option.
- 151.11.58 MANUFACTURED HOME. A manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of forty (40) feet or more in length and eight (8) feet or more in width. It shall also comply with the National Mobile Home Construction and Safety Standards adopted by the U.S. Department of Housing and Urban Development. This definition shall also include the term "mobile home."
- 151.11.59 MANUFACTURED HOME PARK. Land used or intended to be used, leased or rented for occupancy by two (2) or more manufactured homes which are mounted on wheels, anchored in place by a foundation or other stationary support, to be used for living purposes and accompanied by automobile parking spaces and incidental utility structures and facilities required and provided in connection therewith. This definition shall not include sales lots on which unoccupied manufactured homes are parked for purposes of inspection and/or sale.
- 151.11.60 MINOR WATERSHED VARIANCE. A variance that does not qualify as A major variance from the minimum statewide watershed protection rules that results in a relaxation by a factor up to five (5) percent of any buffer, density, or built-upon requirements under the high density option; or that results in a relaxation, by a factor up to ten (10) percent, of any management requirement under the low density option.
- 151.11.61 MIXED-USE DEVELOPMENT. The development of a building or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.
- 151.11.62 MODULAR HOME. A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

- 151.11.63 NON-CONFORMING LOT OF RECORD. A lot described by a plat or deed that was recorded prior to and lawfully existed prior to the adoption of this Ordinance, but which does not meet the limitations on size, depth, width, street frontage, or other development requirements of the statewide watershed protection rules for the district in which such lot is located.
- 151.11.64 NON-CONFORMING USE. A building or land lawfully occupied by a use that does not conform with use regulations of the district in which it is situated.
- 151.11.65 NON-RESIDENTIAL DEVELOPMENT. All development other than residential development, agriculture and silviculture.
- 151.11.66 NURSING HOME. A home for the aged or ill persons in which three (3) or more persons not of the same immediate family are provided with food, shelter and care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment.
- 151.11.67 OFFICE. A building or portion thereof wherein services are performed involving predominately administrative, professional, or clerical operations.
- 151.11.68 OPEN SPACE. Any front, side, or rear yards, courts, or usable open space provided around a building in order to meet the requirements of this Ordinance.
- 151.11.69 OPEN STORAGE. The storing, depositing or accumulating (for more than twenty-four (24) hours) of materials, goods, equipment, etc., for any use or sale, within any uncovered area, whether enclosed by a fence, etc., or not.
- 151.11.70 PARKING LOT. Any designated area designed for temporary accommodation of motor vehicles of the motoring public in normal operating condition, for a fee or as a service.
- 151.11.71 PARKING SPACE. An area of appropriate dimensions, exclusive of drives, of not less than nine (9) feet by eighteen (18) feet to be used exclusively as a temporary storage space for private motor vehicles.
- 151.11.72 PLANNED UNIT DEVELOPMENT (PUD). A form of development characterized by a unified site design for a number of housing units, clustering of buildings and providing common space, density increase, and a mix of building types and uses. It permits the planning of a project and a calculation of densities over the entire development rather than on an individual lot-by-lot basis. The site plan must include two or more principal buildings. Such development shall be based on a plan, which

allows for flexibility of design most available under normal district requirements.

- 151.11.73 PROTECTED AREA (PA) or BALANCE OF THE WATERSHED. Area adjoining and upstream of the critical area of WS-IV watersheds. The boundaries of the protected area are defined as within five miles upstream of and draining to a water supply reservoir, or to the ridge line of the watershed, whichever comes first; or within ten miles of and draining to a water intake in a stream or river, or to the ridgeline of the watershed, whichever comes first.
- 151.11.74 RESIDENTIAL DEVELOPMENT. Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc., and their associated outbuildings such as garages, storage buildings, gazebos, etc.
- 151.11.75 RESIDENTIAL CARE FACILITY. A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.
- 151.11.76 SIGN. A name, identification, image, description, display, or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure or piece of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization, or business, or which draws attention to a cause or advocates or proclaims a political, religious, or other noncommercial message, and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property.
- (a) Accessory Sign. A sign which is accessory to the principal use of the premises.
  - (b) Non-accessory Sign. A sign which is not accessory to the principal use of the premises.
  - (c) Roof Sign. A sign which is erected, constructed, or maintained upon, and projects above or beyond the roof or parapet.
  - (d) Freestanding or Ground Sign. A sign which is supported by one or more uprights, braces, or pylons located in or upon the ground or supported by something requiring location in or on the ground, including billboards.
  - (e) Projecting Sign. A sign which is affixed to any building, structure, or part thereof, that extends beyond the building wall or parts thereof by no more than three (3) feet from the main building; such signs shall not hang any lower than eight (8) feet from the ground below, measured from the bottom of the sign.
  - (f) Wall Sign. Any sign attached to or placed flat against the exterior wall or surface of any building, no portion of which projects more

than twelve (12) inches from the wall, but which may or may not project above the roof or parapet.

- (g) **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 available display area of the sign and including all the elements of the matter displayed. Only one side of a double-faced sign shall be considered in computing total sign area. Frames and structural members not bearing advertising matter shall not be included in computation of the surface area.
- (h) **Sign Height.** Vertical distance shall be measured from the street grade of the closest point in the street the sign is located along or the grade at the base of the sign, whichever is higher, to the highest point of the sign structure.

151.11.77 **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.

151.11.78 **SITE PLAN.** A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features for a specific parcel of land.

151.11.79 **STORY.** That portion of a building comprised between a floor and a floor or roof next above. The first floor of a two- or multi-story building shall be deemed the story that has no floor immediately below it that is designed for living quarters or for human occupancy. Those stories above the first floor shall be numbered consecutively.

151.11.80 **STREET (PUBLIC ROAD, LANE, WAY, TERRACE, DRIVE).** A dedicated and accepted public right-of-way used, or intended to be used, for passage or travel by motor vehicles which affords the principal means of access to abutting properties.

151.11.81 **STREET, PRIVATE.** Any right-of-way or area set aside to provide vehicular access which is not dedicated or intended to be dedicated to the Town of Taylorsville or the State of North Carolina, and which is not maintained by the Town of Taylorsville or the State of North Carolina.

151.11.82 **STRUCTURE.** Anything constructed or erected the use of which required more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground.

151.11.83 **STRUCTURAL ALTERATIONS.** Any change, except for repair or

replacement, in the supporting members of a structure, such as, but not limited to, bearing walls, columns, beams, or girders.

- 151.11.84 TOURIST HOME. A dwelling where for compensation lodging only is provided for not more than ten (10) persons, and is open to transients.
- 151.11.85 VARIANCE, ZONING. A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.
- 151.11.86 VARIANCE, WATERSHED. A permission to develop or use property granted by the Board of Adjustment or Watershed Review Board relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this Ordinance. A watershed variance shall be either major or minor.
- 151.11.87 WATER DEPENDENT 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 lots and commercial boat storage areas are not water dependent structures.
- 151.11.88 WATERSHED. The entire land area contributing surface drainage to a specific point (e.g. the water supply intake).
- 151.11.89 WATERSHED ADMINISTRATOR. An official designated by the Town of Taylorsville responsible for administration and enforcement of Article XIV. This term shall also include the term "Zoning Enforcement Officer."
- 151.11.90 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.
- 151.11.91 YARD, FRONT. An open space on the same lot with a principal building, extending the full width of the lot, and situated between the front property or street right-of-way line and the front line of the building (exclusive of steps) projected to the sidelines of the lot.
- 151.11.92 YARD, REAR. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the rear line of the lot and the rear line of the building projected to the sidelines of the lot.

- 151.11.93 YARD, SIDE. An open, unoccupied space on the same lot with the principal building between the side line of the building and the side line of the lot and extending from the front yard line to the rear yard line.
- 151.11.94 ZONING ENFORCEMENT OFFICER. The Town of Taylorsville official charged with the responsibility of enforcing this Ordinance. This term shall also include the term "Watershed Administrator."
- 151.11.95 ZONING PERMIT. Permit issued by the Zoning Enforcement Officer indicating proposed use is in compliance with the requirements of this Ordinance. This term shall also include the term "Watershed Protection Permit."



**ARTICLE VI  
ESTABLISHMENT OF DISTRICTS**

Section 151.15 Use Districts

For the purpose of this Ordinance, the Town of Taylorsville and its Extraterritorial Zoning Jurisdiction are hereby divided into eight (8) districts designated as follows:

- Single-Family Residential District (R-1)
- General Residential District (R-2)
- Suburban Residential District (R-3)
- Central Business District (B-1)
- General Business District (B-2)
- Neighborhood Business District (B-3)
- Highway Business District (B-4)
- Light Industrial District (M-1)
- Heavy Industrial District (M-2)

Section 151.16 District Boundaries

The boundaries of these districts are hereby established as shown on a map entitled "Official Zoning Map, Town of Taylorsville, North Carolina." The zoning map and all the notations, references and amendments thereto, and other information shown thereon are hereby made a part of this Ordinance the same as if such information set forth on the map were all fully described as set forth herein. The zoning map shall be retained in the office of the Town Clerk.

Section 151.17 Rules Governing Boundaries

Where, due to the scale, lack of detail or illegibility of the zoning map, there is uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereof, the Zoning Enforcement Officer shall make an interpretation of said map upon request of any person. Any person aggrieved by such interpretation may appeal such interpretation to the Board of Adjustment. The Zoning Enforcement Officer and the Board of Adjustment, in interpreting the zoning map or deciding any appeal, shall apply the following standards:

- 151.17.01 Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines, or railroad right-of-way lines or such lines extended, such centerlines, street lines or railroad right-of-way lines shall be construed to be such boundaries.
- 151.17.02 Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said

boundaries.

- 151.17.03 Where district boundaries are so indicated that they are approximately parallel to the centerlines 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 shown on said zoning map.
- 151.17.04 Where a district boundary line divides a lot in single ownership, the district requirements for the least restricted portion of such lot shall be deemed to apply to the whole thereof, provided that such extensions shall not include any part of such a lot more than thirty-five (35) feet beyond the district boundary line. The term "least restrictive" shall refer to zoning restrictions, not lot or tract size.

**ARTICLE VII  
GENERAL PROVISIONS**

Section 151.20 Application

- 151.20.01     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.
- 151.20.02     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.
- 151.20.03     Lot Size. No lot shall be reduced in size so that the lot width or depth, front, side or rear yards, lot area per family or other requirements of this Ordinance are not maintained, except in cases of street widening.
- 151.20.04     Yard Use Limitations. No part of a yard or other open space required 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.
- 151.20.05     One Principal Building on Any Lot. Every building hereafter erected, moved, or structurally altered shall be located on a lot of record and in no case shall there be more than one (1) principal building and its customary accessory buildings on any lot, except in the case of a specially designed complex of institutional, residential, or commercial buildings in an appropriate zoning district, as permitted by Sections 151.73, 151.74 of this Ordinance. Furthermore, no building shall be constructed or erected upon any lot which does not abut a public street by twenty-five (25) feet.
- 151.20.06     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 unsafe or unlawful by the Building Inspector, the Fire Chief, or any other duly authorized Town officials.

Section 151.21 Nonconforming Uses

After the effective date of this Ordinance, existing structures, or the uses of land or structures which would be prohibited under the regulations for the district in which it is located (if they existed on the adoption date of this Ordinance), shall be considered as nonconforming. Nonconforming structures or uses (as defined in Section 151.11.64 of this Ordinance) may be continued provided they conform to the following provisions:

## 151.21.01 Continuing Nonconforming Uses of Land

- 151.21.01.01 Extension of Use. The enlargement or extension of nonconforming uses of land are discouraged; however, a nonconforming use of land may be enlarged or extended once with the following provisions:
- a. An application for a conditional use permit must be filed with the Board of Adjustment and a public hearing held. The application shall include a site plan with sufficient detail of the expansions and any alterations to be made.
  - b. Enlargement or alterations may not exceed twenty-five percent (25%) of the original floor area existing at the time of enactment of this Ordinance.
  - c. No nonconforming use may be enlarged or altered if the intensity of the current use will be increased substantially, as determined by the Board of Adjustment. In determining whether the degree of intensity is increased, the Board of Adjustment shall consider:
    1. Probable traffic increase of each use.
    2. Parking requirements of each use.
    3. Probable number of persons on the premises at a time of peak demand.
    4. Off-site impacts of each use, such as noise, glare, dust, vibration, or smoke and other impacts on surrounding properties or public health and safety.
  - d. No such nonconforming use shall be moved in whole or in part to any portion of the lot other than occupied at the time of enactment of this Ordinance.
  - e. Changing from one nonconforming use to another shall not permit expansion more than once.
  - f. All dimensional requirements of the district in which the nonconforming use is located must be met.
- 151.21.01.02 Change of Use. Any nonconforming uses of land may be changed to a conforming use, or with the approval of the Board of Adjustment, to any use more in character with the uses permitted in the district in question.
- 151.21.01.03 Cessation of Use. When a non-conforming use of land is discontinued for a consecutive period of one hundred eighty (180) days the property involved may thereafter be used only for conforming purposes.

## 151.21.02 Continuing the Use of Nonconforming Buildings

151.21.02.01 Extension of Use. Nonconforming buildings and nonconforming uses may be enlarged provided the provisions of Section 151.21.01.01 are met. Additionally, no nonconforming structure or use may be enlarged or altered in anyway which increases its dimensional deficiencies.

151.21.02.02 Change of Use. The lawful use of a building existing at the time of the adoption of this Ordinance may be continued, even though such use does not conform to the provisions of this Ordinance. Furthermore, such building may be reconstructed or structurally altered and any nonconforming use therein changed subject to the following regulations:

- a. The order of classification of uses from highest to lowest for the purpose of this section shall be as follows: residential district uses, business district uses, industrial district uses, as permitted by this Ordinance.
- b. A nonconforming use may be changed to a use of higher classification but not to a use of lower classification. A nonconforming use may not be changed to another use of the same classification unless the new use shall be deemed by the Board of Adjustment, after public notice and hearing, to be less harmful to the surrounding neighborhood, than the existing nonconforming use.
- c. A nonconforming commercial or industrial use may not be extended, but the extension of a use to any portion of a building, which portion is at the time of the adoption of this Ordinance primarily designed for such nonconforming use, shall not be deemed to be an extension of a nonconforming use.
- d. A nonconforming building damaged or destroyed by fire, explosion, tornado, earthquake, or similar uncontrollable cause may be repaired or rebuilt within one year of the date of such damage, but not thereafter.
- e. Existing single-family residential structures in the business or industrial districts may be enlarged, extended or structurally altered or rebuilt, provided that no additional dwelling units result therefrom.

151.21.02.03 Cessation of Use. If a nonconforming use is discontinued for a consecutive period of one hundred eighty (180) days, any future use of the buildings and premises shall be in conformity with the provisions of this Ordinance.

### 151.21.03 Continuing the Non-Conforming Use of Manufactured Home Parks

151.21.03.01 Extension of Use. Nonconforming manufactured home parks existing at the time of adoption of this Ordinance shall not be allowed to replace, expand, increase or bring in another manufactured home unless this nonconforming manufactured home park is adhering to the provisions of Section 151.56 of this Ordinance.

### Section 151.22 Interpretation of District Regulations

151.22.01 Uses by Right. Uses not designated as permitted by right or subject to additional conditions shall be prohibited. Conditional uses are permitted according to the additional regulations imposed. These conditional uses can be approved only by the Board of Adjustment. Additional uses when in character with the district may be added to the Ordinance by amendment.

151.22.02 Minimum Regulations. Regulations set forth by this Ordinance shall be minimum regulations. If the district requirements set forth in this section are at a variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or higher standard shall govern.

151.22.03 Land Covenants. Unless restrictions established by covenants for 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 151.23 Zoning of Annexed Areas

Any areas annexed into the Town of Taylorsville, upon annexation, shall be rezoned to an appropriate zoning district, upon recommendation by the Planning Board and approval by the Town Board of Commissioners and following notifications and public hearings as required by North Carolina General Statutes.

**ARTICLE VIII  
USE REQUIREMENTS BY DISTRICT**

Section 151.30 Single-Family Residential District R-1

This is a low-density neighborhood district consisting of single-family residences and public and private community uses. The regulations of this district are intended to discourage any use which, because of its character, would substantially interfere with the development of single-family residences in the districts and which would be detrimental to the quiet residential nature of the areas included within this district.

151.30.01 Permitted Principal Uses.

- 151.30.01.01 Single-family dwellings, including modular homes but excluding manufactured homes;
- 151.30.01.02 Churches and their customary related uses including cemeteries, provided that all buildings and graves shall be located not less than thirty (30) feet from any property line;
- 151.30.01.03 Colleges, universities, public elementary and secondary schools, private schools having curricula approximately the same as ordinarily given in public schools, located not less than fifty (50) feet from any property line;
- 151.30.01.04 Public libraries, museums and art galleries, fire and police stations, hospitals and related buildings, located not less than thirty (30) feet from any property line;
- 151.30.01.05 Golf courses, parks, playgrounds, swimming pools, and community centers operated on a non-profit basis for recreational purposes only;
- 151.30.01.06 Greenhouses and truck gardens that are incidental to the residential use and conducted on a non-commercial basis only;
- 151.30.01.07 Public works and utility facilities such as distribution lines, transformer stations, electric substations, water tanks and towers, pumping stations, fire stations and telephone substations, if such facilities are essential to the service of the immediate area and further provided that no vehicles or equipment are stored on the premises and that no offices will be permitted (except in the case of fire stations), provided:

- (a) All buildings and facilities shall be set back at least twenty (20) feet from all property lines, and shall be designed and landscaped to blend in with the surrounding area;
- (b) All dangerous apparatus shall be enclosed by a chain link fence at least six (6) feet in height.
- (c) There shall be a buffer along the rear and side lot lines. No such buffer shall, however, extend nearer to a street right-of-way line than the established setback line of the adjoining lots.

Public works and utility facilities does not include cellular towers. See Article XII Telecommunications Tower Ordinance for regulations regarding cellular towers.

151.30.02 Conditional Uses.

The following conditional uses are permitted when authorized by the Taylorsville Board of Adjustment:

151.30.02.01 Home occupations as defined in Section 151.11.45 of this Ordinance.

151.30.03 Permitted Accessory Uses.

151.30.03.01 Customary accessory buildings or structures shall be located on the same lot as the main structure and be permitted only in a rear yard (with the exception of garages and carports) and are subject to the provisions of Section 151.70 of this Ordinance.

151.30.04 Off-Street Parking and Loading Requirements.

Off-street parking and loading requirements shall be provided for all uses as required by Article IX of this Ordinance.

151.30.05 Sign Requirements.

See Article X of this Ordinance.

151.30.06 Dimensional Requirements.

151.30.06.01 Minimum required lot width: One Hundred (100) feet

151.30.06.02 Minimum required front yard: Thirty-five (35) feet

151.30.06.03 Minimum required side yard: Ten (10) feet  
 Side yard abutting a street: Twenty (20) feet



151.30.06.04 Minimum required rear yard: Twenty-five (25) feet

151.30.06.05 Maximum height of buildings: Thirty-five (35) feet

151.30.06.06 Minimum frontage on a public street: Twenty-five (25) feet

151.30.07 Minimum Lot Size and Maximum Lot Coverage.

Development activities that are not located in the WS-II Watershed Area, or in the WS-IV Watershed Area, or that are located in the WS-IV Watershed Area and do not require a Sedimentation/Erosion Control Plan under State law, are subject only to Section 151.30.07.01 below.

151.30.07.01 Lots deeded on or after the effective date of this Ordinance:

20,000 square feet

Maximum permissible lot coverage by the principal and accessory buildings shall not exceed forty percent (40%) of the total lot area.

151.30.07.02 Lots deeded on or after the effective date of this Ordinance, where the development is located in the WS-IV Watershed Area and requires a Sedimentation/Erosion Control Plan under State law:

Single-Family: 21,780 square feet (or 20,000 square feet excluding roadway right-of-way)

All Other

Non-Residential

Development: Maximum impervious surface coverage as defined in this Ordinance shall not exceed twenty-four (24%) percent of the total lot area.

151.30.07.03 Lots deeded on or after the effective date of this Ordinance, and where the development is located in the WS-II Watershed Area:

Single-Family: 43,560 square feet (or 40,000 square feet excluding roadway right-of-way)

All Other

Non-Residential

Development: Maximum impervious surface coverage as defined in this Ordinance shall not exceed twelve (12%) percent of the total lot area except that up to ten (10%) percent of the balance of the watershed may be developed for non-residential uses at up to seventy (70%) percent built-upon area.

151.30.08 All areas not used for development or parking shall be grassed or otherwise suitably landscaped to prevent erosion.

Section 151.31 General Residential District R-2

This district is established as a high-density residential neighborhood in which the principal use of the land is for single-family, two-family and multi-family residences. The regulations of this district are intended to provide areas for those persons desiring small residences in relatively high-density neighborhoods.

