

ARTICLE V DISTRICT REGULATIONS

Section 1. Residential Districts.

A. RA-20 District – RA-20 and RA-20-CD

The RA-20 District is intended primarily for medium to low-density residential areas of site-built and conventional (off-frame) modular, single-family residential homes on individual lots.

B. RA-16 District – RA-16 and RA-16-CD

The RA-16 District is intended primarily for medium density residential areas of site-built and modular, single-family residential homes on individual lots.

C. RM-16 District – RM-16 and RM-16-CD

The RM-16 District is intended primarily for medium to high-density mixed residential areas including site-built, modular or Class-A manufactured single-family and multi-family residential dwellings.

Section 2. Commercial Districts.

A. Business District – B and B-CD

The Business District is intended primarily to accommodate a wide range of medium to high intensity retail sales and service uses to the community and passing motorists.

B. Neighborhood Business District – NB and NB-CD

The Neighborhood Business District is primarily intended to accommodate a mix of low intensity office, retail, and personal service within or abutting residential areas. The district is established to provide convenient locations for business on small to mid-size scale which serve the needs of surrounding residents without disrupting the character of the neighborhood.

C. Institutional and Community District – IC and IC-CD

The Institutional and Community District is primarily intended for community and public buildings and facilities such as government offices, libraries, community centers, schools, and churches.

Section 3. Industrial Districts.

A. Industrial District – I and I-CD

The Industrial District is established as a districted intended to provide for light to medium manufacturing, wholesaling, warehousing, research and development and

related activities which, in their normal operations, have little or no adverse effect upon adjoining properties.

B. Heavy Industrial District – HI and HI-CD

The Heavy Industrial District is designed to accommodate those industries whose normal operations include dust, noise, odor, or other emissions which may be deemed objectionable.

Section 4. Conditional Districts

It is noted that a Conditional District (bearing the designation CD) corresponds to each of the other districts authorized in this Zoning Ordinance. It is recognized by the Town of Ramseur that certain types of zoning districts would be inappropriate at particular locations in the absence of clearly defined conditions. Such districts may include, but shall not be limited to, general use districts, in which a variety of uses are permissible in accordance with general standards; overlay districts, in which additional requirements are imposed on certain properties within one or more underlying general use districts; and conditional zoning districts, in which site plans and individualized development conditions are imposed.

Property may be placed in a conditional district only in response to a petition by the owners of all the property to be included. Specific conditions applicable to these districts may be proposed by the petitioner or the Town or its agencies, but only those conditions approved by the board and consented to by the petitioner in writing may be incorporated into the zoning regulations or permit requirements. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to Town Ordinances and an officially adopted comprehensive plan and those that address the impacts reasonably expected to be generated by the development or use of the site.

The procedure for granting Conditional Zoning Districts shall be the same legislative process required of the Board of Commissioners as outlined in Article XI, Amendments, and as authorized by Article 7 in Chapter 160D of the North Carolina General Statutes.

Section 5. Overlay Districts.

Overlay districts are designed to help development fit better in the community and as such should be consistent with the Land Development Plan. Overlay districts may be applied to conventional and conditional zoning districts. All uses and regulations for overlay district are supplement to those uses and regulations in the underlying district, except where such regulations conflict. In those cases of conflict, the more stringent regulations shall apply.

A. Downtown Overlay (DTO) District.

Purpose. The Downtown Overlay District seeks to promote harmonious development, redevelopment, and rehabilitation of uses in and around Downtown Ramseur, consisting of both residential and commercial sites. This Article is intended to support the goals of revitalization and historic preservation while emphasizing residential stability and encouraging a balanced mix of uses in the downtown area.

Design priorities within the District are to be placed on: (1) encouraging continued use and revitalization of single family residences within the district, (2) providing opportunities for businesses consistent with our downtown objectives, (3) enhancing pedestrian circulation patterns, (4) minimizing vehicular and pedestrian access conflicts among downtown land uses, (5) respecting and refining the downtown streetscape, (6) maintaining strong continuity with the architectural precedents of the Town's historic area, and (7) providing flexibility in the application of appropriate standards for site development.

The scope of this Article includes standards for site development design, materials, location, and orientation of buildings and accessory structures, screening materials and signs. These standards are necessary to implement the goals stated above. These standards and provisions apply to all properties defined within the boundaries established by this Article. If the provisions of this Article conflict with other Articles in the Town's Zoning Ordinance or are in conflict with resolutions or regulations in existence prior to adoption of this Article, the provisions of this Article shall prevail. When this Article is silent regarding a particular standard, the applicable codes and ordinances of the Town shall be followed.

Boundaries. The Downtown Overlay District consists of the areas located within Main Street from Coleridge Road to the dead end, Liberty Street from Coleridge Road to Depot Street, Depot Street from Liberty Street to Brooklyn Avenue, Carter Street from Main Street to Coleridge Road, and Coleridge Road from Main Street to Carter Street.

Downtown Overlay District Map



Permitted Uses.

Subject to the provisions of this overlay district, all uses permitted in the underlying zoning district area shall be allowed **except** those listed below:

- Adult uses
- Abattoir, slaughterhouses
- Automotive repair shops
- Automobile sales, new and used
- Automotive wrecking yards & scrap metal dealers
- Billboard Off-premises signs
- Boat works and sales
- Building supply and equipment sales, including fenced open storage
- Bus repair and storage terminals
- Car washes, including drive-through
- Contractor offices, including fenced open storage yard
- Convenience stores
- Driving ranges, golf and baseball
- Electronic Gaming Establishments

Flea Markets
 Foundries
 Hatcheries
 Junkyard, scrap processor, auto wrecking establishments
 Landfills
 Laundromat, self-service
 Lumber yards, building materials storage and sales, including fenced open storage
 Manufactured housing, temporary office, or commercial establishment
 Manufactured housing sales
Manufacturing Industries whose normal operations include dust, fumes, noise, odor, or other emissions which may be deemed objectionable
 Millwork, plywood & veneer
 Monument works and sales
 Outdoor storage and/or sales displays
 Pawn shops
 Quarries
 Radio television stations, studios & offices (with towers)
 Recreational vehicle sales
 Research laboratories
 Restaurants that include drive-through windows
 Sawmills or planing mills
 Service stations
 Tattoo Parlors
 Tire recapping and retreading
 Tire sales
 Trucking terminals
 Warehouse, self-storage

Craftsmen-type businesses such as artists, potters, custom stain-glass works, custom ironworks, woodworks, etc. would be permitted on a small scale, however, a site-plan shall be required to be submitted to the Town and a zoning permit issued prior to occupancy.

Nuisance Activities. No use, even though listed as a permitted use or otherwise allowed, shall be permitted which by reason of its nature or manner of operation is deemed by the Zoning Administrator to create a condition that is hazardous, noxious, or offensive, through the emission of odor, fumes, smoke, cinder, dust, gas, vibration, glare, refuse, water carried waste or excessive noise or crime. Such use shall be subject to violation abatement procedures which may result in revocation of the use permit.

Design Requirements. These design requirements are in addition to those applicable in the underlying district as outlined in Article VI Design Standards. The stricter requirement shall apply.

- 1) **Exemptions.** The following types of projects are exempt from the design requirements of this section:

- a) Underground construction which will not leave any significant, permanent marks on the surface after completion; utility boxes, pipes, and poles shall be considered “significant permanent marks”;
- b) Maintenance work on buildings, landscaping, or grounds, (including parking lots), which does not significantly alter the appearance or function of the building, landscaping, or grounds;
- c) Interior remodeling work;
- d) Landscape maintenance and upkeep, including relatively minor replacement of plants other than trees;
- e) Routine roof maintenance and repair;
- f) These design requirements shall not apply to single family dwellings located in the downtown overlay district; and
- g) None of the requirements of this Article shall apply to the sale of food and other products from pushcarts, outdoor dining areas or outdoor merchandise areas which are otherwise allowed during community events and festivals.

2) **Structural Architecture.**

- a) Buildings shall not be stylized or designed as advertising signage or corporate symbols.
- b) Building colors shall be muted and naturally occurring earth tone. Bright and highly reflective or extremely shiny finishes are prohibited unless used sparingly with an approved architectural plan.
- c) All exterior walls visible from a parking lot or street right-of-way shall be architecturally designed to complement the front of the building.
- d) Building construction using man-made materials (e.g., block) with an unfinished appearance shall not be used.
- e) Building construction shall meet the design standards as outlined in Article VI Design Standards.
- f) Service areas and loading docks shall not be sited on the major pedestrian side of buildings and must be screened from pedestrian view by landscaping or with architecture elements.
- g) New construction, and remodeling of existing buildings, shall maintain the prevalent pattern and spacing of windows and doorways on downtown buildings.
- h) Use of windows and shutters that are not in-keeping with the original style of the building shall be avoided.
- i) Building entrances shall face the street and be accessible from the public sidewalk.

- j) Walls and entrances shall be designed to encourage and complement pedestrian-scale activity. Recessed doorways are strongly encouraged.

3) **Site Development.**

- a) Site development (buildings placement, setbacks, etc.) shall be designed to complement existing development in the downtown area.
- b) Exterior lighting should be assessed for compatibility with the community in terms of design, material, use, size, scale, color, and brightness.
- c) Chain-link fencing is not permitted.
- d) Accessory structures shall be located behind the primary structure.
- e) Dumpsters shall be located away from the streetscape and screened from view on all sides with an opaque screen of coordinated building materials.
- f) Service areas and/or unsightly or noisy elements, shall be located at the rear of the primary structure, out of pedestrian view, or must be completely screened from view with landscaping or architectural elements. These elements include, but are not limited to, loading areas, dumpsters, storage buildings, accessory structures, utility meters, satellite equipment, and HVAC systems.

4) **Signs.**

- a) Free-standing pole signs are prohibited in the Downtown Overlay District, and monument signs shall not exceed twenty (20) sq. ft. in size.
- b) On-premises multi-unit signs shall not exceed eighty (80) sq. ft. in size.
- c) Signs shall not be designed to be in visual competition with other signs in the downtown area.
- d) Signs shall be constructed using traditional materials such as wood, stucco, stone, or brick. Metals, glass, and plastics may be used with Board approval, to ensure compatibility to the character of the downtown area. The primary business sign may be professionally painted on the structure with an approved site plan.
- e) All signs shall be of a color compatible and consistent with the buildings and landscaping to complement the downtown area.
- f) One non-illuminated, portable free-standing sign (such as those advertising commercial products) may be permitted per business, no larger than six (6) sq. ft. It shall not impede pedestrian traffic and must be removed each day at the close of business.
- g) Addressing number signs must be of quality production and materials compatible with the architectural structure.

h) All signs shall require an approved site plan and zoning permit.

5) **Design Review Process.**

Detailed site plans shall be submitted to the Zoning Administrator for review prior to issuance of zoning permits. The Zoning Administrator may require all plans and information from the property owner/developer relevant to ensure compliance with this Ordinance. Site Plans shall include, but not limited to:

Existing and proposed structures, lighting, fencing, waste storage containment, loading and parking areas, landscaping, signage, and building construction plans, including materials to be used.

