

# Zoning Ordinance

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## Town of Micro, North Carolina

Adopted June 8, 2021

*Amended: March 14, 2023*

*June 15, 2023*

*December 12, 2023*

*April 9, 2024*

*June 11, 2024*

*July 8, 2025*

*November 5, 2025*

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## ARTICLE 1. GENERAL PROVISIONS

### SECTION 1-100 ENACTMENT PREAMBLE

This is an ordinance to establish comprehensive zoning regulations for the Town of Micro, North Carolina, and provide for the administration, enforcement, and amendment thereof, and to repeal ordinances in conflict herewith, in accordance with the North Carolina General Statutes. Therefore, be it and the same is hereby enacted by the people of the Town of Micro, North Carolina:

### SECTION 1-101 TITLE

The title of these regulations shall be The Zoning Ordinance of the Town of Micro, North Carolina and may be referred to as the “Zoning Ordinance” or “this Ordinance”.

### SECTION 1-102 AUTHORITY

#### 1-102-1 General Authority

This ordinance is adopted under the authority granted by the General Assembly of North Carolina under the General Statutes (GS), Article 19, Chapter 160D and other relevant laws of the State of North Carolina.

#### 1-102-2 Reference to North Carolina General Statutes

When this Ordinance refers to a section of the General Statutes that is later amended or superseded, this Ordinance shall be deemed to refer to the amended section or the section that most nearly corresponds to the superseded section.

### SECTION 1-103 PURPOSE AND INTENT

The purpose of this Ordinance is to protect the public health, safety, and general welfare of citizens and landowners of Micro, and to implement the policies of the Comprehensive Plan. The intent of this Ordinance is more specifically:

1. To accomplish a coordinated, balanced, and harmonious development of land within the planning jurisdiction of the Town of Micro in a manner that will best promote the health, safety, morals, convenience, order, prosperity, and general welfare of the people;
2. To provide for efficiency and economy in the process of development;
3. To make adequate provisions for traffic;
4. To secure safety from fire, panic, and other hazards;
5. To provide for light and air;
6. To prevent the overcrowding of land;
7. To avoid undue concentration of population;
8. To facilitate the provision of adequate transportation, water, sewerage, schools, parks, and other public facilities;
9. To promote desirable living conditions and the sustained stability of neighborhoods;
10. To protect property against blight and depreciation.

## SECTION 1-104      APPLICABILITY AND JURISDICTION

### 1-104-1      Jurisdiction

Unless exempted by a specific provision of this Ordinance, these regulations shall apply to lands and structures within the planning jurisdiction of the Town of Micro, which includes its municipal boundary and its duly adopted extraterritorial jurisdiction (ETJ).

### 1-104-2      Compliance with This Ordinance

No land or structure shall be used or occupied, and no part of a structure shall be constructed, erected, altered, or moved except in conformance with these regulations. No change of use shall be established except in compliance with the standards of this Ordinance.

### 1-104-3      Bona fide Farm Exemption

A bona fide farm located within the ETJ shall be exempted from these regulations as provided in GS 160D-903 until such time it ceases to be used for bona fide farm purposes.

## SECTION 1-105      CONFLICTS WITH OTHER LAWS

### 1-105-1      Conflicts with Other City Codes

If the provisions of this Ordinance are inconsistent with one another or conflict with other Town regulations, the more restrictive provision shall govern unless the terms of the provisions specify otherwise.

### 1-105-2      Conflicts with State or Federal Law

If the provisions of this Ordinance are inconsistent with state or federal law, the more restrictive provision shall control to the extent permitted by state or federal law.

### 1-105-3      Conflicts with Private Agreements

If the provisions of this Ordinance conflict with those of private easements, covenants, or restrictions, the stricter of the requirements shall apply. The Town shall not be responsible for monitoring or enforcing private covenants and restrictions, although the Town may inquire as to whether land is subject to covenants and restrictions.

### 1-105-4      Existing Agreements or Vested Rights

Nothing in this Ordinance is intended to repeal, supersede, annul, impair, or interfere with existing private agreements or vested rights, provided such agreements or rights are lawfully established and remain in effect.

## SECTION 1-106      TRANSITIONAL PROVISIONS

### 1-106-1      Effective Date

The effective date of this Ordinance is June \_\_\_\_, 2021 as adopted by the Micro Town Board of Commissioners. On the effective date, all uses, structures, and establishments of lots must comply with this Ordinance.

### 1-106-2      Repeal

This Ordinance, upon the effective date, shall repeal the Micro Zoning Ordinance (as amended) adopted on January 14, 2020.

1-106-3 Violations to Continue

A violation of the previous Zoning Ordinance shall continue to be a violation until resolved unless such violation now complies with this Ordinance.

1-106-4 Review of Pending Applications

(A) Pending Applications

Applications submitted prior to the adoption of this Ordinance shall be reviewed and decided in accordance with the standards and procedures in effect when it was accepted pursuant to state law.

(B) Withdrawal of Application

Applicants who wish to proceed under the standards of this Ordinance shall withdraw their application and submit a new application in accordance with the standards in this Ordinance.

(C) Withdrawn or Denied Applications

In accordance with NCGS 160D-601 there is no waiting period prohibiting a landowner, developer, or applicant from re-filing a denied or withdrawn application for a zoning map amendment, text amendment, development application, or request for development approval.

1-106-5 Approved Permits

Permits approved before this Ordinance was adopted shall remain valid until their expiration date. Re-application for an expired permit shall comply with this Ordinance.

1-106-6 Approved Conditional or Special Use Permits

Conditional or Special Use Permits approved prior to the effective date of this Ordinance shall continue to be subject to the terms of the approved permit, even if the use is permitted by right under this Ordinance.

1-106-7 Vested Rights

(A) Statutory Vesting

Pursuant to GS 160D-108 and 160D-108.1 and notwithstanding other provisions of this Ordinance, a propertyowner shall be entitled to develop land in accordance with a site-specific development plan approved pursuant to Section 2-108.