151.31.01 Permitted Principal Uses.

151.31.01.01 All uses permitted in the R-1 Single-Family Residential District;

151.31.01.02 Single-family dwellings, including modular homes;

151.31.01.03 Two-family dwellings or duplexes;

151.31.01.04 Multi-family dwellings;

151.31.01.05 Class A (Doublewide) Manufactured Homes on individual lots subject to the provisions of Section 151.55 of this Ordinance;

151.31.01.06 Manufactured Home Subdivisions provided said manufactured home subdivisions meet all the requirements of the Taylorsville Subdivision Regulations;

151.31.01.07 Boarding houses;

151.31.01.08 Tourist homes and Bed & Breakfasts;

151.31.01.09 Kindergartens or day nurseries, provided that they comply with the operating standards and licensing procedures for day-care facilities of the North Carolina Office of Child Day-Care Licensing; further provided that not less than one hundred (100) square feet of outdoor play area is provided for each child, and provided further, that such play space is surrounded by a sturdy fence at least four (4) feet in height;

151.31.01.10 Convalescent homes, orphanages, residential care facilities, and charitable institutions not used primarily for the treatment of contagious diseases, alcoholics, drug addicts or psychotics.

151.31.02 Conditional Uses.

The following conditional uses are permitted when authorized by the Taylorsville Board of Adjustment:

- 151.31.02.01 Offices and clinics of physicians, dentists, architects, engineers, attorneys, and other professional persons.
- 151.31.02.02 Home occupations as defined in Section 151.11.45 of this Ordinance.
- 151.31.02.03 Planned Unit Developments subject to the provisions of Section 151.75 of this Ordinance.
- 151.31.02.4 Group Multi-Family Developments subject to the provisions of Section 151.73 of this Ordinance.
- 151.31.02.05 Cluster Developments subject to the provisions of Section 151.76 of this Ordinance.

151.31.03 Permitted Accessory Uses.

- 151.31.03.01 Customary accessory buildings or structures shall be located on the same lot as the main structure and be permitted only in a rear yard (with the exception of garages and carports) and are subject to the provisions of Section 151.70 of this Ordinance.

151.31.04 Off-Street Parking and Loading Requirements.

Off-street parking and loading requirements shall be provided for all uses as required by Article IX of this Ordinance.

151.31.05 Sign Requirements.

See Article X of this Ordinance.

151.31.06 Dimensional Requirements.

- 151.31.06.01 Minimum required lot width
  - Single-Family and All Other Non-Residential Uses: Seventy (70) feet
  - Two-Family: Eighty (80) feet
  - Multi-Family: One Hundred (100) feet
- 151.31.06.02 Minimum required front yard:
  - Single-Family and All Other Non-Residential Uses: Thirty (30) feet
  - Two-Family: Thirty (30) feet

- |              |                                      |                       |
|--------------|--------------------------------------|-----------------------|
|              | Multi-Family:                        | Thirty-five (35) feet |
| 151.31.06.03 | Minimum required side yard:          | Ten (10) feet         |
|              | Side yard abutting a street:         | Twenty (20) feet      |
| 151.31.06.04 | Minimum required rear yard:          |                       |
|              | Single-Family and All                |                       |
|              | Other Non-Residential Uses:          | Twenty-five (25) feet |
|              | Two-Family:                          | Twenty-five (25) feet |
|              | Multi-Family:                        | Thirty (30) feet      |
| 151.31.06.05 | Maximum height of buildings:         |                       |
|              | Single-Family and All                |                       |
|              | Other Non-Residential Uses:          | Thirty-five (35) feet |
|              | Two-Family:                          | Thirty-five (35) feet |
|              | Multi-Family:                        | Fifty (50) feet       |
| 151.31.06.06 | Minimum frontage on a public street: | Twenty-five (25) feet |

151.31.07 Minimum Lot Size and Maximum Lot Coverage.

Development activities that are not located in the WS-II Watershed Area, or in the WS-IV Watershed Area, or that are located in WS-IV and do not require a Sedimentation/Erosion Control Plan under State law are subject only to Section 151.30.07.01 below.

151.31.07.01 Lots deeded on or after the effective date of this Ordinance:

- |                   |  |
|-------------------|--|
| Single-Family and |  |
| All Other Non-    |  |
| Residential Uses: | 14,000 square feet;                              |
| Two-Family:       | 20,000 square feet (10,000 sq. ft./unit);        |
| Multi-Family:     | 10,000 square feet plus 10,000 square feet/unit; |

Maximum permissible lot coverage by the principal and accessory buildings shall not exceed forty percent (40%) of the total lot area.

151.31.07.02 Lots deeded on or after the effective date of this Ordinance, where the development is located in the WS-IV Watershed Area and requires a Sedimentation/Erosion Control Plan under State law:

(A) OPTION 1: With a curb and gutter street system

- |                       |   |
|-----------------------|---|
| Single-Family:        | 21,780 square feet (or 20,000 square feet excluding roadway right-of-way) |
| All Other Residential |   |

and Non-Residential

Development: Maximum impervious surface coverage as defined in this Ordinance shall not exceed twenty-four (24%) percent of the total lot area.

(B) OPTION 2: Without a curb and gutter street system

Single-Family: 15,000 square feet

All Other Residential  
and Non-Residential

Development: Maximum impervious surface coverage as defined in this Ordinance shall not exceed thirty-six (36%) percent of the total lot area.

151.31.07.3 Lots deeded on or after the effective date of this Ordinance, and where the development is located in the WS-II Watershed Area:

Single-Family: 43,560 square feet (or 40,000 square feet excluding roadway right-of-way)

All Other Residential  
and Non-Residential

Development: Maximum impervious surface coverage as defined in this Ordinance shall not exceed twelve (12%) percent of the total lot area except that up to ten (10%) percent of the balance of the watershed may be developed for non-residential uses at up to seventy (70%) percent built-upon area.

151.31.08 All areas not used for development or parking shall be grassed or otherwise suitably landscaped to prevent erosion.

### Section 151.32 Suburban Residential District R-3

The regulations of this district are intended to insure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at sufficiently low densities to provide a healthful environment.

#### 151.32.01 Permitted Principal Uses.

151.32.01.01 Single-family dwellings, including modular homes;

151.32.01.02 Two-family dwellings;

151.32.01.03 Class A (Doublewide) manufactured homes on individual lots subject to the provisions of Section 151.55 of this Ordinance;

- 151.32.01.04 Manufactured Home Subdivisions provided said manufactured home subdivisions meet all the requirements of the Taylorsville Subdivision Regulations;
- 151.32.01.05 Churches and their customary related uses including cemeteries, provided that all buildings and graves shall be located not less than thirty (30) feet from any property line;
- 151.32.01.06 Parks, playgrounds, community centers, clubs and lodges, swimming pools, golf courses, and other recreational facilities operated on a non-profit basis;
- 151.32.01.07 Public and private elementary and secondary schools, but not schools primarily engaged in commercial or industrial trades education;
- 151.32.01.08 Kindergartens or day nurseries, provided that they comply with the operating standards and licensing procedures for day-care facilities of the North Carolina Office of Child Day-Care Licensing; further provided that not less than one hundred (100) square feet of outdoor play area is provided for each child, and provided further, that such play space is surrounded by a sturdy fence at least four (4) feet in height;
- 151.32.01.09 Convalescent homes, orphanages, residential care facilities, and charitable institutions not used primarily for the treatment of contagious diseases, alcoholics, drug addicts or psychotics;
- 151.32.01.10 Public works and utility facilities such as distribution lines, transformer stations, electric substations, water tanks and towers, pumping stations, fire stations and telephone substations, if such facilities are essential to the service of the immediate area and further provided that no vehicles or equipment are stored on the premises and that no offices will be permitted (except in the case of fire stations), provided:
  - (a) All buildings and facilities shall be set back at least twenty (20) feet from all property lines, and shall be designed and landscaped to blend in with the surrounding area;
  - (b) All dangerous apparatus shall be enclosed by a chain link fence at least six (6) feet in height.
  - (c) There shall be a buffer along the rear and side lot lines. No such buffer shall, however, extend nearer to a street right-of-way line than the established setback line of the adjoining lots.

Public works and utility facilities does not include cellular towers. See Article XII Telecommunications Tower Ordinance for

regulations regarding cellular towers.

151.32.02 Conditional Uses.

The following conditional uses are permitted when authorized by the Taylorsville Board of Adjustment:

151.32.02.01 Home occupations as defined in Section 151.11.45 of this Ordinance.

151.32.03 Permitted Accessory Uses.

151.32.03.01 Customary accessory buildings or structures shall be located on the same lot as the main structure and be permitted only in a rear yard (with the exception of garages and carports) and are subject to the provisions of Section 151.70 of this Ordinance.

151.32.04 Off-Street Parking and Loading Requirements.

Off-street parking and loading requirements shall be provided for all uses as required by Article IX of this Ordinance.

151.32.05 Sign Requirements.

See Article X of this Ordinance.

151.32.06 Dimensional Requirements.

151.32.06.01 Minimum required lot width  
Single-Family and All  
Other Non-Residential Uses: One Hundred (100) feet  
Two-Family: One Hundred Ten (110) feet

151.32.06.02 Minimum required front yard  
Single-Family and All  
Other Non-Residential Uses: Forty-five (45) feet  
Two-Family: Fifty (50) feet

151.32.06.03 Minimum required side yard: Fifteen (15) feet  
Side yard abutting a street: Twenty-five (25) feet

151.32.06.04 Minimum required rear yard: Forty (40) feet

151.32.06.05 Maximum height of buildings: Thirty-five (35) feet

151.32.06.06 Minimum frontage on a public street: Twenty-five (25) feet

151.32.07 Minimum Lot Size and Maximum Lot Coverage.

Development activities that are not located in the WS-II Watershed Area, or in the WS-IV Watershed Area, or that are located in the WS-IV Watershed Area and do not require a Sedimentation/Erosion Control Plan under State law, are subject only to Section 151.32.07.01 below.

151.32.07.01 Lots deeded on or after the effective date of this Ordinance:

Single-Family and  
All Other Non-  
Residential Uses: 20,000 square feet;  
Two-Family: 30,000 square feet (15,000 sq. ft./unit)

Maximum permissible lot coverage by the principal accessory buildings shall not exceed forty percent (40%) of the total lot area.

151.32.07.02 Lots deeded on or after the effective date of this Ordinance where the development is located in the WS-IV Watershed area and requires a Sedimentation/Erosion Control Plan under State law:

Single-Family: 21,780 square feet (or 20,000 square feet excluding roadway right-of-way).  
All Other Residential  
and Non-Residential  
Development: Maximum impervious surface coverage as defined in this Ordinance shall not exceed twenty-four percent (24%) of the total lot area.

151.32.07.03 Lots deeded on or after the effective date of this Ordinance and where the development is located in the WS-II Watershed Area:

Single-Family: 43,560 square feet (or 40,000 square feet excluding roadway right-of-way)  
All Other Residential  
and Non-Residential  
Development: Maximum impervious surface coverage as defined in this Ordinance shall not exceed twelve percent (12%) of the total lot area except that up to ten percent (10%) of the balance of the watershed may be developed for non-residential uses at up to seventy percent (70%) built-upon area.

151.32.08 All areas not used for development or parking shall be grassed or otherwise suitably landscaped to prevent erosion.



## Section 151.33 Central Business District B-1

The intent of the Central Business District is to accommodate and encourage further expansion and renewal in the business core of Taylorsville. A variety of business, retail, professional, financial, cultural, and other related services are encouraged in an effort to provide a mix of activities necessary to consumers.

### 151.33.01 Permitted Principal Uses.

- 151.33.01.01 Alcoholic beverages, packaged, retail sales;
- 151.33.01.02 Automobile parking lots;
- 151.33.01.03 Automobile parts and supplies, new;
- 151.33.01.04 Automobile repair garages, but excluding open storage of wrecked or non-operative automobiles and trucks;
- 151.33.01.05 Automobile sales, new and used;
- 151.33.01.06 Bakeries, where the products are sold exclusively at retail on the premises;
- 151.33.01.07 Banks and other financial institutions, including loan and finance institutions;
- 151.33.01.08 Barber and beauty shops;
- 151.33.01.09 Bicycle sales and repair shops;
- 151.33.01.10 Billiard and pool halls, or gamerooms;
- 151.33.01.11 Bus terminals and railroad stations;
- 151.33.01.12 Cell Towers subject to the provisions of Article XII of this Ordinance;
- 151.33.01.13 Community colleges, barber and beauty schools, art schools, music and dance studios, and similar organizations, but not vocational trade schools, all without students in residence;
- 151.33.01.14 Clubs and lodges catering exclusively to members and their guests;
- 151.33.01.15 Dry cleaning and laundry pick-up stations and dry cleaning plants having not more than two thousand (2,000) square feet of floor space and no emission of steam;

- 151.33.01.16 Feed, seed, and fertilizer sales, retail;
- 151.33.01.17 Fire and police stations;
- 151.33.01.18 Florist shops, but not commercial greenhouses;
- 151.33.01.19 Food stores, retail only, but excluding the killing or dressing of any flesh or fowl;
- 151.33.01.20 Furriers and fur storage;
- 151.33.01.21 Hotels and motels;
- 151.33.01.22 Jewelry repair and pawn shops;
- 151.33.01.23 Locksmiths and gunsmiths;
- 151.33.01.24 Medical and dental clinics and laboratories;
- 151.33.01.25 Newspaper offices and printing plants incidental to such offices;
- 151.33.01.26 Newsstands;
- 151.33.01.27 Offices, business, government, medical, professional and public;
- 151.33.01.28 Office equipment and supplies, sales and service;
- 151.33.01.29 Opticians and optical supplies stores;
- 151.33.01.30 Photographic studios and camera supply stores;
- 151.33.01.31 Printing, publishing and reproducing establishments;
- 151.33.01.32 Public parks, playgrounds and community centers;
- 151.33.01.33 Public utility distribution lines, transformer stations, transmission lines and towers, water tanks and towers, pumping stations, and telephone exchanges, but not service and storage yards;
- 151.33.01.34 Radio and television stations, studios and offices;
- 151.33.01.35 Radio and television repair shops, electric shops;
- 151.33.01.36 Restaurants, including drive-thru restaurants but not drive-in restaurants;

- 151.33.01.37 Retail establishments such as department, clothing, fabric, shoe, variety, notion, drug, hardware, furniture, appliance, music, art, antique, jewelry, sporting goods, toy, hobby, book and stationary stores, but not excluding similar retail establishments;
- 151.33.01.38 Service stations, provided that gasoline pumps shall be located at least twenty (20) feet from any property line, and all service, storage or similar activities connected with such use shall be conducted entirely within the premises;
- 151.33.01.39 Shoe repair shops;
- 151.33.01.40 Tailor, dressmaking and millinery shops;
- 151.33.01.41 Taxi stands;
- 151.33.01.42 Telephone and telegraph offices;
- 151.33.01.43 Theaters, indoor.

151.33.02. Conditional Uses.

The following conditional uses are permitted when authorized by the Taylorsville Board of Adjustment:

- 151.33.02.01 Mixed use developments, buildings erected for both dwelling and business purposes, provided that such residential uses are only permitted above the ground floor of a business building.
- 151.33.02.02 Other Central Business not otherwise named herein provided that no such use shall be permitted which is likely to be dangerous, offensive, or detrimental to the health, safety, welfare or general character of this zoning district or of the community by reason of emission of dust, gas, smoke, fumes, odors, noise, vibrations, or otherwise.

151.33.03 Permitted Accessory Uses.

- 151.33.03.01 Customary accessory buildings or structures shall be located on the same lot as the main structure and be permitted only in a rear yard and are subject to the provisions of Section 151.70 of this Ordinance.

151.33.04 Off-Street Parking and Loading Requirements.

Off-street parking and loading requirements shall be provided for all uses as required by Article IX of this Ordinance.

151.33.05 Sign Requirements.

See Article X of this Ordinance.

151.33.06 Dimensional Requirements.

Within the B-1 Central Business District, the following dimensional requirements shall be complied with:

151.33.06.01 Minimum required front, side, and rear yards: none required, but if provided, each side and rear yard shall be at least ten (10) feet in width. However, where a lot abuts any residential district there shall be a fifteen (15) foot setback. Also, there shall be a buffer around all principal and accessory structures and uses as defined in this Ordinance, unless a suitable existing buffer is present on adjacent property as determined by the Zoning Enforcement Officer. Street or road rights-of-way shall not be construed as part of setback distances and shall not be substituted in lieu of required buffering.

151.33.06.02 Maximum height of any building shall not be more than fifty (50) feet.

151.33.06.03 Minimum frontage on a public street: Twenty-five (25) feet.

151.33.07 Minimum Lot Size and Maximum Lot Coverage.

Within the B-1 Central Business District, there is no minimum lot size and development activities can cover one hundred percent (100%) of the lot area.

Section 151.34 General Business District B-2

This district is established for those areas of the community where the principal use of land is for general business that does not require a central location. It is the intent of this Ordinance that this district will usually be located adjacent to industrial areas and major traffic ways to provide retailing goods and services to the traveling public, as well as local townspeople.

151.34.01 Permitted Principal Uses.

151.34.01.01 All uses permitted in the Central Business District B-1;

- 151.34.01.02 Animal hospitals or veterinary clinics, but excluding open kennels on the premises;
- 151.34.01.03 Assembly halls, coliseums, gymnasiums, and similar structures;
- 151.34.01.04 Automobile washing and detailing establishments;
- 151.34.01.05 Bakeries and other establishments manufacturing prepared foods and miscellaneous food products;
- 151.34.01.06 Boat works and sales;
- 151.34.01.07 Bowling alleys;
- 151.34.01.08 Building supply and equipment sales, but excluding open storage;
- 151.34.01.09 Churches and their customary accessory uses, including cemeteries;
- 151.34.01.10 Cold storage and freezer lockers;
- 151.34.01.11 Dairy bars and ice cream manufacturing;
- 151.34.01.12 Dry cleaning and laundering establishments;
- 151.34.01.13 Electrical appliances and equipment, sales and repair, but excluding open storage;
- 151.34.01.14 Fabricating shops of small size such as cabinet, upholstery and sheet metal shops;
- 151.34.01.15 Funeral homes and mortuaries;
- 151.34.01.16 Golf or baseball driving ranges, miniature and par-3 golf courses and other similar outdoor recreational facilities;
- 151.34.01.17 Greenhouses and horticultural nurseries;
- 151.34.01.18 Kindergartens or day nurseries, provided that they comply with the operating standards and licensing procedures for day-care facilities of the North Carolina Office of Child Day-Care Licensing; further provided that not less than one hundred (100) square feet of outdoor play area is provided for each child; provided further, that such area shall be enclosed by a sturdy fence at least four (4) feet in height;

- 151.34.01.19 Launderettes and laundromats;
- 151.34.01.20 Manufactured and modular home display lots;
- 151.34.01.21 Milk distribution (non-bottling) facilities;
- 151.34.01.22 Motels and tourist homes;
- 151.34.01.23 Plumbing shops, but excluding open storage;
- 151.34.01.24 Produce stands and markets, retail only;
- 151.34.01.25 Restaurants, including drive-in and drive-thru restaurants;
- 151.34.01.26 Sign painting and fabricating shops;
- 151.34.01.27 Skating rinks, permanent;
- 151.34.01.28 Theaters, drive-in, subject to the following conditions:

(a) No part of the theater screen, projection booth, or other building shall be located closer than five hundred (500) feet to any residential district nor closer than fifty (50) feet to any residential district nor closer than fifty (50) feet to any property line or public right-of-way; and no parking space shall be located closer than one hundred (100) feet to any residential district.

(b) The theater screen shall not face a major street or highway; and reservoir-parking space off the street shall be provided for patrons awaiting admission in an amount of not less than thirty percent (30%) of the vehicular capacity of the theater.

151.34.02 Conditional Uses.

The following conditional uses are permitted when authorized by the Taylorsville Board of Adjustment:

- 151.34.02.01 Other general business not otherwise named herein provided that no such use shall be permitted which is likely to be dangerous, offensive, or detrimental to the health, safety, welfare or general character of this zoning district or of the community by reason of the emission of dust, gas, smoke, fumes, odors, noise, vibrations, or otherwise.
- 151.34.02.02 Group Commercial Developments subject to the provisions of Section 151.74 of this Ordinance.

151.34.03 Permitted Accessory Uses.

151.34.03.01 Customary accessory buildings or structures shall be located on the same lot as the main structure and be permitted only in a rear yard and are subject to the provisions of Section 151.70 of this Ordinance.

151.34.04 Off-Street Parking and Loading Requirements.

Off-street parking and loading requirements shall be provided for all uses as required by Article IX of this Ordinance.

151.34.05 Sign Requirements.

See Article X of this Ordinance.

151.34.06 Dimensional Requirements.

151.34.06.01 Minimum required front yard: Thirty (30) feet

151.34.06.02 Minimum required side and rear yards: Ten (10) feet

Where a lot abuts any residential district there shall be a side or rear yard clearance of at least twenty (20) feet. Furthermore, upon any side or rear lot line that abuts a residential district there shall be a buffer as defined in this Ordinance, unless a suitable existing buffer is present on adjacent property as determined by the Zoning Enforcement Officer. No such buffer shall, however, extend nearer to a street right-of-way than the established building line. Street or road rights-of-way shall not be construed as part of setback distances and shall not be substituted in lieu of required buffering.

151.34.06.03 Maximum height of buildings: Thirty-five (35) feet

151.34.06.04 Minimum frontage on a public street: Twenty-five (25) feet

151.34.07 Minimum Lot Size and Maximum Lot Coverage.

Within the General Business District B-2, there is no minimum lot size and development activities can cover up to fifty (50 %) percent of the total lot area. Parking areas are not included in the 50% developable space. However, if the lot is located in the WS-IV Watershed Protected Area and development requires a Sedimentation/Erosion Control Plan, the maximum permissible impervious surface coverage, as defined in this Ordinance, shall not exceed thirty-six percent (36%) of the total lot area or twenty-four percent (24%) of the total lot area if the lot abuts a curb and gutter street system. If the

lot is located in the WS-II Watershed Area, the maximum permissible impervious surface coverage, as defined in this Ordinance, shall not exceed twelve percent (12%) of the total lot area except that up to ten percent (10%) of the balance of the watershed may be developed for non-residential uses at up to seventy percent (70%) built-upon area.