B. Manufactured Housing Overlay (MHO) District. The Manufactured Housing Overlay District shall be considered as an overlay district to the RM-16 District.

The Manufactured Housing Overlay District sets forth regulations governing the development of subdivisions for manufactured homes in Ramseur.

Criteria for Establishment. Manufactured homes may be permitted in a subdivision of single-family lots in a residential district, provided the overlay district zoning is approved by the Town Board. A minimum of ten (10) contiguous lots, meeting the dimensional requirements of the underlying zoning district, excluding public street rights-of-way, is required to establish a Manufactured Housing Overlay District.

Standards for Dwelling Units. Manufactured homes shall meet Class A or B criteria as defined in Article II, Section 2, Definitions, of this Ordinance.

Manufactured Homes Front Entrance Requirements. Every manufactured home site shall have a minimum five (5) ft. by ten (10) ft. by four (4) inches thick concrete slab at the front door area or an eight (8) ft. x twelve (12) ft. deck or porch built of treated lumber and shall meet the North Carolina State Building Code.

Site Development and Parking. Site development and parking must be consistent with the Town of Ramseur Subdivision Ordinance. All manufactured housing subdivisions shall be located on roads constructed to North Carolina Department of Transportation, Division of Highways, Subdivision Road Standards.

C. Adult Entertainment Overlay (AEO) District.

The Adult Entertainment Overlay District is designed primarily to supplement the underlying general use districts by permitting, in addition to all other

permitted uses in the underlying district, retail operations which specialize in legally operated adult establishments. The intent of this district is to prevent the concentration of adult establishments within the Town of Ramseur. This Overlay District is established to ensure that the adverse effects created by adult establishments are minimized and controlled so as not to adversely affect adjacent property and the surrounding neighborhood by restricting their proximity to public parks, schools, churches, cemeteries, day-care facilities, civic facilities, other adult establishments, and residentially zoned areas. For a complete list of permitted uses and uses allowed under prescribed conditions, please refer to Article V, Section 6, Table of Permitted Uses of this Ordinance.

Purpose and Uses Permitted. The Adult Entertainment Overlay District shall be considered as an overlay district to the Business District. Uses permitted within the underlying district shall be permitted provided they meet the requirements within the overlay zoning subject to the restrictions provided by this section.

Supplemental District Requirements.

- 1) No adult establishment shall be located within a radius of one thousand five hundred (1,500) feet of any other adult entertainment establishment.
- 2) No adult establishment shall be located within a radius of one thousand five hundred (1,500) feet of any portion of a residentially zoned lot.
- 3) No adult establishment shall be located within a radius of one thousand five hundred (1,500) feet of any lot upon which a school, church, day-care facility, youth camp, community center, public park, cemetery, or community recreational facility is located.
- 4) The Adult Entertainment Overlay District may be applied only to lots which are zoned for Business.

Signage. One ground sign per street front shall be permitted with a maximum of twelve (12) square feet. Sign may be indirectly lighted and must be located off the road right-of-way. No sign shall be located on premises which flashes, revolves, rotates, or swings by mechanical means (lights must be motionless) or which uses a change of lighting to depict action or to create a special effect or scene. Nude, semi-nude, or vulgar depictions on signs are not permitted. In addition, all signs are subject to provisions of Article VI, Section 2, Signs Regulations.

Buffers. A Level 3 Buffer shall be required on all interior property lines.

Fencing. An eight (8) feet, opaque fence shall be required along all interior property lines and a five (5) feet opaque fence shall be required along all road rights-of-way.

Light or Noise.

- 1) Neon or flashing lights or fluttering devices designed and used to attract attention are not permitted. No color outdoor lighting shall be permitted.
- 2) Amplification of sound directed outside of the building used by the establishment is not permitted.

Required Plans. See Article VI Design Requirements, Section 10, Site Plan Requirements.

Nonconforming Adult Establishment. Any adult establishment lawfully operating on November 2, 2020, that is in violation of this Article shall be deemed a nonconforming use. **Any use which is determined to be nonconforming by application of the provisions of this section shall be permitted to continue for a period not to exceed one (1) year.** Such nonconforming uses shall not be increased, enlarged, extended, or altered, except that the use may be changed to a conforming use. If a nonconforming use is discontinued for a period of thirty (30) days or more it may not be reestablished. An adult establishment lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a dwelling, church, house of worship, daycare center, school, playground, public swimming pool or public park within one thousand five hundred (1,500) feet of the adult entertainment establishment.

Section 6. Table of Permitted Uses.

Districts in which particular uses are permitted as a Use by Right are indicated by “P.” Districts in which particular uses are prohibited are indicated by a blank. District in which particular uses are only allowed in an Overlay District are indicated by the particular Overlay District required. Districts in which particular uses are permitted as a Special Use upon approval by the Board of Commissioners are indicated by “S.” There are “Notes to the Table of Permit Uses” following that shall apply.

RESIDENTIAL USES									
USES TYPE	RA20	RA16	RM16	B	NB	I&C	I	HI	NOTE
Bed & breakfast home (8 or less guest)	S	S	S	P					
Bed & breakfast inn (9 or more guest)				P					
Dwelling, duplex			S						
Dwelling, single-family detached	P	P	P						
Manufactured home, Class A			P						11
Manufactured home, Class B			MHO						11
Manufactured home park			S						

Modular home, conventional	P	P	P						
Modular home, on-frame			P						
Planned Unit Development, apartments/condominiums (multi-family dwellings)		S	S						
Planned Unit Development, townhouses	S	S	S						
Rooming house (or boarding house)			S						
Accessory Uses									
Garage apartment		P	P						
Home Business		S	S						
Home occupation, customary	P	P	P						10
Keeping of chickens	P	P	P						8
Satellite dishes	P	P	P	P	P	P	P	P	9
Structures less than 1200 sq. ft.	P	P	P						2
Structures greater than 1200 sq. ft.	S	S	S						2
Swimming pool	P	P	P						4
Vehicle sales, private/personal	P	P	P						12

COMMERCIAL USES									
USES TYPE	RA20	RA16	RM16	B	NB	I&C	I	HI	NOTE
Adult Uses									
Adult Establishments							AEO		
Alcohol Establishment such as bar, night club, wine bar, tap room				S					
Electronic gaming operation				S					
Tattoo parlor and body piercing				S					
Food & Beverage Services									
Alcoholic beverage stores, packaged for retail sales				P					
Brewery							P	P	
Bakery or Catering services				P	P				
Brewpub				P					
Dairy bars, ice cream retail sales				P					
Microbrewery, craft distillery							P	P	
Restaurants, with drive-thru service				P					
Restaurants, no drive-thru service				P					
Personal & Professional Services									
Appliance repair service, household (no outdoor storage)				P	P				
Automotive vehicle body & paint shops (excluding open storage of wrecked vehicles)				P			P	P	
Automotive vehicle body & paint shops (with outside storage)							P	P	1
Automotive vehicle repair services				P			P	P	1
Automotive vehicle sales				P			P		

Automotive vehicle towing service (does not include storage yard)							P	P	
Automotive vehicle towing service (including storage yard)							P	P	1
Banking and financial services				P	P	P			
Barber & beauty shops				P	P				
Billboard, off-premise sign							S	S	
Car washes				P			P		
Dry cleaning service with drive-thru				P					
Dry cleaning service without drive-thru				P	P				
Funeral home				P					
Hotel or Motel				P					
Kennels				S	S				
Landscape, horticulture services				P			P		1
Laundromats				P					
Locksmith, gunsmith				P	P				
Medical Offices (doctor, dentist, urgent care)				P	P		P		
Massage therapists				P	P				
Offices, business and professional				P	P		P		
Parking Lots, commercial				P					
Pet grooming business (no pet boarding)				P					
Planned Business Development				S			S	S	1
Post Office				P	P	P			
Printing business				P			P		
Tanning salons				P					
Telecommunication Tower, radio, television, and cellular				S			S	S	
Veterinary clinics (with outside kennels)				S	S				1
Veterinary clinics (without outside kennels)				P	P				
Retail Sales & Service									
Antique stores				P					
Appliance stores				P					
Artisan Studio				P					
Auction Sales Business				P					
Automotive parts & supplies (no outside storage)				P			P		
Automobile sales, new & used (with current inspection sticker)				P			P		
Boat sales & service				P			P		
Building supply & equipment (no outside storage)				P			P		
Building supply & equipment (with outside storage)				P			P		1
Butcher shop				P					
Convenience Stores				P					
Exterminating Services				P					
Feed & Seed Stores				P			P		1
Firearms Sales				P					
Florist shops				P	P				
Furniture & home furnishing store				P					

Garden Center				P					
Gift & Craft Shops				P					
Grocery or Drug Store				P					
Hardware Stores				P			P		
Industrial Equipment Sales & Service							P	P	
Medical Equipment Supply Sales				P					
Mixed commercial and residential use where commercial use is primary, and both occupy same structure (residence upper or rear area of structure)				P	P				
Office Supply Sales & Service				P					
Pawn Shops				P					
Photography Studio				P	P				
Plumbing, Heating, & Air-Conditioning Sales & Service				P	P				
Retail Store				P					
Shopping Centers				S					
Sporting Goods Store				P					
Tire sales				P					
Vending Service Establishment				P					
Recreational Uses									
Athletic fields and courts (non-profit, private)	P	P	P						
Athletic fields and courts (for profit)				P					
Bowling alley				P					
Campgrounds & RV Parks				S					
Clubs & Lodges, private				P		P			
Community Centers	P	P	P	P	P	P			
Event Centers, public & private				S					
Game rooms, pool halls, billiard parlors (excludes electronic gaming establishments)				S					
Golf courses, miniature				P					
Golf courses	S	S	S			S			
Health & Fitness Clubs				P	P				
Parks, playgrounds	P	P	P			P			
Shooting Ranges, indoor				S			S	S	
Stables, Commercial Riding/Boarding				S	S				
Swimming Pool, Public						P			
Theaters, indoor				P					

INSTITUTIONAL & COMMUNITY USES									
USES TYPE	RA20	RA16	RM16	B	NB	I&C	I	HI	NOTE
Access through residential district for institutional & community use	S	S	S						
Ambulance Stations, EMS	P	P	P	P	P	P	P	P	6
Assisted Living Facility		S	S	S		S			
Cemeteries						S			
Churches	P	P	P	P	P	P			
Community Centers	P	P	P	P	P	P			

Congregate Living Facility (7 or more)		S	S	S		S			3
Congregate Living Facility, family care home (6 or less)	P	P	P						3
Daycare Center, adult (6 or more)				S		S			
Daycare Center, child (6 or more)				S		S			
Daycare Home, adult (5 or less)	S	S	S						
Daycare Home, child (5 or less)	S	S	S						
Fire & Police Stations	P	P	P	P	P	P	P	P	6
Government Offices	P	P	P	P	P	P	P	P	
Hospital						P			
Museum & Art Gallery				P		P			
Nursing Homes				S		S			
Professional Recovery Facility				S					
Public Library				P		P			
Public Parks, playgrounds	P	P	P			P			
Public Utilities, excluding storage yards	P	P	P	P	P	P	P	P	5
Public Utilities, with storage yards				P		P	P	P	5
Public Utility, substations	P	P	P	P	P	P	P	P	5
Schools, public or private (elementary or secondary)				P		P			
Schools, accessory use manufactured classroom units						P			7
Schools, vocational & trade				P		P	P		