(B) Common Law Vesting

A common law vested right applies to development that is under construction prior to an amendment. A common law vested right is established upon an appropriate finding that:

- (1) The owner has made substantial expenditures towards the project;
- (2) The expenditures were made in good faith reliance on a valid permit; and
- (3) The owner would be harmed without the vested right.

(C) Phased Development

When a phased development is involved, common law vesting applies only to that phase of the project in which development has started at the time of the ordinance change unless expenditures cannot be allocated by phases. The remaining phase not under construction may apply for statutory vesting under a Site-specific Development Plan.

(D) Effects of a Vested Right

Except as permitted under state law, no amendment shall be applicable or enforceable without the consent of the owner on property where a vested right is legally established.

## SECTION 1-107        STATUTES OF LIMITATIONS

Pursuant to GS 160D-1405, a cause of action as to the validity of this Ordinance or amendment thereto, shall accrue upon adoption and shall be brought within 1 year from the time that the party filing such action gain standing to challenge the ordinance or subsequent amendment. A challenge on the basis of an alleged defect in the adoption process shall be brought within three years after the date of adoption.

## SECTION 1-108        SEVERABILITY

If any part of this Ordinance is declared invalid by a court of competent jurisdiction in the State of North Carolina, the remaining parts shall remain valid and in full effect.



## ARTICLE 2. ADMINISTRATION

### SECTION 2-100 PURPOSE

The purpose of this Article is to define the role and authority of Town boards and officials to administer the provisions of this Ordinance consistent with State law. In addition, it establishes procedures for filing, reviewing, and deciding zoning requests. The intent is to protect individual rights of due process to fair and timely decisions, but at the same time ensure that the use and development of land conform to Town standards.

### SECTION 2-101 ADMINISTRATIVE AUTHORITY

#### 2-101-1 Town Board of Commissioners

- (A) Authority
  - (1) To hear and decide zoning amendments.
  - (2) To hear and decide Special Use Permits.
  - (3) To hear and decide Site-Specific Development Plans.
- (B) Schedule of Fees

To adopt a resolution setting a schedule of fees for reviewing zoning applications.
- (C) Other Actions

To take any other action that the Board of Commissioners deems desirable and necessary to implement this Ordinance and the Comprehensive Plan.

#### 2-102-2 Planning Board /Board of Adjustment \*

- (A) Authority
  - (1) To advise on zoning text amendments and map amendments (Rezoning).
  - (2) To advise on Special Use Permits.
  - (3) To hear and decide upon applications for Variances to this Ordinance.\*
  - (4) To hear and decide upon Administrative Appeals.\*
- (B) Other Powers and Duties

To carry out other powers and duties delegated by the Town Board of Commissioners consistent with state law.
- (C) Planning Board Staff

The Zoning Administrator and/or Town Clerk shall serve as the staff liaison and provide administrative support to the Planning Board/Board of Adjustment.
- (D) Membership

The membership of the Planning Board/Board of Adjustment will consist of 4 inside corporate limits as well as 3 outside corporate limits within the ETJ. The 4 members will be appointed by the Town Board and the 3 members should be appointed by the Johnston County Board of Commissioners.
- (E) Officers
  - (1) The Board shall elect a Chair and Vice Chair from its members on an annual basis.
  - (2) In the absence of the Chair and Vice Chair, the Board shall vote to determine who shall chair the meeting.

(F) Meetings & Hearings

- (1) The Board shall meet at least once a month unless no business is pending before the board.
- (2) Minutes of proceedings, which contain relevant testimony, evidence, transactions, findings, and determinations; votes and attendance of members shall be maintained.

(G) Quorum and Necessary Votes

- (1) The Planning Board must have a simple majority to constitute a quorum. No official business shall be conducted without a quorum.
- (2) While serving as the Board of Adjustment\* attendance by 70% of the board shall constitute a quorum.
- (3) While hearing cases as the Board of Adjustment\* a concurring vote of 80% of members is required to approve a Variance request. All other matters shall be approved by affirmative vote of simple majority. Vacant positions on both the Planning Board & Board of Adjustment shall not be considered when calculating requisite majority. No member shall be disqualified from voting except as provided under GS 160A-75.

(H) Rules of Proceedings

The Board may adopt other rules to govern proceedings as long as they are not in conflict with this Ordinance.

(I) Board of Adjustment Rulings\*

Any person who has standing under 160D-1402(C) may file a judicial appeal with the Johnston County Superior Court.

*(Amended June 15, 2023 Via Ordinance #2023-06-02)*

2-102-3 Board of Adjustment

The Board of Adjustment is hereby established in accordance with GS 160D-302 and Chapter 2 – Section 101-3 of the Zoning Ordinance for the Town of Micro. Effective June 15, 2023 the Town abolishes the previously established Board of Adjustment and designates the Town Planning Board, which is established under Chapter 2 – Section 101-2 to perform the duties of a Board of Adjustment as provided in this article. The term “Board of Adjustment” when used in this article shall be construed to mean the Planning Board while performing the duties of the Board of Adjustment Under this article. The Planning Board may perform the duties of a Board of Adjustment under this article at meetings concurrently with other duties, OR it may hold separate meetings solely for the purpose of performing the duties of a Board of Adjustment.

*(Amended June 15, 2023 Via Ordinance #2023-06-02)*

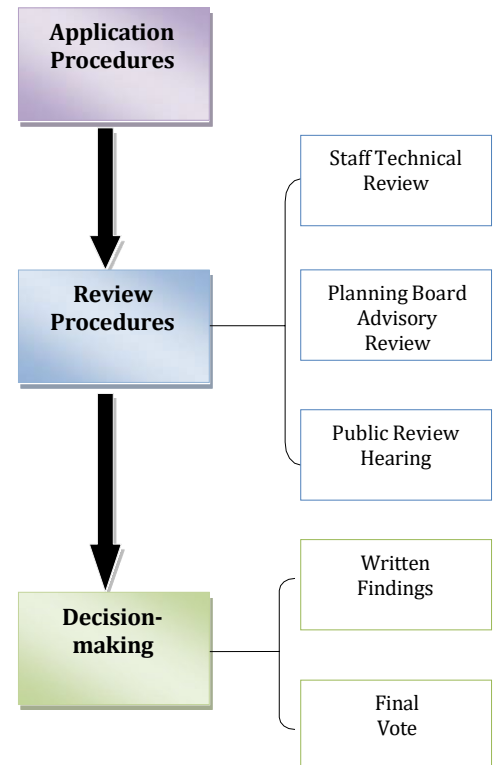
2-101-2 Zoning Administrator

(A) Appointment of Zoning Administrator

The Town Board of Commissioners shall appoint a zoning administrator to administer and enforce this Ordinance.