Section 151.35 Neighborhood Business District B-3

This district is established for those areas of the community where the principal use of land is to provide for the retailing of goods and services to surrounding residential neighborhoods. The regulations of the district are designed to reduce traffic and parking congestion to a minimum in order to protect the surrounding residential areas.

151.35.01 Permitted Principal Uses.

- 151.35.01.01 Bakeries, delicatessens and the like, provided that products prepared or processed on the premises shall be sold only at retail and only on the premises;
- 151.35.01.02 Banks and other financial institutions including loan and finance companies;
- 151.35.01.03 Barber and beauty shops;
- 151.35.01.04 Bed & Breakfasts;
- 151.35.01.05 Boarding houses;
- 151.35.01.06 Churches;
- 151.35.01.07 Kindergartens or day nurseries, provided that they comply with the operating standards and licensing procedures for day-care facilities of the North Carolina Office of Child Day-Care Licensing; further provided that not less than one hundred (100) square feet of outdoor play area is provided for each child, and provided further, that such play space is surrounded by a sturdy fence at least four (4) feet in height;
- 151.35.01.08 Drug stores, newsstands, tobacco shops;
- 151.35.01.09 Florists, gift shops, stationery stores;
- 151.35.01.10 Grocery stores;
- 151.35.01.11 Self-service laundry and dry cleaning establishments;
- 151.35.01.12 Medical, health and dental clinics



151.35.01.13 Jewelry repair stores;

151.35.01.14 Produce stands, retail only;

151.35.02 Conditional Uses.

The following conditional uses are permitted when authorized by the Taylorsville Board of Adjustment:

151.35.02.01 Other Neighborhood Business not otherwise named herein provided that no such use shall be permitted which is likely to be dangerous, offensive, or detrimental to the health, safety, welfare or general character of this zoning district or of the community by reason of emission of dust, gas, smoke, fumes, odors, noise, vibrations, or otherwise.

151.35.03 Permitted Accessory Uses.

151.35.03.01 Customary accessory buildings or structures shall be located on the same lot as the main structure and be permitted only in a rear yard and are subject to the provisions of Section 151.70 of this Ordinance.

151.35.04 Off-Street Parking and Loading Requirements.

Off-street parking and loading requirements shall be provided for all uses as required by Article IX of this Ordinance.

151.35.05 Sign Requirements.

See Article X of this Ordinance.

151.35.06 Dimensional Requirements.

151.35.06.01 Minimum required front yard: Forty (40) feet

151.35.06.02 Minimum required side and rear yards: Ten (10) feet

Where a lot abuts any residential district there shall be a side or rear yard clearance of at least twenty (20) feet. Furthermore, upon any side or rear lot line that abuts a residential district there shall be a buffer as defined in this Ordinance, unless a suitable existing buffer is present on adjacent property as determined by the Zoning Enforcement Officer. No such buffer shall, however, extend nearer to a street right-of-way than the established building line. Street or road rights-of-way shall not be construed as part of setback distances and shall not be substituted in lieu of required buffering.

151.35.06.03 Maximum height of buildings: Thirty-five (35) feet

151.35.06.04 Minimum frontage on a public street: Twenty-five (25) feet

151.35.07 Minimum Lot Size and Maximum Lot Coverage.

Within the Neighborhood Business District B-3, there is no minimum lot size and development activities can cover up to fifty (50 %) percent of the total lot area. Parking areas are not included in the 50% developable area. However, if the lot is located in the WS-IV Watershed Protected Area and development requires a Sedimentation/Erosion Control Plan, the maximum permissible impervious surface coverage, as defined in this Ordinance, shall not exceed thirty-six percent (36%) of the total lot area or twenty-four percent (24%) of the total lot area if the lot abuts a curb and gutter street system. If the lot is located in the WS-II Watershed Area, the maximum permissible impervious surface coverage, as defined in this Ordinance, shall not exceed twelve percent (12%) of the total lot area except that up to ten percent (10%) of the balance of the watershed may be developed for non-residential uses at up to seventy percent (70%) built-upon area.

Section 151.36 Highway Business District B-4

This district is established for those areas of the community where the principal use of land is for businesses located along or near major transportation routes and that are primarily engaged in the retailing of heavy durable goods to the region and the provision of services to transients which, because of their nature, prefer locations along major transportation routes, away from the Central Business District and residential sections of the community. It is the intent of this Ordinance that this district will usually be located along principal transportation routes.

151.36.01 Permitted Principal Uses.

151.36.01.01 All uses permitted in a General Business District B-2;

151.36.01.02 Antique shops;

151.36.01.03 Art galleries;

151.36.01.04 Art goods stores;

151.36.01.05 Assembly halls;

151.36.01.06 Ballrooms and similar structures;

151.36.01.07 Blueprinting and drafting suppliers;

- 151.36.01.08 Boarding houses;
- 151.36.01.09 Book and stationary stores;
- 151.36.01.10 Building materials, storage, equipment services and sales;
- 151.36.01.11 Cabinet shops;
- 151.36.01.12 Camera shops;
- 151.36.01.13 Candy stores;
- 151.36.01.14 Clothing stores;
- 151.36.01.15 Coliseums;
- 151.36.01.16 Dance studios;
- 151.36.01.17 Data processing service, commercial;
- 151.36.01.18 Kindergartens or day nurseries, provided that they comply with the operating standards and licensing procedures for day-care facilities of the North Carolina Office of Child Day-Care Licensing; further provided that not less than one hundred (100) square feet of outdoor play area is provided for each child, and provided further, that such play space is surrounded by a sturdy fence at least four (4) feet in height;
- 151.36.01.19 Dental labs;
- 151.36.01.20 Department stores;
- 151.36.01.21 Drive-in theaters, subject to conditions listed in 151.34.01.28;
- 151.36.01.22 Drug stores;
- 151.36.01.23 Electrical supplies;
- 151.36.01.24 Fabric stores;
- 151.36.01.25 Farm machinery sales;
- 151.36.01.26 Feed and seed stores;
- 151.36.01.27 Finance companies;

- 151.36.01.28 Fire and police stations;
- 151.36.01.29 Floral shops and commercial greenhouses;
- 151.36.01.30 Fraternal halls;
- 151.36.01.31 Fruit stands and grocery stores;
- 151.36.01.32 Furniture showrooms;
- 151.36.01.33 Gift shops;
- 151.36.01.34 Glass and mirror shops;
- 151.36.01.35 Hatcheries;
- 151.36.01.36 Hardware, furniture and appliance stores;
- 151.36.01.37 Heating and refrigeration shops;
- 151.36.01.38 Indoor theaters;
- 151.36.01.39 Industrial supplies and equipment sales/service;
- 151.36.01.40 Janitorial supplies;
- 151.36.01.41 Kennels, provided there shall be no open kennels, provided further that no pens and kennel fences shall be located closer than twenty (20) feet to any property line;
- 151.36.01.42 Libraries and museums;
- 151.36.01.43 Machine shops;
- 151.36.01.44 Magazine and newsstands;
- 151.36.01.45 Manufactured home display lots or boatworks and marine sales;
- 151.36.01.46 Medical and dental clinics;
- 151.36.01.47 Motorcycle, lawnmower and power saw sales and service;
- 151.36.01.48 Music stores and studios;
- 151.36.01.49 Notions stores;

- 151.36.01.50 Offices and agencies for business or civic purposes;
- 151.36.01.51 Office supplies/equipment sales;
- 151.36.01.52 Paint and floor covering stores;
- 151.36.01.53 Parks and playgrounds;
- 151.36.01.54 Pet shops;
- 151.36.01.55 Pharmacies;
- 151.36.01.56 Photographic studios;
- 151.36.01.57 Plumbing shops;
- 151.36.01.58 Pool rooms;
- 151.36.01.59 Pottery yards;
- 151.36.01.60 Printing and publishing firms;
- 151.36.01.61 Public health centers;
- 151.36.01.62 Public utility distribution lines and pumping stations;
- 151.36.01.63 Radio and television stations;
- 151.36.01.64 Retail foods and meat markets;
- 151.36.01.65 Retail goods stores;
- 151.36.01.66 Rental stores;
- 151.36.01.67 Riding stables;
- 151.36.01.68 Saddleries;
- 151.36.01.69 Shoe sales and repair;
- 151.36.01.70 Sign printing shops;
- 151.36.01.71 Sporting goods stores;
- 151.36.01.72 Storage warehouses;

- 151.36.01.73 Tailor and dressmaker shops;
- 151.36.01.74 Tobacco stores;
- 151.36.01.75 Toy stores;
- 151.36.01.76 Transmission lines and towers, when operating requirements necessitate locating in this district, but excluding service and storage yards;
- 151.36.01.77 Travel agencies;
- 151.36.01.78 Tree services;
- 151.36.01.79 Variety store (retail);
- 151.36.01.80 Water tanks and towers;
- 151.36.01.81 Wood yards.

151.36.02 Conditional Uses.

The following conditional uses are permitted when authorized by the Taylorsville Board of Adjustment.

- 151.36.02.01 Other Highway Business not otherwise named herein provided that no such use shall be permitted which is likely to be dangerous, offensive, or detrimental to the health, safety, welfare or general character of this zoning district or of the community by reason of emission of dust, gas, smoke, fumes, odors, noise, vibrations, or otherwise.
- 151.36.02.02 Group Commercial Developments subject to the provisions of Section 151.74 of this Ordinance.
- 151.36.02.03 Sexually oriented businesses as defined in Section 111.02 of the Town Code of Ordinances and in compliance with Chapter 111 of the Town Code of Ordinances, provided however:
  - a) No more than one (1) sexually oriented business can be located within a two thousand (2,000) foot radius (determined by a straight line from the front entrance of the sexually oriented business and not street distance) from any other sexually oriented business.

- b) No sexually oriented business can be located within a one thousand (1,000) foot radius (determined by a straight line from the front entrance of the sexually oriented business and not street distance) of the closest boundary line of any residential district within the Town's zoning jurisdiction, and any church, school, day care, public park, or playground within the Town's zoning jurisdiction.

151.36.03 Permitted Accessory Uses.

151.36.03.01 Customary accessory buildings or structures shall be located on the same lot as the main structure and be permitted only in a rear yard and are subject to the provisions of Section 151.70 of this Ordinance.

151.36.04 Off-Street Parking and Loading Requirements.

Off-street parking and loading requirements shall be provided for all uses as required by Article IX of this Ordinance.

151.36.05 Sign Requirements.

See Article X of this Ordinance.

151.36.06 Dimensional Requirements.

151.36.06.01 Minimum required front yard: Thirty (30) feet

151.36.06.02 Minimum required side yard: Twelve (12) feet

Where a lot abuts any residential district there shall be a side yard clearance of at least twenty-two (22) feet. Furthermore, upon any side lot line that abuts a residential district there shall be a buffer as defined in this Ordinance, unless a suitable existing buffer is present on adjacent property as determined by the Zoning Enforcement Officer. No such buffer shall, however, extend nearer to a street right-of-way than the established building line. Street or road rights-of-way shall not be construed as part of setback distances and shall not be substituted in lieu of required buffering.

151.36.06.03 Minimum required rear yard: Ten (10) feet

Where a lot abuts any residential district there shall be a rear yard clearance of at least twenty (20) feet. Furthermore, upon any rear lot line that abuts a residential district there shall be a buffer as defined in this Ordinance, unless a suitable existing buffer is

present on adjacent property as determined by the Zoning Enforcement Officer. No such buffer shall, however, extend nearer to a street right-of-way than the established building line. Street or road rights-of-way shall not be construed as part of setback distances and shall not be substituted in lieu of required buffering.

151.36.06.04 Maximum height of buildings: Thirty-five (35) feet

151.36.06.05 Minimum frontage on a public street: Twenty-five (25) feet

151.36.07 Minimum Lot Size and Maximum Lot Coverage.

Within the Highway Business District B-4, there is no minimum lot size and development activities can cover up to fifty (50 %) percent of the total lot area. Parking areas are not included in the 50% developable area. However, if the lot is located in the WS-IV Watershed Protected Area and requires a Sedimentation/Erosion Control Plan, the maximum permissible impervious surface coverage, as defined in this Ordinance, shall not exceed thirty-six percent (36%) of the total lot area or twenty-four percent (24%) of the total lot area if the lot abuts a curb and gutter street system. If the lot is located in the WS-II Watershed Area, the maximum permissible impervious surface coverage, as defined in this Ordinance, shall not exceed twelve percent (12%) of the total lot area except that up to ten percent (10%) of the balance of the watershed may be developed for non-residential uses at up to seventy percent (70%) built-upon area.

Section 151.37 Light Industrial District M-1

This district provides a place for the location of industrial and other uses which would be inimical or incompatible with general business areas. It is intended to permit in this district any use that is not inherently obnoxious to urban areas because of noise, odor, smoke, light vibration, dust or the use or storage of dangerous chemicals and/or materials.

151.37.01 Permitted Principal Uses

151.37.01.01 Bedding, carpet & pillow manufacturing and cleaning;

151.37.01.02 Cabinet & woodworking shops;

151.37.01.03 Cell Towers;

151.37.01.04 Clothing manufacturing;

151.37.01.05 Electrical appliance manufacturing & repair;

151.37.01.06 Farm machinery assembly, repair & sales;



- 151.37.01.07 Furniture manufacturing plants;
- 151.37.01.08 Glass products manufacturing;
- 151.37.01.09 Greenhouses & horticultural nurseries;
- 151.37.01.10 Hatcheries;
- 151.37.01.11 Ice plants & cold storage lockers;
- 151.37.01.12 Leather products & luggage manufacturing, not including processing or storage or raw hides;
- 151.37.01.13 Offices pertaining to any permitted use;
- 151.37.01.14 Pharmaceutical manufacturing;
- 151.37.01.15 Printing, publishing & reproducing establishments;
- 151.37.01.16 Radio & television stations & towers;
- 151.37.01.17 Sign painting & fabricating shops;
- 151.37.01.18 Tire recapping & retreading shops;
- 151.37.01.19 Upholstery shops;
- 151.37.01.20 Venetian blind & awning manufacturing & cleaning shops;
- 151.37.01.21 Wholesale & warehouse establishments;

151.37.02 Conditional Uses.

The following conditional uses are permitted when authorized by the Taylorsville Board of Adjustment:

- 151.37.02.01 Light manufacturing uses not otherwise named herein provided that no such use shall be permitted in this district which is likely to be dangerous, offensive, or detrimental to the health, safety, welfare or general character of this zoning district or of the community by reason of the emission of dust, gas, smoke, fumes, odors, glare, noise, vibrations, or otherwise.
- 151.37.02.02 Group Industrial Developments subject to the provisions of Section 151.74 of this Ordinance.

151.37.03 Permitted Accessory Uses.

151.37.03.01 Customary accessory buildings or structures shall be located on the same lot as the main structure and be permitted only in a rear yard and are subject to the provisions of Section 151.70 of this Ordinance.

151.37.04 Off-Street Parking and Loading Requirements.

Off-street parking and loading requirements shall be provided for all uses as required by Article IX of this Ordinance.

151.37.05 Sign Requirements.

See Article X of this Ordinance.

151.37.06 Dimensional Requirements.

151.37.06.01 Minimum required front yard: Fifty (50) feet

151.37.06.02 Minimum required side and rear yards: Twenty (20) feet  
Where a lot abuts any residential district there shall be a thirty (30) foot setback from the property line. Also, there shall be a ten (10) foot buffer around all principal and accessory structures and uses as defined in this Ordinance, unless a suitable existing buffer is present on adjacent property as determined by the Zoning Enforcement Officer. Street or road rights-of-way shall not be construed as part of setback distances and shall not be substituted in lieu of required buffering.

151.37.06.03 Maximum height of buildings: Fifty (50) feet

151.37.06.04 Minimum frontage on a public street: Twenty-five (25) feet.

151.37.07 Minimum Lot Size and Maximum Lot Coverage.

Within the Industrial District M-1 there is no minimum lot size and development activities can cover up to fifty percent (50%) of the total lot area. Parking areas are not included in the 50% developable area. However, if the lot is located in the WS-IV Watershed Protected Area and development requires a Sedimentation/Erosion Control Plan, the maximum permissible impervious surface coverage, as defined in this Ordinance, shall not exceed thirty-six percent (36%) of the total lot area or twenty-four percent (24%) of the total lot area if the lot abuts a curb and gutter street system. If the lot is located in the WS-II Watershed Area, the maximum permissible impervious surface coverage, as defined in this Ordinance, shall not exceed twelve percent (12%) of the total lot

area except that up to ten percent (10%) of the balance of the watershed may be developed for non-residential uses at up to seventy percent (70%) built-upon area.

Section 151.38 Heavy Industrial District M-2

This district is designed to encourage the development of major manufacturing, processing, warehousing and major research operations. This district is designed to permit these types of developments, which require access to major traffic arteries. This district is also designed to prohibit any use, which would be inherently obnoxious to urban areas because of noise, odor, smoke, light, vibration, dust or the use or storage of dangerous chemicals and/or materials.

151.38.01 Permitted Principal Uses.

- 151.38.01.02 All uses permitted in the M-1 district;
- 151.38.01.03 Auto wrecking yards & scrap metal dealers;
- 151.38.01.04 Bottling plants;
- 151.38.01.05 Brick, tile & pottery yards;
- 151.38.01.06 Bus repair & storage terminals;
- 151.38.01.07 Fairgrounds;
- 151.38.01.08 Concrete & asphalt products;
- 151.38.01.09 Contractors' plants & storage yards;
- 151.38.01.10 Correctional facilities;
- 151.38.01.11 Dairy products processing plants;
- 151.38.01.12 Feed mills & grain elevators;
- 151.38.01.13 Food processing in wholesale quantity;
- 151.38.01.14 Foundries producing iron & steel, aluminum & brass products;
- 151.38.01.15 Industrial equipment, sales & repair;
- 151.38.01.16 Precision instrument manufacturing;
- 151.38.01.17 Lumber yards, building materials, storage & sales;

- 151.38.01.18 Machine & welding shops;
- 151.38.01.19 Machine tool manufacturing;
- 151.38.01.20 Metal fabrication plants;
- 151.38.01.21 Monument works & sales;
- 151.38.01.22 Offices pertaining to any permitted use;
- 151.38.01.23 Paint & household chemicals manufacturing;
- 151.38.01.24 Paper goods manufacturing;
- 151.38.01.25 Plastics & rubber goods manufacturing;
- 151.38.01.26 Plumbing shops & storage yards;
- 151.38.01.27 Public works & public utility facilities, including service & storage yards;
- 151.38.01.28 Quarries;
- 151.38.01.29 Sawmills;
- 151.38.01.30 Sheet metal & roofing shops;
- 151.38.01.31 Textile manufacturing;
- 151.38.01.32 Tobacco processing & storage;
- 151.38.01.33 Trucking terminals & transfer companies;
- 151.38.01.34 Wholesale storage of gasoline or oil in bulk terminal plants.

151.38.02 Conditional Uses.

The following conditional uses are permitted when authorized by the Taylorsville Board of Adjustment:

- 151.38.02.01 Heavy manufacturing uses not otherwise named herein provided that no such use shall be permitted in this district which is likely to be dangerous, offensive, or detrimental to the health, safety, welfare or general character of this zoning district or of the

community by reason of the emission of dust, gas, smoke, fumes, odors, glare, noise, vibrations, or otherwise.

151.38.02.02 Group Industrial Developments subject to the provisions of Section 151.74 of this Ordinance.

151.38.03 Permitted Accessory Uses.

151.38.03.01 Customary accessory buildings or structures shall be located on the same lot as the main structure and be permitted only in a rear yard and are subject to the provisions of Section 151.70 of this Ordinance.

151.38.04 Off-Street Parking and Loading Requirements.

Off-street parking and loading requirements shall be provided for all uses as required by Article IX of this Ordinance.

151.38.05 Sign Requirements.

See Article X of this Ordinance.

151.38.06 Dimensional Requirements.

151.38.06.01 Minimum required front yard: Fifty (50) feet

151.38.06.02 Minimum required side and rear yards: Twenty (20) feet  
Where a lot abuts any residential district there shall be a thirty (30) foot setback from the property line. Also, there shall be a ten (20) foot buffer around all principal and accessory structures and uses as defined in this Ordinance, unless a suitable existing buffer is present on adjacent property as determined by the Zoning Enforcement Officer. Street or road rights-of-way shall not be construed as part of setback distances and shall not be substituted in lieu of required buffering.

151.38.06.03 Maximum height of buildings: Fifty (50) feet

151.38.06.04 Minimum frontage on a public street: Twenty-five (25) feet.

151.38.07 Minimum Lot Size and Maximum Lot Coverage.

Within the Industrial District M-1 there is no minimum lot size and development activities can cover up to fifty percent (50%) of the total lot area. Parking areas are not included in the 50% developable area. However, if the lot is located in the WS-IV Watershed Protected Area and development requires a Sedimentation/Erosion Control Plan, the maximum permissible impervious

surface coverage, as defined in this Ordinance, shall not exceed thirty-six percent (36%) of the total lot area or twenty-four percent (24%) of the total lot area if the lot abuts a curb and gutter street system. If the lot is located in the WS-II Watershed Area, the maximum permissible impervious surface coverage, as defined in this Ordinance, shall not exceed twelve percent (12%) of the total lot area except that up to ten percent (10%) of the balance of the watershed may be developed for non-residential uses at up to seventy percent (70%) built-upon area.