INDUSTRIAL USES									
USES TYPE	RA20	RA16	RM16	B	NB	I&C	I	HI	NOTE
Asphalt/Concrete Plants, contractors								P	1
Auto wrecking yards & scrap metal dealers								S	1
Automotive manufacturing & assembly								P	
Brick Tile & Cement manufacturing								P	1
Bottling works								P	
Cabinet & woodworking shops				P			P	P	
Contractors offices, no outdoor storage							P	P	
Contractors offices, including outdoor storage							P	P	1
Demolition/Inert Debris Landfill								S	
Farm Machinery & Equipment manufacturing								P	
Feed mills & grain elevators								P	
Food processing, wholesale								P	
Foundries								P	
Glass manufacturing								P	
Industrial Park							P	P	
Industrial supply & equipment, sales & service							P	P	

Junkyard, Scrap Processor, Auto wrecking yard								S	
Machine shops							P	P	
Manufacturing, Class A							P	P	
Manufacturing, Class B							P	P	
Manufacturing, Class C								P	
Meat packing & processing plants/slaughterhouses								S	
Metal fabrication shop							P	P	
Mini-Warehouses, self-storage				S			P		
Railroad yard								P	
Recycling facility							P	P	
Sawmills, planing mills								P	1
Sign painting and fabricating shops							P	P	
Solar Energy Farms							S	S	
Storage of flammable liquids, bulk/above ground							S	S	
Trucking terminals								P	
Warehousing, excluding storage of uncured hides, explosives, oil & gas products							P	P	

Section 7. Notes to Table of Permitted Uses

- 1) Accessory uses and structures including open storage are permitted in the business and industrial districts, where indicated, only if the storage yard is enclosed by a solid fence or natural barrier not less than eight (8) feet in height which screens from view the stored materials. However, these customary accessory uses shall not include storage of uncured hides, explosives, oil and gas products. Accessory use solid waste storage areas are required on zoning lots for multifamily, business, and industrial uses. (See Article VI, Design Standards for details.)
- 2) **Accessory structures within residential zoning districts** must meet the requirements of those listed in *Article IV Application of Regulations, Section 8. Location of Accessory Structures on Residential Lots.*
- 3) Family care homes shall be located no closer than one-half mile from another such use.
- 4) Swimming pools shall meet the following standards:
 - a) The pool must be enclosed by a fence at least four (4) feet in height above grade level. The exterior walls of a house or building may be incorporated as a portion of such fence to create a fully enclosed area around the pool. All fence openings or point of entry into the pool shall be equipped with gates. Gates shall be equipped with self-closing and self-latching devices for keeping the gate or door securely closed at all times. The fence or gate

shall be void of any holes or openings larger than five (5) inches or ten (10) centimeters in one dimension.

- b) The pool and surrounding fence shall not be located closer than ten (10) feet from any interior property line and no closer than twenty-five (25) feet from any street right-of-way.
- 5) Public works and utility facilities such as distribution lines, transformer lines and towers, electric substations, water tanks and telephone stations are permitted in these districts if the facilities are essential to the service of the immediate vicinity and provided that no materials or equipment are stored on the premises and that no offices are permitted. In addition, the entire lot shall be landscaped properly and furnished with a densely planted buffer at least six (6) feet in height along the side and rear lot lines.
- 6) Public safety facilities such as police and fire stations and rescue squad headquarters are permitted in these districts, provided that all vehicles and equipment are set back at least twenty (20) feet from all property lines and are designed and landscaped in such a manner as to blend with the surrounding area.
- 7) Manufactured or modular classroom units shall only be permitted as an accessory use to a public or private school.
- 8) Residential Accessory Use of Keeping Domestic Chickens (owner must reside on property). The permit application must include a plot plan that shows the location and dimensions of the chicken coop and chicken pen, and their distance from the property lines. All chickens must be kept in fenced enclosures. No chickens shall be permitted to roam loose.
Minimum lot size: 16,000 sq. ft.
Number and type of chickens permitted: The maximum number of female chickens (hens) allowed is six (6) per lot. No roosters are permitted.
Personal use only: Eggs, chicks, adult chickens, and processed chickens shall not be sold. Chicken manure and compost using chicken manure shall not be sold or otherwise distributed.
Chickens enclosed: A chicken coop and pen shall be provided, and such coops and enclosures may not include residential structures or garages. Chickens shall be secured in the chicken coop during non-daylight hours. During daylight hours, chickens may be located in the chicken pen.
Location of coops and pens: Chicken coops and pens (whether stationary or moveable) shall only be located in rear yards (behind the line formed by the back wall of the residence), shall comply with a minimum setback of fifteen (15) feet from side and rear property lines, and shall be located closer to the owner's primary structure than any neighbor's primary structure.

Coop and pen construction and design: The chicken coop, and pen shall be properly designed and constructed to provide adequate security from rodents, wild birds, and predators; sufficient ventilation; and suitable shelter for the hens.

Maintenance:

- The chicken coop, chicken pen, and surrounding area shall be cleaned of hen droppings, uneaten feed, feathers, and other waste, and shall be kept in a neat and sanitary condition at all times to preclude odors and aesthetic nuisances. Chicken feed shall be stored in a secure container.
- All necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites shall be performed.
- All manure, uneaten feed, and other trash shall be removed in a timely manner and properly disposed of in a sanitary manner.

On-site slaughter shall be prohibited. If a chicken dies from causes other than slaughter, it shall be promptly placed into a plastic bag, which shall be closed securely and disposed of with household waste.

- 9) Satellite dishes, television and shortwave antennas shall be subject to the following restrictions:
- a) No short wave, television antenna or satellite dishes shall be constructed, built, or maintained within the right-of-way of any street, highway, or sidewalk in any residential district.
 - b) No short-wave, television antenna or satellite dishes exceeding a height of four (4) feet shall be constructed, built, or maintained in any residential district within four (4) feet of the edge of the pavement or shoulder of any street, highway, or sidewalk.
 - c) Satellite dishes in residential districts shall not be located in front yards and shall be located in a rear or side yard so as to meet all setback requirements.
- 10) *Home occupations* are permitted as long as they conform to the following requirements:
- a) A home occupation shall not increase the traffic, noise, electrical interference, glare, dust, smoke, or odor, which is normally found in its vicinity when its use is not in operation.
 - b) Home occupations shall be conducted entirely inside the building with no outside storage and shall be clearly incidental and secondary to the permitted use of the building.
 - c) Floor area used for home occupations shall not exceed twenty-five percent (25%) of the total floor area of a dwelling unit except where lodging is provided for a resident guest. One (1) home occupation shall not operate in more than one (1) dwelling unit or residential lot.
 - d) No exterior evidence of the presence of a home occupation shall be permitted except as provided below; nor shall the presence of the incidental use change the exterior character of the dwelling unit.

- 1) There shall be no sales rooms or display windows; nor shall any material or supplies be stored in the open.
 - 2) No sign announcing the presence of a home occupation shall be permitted other than an occupancy sign which complies with Article VI Design Standards, Section 2 Signs.
 - e) Not more than one (1) employee who is not a member of the immediate family residing in the same dwelling unit may be employed in the operation of a home occupation.
- 11) Manufactured homes within residential zoning districts must also meet the requirements of those listed in *Article IV Application of Regulations, Section 7. Location of Manufactured Homes.*
 - 12) Vehicle sales as an accessory use shall be prohibited within a residential zone or on property devoted to a residential use. The sale of a private vehicle registered to the occupant of a private residence shall be exempt from this provision, however no more than one (1) such vehicle shall be displayed at a time.

Section 8. Classification of New or Unlisted Uses.

It is recognized that new types of land use will arise, and forms of land-use not presently anticipated may seek to locate in the Town of Ramseur. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

- A. The Zoning Administrator shall provide an interpretation as to the zoning classification such use should be placed. In making such interpretation, the Zoning Administrator shall consider all relevant characteristics of the proposed use, including but not limited to the following:
 - 1) The actual or projected characteristics of the proposed use;
 - 2) The volume and type of sales, retail, wholesale, etc. for commercial uses;
 - 3) The size and type of items sold and nature of inventory on the premises;
 - 4) Whether the activity involves residential dwelling use(s);
 - 5) The hours of operation, type and number of customers and employees;
 - 6) The size and arrangement of buildings and parking on-site;
 - 7) The amount of parking needed and traffic estimates for the proposed use;
 - 8) Any processing done on-site including assembly, manufacturing, warehousing, shipping and distribution;
 - 9) Any dangerous, hazardous, toxic or explosive materials used or stored on the premises;
 - 10) The nature and location of indoor or outdoor storage or display of merchandise (such as business vehicles, work-in-process inventory and merchandise, construction materials, scrap/junk, and raw materials, etc.);

- 11) The amount and nature of any nuisances generated, included but not limited to, noise, smoke, odor, glare, vibration, dust, fumes, toxic material or other emissions which may be deemed objectionable;
 - 12) Any special requirements for serving the proposed use, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, any signification power structures, communications towers;
 - 13) Any applicable Watershed, Floodplain or Subdivision requirements; and
 - 14) The possible effect the proposed use type may have on adjacent and neighboring properties, which should not be greater than that of other use types permitted in the zoning district.
- B.** Standards for new and unlisted uses may be interpreted as those of a similar use. Uses that are not part of or substantially like an existing use type are prohibited.
- C.** Appeal of the Zoning Administrator’s decision shall be made to the Zoning Board of Adjustment following the procedures in Article X, Section 1.
- D.** Nothing shall limit the Zoning Administrator from requiring approval from the Board or a text amendment to this Ordinance, in accordance with Article XI Amendments, prior to accepting an application for a land use not listed in the Article V, Section 6 Table of Permitted Uses and not defined in Article II, Section 2 Definitions or listed as a prohibited use.

Section 9. Special Uses.

A. Objectives and Purposes.

Permitting Special Uses adds flexibility to the Zoning Ordinance. Subject to high standards of planning and design, certain property uses are allowed in the several districts where these uses would not otherwise be acceptable. By means of controls exercised through the Special Use Permit procedures, property uses which would otherwise be undesirable in certain districts can be developed to minimize any bad effects they might have on surrounding properties.

The uses for which Special Use Permits are required are listed in the chart preceding this section. Detailed description of the procedures which must be followed in the issuance of each permit are contained in the following pages. Uses specified in this section shall be permitted only upon the issuance of a Special Use Permit.

B. Procedures.

Special Use Permits may be granted by the Ramseur Board of Adjustment as permitted by NCGS 160D-702 for all the uses enumerated in the Regulations for Special Uses.