- (B) Authority
- (1) To review and decide applications for Zoning Permits.
  - (2) To review and decide applications for Temporary Use Permits.
  - (3) To review and decide applications for Sign Permits.
  - (4) To review and decide applications for Certificate of Compliance.
  - (5) To enforce this Ordinance pursuant to Article 7 (Enforcement and Remedies).
- (C) Other Powers and Duties
- (1) To establish application forms and content requirements.
  - (2) To establish a submission schedule for review of applications and appeals.
  - (3) To advise decision-making bodies through staff reports.
  - (4) To maintain the Official Zoning District Map and related materials.
  - (5) To maintain a record of applications and approvals on file and make copies available upon request.
- (D) Notice of Decisions
- The Zoning Administrator shall provide written notice of all decisions or recommendations to the applicant, the subject property owner (if different); and others entitled to receive notice in accordance with State law and this Ordinance.

#### Zoning Review & Decision-Making Process



## SECTION 2-102 APPLICATION PROCEDURES

### 2-102-1 Application Submission

All zoning applications shall be filed with the Zoning Administrator on a form approved by the Town. Applications shall give sufficient details to show

substantial compliance with all applicable zoning regulations. Authority to file shall be as stated for each specific application or request. No application is required for requests initiated by the Town Board.

### 2-102-2 Zoning Plan Required

All applications for permit approval shall include a site plan appropriately detailed at a legible scale for the town to verify zoning compliance. Plans shall show the dimensions of the affected lot; the footprint and dimensions of existing and proposed buildings, signs, and other structures; the existing and intended use of each building, structure, or lot; the location and dimensions of existing and proposed vehicular use areas, public rights-of-way, easements; and other details necessary to show zoning compliance.

2-102-3 Major Site Development Plan Review Process Required (also see Section 2-108-2 F)

- (A) Purpose. The major site development plan review process is required for development projects located within the planning and regulation jurisdiction of the Town of Micro and its extraterritorial jurisdiction which, due to their size, could be expected to have a significant impact upon public services and facilities. This review process is established to assure that adequate services and facilities can be provided for these developments and to assure that they do not negatively impact the area in which they are proposed to be located or the Town as a whole. Proposed developments involving new construction, additions, renovations, and changes of use which fall into one or more of the following categories are subject to the major site development plan review process.
  - (1) New construction and changes of use.
    - (a) Commercial buildings, structures, or developments with a gross floor area of more than 3,000 square feet;
    - (b) Office or institutional buildings, structures, or developments with a gross floor area of more than 5,000 square feet.
  - (2) Properties located within 1,500 feet of each other, under the same ownership and/or developed by the same developer over a period of three years or less shall be considered as one development and reviewed as such.
- (B) Pre-Application Procedure
  - (1) All applicants for major site development plan review are required to schedule a predevelopment conference with the Planning, Zoning and Subdivision Administrator prior to the preparation of development plans. This conference allows the applicant and Planning, Zoning and Subdivision Administrator an opportunity to discuss the review process, the requirements for completing the review schedule, contact persons for services and permits, and information regarding Site Plans, landscaping, and development requirements.
  - (2) It is highly recommended that the developer meet with representatives of the Neighborhood or area in which the proposed project is to be located. This meeting, which can be held at the pre-application stage, will allow the developer to explain the proposed project and to be informed of the concerns of the Neighborhood or area.
- (C) Site Development Plan Submittal
  - (1) Conceptual Site Plan Required. A conceptual site plan shall be required for all major site development plan review requests. The conceptual Site Plan shall contain the following:
    - (a) Property boundaries with dimensions;
    - (b) PIN for property;
    - (c) Location of adjacent streets and utility easements;
    - (d) Dimensioned footprint and setbacks of the existing and proposed structures with gross floor area indicated;
    - (e) Location and number of parking spaces;
    - (f) Location and size of buffer and landscape areas;
    - (g) Location of existing and proposed driveways and/or streets;
    - (h) Location of all flood zones (if applicable to the property);

- (i) A list of adjoining properties, names and mailing address of the owners, and the zoning and use of these properties;
  - (j) Number of stories and overall height of all structures (existing and proposed);
  - (k) Location of proposed storm water detention facilities, if required under the Neuse River Rules;
  - (l) Location of existing and proposed dumpster and recycling containers;
  - (m) Generalized depiction or description of natural features on and immediately adjoining the site, including streams and other water bodies, steep slopes, areas covered by tree canopy, etc.; and
  - (n) Other information determined by the Zoning Administrator as necessary to evaluate the request.
- (2) Preparation by Professional. Site Plans for developments requiring major site development plan review shall be prepared by a registered architect, engineer, landscape architect, or land surveyor licensed in the State of North Carolina for the work in which he is trained and licensed to perform.
  - (3) Fees. Fees as established by the Town of Micro shall be due and payable upon approval of the application for major site development plan review.
  - (4) Submittal of Application. Complete applications for major site development plan review, with the required copies of the conceptual Site Plans, shall be submitted to the Zoning Administrator at least twenty-five (25) days prior to the Planning Board meeting at which they will be presented.
- (D) Public Notification. The Zoning Administrator shall prepare a public notice as described herein below which indicates the official receipt of an application and conceptual plan for major site development approval. This will serve to encourage public involvement in development projects in Micro. This notice for publication shall include the following:
- (1) Brief description of the major site development project proposed;
  - (2) The time, date, and place at which the project will be available for public review; and
  - (3) Contact information for staff receiving comments concerning the proposed major site development project.