**ARTICLE IX**  
**OFF-STREET PARKING AND LOADING REQUIREMENTS**

Section 151.40 Parking Space to be Required and Permanent

151.40.01 Off-street parking space shall be provided in accordance with this Article in all districts, except the B-1 Central Business District, the function of which makes it impractical to impose such requirements. However, if provided in the B-1 district, parking spaces shall be provided at one (1) space per 500 square feet of gross floor area.

151.40.02 The off-street parking space required by this division shall be permanent space and shall not be used for any other purpose.

151.40.03 Each parking space shall be:

151.40.03.01 Angle parking: 30 degree, 45 degree, 60 degree and 90 degree: minimum nine (9) feet by eighteen (18) feet.

151.40.03.02 Parallel parking: minimum nine (9) feet by twenty-two (22) feet.

The parking standards are for one vehicle, exclusive of adequate egress and ingress, drives, maneuvering space and landscaping.

151.40.04 Off-street parking spaces shall not be located in such a manner that parked cars will extend onto a public street or sidewalk.

Section 151.41 Use of Parking Lots Permitted

151.41.01 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 may be assigned to a use which will be closed at nights or on Sundays.

151.41.02 No portion of any street right-of-way shall be considered as fulfilling or partially fulfilling the area requirements for off-street parking required by the terms of this Ordinance.

Section 151.42 Enforcement

151.42.01 Each application for a zoning permit or certificate of occupancy shall include information as to the location and dimensions of off-street parking

space and the means of ingress and egress between such space and a street. This information shall be in sufficient detail to enable the Zoning Enforcement Officer to determine whether or not the requirements of this Ordinance are met.

151.42.02 The Certificate of Occupancy of the use of any structure or land where off-street parking space is required shall be withheld by the Zoning Enforcement Officer until the provisions of this Ordinance are fully met. If at any time such compliance ceases, any Certificate of Occupancy which has been issued for the use of the property shall immediately become void and of no effect.

Section 151.43 Schedule of Parking Spaces

Off-street parking spaces shall be provided and permanently maintained by the owners and occupants of the following types of property uses on the basis indicated:

<u>Use Classification</u>	<u>Parking Space Requirement</u>
Automobile sales, repair garages or washing/detailing establishments	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 sales, repair or washing/detailing space.
Bowling alleys	Two (2) spaces for each alley, plus one (1) additional space for each two (2) employees.
Churches and funeral homes	One (1) space for each five seats in the main assembly room or chapel.
Customary Home Occupations	In addition to residential requirements, one (1) space per 100 square feet devoted to the home occupation.
Duplexes, multi-family dwellings and Group Residential Developments	Two (2) spaces per dwelling unit.
Elementary schools and Junior High schools, both public and private	One (1) space for each classroom and administrative office.
Greenhouses and truck gardens as permitted in residential districts	One (1) space in addition to the residential requirements.
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 for each three (3) guest rooms, plus one (1) additional space for each five (5) employees.
Kindergartens or day nurseries	One (1) space for each employee plus two (2) spaces for visitors.
Manufactured housing	Two (2) spaces per manufactured housing unit.
Medical offices and clinics	Four (4) spaces for each doctor practicing at the clinic, plus one (1) space for each employee.
Mixed Use Developments	Two (2) spaces per dwelling unit in addition to business requirements.
Modular homes	Two (2) spaces per modular home.
Motels and tourist homes	One (1) space for each guest room plus two (2) additional spaces for employees.
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, lodges and fraternal buildings, not providing overnight accommodations, auditoriums, armories, dance halls, pool rooms, skating rinks, theaters, stadiums, gymnasiums, amusement parks, community centers, libraries, museums, and all places of similar public assembly, both indoor and outdoor	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.
Retail businesses	One (1) space for each 200 square feet of gross floor area.
Restaurants, night clubs and taverns	One (1) space for each two seating accommodations, plus one space for each two employees on the shift of largest employment.

Sanitariums, residential care facilities 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, universities, colleges, both public and private	One (1) space for each ten (10) students for whom the school was designed, plus one (1) space for each classroom and administrative office.
Service stations	Two (2) spaces for each gas pump plus three (3) spaces for each grease rack or similar facility.
Shopping centers and Group Commercial/Industrial Developments	Three (3) spaces per 1,000 square feet of gross floor area.
Single-family site-built homes	Two (2) spaces per home.
Storage warehouses and yards	Three (3) spaces per 1,000 square feet of gross floor area.
Tourist homes or boarding houses, and bed & breakfasts	One (1) space for each three (3) guest rooms, plus one (1) additional space for the owners, if resident on the premises.
Wholesaling, manufacturing and industrial uses	One (1) space for each two (2) employees at maximum employment on a single shift.

Section 151.44 Required Loading and Unloading

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 right-of-way. Such space shall have access to an alley or 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 overhead clearance of fourteen (14) feet in height above the alley or street grade. Off-street loading and unloading shall be permanently maintained by the owners and occupants of the following types of property uses on the basis indicated:

- 151.44.01      Retail operations: One (1) loading space for each 5,000 square feet of gross floor area or fraction thereof.

151.44.02 Wholesale and industrial operations: One (1) loading space for each 10,000 square feet of gross floor area or fraction thereof.

Section 151.45 Landscaping of Parking Area

The landscaping requirements of this section shall apply to land, public and private, designated as multi-family, recreational, institutional, industrial and commercial land uses which are required to have twenty (20) or more parking spaces. All those multi-family, recreational, institutional, industrial and commercial land uses which are required to have ten (10) to nineteen (19) spaces must comply with the street yard requirements only.

151.45.01 Parking area landscaping requirements of this section are as follows:

- a. Credit for using existing trees on site greater than or equal to those required by standards (see Section 151.45.02 and 151.45.03) shall be two (2) trees for every one tree retained.
- b. When using an existing tree, the area under the dripline (maximum extension of branches) of the tree must remain undisturbed. This includes grading, fill, paving, etc.
- c. If an existing tree dies, it must be replaced with two (2) trees during the next planting season.
- d. If any vegetation dies, replacement is required within the next planting season.
- e. Landscaping shall be placed in a manner, which meets the intent of this Ordinance, and shall be maintained.
- f. Any fraction of requirements shall be rounded up to the next whole number.
- g. Landscaping shall not obstruct the view of motorists using any street, private driveway, parking aisles or the approach to any street intersection so as to constitute a traffic hazard.

151.45.02 Landscaping requirements for interior areas of parking areas:  
(Interior areas are defined as the area within the property used for vehicular storage, parking and movement).

- a. Landscaped planting areas are to be located within or adjacent to the parking area as tree islands, at the end or parking bays, inside medians, or between rows or cars.
- b. There shall be one (1) large shade tree for every two thousand (2000) square feet of total parking area.

- c. There shall be one shrub for every one thousand (1000) square feet of total parking area. Shrubs must be eighteen (18) inches tall at planting and reach a minimum height of thirty (30) inches in three (3) years.
- d. All trees and shrubs are to be planted within a landscaped planting area not less than one hundred sixty-two (162) square feet in area.
- e. No vehicular parking space shall be farther than fifty (50) feet from a planting area.
- f. No more than fifty (50 %) percent of the trees and/or shrubs shall be deciduous.

151.45.03 Landscaping requirements for street yards of parking areas:  
(Street yards are defined as the area between the public right-of-way and interior area)

- a. Street yards are required to be a minimum of ten (10) feet in width.
- b. One (1) large shade tree is required every fifty (50) feet or one (1) small tree is required every twenty-five (25) feet along the street frontage.
- c. Shrub beds (fifty (50) square feet minimum and a minimum of ten (10) shrubs per shrub bed) are required every forty (40) feet along the street frontage. Berms may be used instead of shrubs with the following stipulations: 1) berms must be the required height of shrubs with no more than a 3:1 slope; 2) shorter shrubs may be used in combination with berms as long as the required total height is met; 3) berms must be capped or topped with groundcover vegetation; 4) berms shall be grassed; 5) berms must occupy sixty (60%) percent of the frontage area; 6) fences may be used in combination with berms as long as the fence is compatible in materials and color to the building and is not more than forty (40%) percent of the required height.

151.45.04 Tree and shrub specifications:

- a. "Tree" as used herein means any tree, evergreen or deciduous, whose mature height of its species can be expected to exceed fifteen (15) feet for a small tree and thirty-five (35) feet for a large tree (except in cases where this would require the planting of incompatible species with the surrounding environment, such as overhead utility lines, then acceptable species may be used). The tree, existing or planted, shall be at least eight (8) feet in height and six and one-quarter (6 1/4") inches in circumference (two (2) inches in diameter) measured at one-half (1/2') foot above grade for newly planted trees and measured at four (4) feet above grade for existing trees.

- b. "Shrub" shall attain a minimum of thirty (30") inches in height with three (3) years of planting. All shrubs shall be a minimum of eighteen (18") inches tall when planted. All shrubs planted on berms may have lesser height provided the combined height of the berm and plantings after three (3) years is at least thirty (30") inches in height.

## **ARTICLE X SIGN REGULATIONS**

### Section 151.50 Purpose and Intent

It is the general purpose and intent of this Article to prohibit signs of a commercial nature in districts in which commerce is barred; to limit signs in the commercial districts in relation to the intensity of the use of the district and its surroundings and to control the number, area, and location of signs in such a way as to support and complement the land use objectives set forth in the district regulations of this Ordinance. These regulations are designed, among other purposes, to stabilize and protect property values, maintain the visual attractiveness of the Town of Taylorsville and its environs, and promote public safety.

### 151.50.01 Definitions.

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in Article V have the meaning indicated when used in this Article. The words and phrases defined below have the meaning indicated when used in this Article.

- a) Billboard. An off-premise sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign.
- b) Internally Illuminated Signs. Signs where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that (i) are filled with neon or some other gas that glows when an electric current passes through it and (ii) are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered internally illuminated signs.
- c) Off-Premise Signs. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises on which the sign is located. A sign that draws attention to a cause or advocates or proclaims a political, religious, or other noncommercial message shall also be an off-premises sign unless such sign is excluded from regulation under Subsection 151.50.03 (f) or is subject to regulation under Subsection 151.50.04 (e).
- d) On-Premise Sign. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.

- e) Portable Sign. A sign designed to be transported, including, but not limited to signs designed to be transported by means of wheels and signs converted to A- or T-frames.
- f) Temporary Sign. A sign that (i) is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (ii) is intended to remain on the location where it is erected or placed for a period of not more than 30 days per calendar year. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

151.50.02 Zoning Compliance Certificate Required.

- a) Before any sign, except those specifically exempted as provided in Sections 151.50.03 and 151.50.04, shall be constructed, erected, moved, enlarged, illuminated or substantially altered, a Zoning Permit shall be obtained. Mere painting or changing of message on a sign shall not, in and of itself, be considered a substantial alteration.
- b) If plans submitted for a Zoning Permit or conditional use permit include sign plans in sufficient detail that the permit-issuing authority can determine whether the proposed sign or signs comply with the provisions of this Article, then issuance of the requested Zoning Permit or conditional use permit shall constitute approval of the proposed sign or signs.
- c) Signs not approved as provided in Subsection (b) or exempted under the provisions referenced in Subsection (a) may be constructed, erected, moved, enlarged, illuminated or substantially altered only in accordance with a Zoning Permit issued by the Zoning Enforcement Officer.
  - (1) Sign permit applications and sign permits shall be governed by the same provisions of this Ordinance applicable to Zoning Compliance Certificates.
  - (2) In the case of a lot occupied or intended to be occupied by multiple business enterprises (i.e. a shopping center), sign permits shall be issued in the name of the lot owner or his agent rather than in the name of the individual business enterprise requesting a particular sign. The Town may assist the owner by suggesting a formula whereby the maximum square footage of sign area allowed on the lot may be allocated equitably among all tenants, but the Town shall be responsible for enforcing only the provisions of this Article and not the provisions of any allocation formula, lease, or other private restriction.

151.50.03 Signs Excluded from Regulation.

The following signs are exempt from regulation under this section except for those stated in Subsection 151.50.13.

- a) Non-illuminated signs not exceeding four square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as (i) signs giving property identification names or numbers or names of occupants, (ii) signs on mailboxes or newspaper tubes, (iii) signs, posted on private property relating to private parking or warning the public against trespassing or danger from animals, and (iv) church directional signs.
- b) Insignia of any government and historic markers erected by a governmental body.
- c) Legal notices, identification and informational signs and traffic directional signs erected by or on behalf of a governmental body.
- d) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- e) Signs directing and guiding traffic on private property, but which bear no advertising matter and do not exceed six square feet in area.
- f) Signs proclaiming religious, or other non-commercial messages other than those regulated by Subsection 151.50.04(e) that do not exceed one per abutting street and 16 square feet in area and are not illuminated.

151.50.04 Certain Temporary Signs: Permit Exemptions and Additional Regulations.

The following temporary signs are permitted without a Zoning Permit or conditional use permit. However, such signs shall conform to the requirements set forth below in addition to all other applicable requirements of this Article except those contained in Subsections 151.50.07 (Total Sign Area) and 151.50.09 (Number of Freestanding Signs).

- a) Signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner or agent. Such signs may not exceed six (6) square feet in area and shall be removed immediately after sale, lease, or rental. For lots of less than five acres, a single sign on each street frontage may be erected. For lots of five acres or more in area and having a street frontage in excess of 400 feet, a second sign not exceeding four square feet in area may be erected.
- b) Construction site identification signs. Such signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractors, funding sources, and may contain related information including but not limited to sale or leasing information. Not more than one such sign may be erected per site, and it may not exceed 32 square feet in area. Such signs shall not be erected prior to the issuance of a building permit and shall be removed within 10 days after the issuance of the final Certificate of Occupancy.



- c) Signs attached temporarily to the interior of a building window or glass door. Such signs, individually or collectively, may not cover more than 75 percent of the surface area of the transparent portion of the window or door to which they are attached.
- d) Displays, including lighting, erected in connection with the observance of holidays. Such signs shall be removed within 10 days following the holidays.
- e) Signs erected in connection with elections or political campaigns. Such signs shall be removed within three days following the election or conclusion of the campaign. No such sign may exceed 16 square feet in surface area.
- f) On and off-premise signs indicating that a special event such as a grand opening, fair, carnival, circus, festival, or similar event is to take place. Such signs may be erected not sooner than two weeks before the event and must be removed not later than three days after the event.
- g) Portable signs may be used on a temporary basis for not more than a two-week period.
- h) Temporary signs not covered in the foregoing categories, so long as such signs meet the following restrictions:
  - 1) Not more than one such sign may be located on any lot.
  - 2) No such sign may exceed four square feet in surface area.
  - 3) Such sign may not be displayed for longer than three consecutive days nor more than 10 days out of any 365-day period.
  - 4) Other temporary signs not listed in Subsection 151.50.04 shall be regarded and treated in all respects as permanent signs, except that (as provided in Subsection 151.50.08) temporary signs shall not be included in calculating the total amount of permitted sign area.

151.50.05 Determining the Number of Signs.

- a) For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.
- b) A two-sided or multi-sided sign shall be regarded as one sign so long as:
  - 1) With respect to a V-type sign, the two sides are at no point separated by a distance that exceeds five feet; and
  - 2) With respect to double-faced signs, the distance between the backs of each face of the sign does not exceed three feet.

151.50.06 Computation of Sign Area.

- a) The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.
- b) If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.
- c) With respect to two-sided, multi-sided, or three-dimensional signs, the sign surface area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point. Without otherwise limiting the generality of the foregoing:
  - 1) The sign surface area of a double-faced, back to back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed three feet.
  - 2) The sign surface area of a double-faced sign constructed in the form of a "V" shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference), so long as the angle of the "V" does not exceed 30 degrees and at no point does the distance between the backs of such sides exceed five feet.

151.50.07 Total Sign Area.

- a) Unless otherwise provided in this section, the total surface area devoted to all signs on any lot shall not exceed the limitations set forth in this section, and all signs except temporary signs shall be included in this calculation.
- b) Unless otherwise provided in this section, the maximum sign surface area permitted on any lot in any residential district is four (4) square feet. Signs for home occupations shall be attached flat to an exterior wall of the structure. Freestanding signs are prohibited for home occupations.
- c) Unless otherwise provided in this section, the maximum sign surface area permitted on any lot in the B-3 Neighborhood Business District is twelve (12) square feet.
- d) Subject to other provisions of this section, the maximum sign surface area permitted on any lot in the B-1 Central Business District shall be determined as follows:

There may be not more than 1.0 square foot of sign surface area per linear foot of building frontage up to a maximum of 50 square feet.

- e) Subject to the other provisions of this section, the maximum sign surface area permitted on any lot in the B-2 General Business District, B-4 Highway Business or the M-1 Industrial District shall be determined as follows:

There may not be more than 1.0 square foot of sign surface area per linear foot of lot frontage up to a maximum of one hundred (100) square feet.

- f) If a lot or building has frontage on more than one street, then the total sign surface area permitted on that lot or building shall be the sum of the sign surface area allotments related to each street on which the lot or building has frontage. However, the total sign surface area that is oriented toward a particular street may not exceed the portion of the lot's or building's total sign surface area allocation that is derived from frontage on that street.
- g) The sign surface area of any sign located on a wall of a structure may not exceed fifty (50%) percent of the total surface area of the wall on which the sign is located.

#### 151.50.08 Freestanding Sign Surface Area.

- a) For purposes of this section, a side of a freestanding sign is any plane or flat surface included in the calculation of the total sign surface area as provided in Subsection 151.50.06. For example, wall signs typically have one side. Freestanding signs typically have two sides (back to back), although four-sided and other multi-sided signs are also common.
- b) A single side of a freestanding sign may not exceed 0.3 square feet in surface area for every linear foot of street frontage along the street toward which such sign is primarily oriented. However, in no case may a single side of a freestanding sign exceed 50 square feet in surface area if the lot on which the sign is located has less than 200 feet of frontage on the street toward which that sign is primarily oriented, 75 square feet on lots with 200 or more but less than 400 feet of frontage, and 100 square feet on lots with 400 or more feet of frontage.
- c) With respect to freestanding signs that have no discernible sides, such as spheres or other shapes not composed of flat planes, no such freestanding sign may exceed the maximum total surface area allowed under Subsection (b) for a single side of a freestanding sign.

#### 151.50.09 Number of Freestanding Signs.

- a) Except as authorized by this section, no development may have more than one freestanding sign.

- b) If a development is located on a corner lot that has at least 100 feet of frontage on each of the two intersecting public streets, then the development may have not more than one freestanding sign along each side of the development bordered by such streets.
- c) If a development is located on a lot that is bordered by two public streets that do not intersect at the lot's boundaries (double front lot), then the development may have not more than one freestanding sign on each side of the development bordered by such streets.

151.50.10 Subdivision and Multi-Family Development Entrance Signs.

- a) At any entrance to a residential subdivision or multi-family development, there may be not more than two signs identifying such subdivision or development. A single side of any such sign may not exceed 16 square feet, nor may the total surface area of all such signs located at a single entrance exceed 32 square feet.
- b) Signs for kindergartens, day nurseries and nursing homes permitted in accordance with Sections 151.30, 151.31 and 151.32 may erect not more than two signs identifying such development. A single side of any such sign may not exceed 16 square feet, nor may the total sign surface area of all such signs located at a single entrance exceed 32 square feet.

151.50.11 Location and Height Requirements.

- a) Freestanding signs shall be located no closer than 10 feet from any street, highway or railroad right-of-way.
  - 1. Freestanding signs. Freestanding signs shall not be located less than ten (10) feet from any property line and 20 feet from any residential property line.
  - 2. Spacing. Freestanding off-premise signs and billboards shall be located a minimum of 1,200 linear feet apart as measured along the center line of the major thoroughfare. Only one sign shall occur every 1,200 linear feet.
- b) No sign may extend above any parapet or be placed upon any roof surface. This subsection shall not apply to displays, including lighting, erected in connection with the observation of holidays on the roofs of residential structures.
- c) No sign attached to a building may project more than 36 inches from the building wall, or hang less than eight (8) feet from the ground directly below the sign.
- d) In the event that an existing building canopy prevents a sign from meeting the requirements of Subsection 151.50.11 (c) above, then the Board of Adjustment may approve the use of a sign that best protects public safety and welfare.

- e) Canopy signs may extend no more than the canopy, which supports it, or to the street line, whichever is less.
- f) No sign or supporting structure may be located in or over the traveled portion of any public right-of-way.
- g) No part of a freestanding sign may exceed a height, measured from ground level, of 20 feet in the B-1 and B-3 districts, and 30 feet in the B-2, B-4 and M-1 districts.