Applications. All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Board of Adjustment may require additional information in order to evaluate the impact of the proposed development. The Board of Adjustment may waive a particular requirement if in its opinion the inclusion is not essential to a proper decision of the project. The Board of Adjustment may impose reasonable conditions in addition to those listed in this section or in other parts of this Ordinance. Applications for special use permits may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for development approval for such development as is authorized by the easement.

Public Notice. The Zoning Administrator shall set and advertise a date and time for an evidentiary hearing before the Board of Adjustment to gather competent, material, and substantial evidence to establish the facts of the case. The Zoning Administrator shall cause to be mailed, at least ten (10) days before the hearing, a first-class letter to all adjoining property owners, the names of whom he has made a good faith effort to obtain notifying them of the Special Use Permit request. For the purpose of this section, properties are “adjoining” even if separated by a street, railroad, or other transportation corridor. The person mailing such notice shall certify that such notices have been mailed. In addition, the property for which the special use is proposed shall be posted not more than twenty-five (25) and not less than ten (10) days before the evidentiary hearing. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

Administrative Materials. The Zoning Administrator shall transmit to the board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board a copy is also provided to the applicant and to the landowner if that person is not the applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.

Presentation of Evidence. The applicant, the Town, and any person who would have standing shall have the right to fully participate including presenting competent, material, and substantial evidence relevant to the case at the evidentiary hearing, cross-examining witnesses, objecting to evidence, and making legal arguments. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board. Opinion testimony from a lay witness shall not be considered evidence for technical matters such as property values and traffic impacts.

Action by the Board. The Board of Adjustment shall consider the application and competent, material, and substantial evidence presented at the evidentiary hearing and may grant or deny the Special Use Permit requested.

No vote greater than a majority vote shall be required for the Board of Adjustment to issue such permits. For the purpose of this section, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered 'members of the board' for calculation of the requisite majority. When deciding special use permits, the Board of Adjustment shall follow quasi-judicial procedures. The Mayor, Zoning Administrator or Clerk to the Board shall be authorized to administer the required oath prior to receiving testimony.

The Special Use Permit, if granted, shall include approval of plans as may be required. In granting the permit, the Board of Adjustment shall find:

- 1) that the use will not materially endanger the public health or safety if located where proposed and developed in according to the plan as submitted and approved;
- 2) that the use meets all required conditions and specifications;
- 3) that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- 4) that the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Land Development Plan for the Town of Ramseur.

The Board of Adjustment may issue special use permits in the classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified therein and may impose reasonable and appropriate conditions and safeguards upon these permits with the landowner's written consent to the conditions. All such additional conditions shall be entered in the minutes of the meeting at which the Special Use Permit is granted, on the Special Use Permit itself and shall be binding on the original applicants for the Special Use Permit, their heirs, successors, and assigns.

If the Board denies the Special Use Permit, it shall enter the reason for its action in the minutes of the meeting at which the action is taken.

In addition to the conditions specifically imposed in this Section, and such further conditions as the Board of Adjustment may deem reasonable and appropriate, Special Uses shall comply with Article VI Design Standards, for the zoning district in which they are located unless provisions for the Special Use provide to the contrary.

Revocation of a Special Use Permit. In the event of failure to comply with the plans approved by the Board of Adjustment, or with any other conditions imposed upon

the Special Use Permit, the Zoning Administrator shall issue a stop work order in accordance with NCGS 160D-404(b). In accordance with GS 160D-403(f), a Special Use Permit may be revoked by notifying the holder in writing stating the reason for the revocation. Staff shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval. No building permits for further construction or certificates of occupancy under this Special Use Permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of this Ordinance; provided, however, that the Board of Adjustment shall not be prevented from thereafter rezoning said property for its most appropriate use.

Modifying a Special Use Permit. Modifications of the original plans required to be submitted and approved, as part of the application for a Special Use Permit, may be authorized by the Board of Adjustment.

Appeals. Appeals may be taken from the action of the Board of Adjustment in granting or denying a Special Use Permit through the Randolph County Superior Court.

C. Design Standards.

- a) All standards as required by the Ramseur Zoning Ordinance and the Ramseur Subdivision Ordinance.
- b) Minimum lot sizes as specified by this Ordinance. Lot sizes may need to be increased as required by soils, Ramseur Watershed Requirements, and other factors relevant to the location.
- c) Designed in accordance with policies and guidelines outlined in the Ramseur Land Development Plan.
- d) Development layout and use of land will assure safe and convenient circulation patterns while minimizing the negative impacts on the established community.

D. Regulations for Special Use Permits.

Detailed regulations for the Special Uses subject to this Section are set forth in the following Regulations for Special Uses and the notes related to those provisions.

Access through Residential Districts for Institutional & Community Use

Special Use Districts: RA20, RA16, RM16

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) Proposed access must be for an Institutional & Community use;
- 2) The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
- 3) The use or development complies with all required regulations and standards of this ordinance and with all other applicable regulations;
- 4) The use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property or that the use of development is a public necessity; and
- 5) The use or development conforms with the general plans for the land use and development of the Town of Ramseur as embodied in this ordinance and in the Town of Ramseur Land Development Plan.

Alcohol Establishment

Special Use Districts: B, DTO

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) No Alcohol Establishment shall be located within one hundred (100) feet of a church, school, daycare, community center, any residentially zoned property, or where minors congregate, nor shall an alcohol establishment be located within one hundred (100) feet of any other alcohol establishment. These distances shall be measured from the property line of the alcohol establishment to the property line of a church, school, daycare, community center, any residentially zoned property, or the property line of any other alcohol establishment.
- 2) Activities taking place on the premises shall be confined to the area inside the structure and shall not be visible from the street right-of-way. No outdoor loitering shall be permitted.
- 3) Flashing lights or fluttering devices designed and used to attract attention are not permitted.
- 4) Plans shall include hours of operation to ensure compatibility to neighboring businesses.
- 5) Amplification of sound directed outside of the building used by the establishment is not permitted.
- 6) Alcohol Establishments approved under this Special Use Permit shall be supervised and operated by a person over 21-years of age who;
 - a) has not been convicted or plead guilty or no contest to any criminal offense involving moral turpitude, gambling or the unlawful possession, sale, distribution, or use of any alcoholic beverage or controlled substance within the five (5) years next preceding the date of the application for a Special Use Permit; and

- b) is a resident of North Carolina or does have a registered agent in North Carolina who is authorized to accept service of process.
- 7) Failure to comply with the plans approved by the Board or with any conditions imposed upon this Special Use Permit, shall cause the Permit to immediately become void.

Assisted Living Facility

Special Use Districts: RA16, RM16, B, I&C

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) Structures shall be arranged to provide for adequate on-site vehicular and pedestrian traffic.
- 2) Driveway access to accessory structures shall be through the main entrance to the community.
- 3) Common recreation, social and service facilities shall be provided at a minimum of thirty (30) sq. ft. per dwelling unit or per rooming unit.
- 4) Paved walkways shall be provided between accessory dwellings, the principal building, and all common facilities (i.e., dining halls, recreation centers, etc.)
- 5) No single building shall be greater than forty thousand (40,000) sq. ft. if located within five hundred (500) feet from an adjacent residentially zoned lot. This distance shall be measured from the closest point of the structure in any direction.
- 6) In addition to site plan requirements, a development plan shall be submitted with the application for a special use permit with the following information:
 - a) Evidence that the North Carolina Department of Transportation has been made aware of the proposed development and that the developer will coordinate with that agency for the development.
 - b) An analysis of anticipated traffic volume shall accompany the application for a special use permit.
 - c) Plans shall include proposed utility layouts, including sanitary sewer system, storm sewer systems, water distribution lines, natural gas, telephone, and electrical service. Public water and sewer shall be available, and all utilities shall be constructed to federal, state, and local regulation standards.
 - d) Plans for refuse disposal equipment and method of refuse disposal (i.e., compactors, dumpsters, etc.)
 - e) Delineation of areas to be constructed in phases and sequential order.
- 7) There may be one (1) freestanding monument sign erected per public street frontage. The signs(s) shall not exceed three (3) feet in height and fifteen (15) sq.

ft. in sign area when located within ten (10) feet of the right-of-way. When located more than ten (10) feet from the right-of-way, the sign(s) shall not exceed five (5) feet in height and fifteen (15) sq. ft. in sign area.

Bed and Breakfast Home

Special Use Districts: RA20, RA16, RM16

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) The maximum number of guest bedrooms for each proposed bed and breakfast inn shall be four (4) unless the applicant can demonstrate that the original floor plan of the structure contained a larger number of bedrooms, in which case, the original number of bedrooms may be approved as allowable guest lodging. In no case shall the number of guests exceed eight (8).
- 2) The operator shall be a full-time residence of the premises.
- 3) The serving of meals shall be limited to guests only.
- 4) Parking for bed and breakfast homes shall be located in rear or interior side yards of the property but not in front or street side yards. Parking within street rights-of-way is prohibited.
- 5) Signs for bed and breakfast homes shall be limited to one ground sign per establishment. Such sign shall not exceed five (5) square feet and shall not be illuminated and shall be an identification sign only. Location of sign shall be governed by Article VI, Section 2, Signs Regulations. No advertising signs of any nature shall be permitted.
- 6) Accessory uses associated with a bed and breakfast home shall be only those permitted in the zoning districts in which the development is located.
- 7) Level 2 Buffer required along all interior property lines adjoining residentially zoned properties.

Billboard, Off-Premises Sign

Special Use Districts: I, HI

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements and in accordance with Article VI, Section 2, Signs Regulations.

Additional Requirements:

- 1) Off-premises signs may only be located along existing major thoroughfares. The zoning lot shall have at least one thousand (1,000) linear feet frontage along the major thoroughfare in question.
- 2) Off-premises sign structures shall be located a minimum of one thousand (1,000) linear feet apart as measured along the center line of the major thoroughfare or freeway.
- 3) Off-premises signs shall not exceed thirty-five (35) feet in height.
- 4) Off-premises signs shall be rectangular in shape and no part of the advertising face or copy shall extend or protrude beyond the outer limits of the rectangle. No portion of the off-premises sign supporting structure shall be visible above the rectangular sign face.
- 5) Off-premises signs shall be limited to freestanding ground signs, only.
- 6) No additional signs shall be permitted on any part of the supporting structure or bracing of an off-premises sign.
- 7) A billboard sign face area shall not exceed three hundred (300) square feet in size.
- 8) Off premise signs may only be single-faced or double-faced (back-to-back) provided that:
 - a) The backs of back-to-back/double-faced signs are not separated by more than thirty-six (36) inches.
 - b) Double-faced or multi-faced signs shall be structurally tied together to be considered as one structure.
- 9) Landscaping and screening shall be provided subject to the approval of the Board. No undue undercutting of existing vegetation shall be permitted.
- 10) No billboard shall be permitted within one hundred (100) linear feet of any residential district.
- 11) Off-premises signs must comply with regulations established by the N. C. Board of Transportation. However, the State or Town requirement that is more stringent or restrictive shall apply. It is the responsibility of the sign owner to ensure compliance with State and Town regulations.
- 12) Location of any existing buildings or structures within one hundred (100) feet of the proposed billboard. Location of proposed billboard in relation to any residential district.
- 13) Size of the proposed billboard including dimensions, as well as the proposed height of said billboard.
- 14) Proposed method of landscaping and screening.
- 15) Proposed removal of any existing vegetation.
- 16) Type of construction material and method of construction.