The notice shall be posted in a conspicuous place at Town Hall, on the Town's website, or a combination of these two, at least fifteen days prior to the date the complete application will be presented as part of an informational meeting before the Planning Board. This notice also shall be mailed to the owners, as shown on the County tax listing, of abutting property at least fifteen days before the date on which the request is to be considered. The applicant is encouraged to conduct a Neighborhood meeting to inform nearby property owners of their intentions for development. The neighborhood meeting shall include a presentation of the plan and an opportunity for concerned parties to ask questions and be provided responses to those questions. The time, date, and place of the neighborhood meeting shall be provided to the Zoning Administrator. The mailing list, attendance record and summary of the presentation and comments shall be submitted to the Zoning Administrator within two business days following the neighborhood meeting.

- (E) Review Procedures.
  - (1) Plans for development requiring major site development plan review shall be reviewed by the Zoning Administrator for compliance with the requirements of this chapter prior to submittal to the Planning Board and Board of Commissioners.
  - (2) Submittal of Plans to the Planning Board. The Zoning Administrator shall present Site Plans for developments requiring major site development plan review to members of the Planning Board for review and comment at their next available regular meeting. The Planning Board shall review the Site Plans for compliance with the requirements of this Ordinance and other applicable Ordinances and laws. This review shall include submitted comments by any other agencies or officials as required.
  - (3) Comments and recommendations from the Planning Board shall be forwarded to the Board of Commissioners.
- (F) Formal Review. Applications for major site development plan review are subject to final review and approval by the Board of Commissioners. The Zoning Administrator shall submit recommendations and comments to the Board prior to their deliberations on approval of major site development plans.
- (G) Variances. Variances from the requirements of this Ordinance for developments requiring major site development plan approval shall be considered by the Board of Adjustment in accordance with the procedures set forth in Section 2-107.
- (H) Permit Validity. Approval of Site Plans and permits for developments requiring major site development plan review shall be valid for one (1) year from the date of approval. Failure to initiate construction, or otherwise begin the permitted use, within this time shall render the site development plan approval void. The applicant may request a single extension of this period of up to one year from the Town of Micro Board of Commissioners upon submittal by the applicant of sufficient justification for the extension.
- (I) Violations. Violations of the approved site development plan shall be considered a violation of this Ordinance and subject to the enforcement and penalty provisions of Section 7-102 of this Ordinance.

2-102-4

Application Fees

Applications fees shall be set by resolution of the Town Board to defray the cost of processing an application. A schedule of fees shall be maintained by the Zoning Administrator. No application fees shall be required for zoning requests initiated by a Town board or official.

2-102-5

Findings of Completeness

- (A) The Zoning Administrator shall accept an application as complete when: (1) It is submitted on the properly executed form; (2) It contains the required information and documentation; and (3) it is accompanied by the appropriate fees. Applications must be complete to initiate the review process.
- (B) If an application is incomplete, the Zoning Administrator shall send a written notice of deficiencies to the applicant within 5 working days of submittal.

2-102-6

Official Record

The record shall consist of the application and associated testimony, exhibits, advisory and technical reports, meeting minutes, written findings and decisions, and vote of reviewing bodies. The official record shall be available for public review upon request. The Zoning Administrator may charge a reasonable fee to cover associated costs of transcription or duplication.

## SECTION 2-103 REVIEW AND PUBLIC HEARINGS

### 2-103-1 Review Requirements and Hearings

The decision-making and recommending authorities shall review each zoning request for compliance with this Ordinance before taking final action. When a public hearing is required, the date of the hearing shall allow reasonable time for the reviewing authorities to receive needed advisory reports and give reasonable notice to affected parties. The following table summarizes the types of review required for each type of zoning decision.

**Table 2-1: Review Required for Zoning Decisions**

Zoning Decisions	Decision-Making Authority		
	Town Board	Board of Adjustment	Zoning Administrator
Text Amendments	L		
Map Amendments	L		
Special Use Permits	Q		
Variance Request		Q	
Administrative Appeal		Q	
Site-Specific Plan	Q		
Zoning Permit			A
Certificate of Compliance			A
L=Legislative Review Q=Quasi-judicial Review A=Administrative Review			

### 2-103-2 Notice of Hearings

(A) The minimum notice required for zoning hearings are set forth in the table below:

**Table 2-2: Notice Required for Quasi-Judicial and Legislative Hearings**

Application Type	Published	Mailed	Posted
Text Amendments	X		
Map Amendments	X	X	X
Special Use Permits		X	X
Variance Request		X	X
Administrative Appeal		X	X
Site-Specific Development Plan		X	X

- (B) Contents of Notice: In addition to the requirements of GS 160D-601, the required notice shall provide sufficient information to alert interested parties of the date, time, and location of the hearing; the location of the subject property, which may include a map; the nature of the decision being considered; how interested parties can give input or take action; and how to obtain more information on the subject matter.
- (C) Published Notice: When a published notice is required, it shall appear for two consecutive weeks in a newspaper with general circulation in the area where the subject property is located. The first notice shall appear at least 10 but not more than 25 days before the hearing and the second during the next calendar week. The day of publication shall not be counted but the day of the hearing shall be counted. Proof of publication shall be obtained by the Zoning Administrator.



- (D) Mailed Notice: When a mailed notice is required, it shall be sent by first class mail with to the applicant and the subject property owner (if not the applicant). Mailed notice must be deposited at least 10 but not more than 25 days before the date of the hearing. The day notice was mailed shall not be counted but the day of the hearing shall be counted. In the absence of evidence to the contrary, the Town may rely on the latest Johnston County tax listing to determine the name and address of property owners entitled to notice. At the hearing, the person who sent the notice shall certify that the notice was mailed as required, which shall be deemed conclusive in the absence of fraud. *(Amended 3/14/23 via Ordinance #2023-03-02)*
- (E) Notice for Large-scale Rezonings: If a proposed map amendment directly affects more than 50 properties owned by at least 50 different owners, the Town may give an expanded published notice in place of the required mailed notice to property owners who reside in the general circulation area of the publishing newspaper. In such cases, the advertisement shall be at least one-half of a newspaper page and shall include the information described under Section 2-103-2(B) above. Property owners who reside outside of the newspaper circulation area shall be sent a mailed notice pursuant to paragraph (D) above.
- (F) Posted Notice: When a posted notice is required, the applicant shall place a waterproof sign at a point on the site legible from the nearest street or streets on which the property fronts. When multiple parcels are affected, a posting on individual parcels is not required, but shall be in sufficient areas to provide reasonable notice to interested persons. The sign shall be posted during the period allotted to send the mailed notice and remain until the date of the hearing. The applicant shall certify to the Zoning Administrator that the sign was posted as required.