#### 151.50.12 Sign Illumination and Signs Containing Lights.

- a) Unless otherwise prohibited by this Article, signs may be illuminated if such illumination is in accordance with this section.
- b) No source of illumination on a sign, such as floodlights, spotlights, unshielded bulbs, etc., shall be directly visible from any public right-of-way, from any residential district, or from adjacent premises.
- c) Except as herein provided, (i) internally illuminated signs are not permissible in any residential zoning district, and (ii) where permissible, internally illuminated freestanding signs may not be illuminated during hours that the business or enterprise advertised by such sign is not open for business or in operation. This subsection shall not apply to the following signs:
  - 1) Signs that constitute an integral part of a vending machine, telephone booth, device that indicates the time, date or weather conditions, or similar device whose principal function is not to convey an advertising message.
  - 2) Signs that do not exceed four square feet in area and that convey the message that a business enterprise is open or closed or that a place of lodging does or does not have a vacancy.
- d) Subject to Subsection (f), flashing illuminated tubings or flashing strips of lights that outline property lines, sales areas, doors, windows, or similar areas are prohibited.
- e) Subject to Subsection (f), no sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date or weather conditions.
- f) Subsections (d) and (e) do not apply to temporary signs erected in connection with the observance of holidays.

#### 151.50.13 Miscellaneous Restrictions and Prohibitions.

- a) No new off-premises signs, outdoor advertising and/or billboards (except those exempted from regulation or from permit requirements under Subsections 151.50.03 and 151.50.04) may be located in any district.
- b) No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.
- c) Signs that revolve or are animated or that utilize movement or apparent movement to attract the attention of the public, such as banners, streamers, animated display boards, pennants, flags, propellers, etc., are permitted as temporary signs, subject to Subsection 151.50.04. Without limiting the foregoing, signs that only move occasionally because of wind are not prohibited if their movement (i) is not a primary design feature of the sign, and (ii) is not intended to attract attention to the sign. The restriction of this subsection shall not apply to signs indicating the time, date, or weather conditions.
- d) No sign shall use such words as "stop," "slow," "caution," "danger," or similar admonitions, which may be confused with traffic directional signals erected by governmental agencies.
- e) No sign shall be erected so as, by its location, color, nature or message, to permit it to be confused with or obstruct the view of traffic signals or signs or so it would tend to be confused with the warning lights of an emergency or public safety vehicle.
- f) Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the signs or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.
- g) No sign shall be erected, maintained, or drawn on any tree, rock or other natural feature.
- h) No sign shall be permitted which uses a series of two or more signs placed in a line parallel to a street or highway right-of-way, or in a similar fashion, all carrying a single advertising message, part of which is contained on each sign.
- i) Roof-mounted signs are prohibited from location or use within the Town of Taylorsville and its extraterritorial planning jurisdiction.

#### 151.50.14 Maintenance of Signs.

- a) All signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair. With respect to freestanding signs, components (supporting structures, backs, etc.) not bearing a

message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.

- b) If a sign other than a billboard advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall, within 30 days after such abandonment, be removed by the sign owner, owner of the property where the sign is located or other party having control over such sign.
- c) If the message portion of a sign is removed, leaving only the supporting "shell" of a sign or the supporting braces, anchors, or similar components, the owner of the sign, the owner of the property where the sign is located or other person having control over such sign shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to alter the effect of Subsection 151.50.16, which prohibits the replacement of a non-conforming sign. Nor shall this subsection be construed to prevent the changing of the message of a sign.
- d) The area within 10 feet in all directions of any part of a freestanding sign shall be kept clear of all debris and all undergrowth more than 12 inches in height.

#### 151.50.15 Unlawful Cutting of Trees or Shrubs.

No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy or remove any trees, shrubs or other vegetation located:

- a) Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the town or other agency having jurisdiction over the streets.
- b) On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located.
- c) In any areas where such trees or shrubs are required to remain under a permit issued under this Ordinance.

#### 151.50.16 Nonconforming Signs.

Subject to the remaining restrictions of this section, nonconforming signs that were otherwise lawful on the effective date of this Article may be continued provided they conform to the following provisions:

- a) No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor may illumination be added to any nonconforming sign.
- b) A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Article.
- c) If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed or replaced except in conformity with all the provisions of this Article, and the remnants of the former sign structure shall be cleared from the land within 30 days of destruction. For purposes of this section, a nonconforming sign is "destroyed" if damaged to the extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value (tax value if listed for tax purposes) of the sign so damaged.
- d) The message of a nonconforming sign may be changed so long as this does not create any new nonconformities (for example, by creating an off-premise sign under circumstances where such a sign would not be allowed).
- e) If a nonconforming sign other than a billboard advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within 30 days after such abandonment by the sign owner, owner of the property where the sign is located or other party having control over such sign.
- f) If a nonconforming billboard remains blank for a continuous period of 180 days, that billboard shall be deemed abandoned and shall, within 30 days after such abandonment, be removed by the sign owner, owner of the property where the sign is located or other person having control over such sign. For purposes of this section, a sign is "blank" if:
  - 1) It advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted; or
  - 2) The message displayed becomes illegible in whole or substantial part; or
  - 3) The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.
- g) The Zoning Enforcement Officer, within one year of the effective date of this Ordinance, shall make, or cause to be made, an inventory of all signs within the Town's planning jurisdiction.



- h) Signs that are found to be nonconforming must be brought into compliance with this Ordinance before a new Certificate of Occupancy may be issued pursuant to Section 151.103 of this Ordinance.

**ARTICLE XI**  
**MANUFACTURED HOMES AND MANUFACTURED HOME PARKS**

Section 151.55 Provisions for Individual Manufactured Homes

The purpose of these regulations is to promote sound neighborhood development and appearance, protect community property values, and to preserve the integrity and character of neighborhoods. Manufactured homes are permitted on individual lots in the R-2 and R-3 zoning districts subject to the following conditions:

- 151.55.01 The lot must be recorded as an individual lot in the office of the Alexander County Register of Deeds.
- 151.55.02 If municipal utilities are not available, the Alexander County Health Department must approve the well and/or septic tank.
- 151.55.03 All yard dimensional requirements for the respective district must be met.
- 151.55.04 The lot must front a public street and said street frontage will be considered the front of the lot.
- 151.55.05 All homes shall face the road lengthwise if setbacks allow. No lot shall be subdivided for a manufactured home that would not allow for adequate road frontage to place the home lengthwise on the property.
- 151.55.06 At least two (2) off-street parking spaces shall be provided.
- 151.55.07 The manufactured home must meet or exceed the construction standards established by the U.S. Department of Housing and Urban Development (HUD) that were in effect at the time of construction. These standards became effective on July 15, 1976.
- 151.55.08 All areas not used for parking, manufactured home or required porches shall be grassed or otherwise suitably landscaped to prevent erosion.
- 151.55.09 Exterior finishes shall be in good repair and in no case shall the degree of reflectivity of the exterior siding, foundation skirting and roofing exceed that of gloss white. The exterior of the manufactured home must be comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction, consisting of one or more of the following: (1) vinyl or aluminum lap siding; (2) cedar or other wood siding; (3) wood grain, weather resistant press board siding; (4) stucco siding; or (5) brick or stone siding. Siding shall be horizontal.

- 151.55.10 A continuous foundation enclosure, unpierced except for required ventilation and access shall be installed in accordance with State Building Codes. The enclosure shall consist of brick or concrete block, wood, or vinyl or metal fabricated for this purpose. Any wood framing for foundation skirting shall be constructed with treated lumber. All manufactured homes shall be tied down in accordance with North Carolina State Building Codes.
- 151.55.11 All manufactured homes shall have a deck, porch or a concrete patio with a minimum area of forty-eight (48) square feet. Permanent stairs shall be constructed at all exterior doors. They shall be self-supporting and anchored securely to the ground. A three foot by three foot (3' x 3') platform is required at all exits where the exterior door swings out. Decks, porches and steps must be built in compliance with the North Carolina State Building Code.
- 151.55.12 The running lights shall be removed and the hitch shall either be removed or screened with shrubbery. Shrubby shall be a height to ensure a total visual barrier of the towing apparatus within one hundred-eighty (180) days of issuance of a Certificate of Occupancy. Shrubby shall be maintained perpetually.
- 151.55.13 The pitch of the roof of the manufactured home shall have a minimum rise of three (3) feet for each twelve (12) feet of horizontal run and the roof shall be finished with a type of material that is commonly used in standard residential construction.
- 151.55.14 All roof structures shall provide an eave projection of no less than six (6) inches, which may include a gutter.
- 151.55.15 Manufactured homes may be placed on undeveloped land for temporary purposes incidental to construction or development of property within the Town of Taylorsville or its ETJ for a period not to exceed one hundred eighty (180) days. Extensions may be granted for a period as may be determined by the Board of Adjustment, but no longer than construction shall continue. Furthermore, no manufactured home shall be placed on land until construction commences nor when there is an existing structure or facility on the property which may be suitable or designed for the purpose for which the manufactured home is sought to be used. Manufactured homes may also be used as temporary living quarters in the event of a natural disaster such as fire, flooding, etc., which would render the former residence uninhabitable.
- 151.55.16 Class A (Doublewide) manufactured homes are permitted in the R-2 and R-3 zoning districts. Class B (Single-wide) manufactured homes are

permitted as replacement units for existing single-wide manufactured homes and are permitted in manufactured home parks.

151.55.16.01 Class A Manufactured Homes. A manufactured home meeting or exceeding the United States Department of Housing and Urban Development standards (all manufactured homes built after July 15, 1976), which is of multi-sectional or *double-wide* design. Class A Manufactured Homes shall be a minimum of 1150 square feet.

151.55.16.02 Class B Manufactured Homes. A manufactured home meeting or exceeding the United States Department of Housing and Urban Development standards (all manufactured homes built after July 15, 1976), these homes are typically referred to as *single-wide* manufactured homes. Class B Manufactured Homes shall be a minimum of 980 square feet.

151.55.17 Improvements and Phased Schedule for Improvements. All manufactured homes existing at the time of adoption of this Ordinance shall conform to the improvement requirements listed herein within the following time schedule:

- (1) All property owners shall be notified of required improvements;
- (2) Within three (3) years of notification all requirements listed herein shall be complied with;
- (3) Improvement Requirements:
  - (a) At least two (2) off-street parking spaces shall be provided
  - (b) All areas not used for parking, manufactured home or required porches shall be grassed or otherwise suitably landscaped to prevent erosion
  - (c) A continuous foundation enclosure, unpierced except for required ventilation and access shall be installed in accordance with the North Carolina State Building Code. The enclosure shall consist of brick or concrete block, wood, or vinyl or metal fabricated for this purpose. Any wood framing for foundation skirting shall be constructed with treated lumber.
  - (d) All manufactured homes shall have a deck, porch or a concrete patio with a minimum area of forty-eight (48) square feet. Permanent stairs shall be constructed at all exterior doors. They shall be self-supporting and anchored securely to the ground. A three foot by three foot (3' x 3') platform is required at all exits where the exterior door

- swings out. Decks, porches and steps must be built in compliance with the North Carolina State Building Code.
- (e) The running lights shall be removed and the hitch shall either be removed or screened with shrubbery. Shrubby shall be a height to ensure a total visual barrier of the towing apparatus. Shrubby shall be maintained perpetually.

Section 151.56 Provisions for Non-Conforming Manufactured Home Parks

151.56.01 It is the purpose of this Section to provide protection for the public against hazardous existing manufactured home parks, provide a reasonably safe and sound environment for manufactured home inhabitants and to:

- (1) Promote public health, safety, welfare and orderly residential development;
- (2) Ensure that every individual manufactured home lot (stand) has safe and efficient vehicular access for residents of the home, emergency vehicles, utility and service vehicles and others needing access to the park;
- (3) Provide adequate buffering and screening to ensure privacy and protection for both the residents in the park and adjacent property owners;
- (4) Provide sufficient open space for outdoor uses essential to the manufactured home;
- (5) Ensure the furnishing of adequate water supply and sewage disposal systems;
- (6) Provide an acceptable environment for small communities of manufactured homes; and
- (7) Provide a process by which existing manufactured home parks will be improved to meet the minimum level of safety, sanitation, comfort and privacy.

Therefore, all persons operating a manufactured home park that existed at the time of adoption of this Ordinance, must submit an improvement proposal for the park (as provided herein) to be reviewed by the Planning Board and approved by the Town Board of Commissioners. Upon approval of the improvement proposal by the Town Board of Commissioners, necessary alterations to the park may begin. If the improvement proposal submitted cannot meet the development standards

contained in Subsection 151.56.04 of this Ordinance because practical difficulties or unnecessary hardships prevent the carrying out the strict letter of Subsection 151.56.04, the specific improvement provision shall be submitted to the Board of Adjustment for approval in the form of a variance in accordance with Subsection 151.56.07.

151.56.02 Phased Schedule for Improvements. The improvement proposal shall conform to the improvement requirements listed herein within the following phased time schedule:

- (1) Within six (6) months of notification, the property owner shall submit, and have approved, an improvement proposal, including schematic plans for upgrading the park;
- (2) Within one (1) year of approval of an improvement proposal, all roads in the park shall be stabilized with packed gravel;
- (3) Within three (3) years of approval of an improvement proposal, all other requirements listed herein shall be complied with, excluding the paving requirements;
- (4) Within five (5) years of approval of an improvement proposal, all roads in the park shall be paved.

151.56.03 Contents of the Improvement Proposal. Application to improve and upgrade a manufactured home park shall be made to the Zoning Enforcement Officer. The application shall consist of schematic plans and documentation which include at least the following:

- (1) Name of the manufactured home park, name and address of the owner and operator;
- (2) A manufactured home park design drawn onto a plat at a scale that can be reasonably interpreted by the Town;
- (3) Date, north arrow and scale;
- (4) Boundaries of manufactured home park property to include intersections and adjacent property with the boundaries of the manufactured home park property and the names and addresses of all adjoining property owners;
- (5) The location of the following utilities: sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service, illustrating connections to existing systems. Plans for continued water supply and/or sewage disposal must be

accompanied by letters of approval by appropriate town, county and state authorities;

- (6) Existing streets on adjoining properties and in the park, right-of-way and proposed pavement widths. If any street is proposed to intersect with a state maintained road, the plat shall be accompanied by an application for driveway approval as required by the North Carolina Department of Transportation, Division of Highway's Manual on Driveway Regulations;
- (7) Outline of all existing spaces and buildings within the manufactured home park property with lot numbers indicated;
- (8) Location of parking bays, patios, walkways, service and accessory buildings, utility easements, utility poles, and buffer and screening areas;
- (9) Method of sewage disposal in accordance with existing town, county and state regulations;
- (10) Method of water supply in accordance with existing town, county and state regulations;
- (11) Plan of electric lighting;
- (12) Development standards.

151.56.04 Development Standards.

- (1) Two-way access streets within the park shall have a pavement width of at least twenty (20) feet. One-way access streets shall have a pavement width of no less than eighteen (18) feet. Permanent dead-end streets or cul-de-sacs shall not exceed eight hundred (800) feet in length unless necessitated by topography and shall be provided with a turnaround of at least fifty (50) feet in diameter. All manufactured home spaces shall have access to a street and there shall be no less than two (2) off-street parking spaces per manufactured home space, which shall be accommodated in parking bays. Each parking space shall be provided by the owner or operator of the park. Additional access entrances may be required if the Town Board of Commissioners feel such measures would improve traffic circulation or accessibility for emergency vehicles;

- (2) All manufactured homes shall be properly underpinned and tied down in accordance with the provisions of Section 151.55.10 of this Ordinance and with the State Building Codes;
- (3) All manufactured home lots shall abut upon a paved street;
- (4) At least ten (10) percent of the gross land area of the manufactured home park shall be preserved as unobstructed open space. These areas shall be located so as to be free of traffic hazards and easily accessible to the park residents;
- (5) A densely planted buffer strip consisting of trees, shrubs, other planting, at least ten (10) feet in height shall be provided along the rear and side lines of the manufactured home park, or park property. No such buffer shall, however, be upon or extend into a street right-of-way;
- (6) The manufactured home park shall provide area lighting adequate to provide for a safe and efficient living environment and shall be installed in accordance with applicable state building codes;
- (7) In every manufactured home park and related buildings, all installations of plumbing, electrical wiring and all gas and oil appliances shall comply with the provisions of the State Building Code and any other applicable regulation of the Town of Taylorsville. In addition, the following must be met:
  - a. Each manufactured home space shall be provided with plumbing and electrical connections;
  - b. The water supply for each manufactured home shall be obtained only from faucets located inside each mobile home.
- (8) No parking bay shall be located with direct access to a public street or road;
- (9) At the discretion of the Town Board of Commissioners, the park shall have an office either as a separate structure or in connection with the dwelling quarters of the owner or operator;
- (10) The water system shall be in conformance with applicable state, county and town regulations;
- (11) Sewage disposal shall be in conformance with applicable state, county and town regulations.

- 151.56.05 Provisions for Individual Homes. All manufactured homes placed or replaced in manufactured home parks shall adhere to the appearance and setup requirements of Section 151.55. The placement of a manufactured home in a vacant, but existing space, or the replacement of an existing or damaged manufactured home shall only be permitted if the non-conforming park property meets (or is meeting) all of the requirements established in this Section in accordance with the phased improvement schedule. The Town may withhold zoning permits after any phase to enforce these requirements.
- 151.56.06 Enforcement. If after five (5) years from notification of the improvement requirements listed herein, no progress in adhering to the requirements has been made, the Town may use any and all remedies listed in Subsection 151.104 to enforce these regulations;
- 151.56.07 Variances. It is not the intention of this Section to eliminate or reduce the number of existing manufactured homes or spaces. Nor is it the intention of this Section to create undo hardships on individual property owners or their tenants. Therefore, because the required improvements contained herein may, in unique circumstances, pose certain hardships on the property owner, relief from one or more of these requirements may be requested from the Board of Adjustment in accordance with Subsection 151.116.03 of this Ordinance.

151.57 Provisions for Temporary Manufactured Homes

- 151.57.01 To authorize the location of a manufactured home (single-wide or double-wide) on the same lot as a single-family residence in the R-2 and R-3 zoning district for a period of six (6) months (renewable) so that adequate care may be available for persons with a medical hardship. The applicant must provide the following items to the Zoning Enforcement Officer/Town Planner.
- 151.57.02 Site plan showing the dimensions of the lot location of the single family residence, proposed location of the manufactured home and path to be used to move manufactured home.
- 151.57.03 Doctor's statement that the individual can be cared for at home, but is in need for supervision and that the proposed caretaker is capable of performing the needed tasks.
- 151.57.04 Statement from the applicant acknowledging that (1) permission to locate the manufactured home is specific to the named individual, (2) location of the manufactured home is temporary and must be renewed



each six months and (3) occupancy of the manufactured home is permitted due to a medical hardship and shall not become a rental situation.

151.57.05 The lot proposed for location of the manufactured home must be of adequate size to enable installation and removal of the manufactured home within the lot and to permit a distance of thirty (30) feet between the house on the lot (or on any other adjacent lot), a distance of twenty-five (25) feet from the manufactured home to the rear lot line, and side yards as required by the district.

151.57.05 Each manufactured home shall conform to the provisions set forth in **Article XI** Section 151.55 of the Zoning Ordinance.

## **ARTICLE XII TELECOMMUNICATIONS TOWER ORDINANCE**

### Section 151.60 Definitions

As used in this Ordinance, the following terms shall have the meanings indicated:

151.60.01 Alternative tower structure shall mean clock towers, sculptures, bell steeples, light poles and similar alternative-design mounting structures that conceal the presence of antennas or towers and are architecturally compatible with the area.

151.60.02 Pre-existing towers and antennas shall mean any tower or antenna on which a permit has been properly issued prior to the effective date of this Ordinance.

151.60.03 Telecommunication Tower shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy tower or monopole towers. The term includes radio and television transmission towers, personal communications service towers (PCS), microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. This definition does not include any structure erected solely for a residential, non-commercial individual use, such as television antennas, satellite dishes or amateur radio antennas.

### Section 151.61 General Guidelines and Requirements

- 151.61.01 Purpose and Goals. The purpose of this Ordinance is to establish general guidelines for the siting of towers and antennas. The goals of this Ordinance are to: (i) encourage the location of towers in non-residential/non-historical areas and minimize the total number of towers throughout the community, (ii) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently, (iii) encourage strongly the joint use of new and existing tower sites, (iv) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal, and (v) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.
- 151.61.02 Principal Use. Telecommunication towers shall be considered principal uses. Alternative tower structures may be considered principal or accessory uses. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including, but not limited to, setback requirements, lot size and coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots.

#### Section 151.62 Administrative Approved Uses

The following uses may be approved by the Zoning Enforcement Officer after conducting an administrative review:

- 151.62.01 Installing an antenna in any zoning district on an existing structure other than a tower (such as a building, sign, light pole, water tower, utility pole or other free-standing, non-residential structure) that is more than fifty (50) feet in height, so long as such addition does not add more than twenty (20) feet to the height of the existing structure.
- 151.62.02 Installing an antenna in any commercial or industrial zoning district on an existing non-residential structure other than a tower (such as a building, sign, light pole, water tower, utility pole or other free-standing, non-residential structure) that is less than fifty (50) feet in height so long as such addition does not add more than twenty (20) feet to the height of the existing structure.
- 151.62.03 Installing an antenna on an existing tower of any height, including a pre-existing tower and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower.

- 151.62.04 Locating any alternative tower structure in any zoning district if in the judgment of the Zoning Enforcement Officer, it is in conformity with the goals set forth in Section 151.61 of this Ordinance.
- 151.62.05 Replacing an existing tower that adds no more than 20 feet to the overall height of the existing structure.