Campground/RV Park
Special Use District:

B

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) Minimum lot size: five (5) acres
- 2) Minimum perimeter setbacks: Setback of fifty (50) feet shall be maintained
- 3) Minimum perimeter buffer: Level 3 Buffer
- 4) RVs shall be separated from each other and from other structures by at least twenty (20) feet.
- 5) There shall be a minimum of one recreational area which is accessible to all recreational vehicles; the size of such shall not be less than ten (10%) percent of the gross site.
- 6) Interior roads shall be a minimum of twenty-four (24) feet in width and shall access a paved road.
- 7) Spaces shall be rented by the day (temporary living purposes for recreation or vacation purposes only).
- 8) Signs shall be limited to one ground sign. Such sign shall not exceed five (5) square feet and shall not be illuminated and shall be an identification sign only. Location of sign shall be governed by Article VI, Section 2, Signs Regulations. No advertising signs of any nature shall be permitted.

Cemeteries

Special Use District: I&C

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) Adequate off-street facilities for funeral procession shall be provided.
- 2) A Level 1 buffer shall be provided along interior property lines adjoining a residential zoning district.
- 3) Site plans shall also include entrances and exits, pattern of internal circulation and storm drainage.
- 4) Cemeteries shall have direct access to a major or minor thoroughfare.

Congregate Living Facilities

Special Use Districts: RA16, RM16, B, I&C

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) Minimum lot size: two (2) acres
Minimum lot frontage: one hundred (100) ft.
- 2) Evidence of ongoing discussion with the Division of Facility Services of the Department of Human Resources of the State of North Carolina shall be provided to the City Council prior to permit approval.
- 3) The facility shall provide centrally located, shared food preparation, service, and major dining areas.
- 4) Common recreation, social and service facilities shall be provided at a minimum rate of thirty (30) sq. ft. per dwelling unit or per rooming unit.
- 5) All facilities shall be solely for the use of residents and their guests.
- 6) All facilities permitted under this section shall be planned and constructed to be harmonious with the area in which they are located. In addition to site plans required, elevations shall be submitted indicating final appearance.
- 7) Facilities for administration and medical services located on-site shall be limited to the exclusive use of the residents.
- 8) There may be one (1) freestanding monument sign erected per public street frontage. The signs(s) shall not exceed three (3) feet in height and fifteen (15) sq. ft. in sign area when located within ten (10) feet of the right-of-way. When located more than ten (10) feet from the right-of-way, the sign(s) shall not exceed five (5) feet in height and fifteen (15) sq. ft. in sign area.
- 9) Evidence shall be submitted to the City prior to issuance of a Certificate of Zoning Compliance that the requirements and standards of the Division of Facility Services of the Department of Human Resources of the State of North Carolina have been and shall continue to be met.
- 10) All state and/or county licenses, permits and inspections shall be maintained at all times.

Day Care Homes and Day Care Centers

Special Use Districts for Day Care Home:

RA20, RA16, RM16

Special Use Districts for Day Care Center:

B, I&C, DTO

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) Minimum lot size (day care center): one (1) acre
Minimum road frontage (day care center): one hundred (100) ft.
Minimum lot size and road frontage for day care homes shall be the same as requirements within the zoning district it is proposed to be located.

- 2) All outdoor activity areas shall be enclosed by a security fence at least six (6) feet in height for those facilities that provide day care service to children.
- 3) Operation of facility may not be conducted between the hours of 7:00 pm and 6:00 am. (This requirement applicable only to day care operations in residential zoning districts.)
- 4) Minimum parking shall be provided at one and one-half (1 1/2) spaces for every five (5) persons care is provided and an additional space for each employee. Also, at least one off-street passenger loading and unloading space separate from the parking area, plus adequate turnaround area shall be provided.
- 5) There may be one (1) freestanding monument sign erected per public street frontage. The signs(s) shall not exceed three (3) feet in height and fifteen (15) sq. ft. in sign area when located within ten (10) feet of the right-of-way. When located more than ten (10) feet from the right-of-way, the sign(s) shall not exceed five (5) feet in height and fifteen (15) sq. ft. in sign area.
- 6) All required State, Federal, and/or County licenses and permits shall be obtained by the operator of the day care center.
- 7) Facilities permitted in any residential district shall maintain the character and appearance of a residential use.
- 8) Child Care Facilities must meet the standards provided by the Child Day Care Commission. Evidence that Commission requirements are met shall be presented to the Zoning Administrator prior to any Certificate of Zoning Compliance being issued.

Demolition/Inert Debris Landfill

Special Use District: HI

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) Minimum lot size: two (2) acres
- 2) Access to the demolition landfill area shall be completely enclosed with a security fence or other barrier to vehicular access. The security fence shall completely screen the landfill from view.
- 3) The demolition landfill shall be set back a minimum of seventy-five (75) feet from any public right-of-way and a minimum of five hundred (500) feet from any residential zoning district.
- 4) A rehabilitation/reuse plan shall accompany the application for a special use permit. It shall be implemented by the owner of the site within six (6) months of the completion of the landfill.
- 5) No filling is permitted in a Class A flood zone; no filling is permitted in utility easements; and no filling is permitted within fifty (50) feet of a stream.

- 6) An entrance sign shall be posted and maintained which lists the name and phone number of the current operator, the types of materials accepted, the hours of operation, tipping charges and any other pertinent information.
- 7) Other conditions such as, but not limited to, hours of operation and dust control on access roads may be imposed by the Board of Adjustment during the public evidentiary hearing process.

Duplex Dwelling, single

Special Use District: RM16

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) Minimum lot size: 16,500 sq. ft.
- 2) No building shall be less than forty (40) feet from a public street, fifteen (15) feet from any interior side lot line, or twenty (20) feet from any interior rear lot line.
- 3) Level 1 Buffer shall be required.

Electronic Gaming Operations or Game Rooms, Pool Halls, and Billiard Parlors

Special Use District: B

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) No Electronic Gaming Operation, game rooms, pool halls, and billiard parlors shall be located within one thousand (1000) feet of a church, school, daycare, funeral home, community center or any residentially zoned property, nor shall an electronic gaming operation be located within one thousand (1000) feet of any other such use. These distances shall be measured from the property line of the proposed facility to the property line of a church, school, daycare, community center, any residentially zoned property, or the property line of any other electronic gaming establishment, game room, pool hall, or billiard parlor.
- 2) Activities taking place on the premises shall be confined to the area inside the structure and shall not be visible from the street right-of-way. No outdoor loitering shall be permitted.
- 3) Signage shall be limited to one ground sign and not more than two (2) wall signs. No portable signs shall be permitted.
- 4) Neon or Flashing lights or fluttering devices designed and used to attract attention are not permitted.

- 5) Plans shall include hours of operation to ensure compatibility to neighboring businesses.
- 6) There shall be one (1) paved parking space for every terminal, machine, and computer or one (1) space per one hundred (100) square feet of total floor area, whichever is greater; and one (1) paved parking space per employee.
- 7) Amplification of sound directed outside of the building used by the establishment is not permitted.
- 8) Electronic Gaming Operations approved under this Special Use Permit shall be supervised and operated by a person over 21-years of age who:
 - a) has not been convicted or plead guilty or no contest to any criminal offense involving moral turpitude, gambling or the unlawful possession, sale, distribution, or use of any alcoholic beverage or controlled substance within the five (5) years next preceding the date of the application for a Special Use Permit; and
 - b) is a resident of North Carolina or does have a registered agent in North Carolina who is authorized to accept service of process.
- 9) The Electronic Gaming Establishment shall comply with all applicable laws of the State of North Carolina.

Golf Course

Special Use Districts: RA20, RA16, RM16, I& C

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) No green shall be located within 150 feet of any property line.
- 2) Lighting shall be so shielded as to cast no direct light upon adjacent property.
- 3) No building other than residential structures shall be located within 100 feet of any property line.

Group Care Facility – Transitional Housing

Special Use Districts: RA16, RM16

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) Minimum parking standards shall provide one (1) space per each employee of the largest working shift, plus one (1) space per each three (3) clients.
- 2) A Level 3 Buffer shall be required.

- 3) Driveway access to accessory structures shall be through the main entrance of the facility.
- 4) Structures shall be separated by at least twenty (20) feet and arranged to provide for adequate on-site vehicular and pedestrian traffic.
- 5) No such facility shall be located within one-half (1/2) mile of an existing group care facility.
- 6) No single building shall be greater than forty thousand (40,000) sq. ft. if located within five hundred (500) feet from an adjacent residentially zoned lot. This distance shall be measured from the closest point of the structure in any direction.
- 7) There may be one (1) freestanding monument sign erected per public street frontage. The signs(s) shall not exceed three (3) feet in height and fifteen (15) sq. ft. in sign area when located within ten (10) feet of the right-of-way. When located more than ten (10) feet from the right-of-way, the sign(s) shall not exceed five (5) feet in height and fifteen (15) sq. ft. in sign area.
- 8) All state and county licensing and inspection shall be maintained at all times.

Group Care Facility – Developmentally Disabled Adults

Special Use Districts: RA20, RA16, RM16

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) Facility shall be licensed by the State or the facility shall maintain written operating procedures or manuals, established goals and objectives for persons receiving therapy or treatment, a structured system of management with a Board of Directors, and on-premises management/supervisory personnel.
- 2) The zoning lot on which the group home or care facility is proposed shall not be located within a one-half (1/2) mile radius of a zoning lot containing another such facility.

Home Business

Special Use Districts: RA16, RM16

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) Owner must reside on the property on which the business is located.

- 2) Business shall be clearly secondary to the residence and shall be contained in the rear yard area (including parking). No more than one-quarter (1/4) acre or twenty-five percent (25%) of the residential lot, whichever is less, shall be used for the home business.
- 3) Business use shall be clearly limited to those uses that will not be or become objectionable to neighbors, including but not limited to any noxious fumes, odors, traffic congestion or other nuisance factors.
- 4) No more than one (1) accessory building shall be allowed for a home business.
- 5) Not more than one (1) employee who is not a member of the immediate family residing in the same dwelling unit maybe employed in the operation of a home business.
- 6) Operating hours shall be limited to those hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday.
- 7) A minimum of a Level 2 Buffer shall be required when adjoining a Residential Zoning District. Buffers are not required when adjoining Commercial or Industrial Districts.
- 8) Any outdoor storage shall be enclosed by an opaque fence not less than eight (8) feet in height which completely screens from view the stored material. Fencing shall not contain advertising, lettering or any form of signage and shall be maintained in sound condition at all times.