## SECTION 2-104 QUASI-JUDICIAL REVIEW AND DECISIONS

This section shall apply to all quasi-judicial decisions.

### 2-104-1 Quasi-judicial Hearings

- (A) Hearing: Before making a final decision on a quasi-judicial request, the decision-making body shall hold an evidentiary hearing. Affected persons may present evidence and cross-examine witnesses pursuant to the rules of the reviewing body. Witnesses shall testify under oath administered by the chair or clerk of the reviewing body. The presiding officer may subpoena witnesses and compel the production of evidence; and may exclude evidence that is immaterial or unduly repetitious. Evidence shall be part of the official hearing record.
- (B) Continuance: The decision-making body may continue a hearing to allow sufficient time to gather additional evidence as needed to make a finding and final decision.

### 2-104-2 Quasi-judicial Decisions

- (A) Decisions: Within a reasonable time after close of the hearing, the decision-making board shall make a finding on the contested facts and vote on a final decision. Findings shall be based on competent, material, and substantial evidence in the hearing record. Each decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the findings required for zoning approval. The written decision shall be signed by the chair or other authorized member of the board and filed with the Zoning Administrator. The decision shall become effective upon filing with the Zoning Administrator.
- (B) Voting: Quasi-judicial decisions shall be made by vote of qualified members of the decision-making board. For purposes of voting, vacant positions and disqualified members shall not be considered as members of the board when calculating the requisite majority if no qualified alternates are available to take the place of such members. In all other cases, failure to vote by a member without an impermissible conflict shall be recorded as an affirmative vote.



- (C) **Conflict:** A member shall not participate in or vote on a quasi-judicial matter in a manner that would violate affected parties right to an impartial decision-maker. Impermissible conflicts include having: (i) a fixed opinion prior to the hearing that is not susceptible to change, (ii) an undisclosed ex parte communication, (iii) a close familial, business, or other associational relationship with an affected person, or (iv) a financial interest in the outcome of the matter. If an objection is made to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.
- (D) **Notice of Decision:** Within 10 business days following the effective date of the decision, the Zoning Administrator shall send by personal delivery, electronic mail, or first class certified mail with return receipt requested, a notice of the findings and decision to the applicant, the subject property owner (if the property owner is not the applicant) and each person who has filed a written request for notice with the Zoning Administrator before the effective date of the decision. The Zoning Administrator shall certify that the required notice was delivered.
- (E) **Judicial Appeal:** Any person with standing may file a petition for appeal with the Clerk of Superior Court pursuant to GS. 160D-1402(c). The property owner or applicant shall have 30 days after receipt of the written notice of decision to file a petition. Any other person with standing shall have 30 days after receipt of any actual or constructive notice of the decision to file an appeal. When first-class mail is used to deliver the notice, three days shall be added to the time to file the petition.

## SECTION 2-105 SPECIAL USE PERMITS

### 2-105-1 Purpose and Applicability

Special Uses are uses that may be permitted in a particular zoning district provided that special standards, safeguards, and procedures are in place to ensure compatibility with adjacent uses. Therefore, these uses require individual quasi-judicial review and approval by the Board of Commissioners. This section shall apply to all applications for Special Use Permits.

### 2-105-2 Application Authority

An application for a Special Use Permit shall be filed with the written consent of the property owner in accordance with Section 2-102.

### 2-105-3 Planning Board Recommendation on Special Use Permits

Applications for a Special Use Permit shall be referred to the Planning Board at the next regular meeting held at least 10 days after a complete application is filed. Within 60 days of referral, the Planning Board shall send a written report of its recommendation to the Town Board of Commissioners. Otherwise, the Town Board may consider the application without a Planning Board recommendation.

### 2-105-4 Quasi-judicial Hearing Required

After notice is given pursuant to Section 2-103- 2, a quasi-judicial hearing shall be held pursuant to Section 2-104. Additionally, the required mailed notice shall be sent to owners of property within a 100-foot radius of subject parcel boundary lines. *(Amended 3/14/23 via Ordinance #2023-03-02)*

### 2-105-5 Voting

The affirmative vote of a simple majority of qualified board members is required to approve a Special Use Permit application. Reasonable and appropriate conditions may be imposed to ensure compliance with this Ordinance or mitigate adverse impacts on the site and adjacent properties. Conditions for approval, if any, shall be specified in the motion and on the permit.

2-105-6 Required Findings

An application for a Special Use Permit shall be approved if the decision-making body finds that each of the following are met:

- (A) The proposed use and development comply with applicable regulations of this Ordinance.
- (B) The proposed use and improvements are compatible with the character of the surrounding area and the capacity of neighboring lands to develop as permitted in the applicable zoning district.
- (C) The proposed use will have minimal adverse impact on surrounding land with regard to service delivery, traffic circulation, aesthetics, odor, noise, glare, and vibration.
- (D) The use will not deteriorate or otherwise adversely impact water, air, scenic, and other natural resources.
- (E) The use will maintain safe ingress and egress to the site.
- (F) The use will be served by adequate road and infrastructure to support development of the site.
- (G) The use will protect property values and preserve public safety and welfare of the surrounding area and community at-large.
- (H) The use complies with other applicable town, state, and federal laws regulating development of land within the Town's jurisdiction.

2-105-7 Effective Date and Extensions

- (A) A Special Use Permit shall expire within 12 months from the effective date (date of permit issuance) unless a completed application for a Zoning Permit is filed by the applicant and approved by the Town.
- (B) At least 30 days before the expiration date, the applicant may file a written request to extend the effective period. The request shall state the reason for the extension and the proposed duration. Such a request shall be reviewed as a modification to the original permit. Lapse of time from the expiration period shall be suspended while the final decision is pending.