Section 151.63 Telecommunication Towers Conditional Use Criteria

Communication companies are encouraged to locate telecommunication antennae on or in structures other than a tower. Such structures may include church steeples, transmission line towers, utility/light poles, water towers, etc. Where such facilities are not available, co-location of facilities is encouraged.

The Taylorsville Board of Adjustment may grant a conditional use permit when a new tower is proposed to be sited; a determination of whether the location will provide minimal level of coverage vs. maximum level of coverage will be taken into consideration. The following standards shall be used in the approval of the siting of new towers:

- 151.63.01 Evidence that the applicant has investigated the possibilities for locating the proposed facilities on an existing tower where the minimal level of coverage can be provided. Such evidence shall consist of:
- a. A summary explanation of why the applicant believes the proposed facility cannot be located on an existing tower.
  - b. A summary explanation of why the applicant believes that the use of an alternative tower structure is not possible.
  - c. Provision of sound engineering evidence demonstrating that location in the proposed district is necessary in regards to the interest of public safety or is a practical necessity.
- 151.63.02 Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna may be allowed in the B-1 Central Business, B-2 General Business, B-4 Highway Business and the M-1 Light Industrial and M-2 Heavy Industrial zoning districts provided that the following requirements are also met:
- a. Evidence must be provided which establishes that the communications tower is structurally designed to support at least one (1) additional user and the application includes a statement that the owner of the tower is willing to permit other user(s) to attach communication facilities, on a commercially reasonable basis, which do not interfere with the primary

purpose of the tower. The tower owner may require that such other users agree to negotiate regarding reasonable compensation for any liability, which may result from such attachment. The site plan shall show a location for at least one (1) equipment building in addition to that proposed for use by the applicant. Priority for co-location on the proposed tower shall be given to antennas that serve a public safety need for the community.

- b. In order to provide spatial separation and create a visual block from adjacent properties and streets, a buffer shall be installed and perpetually maintained around the perimeter of all improvements on the site, including the tower and guy anchors, any ground buildings or equipment and security fence. The tower's guy anchors may be screened or fenced separately in order to comply with the requirements of this subsection. Buffering shall be required as follows:
  - i. A ten (10) foot buffer shall be provided between the fenced area(s) of the development and the property or lease lines.
  - ii. The planting shall consist of evergreen trees and evergreen shrubs. Trees shall be planted along the full length of the buffer strip in a triangular pattern with maximum spacing of twenty-five (25) feet on centers. The minimum height for trees shall be six (6) feet in height at planting and they shall have an expected minimum maturity height of thirty-five (35) feet under normal growing conditions. There shall also be at least one row of dense shrubs, spaced not more than eight (8) feet on centers. Shrubs shall be a minimum of two (2) feet in height at planting and shall have an expected maturity height of eight (8) feet under normal growing conditions. It is the intent of this section to encourage the use of existing vegetation in whole or in part to substantially meet this requirement.
  - iii. Buffer requirements may be waived upon a finding that the existing topography or existing screening materials on site screen the property as effectively as the buffering required in (ii); or that the installation of new screening materials would be impractical or would serve no useful purpose (such waiver may also include situations when the type of non-residential adjoining use would not warrant screening); provided however, that the spirit and intent of this section are preserved. This paragraph shall not be construed to relieve the requirements of establishing screening for towers to be located adjacent to vacant properties or along any public street.
- c. The base of the tower and each guy anchor shall be surrounded by a security fence or wall at least eight (8) feet in height unless the tower and

all guy anchors are mounted entirely on a building over eight (8) feet in height. The tower's guy anchors may be screened or fenced separately in order to comply with the requirements of this subsection.

- d. No outside storage shall be allowed on any telecommunication facility site.
- e. Associated buildings shall not be used as a place of employment for any worker. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.
- f. The telecommunications facility shall meet all applicable Federal Aviation Administration (FAA) standards and shall not restrict or interfere with air traffic or travel from or to any existing or proposed airport. Any lighting shall not project onto surrounding residential property.
- g. The minimum lot size requirement shall be in accordance with the zoning district where the facility is proposed to be located or the setback requirements of subsection (k), whichever is greater.
- h. The color of the tower shall be neutral, except to the extent required by Federal Law, so as to minimize its visual impact.
- i. In order to protect the public from unnecessary exposure to electromagnetic radiation, the tower owner must provide documentation, such as a signed affidavit, indicating that the power density levels do not exceed levels certified by the FCC.
- j. No commercial advertising shall be allowed on the facility's site.
- k. The setback of the base of the tower from all adjacent property and street right-of-way lines shall be one (1) foot for each one (1) foot in height. This setback may be reduced by the Taylorsville Board of Adjustment upon a finding that a failure to grant a setback reduction would have the effect of prohibiting the provision of the telecommunication services, that the reduction serves the general intent and purpose of this section and that the reduction will not substantially interfere with or injure the rights of others whose property would be affected by the reduced setback. In no case shall the setback be reduced to less than fifty percent (50%) of the tower height. In no case shall the setback be less than those required by the underlying zoning district. Said setback reductions shall only be allowed upon a professional engineering certification which states that the structure's construction will cause the tower to crumble inward so that in the event of a collapse no damage to structures on adjacent lots will result.
- l. The maximum height of all towers is two hundred (200) feet.

- m. Notice shall be provided to the zoning enforcement officer when the tower is placed out of service. Towers, which are not used for a period of six (6) months or more, shall be removed by the owner within one hundred twenty days of receipt of notification to that effect.

**ARTICLE XIII  
EXCEPTIONS AND MODIFICATIONS**

Section 151.65 Lot of Record

Where the owner of property consisting of one (1) or more lots of record in any district at the time of adoption of this Ordinance or his successor in title does not own sufficient contiguous land to conform to the minimum area and width requirements of this Ordinance, such property may be used as a building site, provided that the requirements of the district are complied with or a variance is obtained from the Board of Adjustment.

Notwithstanding the foregoing, whenever two or more adjoining vacant lots of record are in single ownership at any time after the adoption of this Ordinance and such lots individually have less area or width than the minimum requirements of the district in which such lots are located, such lots shall be considered as a single lot or several lots which meet the minimum requirements of this Ordinance for the district in which such lots are located.

Every lot to be built upon shall abut, by at least twenty-five (25) feet, a public street or other public way, and no dwelling shall be placed or built upon a lot that does not abut upon a public street or other public way by the same distance except as provided in Section 151.71.

Section 151.66 Front Yard Setbacks for Dwellings

The front yard setback requirements of this Ordinance for dwellings shall not apply to any lot where the average setback 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 same block and use district as such lot is less than the minimum required front yard depth. In such case the setback on such lots may be less than the required setback 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 151.67 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, chimneys, smokestacks, conveyors, flag poles, masts, serials and similar structures except as otherwise noted in the vicinity of airports. Telecommunications towers shall adhere to the height restrictions of Article XII.

#### Section 151.68 Visibility at Intersections

On a corner lot in any district no planting, structure, fence, wall or obstruction to vision more than three (3) feet in height shall be placed or maintained within the triangular area formed by the intersecting street right-of-way lines and a straight line connecting points on said street lines each of which is twenty-five (25) feet in distance from the point of intersection. Utility poles and street signs shall be permitted if located in a non-obstructive position.

#### Section 151.69 Corner Lots

In any residential district the side yard requirements for corner lots along the side street line shall have an extra width of ten (10) feet. Accessory buildings shall have an extra width of ten (10) feet added to the sideyard setback requirement. In addition, no wall, fence, or shrubbery shall be erected, placed, planted, or maintained on any lot, which unreasonably obstructs or interferes with traffic visibility on a curve or street intersection.

#### Section 151.70 Location of Accessory Buildings

On any lot, accessory buildings shall be located in the rear yard, shall not cover more than thirty percent (30%) of any required rear yard and shall be at least five (5) feet from any other building on the same lot and at least twenty (20) feet from any buildings used for human habitation on adjoining lots. All parts of the building, including the footings and roof overhang, shall be a minimum of ten (10) feet from any lot line; and further provided that in the case of corner lots such buildings or structures shall be set back at least twenty (20) feet from any side line right-of-way line. Garages and carports used for the primary purpose of vehicular storage shall be permitted in the side yard provided that all parts of the building shall be a minimum of ten (10) feet from the side lot line. Vehicular canopies for gas pumps may project into a required front setback to within five feet of the right-of-way line, provided that such structures do not extend into required buffer or side yard setback areas.

#### Section 151.71 Provisions for Landlocked Lots

Existing landlocked lots within the residential zoning district, defined as a lot that does not abut a public street and therefore does not meet the requirements that the lot have a minimum frontage on a public street of twenty-five (25) feet, may nevertheless be developed for one single family dwelling unit if the lot otherwise meets the zoning requirements of the zone in which the lot is located and provided that the lot has a recorded easement of ingress and egress to and from a public street which is appurtenant to the lot and which meets the following requirements:

- 151.71.01 A private easement with a minimum continuous width of twenty-five (25) feet is acquired from intervening property owners;
- 151.71.02 An easement with a minimum continuous width of less than twenty-five (25) feet may be permitted only in situations where an easement with a minimum continuous width of twenty-five (25) feet would create a nonconformity with respect to this Ordinance;
- 151.71.03 The recorded documents creating the easement shall specify that public service, utility and emergency personnel and vehicles shall have freedom of ingress and egress from the landlocked property;
- 151.71.04 The recorded documents shall also specify that public utilities (water, sewer, electricity, telephone, cable, etc.) may be located within the easement;
- 151.71.05 The recorded documents shall include a maintenance agreement specifying the party responsible for maintaining the easement and its traveled surface;
- 151.71.06 The easement must have an all weather surface of gravel, concrete or asphalt with a minimum continuous width of ten (10) feet to ensure access of public service, utility, and emergency personnel and vehicles;
- 151.71.07 Easements existing prior to the adoption of this Ordinance with widths less than twenty-five (25) feet may be used to access landlocked lots provided that such easements abut a dedicated street;
- 151.71.08 Subdivision of landlocked parcels will require a publicly dedicated street constructed to Town Standards and must meet all requirements of the Town's Subdivision Regulations.

#### Section 151.72 Vested Rights

The purpose of this section is to implement the provisions of NCGS 160A-385.1 pursuant to which a statutory zoning vested right is established upon approval of a site specific development plan.



151.72.01 Definitions.

- a. Approval Authority. The Board of Commissioners, Planning Board, Board of Adjustment, Town Clerk, Zoning Enforcement Officer, or other board or official designated by this Ordinance as being authorized to grant the specific zoning or land use permit approval that constitutes a site specific development.
  
- b. Site Specific Development Plan. A plan of land development submitted to the Town of Taylorsville for purposes of obtaining one of the following zoning or land use permits or approvals:
  - 1. Zoning Permit, as provided by Section 151.102 of this Ordinance.
  - 2. Conditional Use Permit, as provided by Subsection 151.116.02 of this Ordinance.
  - 3. Variance, as provided by Subsection 151.116.03 of this Ordinance.
  - 4. Minor Subdivision approval.
  - 5. Major Subdivision approval.

Notwithstanding the foregoing, neither a variance, a sketch plan, nor any other document that fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall constitute a site specific development plan.

- c. Zoning Vested Rights. A right pursuant to NCGS 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan, provided that such development shall begin within two (2) years following issuance of the zoning vested right. Under the terms of this Ordinance, a two (2) year zoning vested right shall be established upon issuance of a zoning permit.

Section 151.73 Group Multi-Family Developments

Group Multi-Family Developments are permitted in the R-2 zoning district subject to the following requirements.

- |           |   |                  |
|-----------|---|------------------|
| 151.73.01 | Minimum plot or overall project area:       | 1 acre           |
| 151.73.02 | Minimum lot area per dwelling unit:         | 3000 square feet |
| 151.73.03 | Minimum front yard depth for each building: | 35 feet          |

- 151.73.04 Minimum rear yard depth for each building: 30 feet
- 151.73.05 Minimum side yard depth for each building: 30 feet
- When adjacent to a private street or a side lot line: 15 feet
- When adjacent to another building in the project area: 20 feet
- 151.73.06 Minimum distance between buildings: 40 feet
- 151.73.07 Maximum area of project area covered by all buildings: 30%
- 151.73.08 Height of buildings shall not exceed thirty-five (35) feet unless the depth of the front and total width of the side yards required are increased by one (1) foot for each two (2) feet or fraction thereof over the thirty-five (35) foot height limit.
- 151.73.09 Off-street parking shall be provided as required by Article IX of this Ordinance.
- 151.73.10 A preliminary design layout must be submitted to the Board of Adjustment with twelve (12) copies for review before the submission of final design.
- 151.73.11 A final corrected design shall be approved by the Board of Adjustment before a zoning permit may be issued. Special conditions may be recommended for the project plan by the Board of Adjustment and planted buffer strips or suitable substitutions may be required when needed to maintain the integrity of the neighborhood. These shall be completed before occupancy will be allowed.
- 151.73.12 Design standards for streets shall conform to the general requirements and minimum standards of design of the Town of Taylorsville.

Section 151.74 Group Commercial and Industrial Developments

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

- 151.74.01 Such uses are limited to those permitted within the zoning district in which the project is located. In no case shall the Board of Adjustment authorize a use prohibited in the district in which the project is to be located.
- 151.74.02 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.
- 151.74.03 The distance of any building to the nearest property line shall meet the front, rear and side yard requirements of the district in which the project is located.
- 151.74.04 The site plan shall conform to all applicable requirements of the Town's Subdivision Regulations for street design, drainage and plat design.
- 151.74.05 The building heights shall not exceed the height limits permitted in the district in which the project is located.
- 151.74.06 If the property lies within or abuts upon a residential district, there shall be a buffer along the rear and/or side property lines abutting the residential lots.
- 151.74.07 All parking, loading and sign requirements are subject to the applicable provisions of the respective zoning districts and other sections of this Ordinance.

Section 151.75 Planned Unit Development

The purpose of the planned unit development is to encourage the development of living environments which meet the needs of the people who live in them by providing certain development privileges in exchange for preplanning and design considerations. The planned unit development provides flexibility in utilizing new development concepts and in introducing variety into neighborhoods by encouraging mixed uses, variable lot size, and environmentally sensitive design which promotes the conservation of open space. The Board of Adjustment may approve this form of development in the districts that allow it as a permitted or conditional use, provided that:

- 151.75.01 At the time of application for a planned unit development, all land, structures and other real property shall be in single or joint ownership of whatever form, or the petitioner shall have the right to acquire ownership under a valid option, and this information shall be included in the submission of an application for a planned unit development.
- 151.75.02 A planned unit development shall be located on a site containing at least five (5) contiguous acres.

- 151.75.03 Land may be used and buildings erected, altered, enlarged or used to include all uses permitted within the applicable zoning district. Nonresidential uses permitted in the B-3, Neighborhood Business, district shall be permitted in a planned unit development containing at least one hundred (100) dwelling units.
- 151.75.04 The development shall be in full compliance with all density and lot coverage limitations and requirements of the zoning district in which the development is to be located.
- 151.75.05 Development Standards
- A) Buffer Strip
- i) Width and Location. A minimum ten (10) foot wide buffer strip shall be provided around the entire perimeter of the zoning lot, except:
- a) at such location where single family residential lots within the planned unit development meet or exceed the minimum lot requirements of a residential zoning district adjacent to and outside the planned unit development;
  - b) where the zoning lot is adjacent to a floodplain at least sixty (60) feet wide;
  - c) where an internal residential lot line lies at least one hundred (100) feet from an adjacent zoning lot;
  - d) where open space or a passive recreation area at least thirty (30) feet wide lies next to the adjacent zoning lot.
  - e) Planned unit developments shall require one tree per lot in the front yard.
- ii) Access Drives. No loading space, parking space, or access drive to a parking space shall be permitted within the required buffer strip, with the following exceptions:
- a) An access drive to off-street parking serving a single family detached dwelling, whether inside or outside of a carport or garage attached to or detached from such dwelling. Such access drives shall not constitute off-street parking as required in Article IX.
  - b) Drives not longer than fifty (50) feet which provide access to the planned unit development.

B) Required Parking

i) Off-Street Parking. Off-street parking shall be provided in compliance with Article IX, except that the parking requirements may be met through group parking located on commonly owned land.

ii) Special Accommodations. Special accommodations for recreational vehicles, including boats, may be provided in group parking areas. Such special parking areas shall be designated and screened from adjacent residential uses.

C) Pedestrian Access

Pedestrian and other modes of nonvehicular movement shall be provided and separated from vehicular traffic, and shall provide a safe connection between major uses on the site. All new planned unit developments shall provide sidewalks, greenways or bikeways at a ratio of one linear foot of sidewalk, greenway or bikeway per linear, centerline foot of public streets when considering the planned unit development or subdivision as a whole. Alleys associated with minor subdivisions are exempt from linear foot calculations. The exact location and type of pedestrian connection shall be determined during the site plan and subdivision review process with an emphasis on the functional relationship of the required connection to destination points and other existing or planned pedestrian segments. All pedestrian segments shall meet or exceed ADA standards and shall otherwise be constructed of concrete, asphalt or other all-weather surface.

D) Nonresidential Uses

Nonresidential uses as permitted by Section 151.75.03 shall meet the following requirements:

i) Orientation. A nonresidential use in a planned unit development shall be designed and located to serve primarily the residents of the planned unit development. Such use shall be located on and shall face an internal street of the development, and shall not access directly on a street outside the planned unit development.

ii) Amount. No more than twenty-five (25) square feet of gross floor area per dwelling unit, up to a maximum of twenty thousand (20,000) square feet, shall be permitted for nonresidential uses in the planned unit development.

iii) Size of Nonresidential Structures. Structures containing only nonresidential uses shall be limited to a gross floor area no greater than fifteen hundred (1,500) square feet each.

iv) Setback. Any nonresidential uses, including any supporting parking area, shall be set back a minimum of three hundred (300) feet from residentially zoned property or the public right-of-way of roads other than a major thoroughfare, and a minimum of one hundred fifty (150) feet from the public right-of-way of a major thoroughfare.

E. Lot Dimensional Requirements and Spacing of Structures

The lot and setback dimensional requirements of the zoning district for individual lots within the planned unit development are waived. Minimum distances between townhouses and multifamily structures shall be thirty (30) feet. Minimum distances between single family and duplex home structures shall be as follows:

i) Front facing front. The minimum distance between the front wall of structures oriented so as to face each other shall be not less than thirty (30) feet from one another, provided neither shall be closer than ten (10) feet from the nearest right-of-way line of a public street.

ii) Rear facing rear. Dwellings oriented back to back shall be subject to the following provisions:

a) The minimum distance between rear walls of the dwellings shall be no less than thirty (30) feet.

b) Carports or garages shall be permitted in the intervening space between dwellings oriented back to back provided:

1) Carports or garages shall be no more than one story and of a total dimension not greater than twenty-four (24) feet by twenty-four (24) feet, whether attached or detached from the dwelling.

2) The rear walls of two carports or garages oriented back to back shall not be closer than six (6) feet.

3) The rear wall of the carport or garage of one dwelling shall be no less than thirty (30) feet from the rear wall of another dwelling to which it is oriented back to back. For the purpose of this provision, the rear wall of the carport or garage shall be that wall opposite the front wall of the dwelling it serves, whether or not it shall be the entrance wall of such carport or garage.

iii) Front facing side.

The minimum distance between the front wall of the structure and the side wall of another structure shall not be less than fourteen (14) feet.

- iv) Side facing side. The minimum distance between side walls of structures shall not be less than fourteen (14) feet.
- v) Rear facing side. The minimum distance between the rear of a structure and the side of another structure shall not be less than fourteen (14) feet.
- vi) Rear facing front. The minimum distance between the front wall of one structure and the rear wall of another structure shall not be less than thirty (30) feet, provided neither shall be closer than ten (10) feet from the nearest right-of-way line of a public street.

#### F. Common Recreation Areas

Common recreation areas shall be required for planned unit developments of forty (40) units or greater in accordance with the following provisions:

- i) A minimum of one hundred (100) square feet per unit must be devoted to common recreation areas;
- ii) The total common recreation area may be divided into areas not less than four thousand (4,000) square feet each where the average length of the space does not exceed twice the average width;
- iii) Common recreation areas shall be easily accessible by pedestrian walkways so they can be conveniently and safely reached and used;
- iv) Common recreation areas shall be constructed on land that is well drained, and is otherwise capable of serving the purposes intended;
- v) Common recreation areas shall be attractively landscaped and provided with sufficient natural or constructed screening to minimize any negative impacts upon adjacent residences within the development;
- vi) Common recreation areas shall not include streets, access easements, rights-of-way, parking areas, required perimeter buffer strips or street yards or required building setbacks; shall be closed to motor vehicle traffic except for maintenance and service

vehicles; and, shall not be located over a septic system drainage field;

- vii) Common recreation areas shall be improved and maintained for the purposes intended.

G. Common Open Space

- i) Area. Common open space shall not be less than ten percent (10%) of the land area of the planned unit development, excluding dedicated public rights-of-way.
- ii) Location. The open space requirement required in Subsection 151.75.05 (G) (i) above and which is held by a non-profit homeowner's association shall adjoin the planned unit development for at least fifty percent (50%) of the periphery of such required open space.
- iii) Character. Common Open Space, defined as open space within a development not in individually owned lots, which is designed and intended for the common use or enjoyment of the residents of the development, shall include the following three (3) types of open space: environmental, scenic and internal. Environmental shall include riparian areas, steep slopes and, when feasible, other significant natural areas. Scenic shall include sensitive view corridors from roads, parks and other public area. Internal shall include pocket parks, street terminations and other prominent open space features intended to be readily available to residents.