Independent Living Facilities

Special Use District: RA-20, RA-16, RM-16

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) The facility shall provide centrally located, shared food preparation, service, and major dining areas.
- 2) Common recreation, social and service facilities shall be provided at a minimum rate of thirty (30) sq. ft. per dwelling unit or per rooming unit.
- 3) All facilities shall be solely for the use of residents and their guest.
- 4) Facilities for administration services and limited medical services for the exclusive use of the residents shall be located on the site.
- 5) There may be one (1) freestanding monument sign erected per public street frontage. The signs(s) shall not exceed three (3) feet in height and fifteen (15) sq. ft. in sign area when located within ten (10) feet of the right-of-way. When located more than ten (10) feet from the right-of-way, the sign(s) shall not exceed five (5) feet in height and fifteen (15) sq. ft. in sign area.

Junkyard, Scrap Processor, Auto Wrecking

Special Use District: HI

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) Minimum lot size: Two (2) acres
- 2) The site shall have access to a thoroughfare.
- 3) No such activities shall be permitted within two hundred (200) feet of any residential district.
- 4) No materials shall be stored closer than thirty (30) feet from the zoning lot lines.
- 5) No materials shall be permitted to accumulate outside of screened areas or within any public right-of-way.
- 6) Storage of combustible materials shall be in accordance with NFPA standards. The Ramsey Fire Department shall review plans for storage of combustible materials. A statement of compliance with NFPA standards shall be submitted along with the application for Special Use Permit. In no case, shall combustible materials be permitted within 30 feet of a zoning lot line.
- 7) Plans for handling hazardous materials shall be submitted along with the application for a Special Use Permit which indicates compliance with all applicable regulations. These plans shall be reviewed by the Ramsey Fire Department.
- 8) Wrecked vehicles or other junk or scrap materials shall be stored at a height no greater than eight (8) feet.
- 9) Screening shall be required which completely screens from view the store items. Such screening shall be a durable wall or fence at least eight (8) feet in height, and junk shall not be stacked above the fence. Walls or fencing shall not contain advertising, lettering or any form of signage and shall be maintained in sound condition at all times.
- 10) Level 3 Buffer shall be required.

Kennels/Veterinary Clinics with Kennels

Special Use Districts: B, NB

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) A kennel use shall be located in an enclosed soundproof building and be designed and operated so that it does not produce objectionable odors outside its walls.

- 2) Outdoor exercise and bathroom areas shall only be permitted according to the following conditions:
 - a) Such areas shall only be used between the hours of 7:00 am to 8:00 pm.
 - b) Such areas shall be buffered by a Level 3 buffer.
 - c) Such areas shall be set back at least fifty (50) feet from the lot line when the adjacent use or zoning is residential.
 - d) Such areas shall be enclosed by a fence not less than eight (8) feet in height and shall be maintained in sound condition at all times.
- 3) Permitted signage shall not be lighted. On-premises sign shall be no larger than nine (9) square feet unless approved by the Board of Adjustment.

Manufactured Home Park

Special Use District: RM16

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) Minimum lot/space size per home:

a) Individual wells and septic tanks:	30,000 sq. ft.
b) Individual septic tanks and public water:	15,000 sq. ft.
c) Public water and public sewer:	7,500 sq. ft.
- 2) Minimum setbacks:

a) Street or public rights-of way:	40 ft.
b) Clearance between manufactured homes:	20 ft.
c) Adjoining property lines:	25 ft.
- 3) Development and Parking requirements:
 - a) Off-street parking spaces shall be provided at a ratio of at least two (2) spaces per lot, each parking space shall be at least nine (9) ft. by eighteen (18) ft. and shall be paved.
 - b) A park shall have located at its primary entrance a permanent non-lighted monument sign, not to exceed twelve (12) sq. ft., indicating the park name.
 - c) Each proposed lot shall be clearly marked by a permanent lot number sign or marker. The lot number shall be such that the location is readily identifiable by emergency service personnel and inspectors. The lot sign or marker shall be located on each lot or on each home, but the method must be consistent throughout the park. Numbers shall be at least three (3) inches high and one-half (1/2) inch wide, with a reflective surface.
 - d) Each lot shall be properly staked.
 - e) Roads shall be paved and constructed to NCDOT Division of Highway minimum standards with a forty-five (45) ft. minimum right-of-way.
 - f) Additional Site Plan Requirements:

- 1) Name of the park
 - 2) The number, size, and location of each lot/space
 - 3) Water and sewer supply and type of distribution including water taps and sewage disposal connections
 - 4) If wells and septic tanks are used (in the case public water and sewer service cannot be provided), the developer shall provide a letter from the Health Department indicating soils have be approved for such services.
- 4) Procedures and Requirements After Special Use Permit is Granted:
- a) Developer must provide the Town with an approved Sedimentation and Erosion Control Permit from the N.C. Division of Environmental Management.
 - b) Manufactured home park operators shall be required under this ordinance to specifically comply with NCGS 105-31(a)(1), which requires that each year, that manufactured home park operators furnish the County Tax Supervisor with the name of the owner and a description of each manufactured home located in the park.
 - c) Manufactured home park owners shall establish park regulations to ensure adequate control of animals.
 - d) The collection of trash and garbage and their disposal shall be provided for in such a manner as to maintain a clean and orderly appearance. Manufactured home parks shall provide facilities for the central storage of solid waste. Where such facilities are provided outside of a building, they shall be located outside of all required setbacks and buffer/screen yards, and they shall be screened from the view of public rights-of-way and adjacent property by an enclosure constructed of materials compatible with the materials on the front building wall of the main building. Such screening shall begin at ground level with no open space between the ground and the bottom of the screening material(s).
 - e) Town and/or Health Department shall release improvement permits to begin development.
 - f) After road construction has been completed, the Code Enforcement Officer, with additional professional assistance, if necessary, shall notify the Town Board of Adjustment by letter that all new roads have been built to all N.C. Department of Transportation public road standards, with the exception of paving.
 - g) When all improvements as required by this ordinance have been completed, a Certificate of Manufactured Home Park Operation shall be issued. The Certification of Manufactured Home Park Operation shall be signed by the Code Enforcement Officer and the Health Director, if applicable, certifying that the manufactured home park is in compliance with all local and state regulations. This shall apply to new parks or expansions to existing parks. The manufactured home park developer may then begin placing manufactured homes in the park.

- h) The manufactured home park developer may begin placing manufactured homes in the park before all improvements have been completed and a Certificate of Manufacture Home Park Operation has been issued if the Board grants a waiver allowing the posting of a performance bond that insures completion of improvements required. In granting this waiver, the Board shall find that the public welfare, safety, and health will not be endangered. In those cases where a performance bond has been posted and required improvements have not been installed within the terms set by the Board, the Board may declare the bond in default and require all improvements to be installed. The Town may take such actions necessary to collect on the defaulted bond and provide for completion of the required improvements.

Meat Packing Plant & Processing Plant/Slaughterhouse

Special Use District: HI

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) Minimum lot size: ten (10) acres
- 2) Minimum perimeter setbacks: Setback of one hundred (100) feet shall be maintained
- 3) Minimum perimeter buffer: Level 3 Buffer
- 4) No such operation shall be located within one thousand (1,000) feet of residentially zoned property.
- 5) No open lagoons shall be permitted.
- 6) A refuse and waste storage plan (collection and disposal plan) must be submitted and approved by the Board prior to issuance of a Special Use Permit.
- 7) No livestock shall be permitted to be stored overnight.
- 8) Any structures which may be deemed noxious, toxic, or offensive by reason of odor, dust, vibration, smoke, gas, or fumes shall require abatement plans for such nuisances for the protection of public health, safety, and welfare.
- 9) All animals awaiting processing are to be housed within a fully enclosed structure.
- 10) All inedible offal, meat that is not food, condemned material and refuse of the meat processing shall be refrigerated and stored in the interior of a fully enclosed structure until time of pick-up or final disposal.

Mini-Warehouse (Self-Storage)

Special Use Districts: B

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) Minimum lot size: two (2) acres
- 2) Such facilities shall be used only for dead storage of materials or articles and shall not be used for assembly, fabrication, processing, or repair.
- 3) Outdoor storage shall be limited to ten (10%) percent of the area of the zoning lot and shall be maintained on a designated paved surface.
- 4) The storage of junk is prohibited.
- 5) All off-street parking including exits, entrances, and maneuvering and parking areas shall be paved with asphalt or concrete.
- 6) The facility shall be enclosed within a perimeter fence or wall of at least eight (8) feet in height and shall be maintain in sound condition at all times.
- 7) Level 2 Buffer shall be required adjoining residentially zoned properties.

Nursing Homes

Special Use Districts: B, I&C

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) Minimum parking standards shall provide one (1) space per each employee of the largest working shift, plus one (1) space per each three (3) clients.
- 2) A Level 2 Buffer shall be required.
- 3) Driveway access to accessory structures shall be through the main entrance of the facility.
- 4) Structures shall be separated by at least twenty (20) feet and arranged to provide for adequate on-site vehicular and pedestrian traffic.
- 5) No single building shall be greater than forty thousand (40,000) sq. ft. if located within five hundred (500) feet from an adjacent residentially zoned lot. This distance shall be measured from the closest point of the structure in any direction.
- 6) There may be one (1) freestanding monument sign erected per public street frontage. The signs(s) shall not exceed three (3) feet in height and fifteen (15) sq. ft. in sign area when located within ten (10) feet of the right-of-way. When located more than ten (10) feet from the right-of-way, the sign(s) shall not exceed five (5) feet in height and fifteen (15) sq. ft. in sign area.

- 7) All state and county licensing and inspection shall be maintained at all times.

Planned Business Development

Special Use District: B, I&C, I, HI

(An area of land under unified control development for business, commercial or industrial uses, consisting of one or more principal structures or buildings and accessory structures or buildings on a plot not subdivided into customary streets and lots.)

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) Minimum Lot Size: two (2) acres
- 2) Access to the development site shall be from a public maintained road.
- 3) An analysis of anticipated traffic volume.
- 4) Parking areas, driveways and roadways shall have a paved surface and all parking areas, and traffic lanes shall be clearly marked.
- 5) Evidence that the North Carolina Department of Transportation has approved preliminary plans as submitted. The developer may be required to provide turn lanes and other off-site transportation improvements to insure safe and adequate access.
- 6) Plans for refuse disposal and method of refuse disposal (such as dumpsters). Solid waste storage areas, as an accessory use, shall be required. Where such facilities are provided outside the building, they shall comply with *Article VI Design Standards, Section 9 Screening Requirements, (B) Screening of Solid Waste Storage Containers.*
- 7) Level 3 Buffer shall be required adjoining residentially zoned properties.

Planned Unit Development, Residential

Special Use Districts: RA20, RA16, RM16

An area of land under unified control to be developed as a single entity for a number of site-built dwelling units (both attached and detached housing). The plan for which will allow for flexibility in placement of buildings and common space.