2-105-8 Modifications to a Use Permit

A request to modify a Special Use Permit shall be reviewed as a new application.

2-105-9 Judicial Appeal

Judicial appeals shall be filed pursuant to Section 2-104- 2(E).

## SECTION 2-106 ADMINISTRATIVE APPEAL

2-106-1 Authority

The Board of Adjustment shall hear and decide appeals of any final or binding determination of an administrative official (the Zoning Administrator in most cases) charged with the enforcement of this Ordinance or any development regulation pursuant to State law and this section.

2-106-2 Application Authority (Notice of Appeal)

- (A) Any person, including Town Council or any Town board or official, with standing as defined by State law may file a Notice of Appeal pursuant to Section 2-102- 1. The property owner shall have 30 days from receipt of written notice of decision to file an appeal. Any other person

with standing shall have 30 days from receipt of any constructive notice of the decision to file an appeal. Constructive notice may include the landowner posting a sign containing the words “Zoning Decision” and meeting the specifications of GS 160D-403(b). The landowner shall certify such posting with the Zoning Administrator.

- (B) The notice shall identify the applicant, state the grounds for the appeal, cite the relevant section of the ordinance to be considered, and describe how the action taken is in error. Upon receipt of a Notice of Appeal, the administrative official who made the decision shall transmit all administrative records related to the appeal to the Board of Adjustment. A copy of the record must also be provided to the appellant and landowner, if different from the applicant.

2-106-3 Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies that, because of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property or that because the violation is transitory in nature, a stay would seriously interfere with the effective enforcement of this Ordinance. In that case, proceedings shall not be stayed except by a restraining order granted by the reviewing body or a court, issued on application of the party seeking the stay, for due cause shown, with copy of notice to the officer from whom the appeal is taken.

2-106-4 Quasi-Judicial Hearing Required

After giving the required notice as set forth under Section 2-103- 2, the Board of Adjustment shall hold a quasi-judicial hearing pursuant to Section 2-104. If any party or the Town would be unduly prejudiced by presentation of matters not presented in the Notice of Appeal, the Board of Adjustment shall continue the hearing.

2-106-5 Required Findings and Voting

In order to reverse or modify a contested decision or determination of an administrative official, the Board of Adjustment must find that said official erred in the interpretation or application of the ordinance. The affirmative vote of a simple majority of the members of the Board of Adjustment is required to reverse or modify an administrative decision. A written notice of the decision shall be provided in accordance with Section 2-104- 2(D).

2-106-6 Judicial Appeal

Judicial appeals shall be filed pursuant to Section 2-104- 2.

## SECTION 2-107 VARIANCE

2-107-1 Purpose and Applicability

The Town may allow certain deviations from standards of this Ordinance when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner’s control (such as exceptional topographical conditions or the narrowness, shallowness, or shape of a specific parcel of land), the literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest. Variances are to be exercised sparingly and only in rare instances and under exceptional circumstances to relieve undue hardships to the landowner. No change in permitted uses or increase in maximum allowable development intensity may be authorized by a variance.

2-107-2 Application Authority

Applications for a variance shall be filed with the written consent of the property owner and in accordance with Section 2-102.

2-107-3 Quasi-Judicial Hearing and Notice

The Board of Adjustment shall hold a quasi-judicial hearing pursuant to Section 2-104. Notice of the hearing shall be provided as set forth in Section 2-103- 2.

2-107-4 Voting

The affirmative vote of a four-fifths majority of qualified members of the Board of Adjustment shall be required to grant a variance. In granting a variance, the Board of Adjustment may attach safeguards and conditions as is necessary, appropriate, and reasonably related to the circumstances that gave rise to the need for the variance. Applicants may be required to record a variance with the Johnston County Register of Deeds as a condition of approval.

2-107-5 Required Findings

The Board of Adjustment shall grant a variance upon finding each of the following:

- (A) An unnecessary hardship will result from the strict application of this Ordinance.
  - (1) The hardship results from conditions (narrowness, shallowness, shape, or topography) peculiar to the lot and not from personal circumstances of the applicant or conditions common to the neighborhood or general public.
  - (2) The hardship did not result from the actions taken by the applicant or property owner. However, purchasing property knowing that circumstances exist that may justify a variance is not considered a self-created hardship.
- (B) The variance is consistent with the spirit, purpose, and intent of this Ordinance such that public safety is secured and substantial justice is achieved.
  - (1) The variance will have minimal adverse effect on surrounding property values, the use and enjoyment of property in the neighborhood or district, or on public improvements.
  - (2) The variance is the minimum needed to adequately mitigate the hardship;
  - (3) The variance will not allow a use that is not permitted under the applicable zoning and use regulations, extend or enlarge a nonconformance, or otherwise effectively change the zoning of the property.

2-107-6 Effective Date

A variance shall become effective as provided under Section 2-104- 2. A variance shall allow the applicant to secure a permit consistent with the approved application. A variance approved as a condition of a quasi-judicial permit shall not take effect until a Zoning Permit is issued.

2-107-7 Judicial Appeal

Judicial appeals shall be filed pursuant to Section 2-104- 2(E).

SECTION 2-108 SITE SPECIFIC DEVELOPMENT PLAN (also see Section 2-102- 3)

2-108-1 Purpose

This section establishes standards and procedures for approving a site specific development plan to establish a statutory vested right under GS 160D-108.1.