H. Responsibility for Common Open Space and Amenities

Land not to be held in private ownership shall be owned by a nonprofit corporation in which all owners of property within the development have automatic membership rights and assessment obligations for the maintenance of these areas. These automatic membership rights and assessment obligations shall be covered by covenants running with the land and other contractual provisions as to insure the proper maintenance of all commonly owned areas, and shall include provision for liens against the individual properties and legally enforceable personal obligations on the part of the individual property owners in the development. Such covenants shall be recorded in the office of the Register of Deeds and such contractual rights and obligations shall be established prior to the issues of a building permit.

I. Platting Requirements



All planned unit developments shall meet the requirements of the Taylorsville Subdivision Regulations. In addition, prior to a permit being issued for the construction of any building, there shall have been recorded in the office of the Register of Deeds, a plat of the property or section thereof, showing: easement and right-of-way widths, street widths, the actual or approximate location of single family lots, commonly owned tracts, and lots and buildings to be occupied by other uses.

- 151.75.06 All streets and parking areas shall be constructed and paved according to the standards of the Town of Taylorsville.
- 151.75.07 The procedure for approval of a planned unit development shall be in accordance with the applicable provisions of the Town's Subdivision Regulations. The preliminary plan for the proposed planned unit development shall be submitted to the Board of Adjustment for its review. The preliminary plan shall show how the requirements of Sections 151.75.01 through 151.75.07 will be met. The Board of Adjustment may request design changes. Such changes may include, but not be limited to, provisions for additional utilities, drainage, landscaping, lighting, streets and accessways. The applicant must resubmit the plan, within 60 days, to the Board of Adjustment if changes were requested. Failure of the Board of Adjustment to act on the plan within 60 days following the date of resubmittal shall constitute final approval. An approved project must be started within twelve (12) months after final approval and must be completed within a reasonable time. Such time shall be agreed upon between the Board of Adjustment and the applicant/developer.

#### Section 151.76 Cluster Development

The cluster development allows for buildings to be concentrated together in specific areas to minimize infrastructure and development costs while achieving the allowable density. It allows for the preservation of natural open space for recreation, common open space and the preservation of environmentally sensitive features. Cluster developments may be approved by the Board of Adjustment provided the following criteria are met:

- 151.76.01 Public water and sewer facilities shall be available to serve cluster subdivisions;
- 151.76.02 The tract of land devoted to a cluster subdivision shall be a minimum of four (4) contiguous acres;
- 151.76.03 The total number of lots and dwelling units shall not exceed the number that would be permitted in conformance with the normal minimum lot size requirements for the R-15 district;

- 151.76.04 Thirty-five percent (35%) of the balance of the original lot size must be preserved as common open space, accessible by all reduced building sites. Up to fifty percent (50%) of the common open space may be steep slopes, streams, ponds, watercourses and floodplain or may be reserved for public use;
- 151.76.05 Access arrangements to open spaces or common areas shall be carefully designed and located to enable perpetual maintenance and accessibility.
- 151.76.06 Minimum lot size: 10,000 square feet with water and sewer
- 151.76.07 Minimum lot width: 70 feet
- 151.76.08 Minimum front yard: 20 feet
- 151.76.09 Minimum side yard: 10 feet
- 151.76.10 Minimum rear yard: 20 feet
- 151.76.11 Open space or common areas within a cluster development may be offered for dedication to the public at the time of application. The Board of Commissioners may accept such dedication upon finding that the size, location, or maintenance of such open space or common area or the availability of public open space would make public use desirable or necessary.
- Open space not dedicated to the public shall be protected by legal arrangements sufficient, such as a homeowner's association, to assure its maintenance and preservation for whatever purpose it is intended. The provisions for a homeowner's association are meant to ensure that a viable association is established with authority to obtain sufficient resources to maintain the open space and any of its recreational facilities. The homeowner's association is required to incorporate in order to ensure its future existence.
- 151.76.12 Street construction shall meet all requirements set forth in the Town's subdivision regulations.

**ARTICLE XIV  
WATERSHED PROTECTION**

Section 151.80 Authority and Enactment

The Legislature of the State of North Carolina in the General Statutes has, in Chapter 160A, Article 19, Planning and Regulation of Development, and in Chapter 143, Article 21, Watershed Protection Rules, delegated the responsibility or directed local government units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. The Town of Taylorsville, North Carolina ("the Town"), does hereby ordain and enact into law the following articles as the Watershed Protection Ordinance of Taylorsville, North Carolina.

Section 151.81 Jurisdiction

The provisions of this Ordinance shall apply within the overlay zones designated as Public Water Supply Watershed as defined and established on the "Official Zoning Map of Taylorsville, North Carolina" ("the Zoning Map"), such overlay zones being adopted simultaneously herewith. The Zoning Map and all explanatory matter contained thereon accompanies and is hereby made a part of this Article.

Section 151.82 Exceptions to Applicability

- (A) Development activities that do not require a Sedimentation/Erosion Control Plan are exempt from the requirements of this Article.
- (B) Existing development, as defined in this Article, is not subject to the requirements of this Article. Existing development is defined as 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) having expended substantial resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project;
  - (2) having an outstanding valid building permit as authorized by NCGS 153A-344.1 and NCGS 160A-385.1; or
  - (3) having an approved site specific or phased development plan as authorized by NCGS 153A-344.1 and NCGS 160A-385.1.
- (C) Expansions to structures classified as existing development must meet the requirements of this Ordinance; however, the built-upon area of the existing development is not required to be included in the density calculations.
- (D) Reconstruction of Buildings or Built-Upon Area. Any existing building or built-upon area not in conformance with the restrictions of this Ordinance that has been damaged or removed may be repaired and/or reconstructed, except that there are no restrictions on single-family residential redevelopment, provided:
- (1) Repair or reconstruction is initiated within twelve (12) months and completed within two (2) years of such damage.
  - (2) The total amount of space devoted to built-upon area may not be increased unless stormwater control that equals or exceeds the previous development is provided.
- (E) If a non-conforming lot of record is not contiguous to any other lot owned by the same party, then that lot of record shall not be subject to the development restrictions of this Ordinance if it is developed for single family purposes (and zoned for this use).

#### Section 151.83 Cluster or Planned Unit Development

Cluster or Planned Unit Development is allowed in all Watershed Areas under the following conditions:

- (A) Development activities shall comply with the respective requirements of Sections 151.75 and 151.76 of this Ordinance.
- (B) All built-upon areas shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.
- (C) The remainder of the tract shall remain in a vegetated or natural state. The title to the open space area shall be conveyed to an incorporated homeowners association

for management; to a local government for preservation as a park or open space; or to a conservation organization for preservation in a permanent easement. Where a property association is not incorporated, a maintenance agreement shall be filed with the deeds.

#### Section 151.84 Buffer Areas Required

- (A) A minimum one hundred (100) foot vegetative buffer is required for all new development activities that exceed the low density option; otherwise a minimum thirty (30) foot vegetative buffer for development activities in the protected area is required along all perennial waters, and a minimum one hundred fifty (150) foot vegetative buffer for development activities in the critical area is required along all perennial waters indicated in the most recent versions of USGS 1:24,000 (7.5 minute) scale topographic maps or as determined by local studies. Artificial streambank stabilization is permitted.
- (B) No new development is allowed in the buffer except for water dependent structures and public projects such as road crossings and greenways and their appurtenances where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.

#### Section 151.85 Watershed Administrator and Duties Thereof

The Watershed Administrator shall be the same as the Zoning Enforcement Officer as described in this Ordinance. It shall be the duty of the Watershed Administrator to administer and enforce the provisions of this Article as follows:

- (A) The Watershed Administrator shall issue Zoning Permits and Certificates of Occupancy as provided in this Ordinance. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours of the Administrator.
- (B) The Watershed Administrator shall serve as staff to the Planning Board, Watershed Review Board/Board of Adjustment and Town Board of Commissioners.
- (C) The Watershed Administrator shall keep records of all amendments to the local Water Supply Watershed Protection Ordinance and shall provide copies of all amendments upon adoption to the Division of Water Quality.
- (D) The Watershed Administrator is granted the authority to administer and enforce the provisions of this Article, exercising in the fulfillment of his responsibility the full zoning and police power of the Town of Taylorsville. The Watershed Administrator may enter any building, structure or premises, as provided by law, to perform any duty imposed upon him by this Article.

- (E) The Watershed Administrator shall keep a record of variances to the local Water Supply Watershed Protection Ordinance. This record shall be submitted each calendar year to the Division of Water Quality on or before January 1<sup>st</sup> of the following calendar year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

Section 151.86 Appeal from the Watershed Administrator

- (A) Any order, requirement, decision or determination made by the Watershed Administrator may be appealed to and decided by the Board of Adjustment.
- (B) An appeal from a decision of the Watershed Administrator must be submitted to the Board of Adjustment within thirty (30) days from the date the order, interpretation, decision or determination is made. All appeals must be made in writing stating the reasons for appeal. Following submission of an appeal, the Watershed Administrator shall transmit to the Board all papers constituting the record upon which the action appealed from was taken.
- (C) An appeal stays all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal has 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 or by a court of record on application of notice of the officer from whom the appeal is taken and upon due cause shown.
- (D) The Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties and shall decide the same within a reasonable time. At the hearing, any party may appear in person, by agent or by attorney.

Section 151.87 Establishment of a Watershed Review Board

There shall be and hereby is created the Watershed Review Board consisting of the same membership as the Taylorsville Town Board of Adjustment. Terms for members of the Watershed Review Board shall coincide with the membership terms for the Town Board of Adjustment.

Section 151.88 Powers and Duties of the Watershed Review Board/Board of Adjustment

- (A) The Watershed Review Board shall be responsible for reviewing and hearing all major and minor watershed variance cases, and shall proceed as provided in Article XV of the Zoning Ordinance for zoning variances when reviewing all watershed variance cases.
- (B) If the application calls for the granting of a **major watershed variance**, and if the Watershed Review Board decides in favor of granting the major watershed

variance, the Board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:

- (1) The variance application;
  - (2) The hearing notices;
  - (3) The evidence presented;
  - (4) Motions, offers of proof, objections to evidence, and rulings on them;
  - (5) Proposed findings and exceptions;
  - (6) The proposed decision, including all conditions proposed to be added to the permit.
- (C) The preliminary record shall be sent to the Environmental Management Commission (EMC) for its review as follows:
- (1) If the EMC concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and (2) the variance, if granted, will not result in a serious threat to the water supply, the EMC shall approve the variance as proposed or approve the proposed variance with conditions and stipulations. The EMC shall prepare a decision and send it to the Watershed Review Board. If the EMC approves the variance as proposed, the Watershed Review Board shall prepare a final decision granting the proposed variance. If the EMC approves the variance with conditions and stipulations, the Watershed Review Board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.
  - (2) If the EMC concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure reasonable return from or make practical use of the property without the variance or (2) the variance, if granted, will result in a serious threat to the water supply, then the EMC shall deny approval of the variance as proposed. The EMC shall prepare a commission decision and send it to the Watershed Review Board. The Watershed Review Board shall prepare a final decision denying the variance as proposed.
- (D) Written notification shall be given to local governments having jurisdiction and any entity using the water supply for consumption where a variance is being considered. The local government and entity shall have a reasonable comment period prior to review by the Watershed Review Board.
- (E) Approval of all development with densities greater than that specified in Article VIII of this Ordinance shall be the authority of the Town Watershed Review Board/Board of Adjustment.

Section 151.89 Appeals from the Watershed Review Board/Board of Adjustment

Appeals from the Watershed Review Board/Board of Adjustment must be filed with the Superior Court within 30 days from the date of the decision. The decisions by the Superior Court will be in the manner of certiorari.

#### Section 151.90 High Density Development Standards

- (A) The Town Watershed Review Board may approve high density development proposals consistent with the following standards:

WS-II-Watershed Areas - Where new development exceeds either 1 dwelling unit per acre, or 12% built-upon area, **engineered stormwater controls** shall be used to control runoff from the first inch of rainfall and development shall not exceed 30% built-upon area.

WS-IV-Protected Areas - Where new development requires a Sedimentation/Erosion Control Plan and exceeds either 2 dwelling units per acre, or 24% built-upon area (or 3 dwelling units per acre or 36% built-upon area for projects without curb and gutter street system), **engineered stormwater controls** shall be used to control runoff from the first inch of rainfall and development shall not exceed 70% built-upon area.

#### Section 151.91 High Density Development Permit Application

- (A) A High Density Development Permit shall be required for new development exceeding the density requirements specified in Article VIII of this Ordinance.
- (B) Application for a High Density Development Permit shall be addressed and submitted to the Watershed Review Board through the Watershed Administrator. Application for a High Density Development Permit shall be made on the proper form and shall include the following information:
- (1) A completed High Density Development Permit Application signed by the owner of the property. The signature of the consulting engineer or other agent will be accepted on the application only if accompanied by a letter of authorization;
  - (2) Ten (10) reproducible copies of the development plan including detailed information concerning built-upon area;
  - (3) Ten (10) reproducible copies of the plans and specifications of the stormwater control structure consistent with Section 151.92;
  - (4) When required by law, written verification that a soil erosion and sedimentation control plan has been approved by the appropriate State or local agency;



- (5) Permit application fees consistent with Section 151.95.
- (C) Prior to taking final action on any application, the Board or Watershed Administrator may provide an opportunity to public agencies affected by the development proposal to review and make recommendations on the application. However, failure of the agencies to submit their comments and recommendations shall not delay the Board's action within the prescribed time limit.
- (D) Public Hearing. Upon receipt of a completed application, the Watershed Review Board shall hold a public hearing. Notice of the public hearing shall be published in a newspaper of general circulation at least seven days prior to the date of the hearing. The notice shall state the location of the building, lot or tract in question, the intended use of the property, the need for engineered stormwater controls and the time and place of the hearing. At the hearing, the applicant or designated representative thereof shall appear for the purposes of offering testimony and recommendations concerning the application. The Board shall also allot reasonable time for the expression of views by any member of the public attending the meeting in person or represented by an attorney provided the testimony bears on the findings the Board must make.
- (E) The Watershed Review Board shall issue a High Density Development Permit within sixty-five (65) days of its first consideration upon finding that the proposal is consistent with the applicable standards set forth in the Watershed Protection Ordinance and the following conditions are met:
- (1) The use will not endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
  - (2) The use minimizes impacts to water quality through the Best Management Practices, cluster development, and/or maximum setbacks from perennial waters;
  - (3) The use is vital to the continued growth and economic development of the Town of Taylorsville;
  - (4) The use is consistent with the officially adopted land development plans for the Town of Taylorsville.

If the Watershed Review Board finds that any one of the above conditions is not met, the Board shall deny the application.

- (F) In addition to any other requirements provided by this Ordinance, the Board may designate additional permit conditions and requirements to assure that the use will be harmonious with the area in which it is proposed to be located and with the spirit of this Ordinance. All additional conditions shall be entered in the minutes

of the meeting at which the permit is granted, on all plans and on the permit certificate. All conditions imposed shall run with the land and shall be binding upon the applicant and the applicant's heirs, successors or assigns during the continuation of the permitted use.

- (G) The Board shall issue a written ruling and make copies available at the office of the Watershed Administrator and the Town Clerk. If the Board approves the application based on its findings, such approval shall be indicated on the permit and all copies of the site plan and all copies of the plans and specifications of the stormwater control structures(s). A High Density Development Permit shall be issued after the applicant posts a performance bond or other acceptable security as required in Section 151.93 (B)(1) and executes an Operation and Maintenance Agreement as required in Section 151.93 (C). A copy of the permit and one copy of each set of plans shall be kept on file at the Watershed Administrator's office. The original permit and one copy of each set of plans shall be delivered to the applicant either by personal service or registered mail, return receipt requested.

#### Section 151.92 Stormwater Control Structures

- (A) All stormwater control structures shall be designed by a North Carolina registered professional engineer.
- (B) All stormwater controls shall use wet detention ponds as a primary treatment system unless alternative stormwater management measures are approved by the North Carolina Division of Environmental Management and the Town Watershed Review Board. Wet detention ponds shall be designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Environmental Management. Specific requirements for these systems shall be in accordance with the following design criteria:
  - (1) Wet detention ponds shall be designed to remove 85% of total suspended solids in the permanent pool and storage run-off from a one-inch rainfall from the site above the permanent pool;
  - (2) The designed run-off storage volume shall be above the permanent pool;
  - (3) The discharge rate from these systems following the one-inch rainfall design storm shall be such that the run-off does not draw down to the permanent pool level in less than two (2) days and that the pond is drawn down to the permanent pool level within at least five (5) days;

- (4) The mean permanent pool depth shall be a minimum of three (3) feet;
  - (5) The inlet structure shall be designed to minimize turbulence using baffles or other appropriate design features;
  - (6) Vegetative filters shall be constructed for the overflow and discharge of all stormwater wet detention ponds and shall be at least thirty feet in length. The slope and width of the vegetative filter shall be determined so as to provide a non-erosive velocity of flow through the filter for a ten-year, 24-hour storm with a ten-year, one-hour intensity with a slope of 5% or less. Vegetation in the filter shall be natural vegetation, grasses or artificially planted wetland vegetation appropriate for the site characteristics; and
  - (7) All stormwater control structures shall be enclosed by a fence with a minimum height of six (6) feet.
- (D) In addition to the vegetative filters required in Section 151.92 (B)(6), all land areas outside of the pond shall be provided with a ground cover sufficient to restrain erosion within thirty (30) days after any land disturbance. Upon completion of the stormwater control structure, a permanent ground cover shall be established and maintained as part of the maintenance agreement described in Section 151.93 (C).
- (E) An easement in the property containing the stormwater control structure allowing the Town of Taylorsville to perform inspections, maintenance, repairs, reconstruction, and any other acts which may be required in order for the Town of Taylorsville to carry out the provisions of this Article, along with any easements necessary for general access to the stormwater control structure shall be prepared consistent with Section 151.96 (A and B) and recorded in the office of the Register of Deeds of Alexander County. The area in which this easement is granted shall include the detention pond, vegetative filters, all pipes and water control structures, berms, dikes, etc., and sufficient area to perform inspections, maintenance, repairs and reconstruction.
- (F) Qualifying areas of stormwater control structure may be considered pervious when computing total built-upon area. However, if the structure is used to compute the percentage built-upon area for one site, it shall not be used to compute the built-upon area for any other site or area.

#### Section 151.93 Posting of Financial Security Required

- (A) All new stormwater control structures shall be conditioned on the posting of adequate financial assurance for the purpose of maintenance, reconstruction, or repairs necessary for adequate performance of the stormwater control structures.

- (B) Financial assurance shall be in the form of the following:
- (1) Security Performance Bond or other security. The permit applicant shall obtain either a performance bond from a surety bonding company authorized to do business in North Carolina, an irrevocable letter of credit or other instrument readily convertible into cash at face value payable to the Town of Taylorsville or placed in escrow with a financial institution designated as an official depository of the Town of Taylorsville. The bond or other instrument shall be in an amount equal to 1.25 times the total cost of the stormwater control structure, as estimated by the applicant and approved by the Town. The total cost of the stormwater control structure shall include the value of all materials such as piping and other structures; seeding and soil stabilization; design and engineering; and grading, excavation, fill, etc. The costs shall not be prorated as part of a larger project, but rather under the assumption of an independent mobilization.
  - (2) Cash or Equivalent Security Deposited After the Release of the Performance Bond. Consistent with Section 151.96 (B)(1), the permit applicant shall deposit with the Town of Taylorsville either cash or other instrument approved by the Town Attorney that is readily convertible into cash at face value. The cash or security shall be in an amount equal to fifteen percent (15%) of the total cost of the stormwater control structure or the estimated cost of maintaining the stormwater control structure over a ten (10) year period, whichever is greater. The estimated cost of maintaining the stormwater control structure shall be consistent with the approved operation and maintenance plan or manual provided by the developer under Section 151.94 (A).
- (C) Consistent with Section 151.91(G), the permit applicant shall enter into a binding Operation and Maintenance Agreement between the Town of Taylorsville and all interests in the development. Said Agreement shall require the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the operation and management plan or manual provided by the developer. The Operation and Maintenance Agreement shall be filed with the County Register of Deeds by the Watershed Administrator.
- (D) Default under the performance bond or other security. Upon default of the permit applicant to complete and/or maintain the stormwater control structure as specifically provided in the performance bond or other security, the Town of Taylorsville may obtain and use all or any portion of the funds necessary to complete the improvements based on an engineering estimate. The Town of Taylorsville shall return all funds not spent in completing the improvements to the owning entity.

- (E) Default under the cash security. Upon default of the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the Operation and Maintenance Agreement, the Town of Taylorsville shall obtain and use all or any portion of the cash security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after exhausting all other reasonable remedies seeking the owning entity to comply with the terms and conditions of the operation and Maintenance Agreement. The Town of Taylorsville shall not return any of the deposited cash funds.