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) Minimum Lot Size: two (2) acres
- 2) Minimum Lot Frontage: one hundred (100) feet
- 3) Yard regulations may be modified for a PUD, provided that, for such development as a whole, excluding streets and easements, but including required buffers, parks and other permanent open spaces, there shall not be less than the required area per dwelling unit for the district in which such development is located.
- 4) Access to the development site shall be from a publicly maintained road. Evidence that the North Carolina Department of Transportation has approved preliminary plans as submitted. The developer may be required to provide turn lanes and other off-site transportation improvements to insure safe and adequate access.
- 5) Site Plans shall provide use, location, and ownership of all buildings with dimensions and ground area thereof. *Site Plans shall be provided in accordance with Article VI, Section 10, Site Plans.*
- 6) Homeowners' Association. Except for apartment complexes, the developer shall submit a draft of the Articles of Incorporation for the Homeowners' Association. The Articles of Incorporation shall provide that all owners of property within the development share automatic membership rights and assessment obligations for the maintenance of commonly owned areas (including recreation areas, open space, private streets, etc.). The automatic membership rights and assessment obligations of all owners of property within the PUD shall be so covered by covenants running with the land and other contractual provisions for liens against the individual properties and legally enforceable personal obligations on the part of the individual property owners within the development. Before granting a Special Use Permit, the Articles of Incorporation shall be approved by the Town Attorney.
- 7) Common space shall be maintained at a minimum of twenty (20%) percent of the total area of the development.
- 8) Parking areas, driveways and roadways shall have a paved surface and all parking areas, and traffic lanes shall be clearly marked.
- 9) Level 3 Buffer shall be required adjoining residentially zoned properties.
- 10) There may be one (1) freestanding monument sign erected per public street frontage. The signs(s) shall not exceed three (3) feet in height and fifteen (15) sq. ft. in sign area when located within ten (10) feet of the right-of-way. When located more than ten (10) feet from the right-of-way, the sign(s) shall not exceed five (5) feet in height and fifteen (15) sq. ft. in sign area.
- 11) Solid waste storage areas, as an accessory use, shall be required. Where such facilities are provided outside the building, they shall comply with *Article VI Design Standards, Section 9 Screening Requirements, (B) Screening of Solid Waste Storage Containers.*

Professional Recovery Facility

Special Use Permit: B

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) No such use shall be established within one-half mile of another such use, congregate living facility, or family care home.
- 2) Outdoor activity areas shall be located behind the front building line in the rear yard or side yard only. If located in the side yard, a minimum side yard setback of ten (10) feet shall be observed. On corner or through lots, a minimum of twenty (20) feet setback from the public right-of-way line shall be required.
- 3) All outdoor activity areas shall be surrounded by a fence or wall at least six (6) feet in height.
- 4) Outdoor activities shall be permitted only between the hours of 8:00 am and 10:00 pm.
- 5) No sign identifying the facility shall be permitted beyond the name of the facility on the mailbox.
- 6) At the time of the Special Use request, evidence shall be provided indicating adequate measures to prevent the unauthorized exit of clients.
- 7) The applicant shall prove the ability to meet and, if approved, maintain, all required governmental licensure requirements of any applicable state governmental body responsible for licensing operations of the facility.

Residential Accessory Structures greater than 1,200 sq. ft.

Special Use Permit: RA20, RA16, RM16

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) the structure will not be used for the purpose of conducting a business unless authorized by special use permit;
- 2) the existence of such structure will not adversely impact neighboring property;
- 3) the accessory structure will not be used as an accessory dwelling unless such dwelling is a permitted use in the district in which the structure is located; and
- 4) the total size (square footage) of the accessory structure does not exceed the size of the principal structure by more than twenty (20%) percent.

Rooming House (Boarding House)

Special Use Districts: RM16

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) The maximum number of guest bedrooms for each proposed rooming house shall be four (4) unless the applicant can demonstrate that the original floor plan of the structure contained a larger number of bedrooms, in which case, the original number of bedrooms may be approved as allowable guest lodging. In no case shall the number of guest rooms exceed eight (8).
- 2) The operator (or manager) shall be a full-time residence of the premises.
- 3) Parking shall be located in rear or interior side yards of the property but not in front or street side yards. Parking within street rights-of-way is prohibited.
- 4) Level 2 Buffer required along all interior property lines adjoining residentially zoned properties and front yard landscaping is required.
- 5) Signs shall be limited to one ground sign. Such sign shall not exceed five (5) square feet and shall not be illuminated and shall be an identification sign only. Location of sign shall be governed by Article VI, Section 2, Signs Regulations. No advertising signs of any nature shall be permitted.
- 6) Accessory uses shall be only those permitted in the zoning districts in which the facility is located.
- 7) No such use shall be located within 1000 feet of another such use, as measured from the zoning lot line.

Shooting Range (Indoor)

Special Use Districts: B, I, HI

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) The range must be located within a fully enclosed and soundproofed building. *Outdoor ranges are prohibited.*
- 2) The range must be located at least two hundred (200) feet from the property line of any of the following uses: existing residential, school, day care, or religious assembly use.
- 3) Gunfire associated with the range must not be audible from any property line.
- 4) Shall comply with all Local, State and Federal Regulations.
- 5) Level 3 Buffer required adjoining residentially zoned properties.

Solar Collector Facility (Solar Farm)

Special Use Districts: I, HI

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) Minimum Lot Size: ten (10) acres
- 2) Minimum Setbacks: A minimum perimeter setback of fifty (50) feet
- 3) Minimum Buffer: Level 3 perimeter buffer
- 4) Solar Collector Panels shall be located and situated so glare does not create a distraction or nuisance to traffic or adjacent residential properties.
- 5) Electric solar energy components shall have a UL listing and be designed with anti-reflective coating(s).
- 6) No structure shall exceed a height greater than ten (10) feet. This is measured from the base of the structure to its highest point.
- 7) Facility shall be enclosed by a fence of not less than eight (8) feet in height.
- 8) No outside storage shall be permitted.
- 9) Site Maintenance Plan - The applicant will be required to submit a plan that will show scheduled maintenance of the property (trimming of vegetation, routine maintenance of the equipment etc.)
- 10) Decommissioning Plan - The applicant will be required to submit a plan defining conditions upon which decommissioning will be initiated. Notice shall be provided to the Zoning Administrator when the facility is placed out of service. Facilities which are not operating for a period of six (6) months or more shall be removed by the property owner within one hundred twenty (120) days. Furthermore, a form of surety equal to one hundred percent (100%) of the cost of decommissioning under the plan, as estimated by a North Carolina licensed engineer (under seal), and approved by the Zoning Administrator and Town Attorney, either through cash, a surety performance bond, irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the Town or in escrow with a financial institution designated as an official depository of the Town. This surety shall be retained by the Town to cover all cost of the decommissioning requirements.

Stables, Commercial Riding/Boarding

Special Use Districts: B, NB

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) Minimum lot size: five (5) acres
- 2) There shall be a minimum of two hundred (200) ft. distance between manure storage areas, barns or stables and any adjacent residential zoning districts.
- 3) Pastures must be divided to allow for rotation.
- 4) All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
- 5) The operator shall be a full-time residence of the premises.
- 6) Signs shall be limited to one ground sign. Such sign shall not exceed nine (9) square feet and shall not be illuminated and shall be an identification sign only. Location of sign shall be governed by Article VI, Section 2, Signs Regulations. No advertising signs of any nature shall be permitted.

Storage of Flammable Liquids (in Bulk) Above Ground (for Distribution and Wholesale)

Special Use Districts: I, HI

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) Location and approximate size of all existing and proposed structures within the site and all buildings and structures within five hundred (500) feet.
- 2) Storage capacity of all storage units.
- 3) Proposed layout of pipelines and location of storage units.
- 4) Written comments and the approval of the Ramseur Fire Chief, with assistance from the Randolph County Fire Marshal, if necessary, shall be obtained before a Special Use Permit is granted.
- 5) Level 3 Buffer required along all interior property lines adjoining residentially zoned properties.

Tattoo Parlors and Body Piercing

Special Use District: B

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) No Tattoo Parlor shall be located within five hundred (500) feet of any other such use, as measured from the property line.

- 2) Activities taking place on the premises shall be confined to the area inside the structure and shall not be visible from the street right-of-way. No outdoor loitering shall be permitted.
- 3) Tattooing and body piercing shall take place in an area of the establishment that cannot be viewed by other customers or by the general public from any public or private street right-of-way or any area commonly accessed by the public (i.e., parking lots, mall corridors, promenades, sidewalks), whether on the same or a nearby property.
- 4) Signage shall be limited to one ground sign and not more than two (2) wall signs. No portable signs shall be permitted. Window signs and displays shall be limited to business identification, open and closed signs, and hours of operation. No other advertisements, displays, or other signs or other promotional materials shall be visible to the public from sidewalks, walkways, or vehicular use areas.
- 5) Neon or Flashing lights or fluttering devices designed and used to attract attention are not permitted.
- 6) Plans shall include hours of operation to ensure compatibility to neighboring businesses.
- 7) Amplification of sound directed outside of the building used by the establishment is not permitted.
- 8) All required State, Federal, and/or County licenses and permits shall be obtained by the operator of the tattoo parlor prior to the opening of such facility.
- 9) Failure to comply with the plans approved by the Board or with any conditions imposed upon this Special Use Permit, shall cause the Permit to immediately become void.

Telecommunication Tower, Radio, Television, and Cellular

Special Use Districts: RG, RR, RE, B1, M1, M2

All applications for special use permits shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.

Additional Requirements:

- 1) Plans shall include location and approximate size of all existing buildings and structures within five hundred (500) feet of any part of the tower structure.
- 2) Level 3 Buffer shall be required around all improvements and shall be established and maintained in perpetuity by the owner of the property.
- 3) 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 this subsection.

- 4) Setback of the base of the tower from all adjoining property lines shall be one foot for each foot in height. This setback may be reduced by the Board of Adjustment upon a finding that failure to grant a setback reduction would have the effect of prohibiting the provision of personal wireless services, that the reduction serves the general intent and purpose of this section and the adopted Ramseur Land Development Plan, 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 (50%) percent of the tower height. To encourage shared use of towers, applications for towers which will operate with more than one user immediately upon completion may have a ten (10%) percent reduction in the required setbacks, but in no case shall the setback be less than those required in the underlying zoning district. Also, to encourage the construction of monopole structures, monopole towers may have a twenty (20%) percent reduction in the required setbacks. To encourage location of towers in existing forested areas with a minimum depth of sixty-five (65) feet, the tower may have a twenty (20%) percent reduction in required setbacks. In no case shall the setback be less than those required in the underlying zoning district. Said setback reductions shall only be allowed upon a professional engineering certification which states the structure's construction will cause the tower to crumble inward so that in the event of collapse no damage to structures on adjacent zoning lots will result.
- 5) Towers shall have a minimum setback of one thousand five hundred (1500) feet from other towers unless evidence is provided that demonstrates that reasonable efforts have been made to lease space on an existing tower or that an existing tower will not technically satisfy the applicant's needs to provide coverage in the area.
- 6) Outside Storage. No outside storage shall be allowed on any telecommunication facility site.
- 7) Associated Buildings. Associated buildings located in any residential zoning district shall not be used as an employment center for any worker. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.
- 8) Tower Color. The color of the tower shall be neutral, except to the extent required by Federal law, to minimize its visual impact.
- 9) No commercial advertising shall be allowed on the facility's site.
- 10) Co-Location Policy. 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 facilities are encouraged. Priority for co-location on the proposed tower shall be given to antennas that will serve a public safety needs for Ramseur and Randolph County.