2-108-2 Establishment of a Statutory Vested Right

- (A) A vested right shall be established upon approval of a site specific development plan. An application for site specific development plan can be submitted on the following approvals.
  - (1) Special Use Permit
  - (2) Zoning Permit

- (3) Preliminary Plat
- (4) Minor Subdivision Final Plat
- (B) Applications shall be filed with the written consent of the property owner and pursuant to Section 2-102. The application shall include a written statement that specifies that a vested right is being requested pursuant to this section. Applications shall be reviewed at a quasi-judicial hearing pursuant to Section 2-104. Notice of hearing shall be provided as set forth under Section 2-103- 2 (Notice of Hearings).
- (C) Standards for Approval: The Town Board may approve a site specific development plan upon such terms and conditions as may reasonably be needed to protect the public health, safety, and welfare. A site specific development plan shall be approved with a simple-majority vote of the Town Board.
- (D) Duration:
  - (1) A zoning vested right shall be vested for 2 years after the effective date of an amendment that would adversely affect an applicant's right to develop the property as approved in the site development plan. The duration may be extended if specified in the motion to approve the plan. In no case shall the vested period exceed 5 years.
  - (2) An approved site specific development plan shall contain the following notation:  
 "Approval of this site specific development plan establishes a vested right under GS 160D-108.1. Unless terminated at an earlier date, the vested right shall be valid for 2 years [or as approved by Town] after the date of approval."
- (E) During the vesting period, the landowner shall retain the right to undertake and complete the development and to use said property under the terms and conditions of approval and subject to the provisions of GS 160D-108.1.
- (F) Any development requiring construction, re-construction, or improvement of a driveway, street, road, or highway shall comply with the latest version of the North Carolina Dept. of Transportation Policy on Street and Driveway Access to North Carolina Highways manual.

## SECTION 2-109 ZONING PERMIT

### 2-109-1 Purpose

A Zoning Permit is required to verify that a proposed use and development will comply with this Ordinance before any development activity subject to these regulations can begin on a lot.

### 2-109-2 Application Authority

Applications for a Zoning Permit shall be filed with the written consent of the property owner and in accordance with Section 2-102- 1.

### 2-109-3 Administrative Review and Decision

Applications shall be reviewed and decided by the Zoning Administrator. The Zoning Administrator shall approve the permit upon finding that the application and plans show compliance with the zoning regulations applicable to the proposed use and lot and any quasi-judicial approval.

- 2-109-4     Effective Date  
A Zoning Permit shall be effective for 12 months from the date issued. During the effective period, the applicant may apply for a Building Permit or Certificate of Compliance as applicable. Approval of a Zoning Permit does not guarantee approval of any other licenses or permits (local, state, or federal) required to develop and establish the approved use. The applicant shall prominently post a copy of the permit on the subject property and shall verify such posting with the Zoning Administrator.
- 2-109-5     Administrative Appeal  
Appeals shall be filed pursuant to Section 2-106.

## SECTION 2-110        ZONING PERMIT FOR TEMPORARY USE

- 2-110-1     Application Authority  
Applications shall be filed by the operator of the temporary use and with the written consent of the property owner.
- 2-110-2     Administrative Review and Decision  
Applications for a Zoning Permit for temporary uses shall be reviewed and decided by the Zoning Administrator. A Zoning Permit shall be issued upon finding that the applicant has demonstrated compliance with the standards applicable to the proposed temporary use.
- 2-110-3     Effective Date  
The effective date of approval shall begin on the date the permit is issued and for the duration specified on the permit. The effective date shall not extend beyond the period allowed for the specified temporary use. The applicant shall post a copy of the permit on the site subject to the permit and shall verify posting with the Zoning Administrator.
- 2-110-4     Amendments or Modifications  
Modifications to a permit for a temporary use shall be approved under the same procedures used for the original application.

## SECTION 2-111        CERTIFICATE OF COMPLIANCE

- 2-111-1     Purpose  
A Certificate of Compliance/Occupancy, as appropriate, is required to verify that the development and use authorized under a Zoning Permit complies with the terms and conditions of all improved plans and any quasi-judicial approvals. A Certificate of Compliance/Occupancy serves as a final check on a development's compliance with the requirements of this Ordinance.
- 2-111-2     Application Procedures  
Applications shall be filed in conjunction with the Zoning Permit application. No building, structure, or land shall be occupied and no use shall begin until a Certificate of Compliance is issued by the Zoning Administrator.
- 2-111-3     Administrative Review and Decision  
The Zoning Administrator shall conduct a final inspection of the site upon notice from the applicant that the activities required to occupy the building or lot and establish the use are complete. The Zoning Administrator shall issue the certificate upon finding that the proposed use and development comply substantially with the approved permit. Administrative appeals shall be filed pursuant to Section 2-106. Issuance of a Certificate of Compliance does not preclude responsibilities to obtain any other regulatory licenses and approvals.

## SECTION 2-112 AMENDMENT

### 2-112-1 Applicability

Amendments to the text of this Ordinance and the Official Zoning Map shall be adopted consistent with Article 6 of GS 160D and in accordance with this Section.

### 2-112-2 Application Authority

A text amendment may be initiated by motion of the Town Board, Planning Board, or Board of Adjustment. A map amendment (rezoning) may be initiated by motion of the Town Board, Planning Board, or by application filed with the written consent of the affected property owner in accordance with Section 2-102- 1. Rezoning to a special use district may only be initiated by application from the affected property owner.

### 2-112-3 Planning Board Advisory Review

- (A) The Planning Board shall advise and comment on whether the proposed amendment is consistent with an adopted Comprehensive Plan and approve a statement that addresses plan consistency and other matters deemed appropriate. Guided by the provisions of subsection 2-112- 6 below, the Board shall provide its written recommendation and statement of plan consistency to the Town Board.
- (B) When initiated by application, the proposed amendment shall be referred to the Planning Board at its first regular meeting held at least 10 days after an application is filed and accepted for review. If a written recommendation is not received within 30 days after referral, the Town Board may consider the amendment without the written recommendation.
- (C) A member shall be disqualified from voting on a recommendation to amend this Ordinance where the outcome on the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on that member.

### 2-112-4 Legislative Hearing and Notice Requirements

- (A) Before the Town Board can adopt a zoning amendment, it shall first hold a public hearing to solicit public input pursuant to the board's rules of procedure. Notice of hearing shall be provided pursuant to Section 2-103-2. Additionally, the required mailed notice for map amendments shall be sent to the owner of adjacent parcels within a 100-foot radius of the entire boundary of the affected parcel. *(Amended 3/14/23 via Ordinance #2023-03-02)*
- (B) Pursuant to GS 160D-601(d), third-party down zoning applications are prohibited and shall not be heard by the Town Board.