Section 151.94 Maintenance and Upkeep

- (A) An operation and maintenance plan or manual shall be provided by the developer for each stormwater control structure, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are to be taken and, consistent with the Operation and Maintenance Agreement, who is responsible for those actions. The plan shall clearly indicate the steps that will be taken for restoring a stormwater control structure to design specifications if a failure occurs.
- (B) Landscaping and grounds management shall be the responsibility of the owning entity. However, vegetation shall not be established or allowed to mature to the extent that the integrity of the control structure is diminished or threatened, or to the extent of interfering with any easement to the stormwater control structure.
- (C) Except for general landscaping and grounds management, the owning entity shall notify the Watershed Administrator prior to any repair or reconstruction of the stormwater control structure. All improvements shall be made consistent with the approved plans and specifications of the stormwater control structure and the operation and maintenance plan or manual. After notification by the owning entity, the Town Engineer shall inspect the completed improvements and shall inform the owning entity of any required additions, changes or modifications and of the time period to complete said improvements.
- (D) Amendments to the plans and specifications of the stormwater control structure and/or the operation and maintenance plan or manual shall be approved by the Watershed Review Board. Proposed changes shall be prepared by a North Carolina registered professional engineer and submitted to and reviewed by the Watershed Administrator prior to consideration by the Watershed Review Board.
  - (1) If the Watershed Review Board approves the proposed changes, the owning entity of the stormwater control structure shall file sealed copies of the revisions with the Office of the Watershed Administrator.
  - (2) If the Watershed Review Board disapproves the changes, the proposal may be revised and resubmitted to the Board as a new proposal. If the

proposal has not been revised and is essentially the same as that already reviewed, it shall be returned to the applicant.

- (E) If the Watershed Review Board finds that the operation and maintenance plan or manual is inadequate for any reason, the Board shall notify the owning entity of any required changes and shall prepare and file copies of the revised agreement with the County Register of Deeds, the Office of the Watershed Administrator and the owning entity.

#### Section 151.95 Application and Inspection Fees

- (A) Processing and inspection fees shall be submitted in the form of a check or money order made payable to the Town of Taylorsville. Applications shall be returned if not accompanied by the required fee.
- (B) A permit and inspection fee schedule, as approved by the Town of Taylorsville, shall be posted in the Office of the Watershed Administrator.
- (C) Inspection fees shall be valid for sixty (60) days. An inspection fee shall be required when improvements are made to the stormwater control structure consistent with Section 151.94 (C), except in the case when a similar fee has been paid within the last sixty (60) days.

#### Section 151.96 Inspections and Release of the Performance Bond

- (A) The stormwater control structure shall be inspected by the Town, after the owning entity notifies the Watershed Administrator that all work has been completed. At this inspection, the owning entity shall provide:
  - (1) The survey plat showing the stormwater control structure and related easement(s), and the signed easement(s) ready for filing with the Alexander County Register of Deeds;
  - (2) A certification sealed by an engineer or landscape architect (to the extent that General Statutes allow) stating that the stormwater control structure is complete and consistent with the approved plans and specifications.
- (B) The Watershed Administrator shall present the materials submitted by the developer and the inspection report and recommendations to the Taylorsville Watershed Review Board at its next regularly scheduled meeting.
  - (1) If the Watershed Review Board approves the inspection report and accepts the certification and deed of easement, the Town shall file the easement with the Alexander County Register of Deeds, release up to seventy-five percent (75%) of the value of the performance bond or other security and direct the Alexander County Building Inspections Department to issue a Certificate of Occupancy for the stormwater control structure.

### Section 151.97 Remedies

- (A) If any subdivision, development and/or land use is found to be in violation of this Article, the Town may, in addition to all other remedies available either in law or in equity, institute a civil penalty in the amount of \$50, institute actions or proceedings to restrain, correct, or abate the violations; to prevent occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about the premises. In addition, the N.C. Environmental Management Commission may assess civil penalties in accordance with G.S. 143-215.6(a). Each day the violation continues shall constitute a separate offense.
- (B) If the Watershed Administrator finds that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. He shall order discontinuance of the illegal use of land, buildings or structures; removal of illegal buildings or structures, or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions. If a ruling of the Watershed Administrator is questioned, the aggrieved party or parties may appeal such ruling to the Watershed Review Board.

### Section 151.98 Sanctions

In addition to the remedies described in Section 151.97 of this Ordinance and consistent with G.S. 160A-175, the Taylorsville Watershed Review Board may seek enforcement of this Ordinance by assessing a civil penalty to be recovered by the Town in a civil action in the nature of debt if the offender does not pay the penalty in a prescribed period of time after being cited for violation of the Ordinance. Such violation may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. The court may issue an injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the rules of Civil Procedure in general and Rule 65 in particular. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, the defendant may be cited for contempt and the Town may execute the order of abatement. The Town shall have a lien on the property for the cost of executing an order of abatement in the nature of mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith. Enforcement of this Ordinance may be by

any one, all or a combination of the remedies authorized in this Ordinance. Each day's continuing violation shall be a separate and distinct offense.

Section 151.99 Criminal Penalties

Any person violating any provisions of this Article shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with NCGS 14-4. The maximum fine for each offense shall not exceed five hundred dollars (\$500). Each day that the violation continues shall constitute a separate offense.

**ARTICLE XV  
ADMINISTRATION, ENFORCEMENT AND PENALTIES**

Section 151.100 Zoning Enforcement Officer

This Ordinance shall be administrated and enforced by the Zoning Enforcement Officer who shall be named by the Town Board of Commissioners, and is hereby empowered:

- 151.100.01 To issue a zoning permit when these regulations have been followed or, to refuse to issue the same in the event of noncompliance. Written notice of such refusal and reason therefore shall be given to the applicant.
- 151.100.02 To collect the fees set forth herein for a zoning permit, variances, appeals, rezonings, conditional use permits and subdivisions.
- 151.100.03 To make and keep all records necessary and appropriate to the office, including record of the issuance and denial of all zoning permits and of receipt of complaints of violation of this Ordinance and action taken to the same.
- 151.100.04 To inspect any building and/or land to determine whether any violations of this Ordinance have been committed or exist.
- 151.100.05 To enforce this Ordinance and take all necessary steps to remedy any condition found in violation by ordering in writing the discontinuance of illegal uses or illegal work in progress and may institute injunction, mandamus, or other necessary action.



151.100.06 To keep the Board of Adjustment advised of all matters other than routine duties pertaining to the enforcement of this Ordinance and to transmit all applications and records pertaining to appeals, variances, or requests for conditional use approval.

Section 151.101 Zoning Permit Required

Within the corporate limits and extraterritorial jurisdiction of Taylorsville no building, sign or other structure shall be erected, moved, added to or structurally altered before a zoning permit has been issued by the Zoning Enforcement Officer of Taylorsville.

Section 151.102 Application for a Zoning Permit

Each application for a zoning permit to the Zoning Enforcement Officer of Taylorsville shall be accompanied by a twenty-five (\$25.00) dollar fee and a plan in duplicate, drawn to scale, one (1) copy of which shall be returned to the owner upon approval. The plan shall show the following:

- 151.102.01 The actual dimensions of the lot to be built upon;
- 151.102.02 The size and location of all buildings existing on the lot;
- 151.102.03 The size and location of the proposed new construction;
- 151.102.04 The existing and intended use of all parts of the land or building;
- 151.102.05 Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance.

Any zoning permit issued shall become invalid unless the work authorized by it shall have been commenced 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.

Section 151.103 Certificate of Occupancy Required

No land within the corporate limits or extraterritorial zoning jurisdiction of the Town of Taylorsville shall be used or occupied and no building within the corporate limits or extraterritorial zoning jurisdiction of the Town of Taylorsville shall hereafter be erected, structurally altered, converted or changed in use until a Certificate of Occupancy shall have been issued by the Zoning Enforcement Officer stating that the building or the proposed use thereof complies with the provisions of this Ordinance. A Certificate of Occupancy either for the whole or a part of a 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 temporary Certificate of Occupancy

may be issued by the Zoning Enforcement Officer for a period not exceeding six (6) months during alterations or construction for partial occupancy of a building pending its completion, or for bazaars, carnivals, and revivals, provided that such temporary permit shall require such conditions and safeguards as will protect the safety of the occupants and the public. 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 requesting it.

#### Section 151.104 Penalties for Violations

- 151.104.01 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 two hundred dollars (\$200) or by imprisonment not to exceed thirty (30) days.
- 151.104.02 In addition to the penalty in subsection 151.104.01 above, a violation of this Ordinance shall also be a civil offense and shall subject the offender to a civil penalty in the amount of fifty dollars (\$50) per day that the violation continues. Any person violating this Ordinance shall be issued a written citation. The penalty shall be paid to the tax collector at Taylorsville Town Hall within seventy-two hours from the time of issuance of the written citation.
- 151.104.03 Each day's continuing violation shall be a separate and distinct offense.
- 151.104.04 In addition to the penalties imposed under subsection 151.104.01 and 151.104.02 above, the provisions of this Ordinance may also be enforced through equitable remedies issued by a court of competent jurisdiction including injunction and order of abatement.
- 151.104.05 This Ordinance may be enforced by any one, all or a combination of the remedies authorized herein.

#### Section 151.105 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 person who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the 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 so as to comply with this Ordinance and to secure the necessary permit therefor or to remove the sign. If such an order is not complied with within ten (10) days, the Zoning Enforcement Officer shall remove the sign at the expense of the owner or lessee thereof. In the event that such sign

should become insecure, or in danger of falling, the person maintaining the same shall, upon written notice from the Zoning Enforcement Officer, forthwith, in case of immediate danger, and in any case, within ten (10) days secure it in a manner approved by the Zoning Enforcement Officer.

## **ARTICLE XVI BOARD OF ADJUSTMENT**

### Section 151.110 Establishment of the Board of Adjustment

A Board of Adjustment is hereby established as provided in Section 160A-388 of the General Statutes of North Carolina. Said Board shall consist of ten (10) members and shall have proportional representation from within the corporate limits and the Extraterritorial Jurisdiction of the Town of Taylorsville. Five (5) members shall be appointed by the Taylorsville Board of Commissioners and five (5) members shall be appointed by the Alexander County Commissioners for overlapping terms of three (3) years. Initially the Town and County Commissioners shall appoint two (2) members for a three (3) year term, two (2) members for a two (2) year term and one (1) member for a one (1) year term. The six (6) members of the Planning Board shall serve as alternate members to the Board of Adjustment. The three (3) Planning Board members appointed by the Town shall serve as alternates for the members of the Board of Adjustment appointed by the Town. Similarly, the three (3) Planning Board members appointed by Alexander County shall serve as alternates for the members of the Board of Adjustment appointed by Alexander County. Alternate members of the Board of Adjustment shall be called on to attend only those meetings and hearings at which one or more regular members are absent or are unable to participate in hearing a case because of financial or other interest. Except at the election of officers, at no time shall more than ten (10) members participate officially in any meeting or hearing. Should population in either the Town or Extraterritorial Jurisdiction change enough to require an additional member to either the Planning Board or the Zoning Board of Adjustment then numbers appointed by the Town Commissioners and the Alexander County Commissioners will be changed accordingly.

### Section 151.111 Jurisdiction and Decision of the Board of Adjustment

The five (5) members appointed to the Board of Adjustment by the Town Commissioners shall be residents of the Town of Taylorsville. The five (5) members appointed to the Board of Adjustment by the Alexander County Commissioners shall be residents of the Town of Taylorsville's extraterritorial zoning jurisdiction. The concurring vote of four (4) members of the Board appointed by the Town Commissioners shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Enforcement Officer of the Town of Taylorsville, or to decide in favor of the applicant any matter upon which it is required to pass under the Ordinance or to effect any variation of such Ordinance when the matter pertains to property located within the corporate limits of the Town of Taylorsville. The concurring vote of eight (8) members of the Board appointed by both the Town Commissioners and the Alexander County Commissioners shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Enforcement Officer of the Town of Taylorsville, or to decide in favor of the applicant any matter upon which it is required to pass under the Ordinance or to effect any variation of such Ordinance when the matter pertains to property located within the extraterritorial zoning jurisdiction of the Town of Taylorsville. On all appeals, applications and other matters brought before the Board of Adjustment, said Board shall inform in writing all parties involved of its decision and the reasons therefore.

### Section 151.112 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 a municipal officer or an employee of the town. The Board shall adopt rules of procedure in accordance with the provisions of this Ordinance and in Article 19, Chapter 160A of the General Statutes of North Carolina. Meetings of the Board shall be held once a month or at the call of the Chairman. The Chairman, or in his absence the Vice-Chairman, may administer oaths and compel the attendance of witnesses by subpoena. All meetings of the Board shall be open to the public.

### Section 151.113 Appeals, Hearings and Notice

Appeals to the Board of Adjustment may be taken by any person affected by any decision of the Zoning Enforcement Officer or other town official 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 Enforcement Officer and with the Board of Adjustment 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.

#### Section 151.114 Stay of Proceedings

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Enforcement 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 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 151.115 Fees for Variances, Conditional Use Permits and Appeals

A fee of one hundred dollars (\$100) shall be paid to the Town Clerk of the Town of Taylorsville, North Carolina for each application for a variance, conditional use permit, or appeal to cover the necessary administrative costs and advertising.

#### Section 151.116 Powers and Duties of the Board of Adjustment

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

151.116.01 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 in the enforcement of this Ordinance.

151.116.02 Conditional Uses. To grant in particular cases and subject to the appropriate conditions and safeguards, permits for conditional uses as authorized by this Ordinance and set forth as Conditional Uses under the various use districts. The Board shall not grant a conditional use permit unless and until:

151.116.02.01 A written application for a conditional use permit is submitted to the Zoning Enforcement Officer indicating the section of this Ordinance under which the special use permit is sought;

151.116.02.02 A public hearing is held. Notice of such public hearing shall be mailed to property owners within one hundred (100) feet of the property for which the conditional use permit is sought and advertised in a local newspaper the first time at least ten (10) days and not more than twenty-five (25) days prior to the public hearing. This legal notice shall describe the request and appear at least once weekly for two (2) consecutive weeks prior to the public hearing.

151.116.02.03 The Board of Adjustment finds that in the particular case in question 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. In granting such a permit, the Board of Adjustment may designate such conditions in connection therewith as will, in its opinion, assure that the proposed use will conform to the requirements and spirit of this Ordinance.

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

151.116.03 Variances. To authorize upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of 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. Such variance may be granted in an individual case of unnecessary hardship upon a finding by the Board of Adjustment that the following conditions exist:

151.116.03.01 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.

151.116.03.02 Granting the variance requested will not confer upon the applicant any special privileges denied to other residents in the district in which the property is located.

151.116.03.03 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.

151.116.03.04 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.

151.116.03.05 The special circumstances are not the result of the actions of the applicant.

151.116.03.06 The variance requested is the minimum variance that will make possible the legal use of the land, building or structures.

151.116.03.07 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.

#### Section 151.117 Appeals from the Board of Adjustment

Any person or persons, jointly or severally, aggrieved by a decision of the Board, may within thirty (30) days after the filing of the decision in the office of the Town Clerk, but not thereafter, present to the Superior Court of Alexander County a petition duly verified, setting forth that such decision is illegal in whole or in part, specifying the grounds of illegality, whereupon such decision of said Board shall be subject to review by certiorari as provided by law.

### **ARTICLE XVII AMENDMENTS**

#### Section 151.120 Procedure for Amendments

The Town Board of Commissioners may amend, supplement or change the text regulations and zoning district lines according to the following procedures:

- 151.120.01 Initiation of Amendments. Proposed changes or amendments may be initiated by the Town Board of Commissioners, Planning Board, Board of Adjustment, or by one or more owners or lessees of property within the area proposed to be changed or affected.
- 151.120.02 Petition. A petition for any change or amendment shall contain a description and/or statement of the present and proposed zoning regulation or district boundary to be applied and the names and addresses of the owner or owners of the property. Such petition shall be filed with the Zoning Enforcement Officer not later than three (3) weeks prior to the meeting at which the petition is to be considered.
- 151.120.03 Fee. A fee of one hundred (\$100) dollars shall be paid to the Town Clerk of the Town of Taylorsville, North Carolina, for each petition for an amendment to cover the costs of advertising and other administrative expenses involved.

#### Section 151.121 Action by the Planning Board

The Planning Board shall consider and make recommendations to the Town Board of Commissioners concerning each proposed zoning amendment. The Planning Board, at its own discretion, may hold a public hearing if deemed necessary by the Planning Board. Otherwise, the Planning Board will send its recommendation directly to the Town Board of Commissioners who shall hold a public hearing for every proposed zoning amendment.

#### Section 151.122 Town Board of Commissioners Consideration

The Town Board of Commissioners shall consider changes and amendments to this Ordinance as often as necessary, provided, however, that should the Town Board of Commissioners deny a request for a zoning amendment, it shall not thereafter accept any other petition for the same change of zoning district affecting the same property, or any portion thereof, until the expiration of one (1) year from the date of such previous denial.

#### Section 151.123 Required Notifications

151.123.01 Legal Notice of Public Hearing. No amendment shall be adopted by the Town Board of Commissioners until after public notice and hearing. In accordance with NCGS 160A-364, notice of public hearing shall be published in a newspaper of general circulation in the Town of Taylorsville at least once each week for two (2) successive weeks prior to the hearing. The first notice shall appear in the newspaper at least ten (10) days but not more than twenty-five (25) days prior to the hearing.

151.123.02 Mail Notice Requirements. In accordance with NCGS 160A-384, whenever the amendment involves a change in the zoning classification of a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting or within 100 linear feet of that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed reclassification and a notice of the public hearing required in Section 151.123.01. Such notice shall be sent by first class mail to the last address listed for such owners on the county tax listing. The person responsible for making the mailed notice shall certify to the Town Board of Commissioners that such notice was indeed prepared and mailed.

151.123.03 Substitute Notice.

151.123.03.01 In accordance with NCGS 160A-384(b)(3), (4) and (5) individual mailed notices may be waived in lieu of a substitute notice if the amendment meets at least one of the following criteria:

1) if the zoning reclassification directly involves more than fifty (50) properties, owned by a total of at least fifty (50) different owners;



2) if the proposal involves an amendment to the text of the Zoning Ordinance such that it changes the permitted, conditional, or accessory uses of a zoning district;

3) if the Town is adopting a water supply watershed protection program as required by NCGS 143-214.5

151.123.03.02 Notice requirements for amendments meeting any of the three criteria of Section 151.123.03.01 above are as follows:

1) Notice of the public hearing shall be published in a newspaper of general circulation in the Town of Taylorsville at least once each week for four (4) consecutive weeks prior to the hearing. The notice must include a map no less than one-half the size of the newspaper page. The map must show the boundaries of the area affected by the proposed amendment;

2) The Town must post at least one or more prominent signs immediately adjacent to the subject area. The signs must be of a type and size that may be reasonably expected to provide adequate notice of the proposal to the public;

3) The Town must notify by first class mail any property owner who resides outside the Town's zoning jurisdiction or outside the circulation area of the newspaper in which the notice is published. The notice must be mailed to the last address listed for such owners on the most recent county tax listing.

#### Section 151.124 Town Board of Commissioners Action

Before taking such lawful action as it may deem advisable, the Town Board of Commissioners shall consider the Planning Board's recommendations on each proposed zoning amendment. If no recommendations are received from the Planning Board within thirty (30) days after their meeting, the proposed amendment shall be deemed to have been approved by the Planning Board. Under no circumstances shall the Town Board of Commissioners adopt such amendments that would cause this Ordinance to violate the watershed protection rules as adopted by the North Carolina Environmental Management Commission. Amendments affecting the watershed protection portions of this Ordinance shall be filed with the North Carolina Division of Environmental Management, the North Carolina Division of Environmental Health, and the North Carolina Division of Community Assistance.

#### Section 151.125 Protest Petitions

151.125.01 General. A protest petition may be presented against any proposed amendment. The protest petition must be signed by at least twenty percent (20%) of the property owners of the area which would be affected by the amendment or those immediately adjacent thereto, either in the rear thereof or on either side thereof, extending one hundred (100) feet therefrom, or of those directly opposite thereto extending one hundred

(100) feet from the street frontage on the opposite lots. In this case the amendment shall not become effective except by favorable vote of three-fourths (3/4) of all members of the Taylorsville Board of Commissioners.

151.125.02 Petition Requirements. No protest petition against any change in or amendment to the Zoning Ordinance or Zoning Map shall be valid unless presented in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do indeed protest the proposed amendment or change. Furthermore, the protest petition must be received by the Town Clerk in sufficient time to allow the Town at least two (2) normal working days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed change or amendment in order to determine the sufficiency and accuracy of the petition (G.S. 160A-387).

## **ARTICLE XVIII LEGAL PROVISIONS**

### Section 151.130 Conflict with Other Regulations

Whenever the regulations of this Ordinance require a greater width or size of yards, or other open space, or require a lower height of buildings, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statutes, the regulations and requirements of this Ordinance shall govern.

Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

### Section 151.131 Repeal of Existing Zoning Ordinance

All zoning ordinances or parts of same now in effect in the Town of Taylorsville are hereby repealed, provided, however, that all suits at law or in equity and/or all prosecutions resulting from the violation of any zoning ordinance heretofore in effect, which are now pending in any of the courts of this state or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; any and all violations of existing zoning ordinances, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may have heretofore been instituted or prosecuted.

Section 151.132 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 thereof, other than the part so declared to be unconstitutional or invalid.

Section 151.133 Enactment

The Mayor and Board of Commissioners of Taylorsville, North Carolina, do hereby ordain and enact into law these Articles and Sections on this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

SEAL

ATTEST

\_\_\_\_\_  
Glenn P. Deal, Sr. - Mayor

\_\_\_\_\_  
Yolanda T. Prince - Town Clerk