- 11) Coverage Level. Evidence that the applicant has investigated the possibilities for locating the proposed facilities on an existing tower where a minimal level of coverage can be provided. Such evidence shall consist of:
 - a) Copies of letters sent to owners of all existing towers within a one-mile radius of the proposed site, requesting the following information:
 - 1) tower height;
 - 2) existing and planned tower users;
 - 3) whether the existing tower could accommodate the proposed antenna without causing instability or radio frequency interference; and
 - 4) if the proposed antenna cannot be accommodated on the existing tower, an assessment of whether the existing could be structurally strengthened or whether the antenna's transmitters and related equipment could be protected from electromagnetic interference, and a general description of the means and projected cost of shared use of the existing tower.
 - b) A copy of all responses required by this section; and
 - c) A summary explanation of why the applicant believes the proposed facility cannot be located on an existing tower.
 - d) Provision of sound engineering evidence demonstrating that location in the proposed district is necessary in the interest of public safety or is a practical necessity.
- 12) Wireless Carrier/Coverage Need. Evidence that the tower will be utilized by a wireless provider, and wireless provider shall demonstrate need of coverage.
- 13) Structural Design. Evidence that the communications tower is structurally designed to support at least one (1) additional user, and the special use 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. Towers over one-hundred-eighty (180) feet in height shall be structurally designed and constructed to accommodate at least two (2) additional users. The tower owner may require that such other users agree to negotiate regarding reasonable compensation to the owner from any liability which may result from such attachment.
- 14) Community Notice. Evidence that the property owners of residentially zoned property within three hundred (300) feet of the site have been notified by the applicant of the proposed tower height and design.
- 15) FAA Standards. The telecommunications tower shall meet all applicable Federal Aviation Administration (FAA) Standards and shall not restrict or interfere with air traffic from or to any existing or proposed airport. Applicants must provide evidence that the tower would meet all FAA Standards, prior to issuance of permits to construct. Any lighting shall not project onto surrounding residential property.

- 16) FCC Certification. In order to protect the public from unnecessary exposure to electromagnetic radiation, the tower owner shall provide documentation, such as a signed affidavit, indicating that the power density levels do not exceed levels certified by the FCC.
- 17) Site Maintenance Plan - The applicant will be required to submit a plan that will show scheduled maintenance of the property (trimming of vegetation, routine maintenance of the equipment etc.)
- 18) Tower Removal Requirement and Decommissioning Plan. The applicant will be required to submit a plan defining conditions upon which decommissioning will be initiated. Notice shall be provided to the Zoning Administrator 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 property owner within one-hundred-twenty (120) days. Furthermore, a form of surety equal to one hundred percent (100%) of the cost of decommissioning under the plan, as estimated by a North Carolina licensed engineer (under seal), and approved by the Zoning Administrator and Town Attorney, either through cash, a surety performance bond, irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the Town or in escrow with a financial institution designated as an official depository of the Town. This surety shall be retained by the Town to cover all cost of the decommissioning requirements.
- 19) In residential zoning areas, in order to maintain the residential integrity, the Board of Adjustment may add additional requirements.

Section 10. Temporary Uses.

This section authorizes the establishment of certain temporary uses of limited duration and special events, provided that such uses do not negatively affect adjacent land, and provided that such uses, or events are discontinued upon the expiration of a set time period. Temporary uses shall not involve the construction or alteration of any permanent building or structure. Temporary use permits shall be review and approved or disapproved by the Planning Board.

A. General Requirements.

- 1) All applications for temporary use permits shall include a site plan and a written description of the proposed use or event, the duration of the use or event, and if applicable, the hours of operations, anticipated attendance, and any buildings, structures, signs, or attention-attracting devices used in conjunction with the use or event. The Planning Board shall require written permission of the property owner that the temporary use may occur on the property. The Planning Board may require reasonable proof of ownership or authorization from any person submitting an application for a temporary use permit.

- 2) The temporary use permit shall not be issued unless the plans, specifications, and intended use of such buildings, structure, land, or part thereof conform in all respects to the provisions of this Ordinance.
- 3) The Planning Board may establish any additional conditions deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including but not limited to, hours of operation, temporary arrangement of parking and traffic circulation, requirements of screening/buffering, and guarantees for site restoration and cleanup of the temporary use.
- 4) No temporary signs shall be permitted in a public right-of-way or off-premises of the temporary use. All temporary signs associated with the temporary use shall be displayed no sooner than one week prior to the commencement of the temporary use and shall be removed no later than two days after the end of the temporary use. All temporary signs shall meet the requirements of Article VI Design Standards, Section 2 Signs.
- 5) No structures, sales, displays, rides, or activities pertaining to the event or sale shall be permitted in any required setback, public or private right-of-way or landscaping areas.
- 6) No use regulated by this section may occupy required parking spaces, access, maneuvering areas, or loading spaces or areas designated for another use.

B. Voiding of a Temporary Use Permit. In the event of failure to comply with the plans approved by the Planning Board, or with any other conditions imposed upon the Temporary Use Permit, the permit shall thereupon become void and of no effect. In accordance with GS 160D-403(f), staff shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval.

C. Specific Regulations for Temporary Uses and Structures.

1. Circus, fairs, and carnivals.

- a) Circus, fairs, and carnivals shall only be permitted in Business or Industrial Zoning Districts.
- b) Circus, fairs, and carnivals shall not be located on any required parking or loading spaces and shall not cause interference with the movement of emergency vehicles to provide adequate police, fire, or other emergency services.
- c) A 500 ft. setback shall be required from any residential zoning district.
- d) The hours of operation shall be from no earlier than 8:00 am to no later than 11:00 p.m.
- e) Adequate off-street parking shall be provided.

- f) Any food service or sales shall be approved by the Randolph County Health Department.
- g) Adequate bathroom facilities shall be provided.
- h) All trash shall be removed in a manner approved by Ramseur Public Works Department.
- i) The applicant shall provide site plan with the proposed location, intended activities, operation schedule, and any other information deemed necessary to evaluate impact on the adjoining properties and the community in general.
- j) Activities shall not exceed seven (7) days in duration. No more than two (2) such events are allowed per calendar year.

2. Logging, cutting & clearing of more than 1 acre.

- a) The property owner shall be responsible for clearing the property of debris (stumps, limbs, etc.) and proper disposal to a demolition landfill, sawmill, or other appropriate facility.
- b) Logs, timber, or cuttings shall not be dumped along streams or rights-of-way.
- c) All required erosion control permits shall be obtained, and precautions observed.
- d) The property owner shall be responsible to establish appropriate measures to limit run-off on to adjoining properties.
- e) All land-disturbing activity is to be planned and conducted to limit exposure to the shortest feasible time.
- f) The application shall include a development site plan as specified in Article VI, Section 10, Site Plan Requirements.
- g) Exclusions.
 - 1) Forestry activity on forestland that is taxed on the basis of its present-use value as forestland under Article 12 of Chapter 105 of the North Carolina General Statutes.
 - 2) Forestry activity that is conducted in accordance with a forest management plan that is prepared or approved by a forester registered in accordance with Chapter 89B of the North Carolina General Statutes.

3. Produce Stands.

- a) Shall only be permitted in Business or Industrial Zoning Districts.
- b) Written permission of the property owner that seasonal produce sales use may occur on the property is required.
- c) Adequate off-street parking shall be provided.
- d) Permit shall not exceed thirty (30) days. No more than two (2) such events are allowed per calendar year.

4. Revival Tent.

- a) Shall only be permitted in Business, Institutional & Community, and Industrial Zoning Districts.
- b) The hours of operation shall be from no earlier than 8:00 am to no later than 10:00 p.m.
- c) Adequate off-street parking shall be provided.
- d) Adequate bathroom facilities shall be provided.
- e) Permit shall not exceed thirty (30) days. No more than two (2) such events are allowed per calendar year.

5. RV use in Residential Zoning Districts.

A property owner may request a temporary permit for a RV to be used for temporary living purposes with the following conditions:

- a) The property owner must complete an application, provide a site-plan and obtain approval from the Zoning Administrator prior to issuance of a temporary permit. The property owner shall be considerate of the neighbors when determining RV location for such use.
- b) Electrical service or “hook-ups” for RVs must be inspected and approved by the County Building Inspector.
- c) Generators for power service shall not be used in violation of the Town Noise Ordinance.
- d) The RV shall not be used for temporary living purposes more than four (4) times in a twelve (12) month period. Each occurrence maximum-stay shall be no more than fourteen (14) days.

6. Seasonal Sales Lots (i.e., trees, pumpkins, fireworks display, etc.).

- a) Shall only be permitted in Business, Institutional & Community, and Industrial Zoning Districts.
- b) Merchants may display and/or sell goods on a temporary basis without a temporary use permit however they shall maintain the standards of this Section.
- c) The display or sale of products/goods shall not occur in the public right-of-way or within one hundred (100) feet of a residential zoning lot.
- d) The sales lot shall provide adequate parking and shall not create a parking shortage for the existing uses on site.
- e) The hours of operation shall be compatible with the surrounding land uses.
- f) Seasonal sales lots shall operate for a period not to exceed thirty (30) days. No more than two (2) such events are allowed per calendar year.

7. Temporary Banners in Commercial/Industrial Zoning Districts.

- a) Only one (1) banner per establishment shall be allowed at a time.
- b) All banners shall be attached in total to a building wall or permanent canopy extending from a building.
- c) No paper banners shall be allowed.
- d) No banner shall extend above second occupiable floor level of a building.
- e) Banners shall be erected for a period not to exceed two (2) weeks.
- f) No more than six (6) such banners/signs per establishment shall be erected within a calendar year.

8. Temporary Construction Office Trailers.

- a) The property owner or contractor shall have secured the appropriate zoning and building permits for the proposed construction project.
- b) The temporary structure shall be factory-fabricated and transportable.
- c) Adequate off-street parking shall be provided for the temporary structure.
- d) The temporary construction trailer shall be removed within ten (10) days after final inspection of the permanent structure or expiration of the corresponding building permit, whichever event occurs first.

9. Temporary Portable Signs.

- a) Shall only be permitted in Business, Institutional & Community, and Industrial Zoning Districts.
- b) Shall not be located in a public right-of-way.
- c) Shall not exceed thirty (30) sq. ft. in area.
- d) No flashing or moving lights are permitted.
- e) No more than one (1) such sign shall be allowed per business.
- f) Portable signs shall be permitted for a period of not more than sixty (60) days. No more than two (2) such temporary uses are allowed per calendar year.

D. Temporary Uses Not Listed.

Other temporary uses not listed may be granted by the Board of Commissioners. In considering approval of a temporary use, the Board may attach reasonable and appropriate conditions to ensure the public health, safety and welfare are protected. The approval of a temporary use shall be in accordance with the following:

- 1) The proposed use will not endanger the public health, safety and welfare;
- 2) The proposed use will not have a substantial negative impact on the adjoining properties; and
- 3) The use will be approved for a specific period of time, not to exceed one (1) year.