### 2-112-5 Decision of the Board of Commissioners

- (A) After close of the public hearing, the Town Board may decide on the proposed amendment as follows:
  - (1) Map Amendment. The Board may decide to rezone property as proposed or with a reduction in size, or to a more restrictive zoning district; deny the proposed rezoning; or remand the proposed rezoning back to the Planning Board for further study.
  - (2) Text Amendment: The Board may decide to approve a proposed text amendment as written or with revisions, deny the proposed amendment, or remand the proposed amendment to Planning Board for further study.
- (B) Voting and Conflicts
  - (1) The affirmative vote of a simple majority of the Town Board shall be required to approve a zoning amendment.



- (2) Vacant seats and disqualified members of the Board shall not count towards the calculation of the requisite majority. A member shall be disqualified from voting on a zoning amendment where the outcome on the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

2-112-6 Considerations for Approval

- (A) When deciding on an amendment, the Town Board shall approve a statement describing whether its action is consistent with an adopted Comprehensive Plan and briefly explain why the action taken is reasonable and in the public interest pursuant to GS 160D-605(a).
- (B) In making a determination of plan consistency and reasonableness, the Board shall be guided by the following principles:
  - (1) The proposed amendment is consistent with the purposes stated in this Ordinance, or with the adopted goals and objectives or the future land use map of the Comprehensive Plan.
  - (2) The potential impacts of the proposed amendment are compatible with existing and permissible uses surrounding the subject land.
  - (3) Conditions in the general area of the proposed rezoning have changed since the property was last rezoned to an extent that would warrant an amendment.
  - (4) The proposed amendment will not permit development that will adversely impact the natural environment and traffic patterns in the area, or may result in development that is inadequately served by public services and infrastructure.
  - (5) The proposed amendment is consistent with a community goal or need identified in the Comprehensive Plan or other relevant plans.

2-112-7 Citizen Comments

Any resident or property owner in the city may submit a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance or the Official Zoning Map to the Clerk at least two business days prior to the proposed vote on such change. The Clerk shall deliver such written statements to the Town Board.

2-112-8 Resubmission

No application for rezoning shall be considered for property that was a part of the same or a similar rezoning request within the previous 12 months.

2-112-9 Judicial Appeal

Appeal of the Town Board's decision may be filed with the Clerk of the Johnston County Superior Court. Appeal of an ordinance to adopt a text amendment shall be filed within 1 year from the date that the aggrieved party first has standing to appeal. Appeal of an ordinance to adopt a map amendment shall be filed within 2 months from the date of adoption.

2-112-10 Resubmissions

There is no waiting period for any zoning map amendment, as in accordance with JCGS 160D-601.



## ARTICLE 3. DISTRICT REGULATIONS

### SECTION 3-100 ESTABLISHMENT OF ZONING DISTRICTS

#### 3-100-1 Purpose of Zoning Districts

To carry out the purposes of this Ordinance, Micro's planning jurisdiction is hereby divided into zoning districts so that the Town may regulate and restrict erection, alteration, repair, and use of structures, buildings, and land.

#### 3-100-2 Zoning Districts Established

Micro's planning jurisdiction is hereby divided into the following zoning districts:

**Table 3-1: Zoning Districts Established**

Abbreviation	District Title
Residential Zoning Districts	
RA	Residential Agricultural District
R-15	Residential Single-family District
R-10	Residential District
Nonresidential Zoning Districts	
CD	Downtown Commercial District
CH	Highway Commercial District
LI	Light Industrial District
Overlay Zoning Districts	
SFHA	Special Flood Hazard Area Overlay District

### SECTION 3-101 OFFICIAL ZONING MAP

#### 3-101-1 Adoption of Official Zoning Map

- (A) The boundaries of zoning districts are shown on the Official Zoning Map, which is incorporated into this Ordinance by reference. The Official Zoning Map shall be signed by the Mayor and attested to by the Town Clerk under the certification bearing the following words: *"This is to certify that this is the Official Zoning Map of the Zoning Ordinance for the Town of Micro, North Carolina"*. The date of adoption shall also be shown. The Zoning Map shall be kept on file in the Town Clerk's Office and accessible for public view at Micro Town Hall.
- (B) Amendments Noted on the Official Zoning Map.  
Amendments shall be noted on the Official Zoning Map with the following entry: "On [insert date of approval] by official action of the Town Board of Commissioners, the following changes were made to the Official Zoning Map: (brief description of nature of change)". The entry shall be signed by the Mayor and attested to by the Town Clerk. No map amendment shall become effective until such change and entry is made.
- (C) Damaged, Destroyed, or Lost Official Zoning Map.
- (1) If the Official Zoning Map is damaged, destroyed, lost, or difficult to read, or to correct drafting errors or omissions, the Town Board may adopt a new Official Zoning Map, which shall supersede the previous map if such adoption does not have the effect of amending this Ordinance. Unless the previous map is lost or destroyed, it shall be preserved in the office of the Zoning Administrator for future reference.

- (2) The new map shall bear the signatures of the current Town Board and bear the Town seal under the following words: “This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date previous map was adopted)”. The date the new Official Zoning Map was adopted shall also be shown.

3-101-2 Conflicts with Copies of Zoning Map

The Official Zoning Map shall supersede conflicts with copies that may be provided in paper or electronic format as a convenience to the public.

3-101-3 Rules for Interpreting Zoning Map

The following rules shall apply when interpreting the location of boundary lines:

(A) Centerline Boundaries

Boundaries indicated as following the centerline of streets or alleys shall be construed to follow such centerlines.

(B) Platted Lot Lines

Boundaries indicated as following platted lot lines shall be construed to follow such lot lines.

(C) Jurisdictional Boundaries

Boundaries indicated as following town limit or ETJ boundary lines shall be construed to follow such lines.

(D) Right-of-way lines

Boundaries indicated as following the right-of-way of railroad lines shall be construed to follow such right-of-way.

(E) Water Body Centerlines

Boundaries indicated as following the centerline of streams, rivers, canals, lakes, or other water bodies shall be construed to follow such centerline.

(F) Unspecified Distances

Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

(G) Differ from Zoning Map

Where physical and cultural features existing on the ground differ with those shown on the Official Zoning Map, or in circumstances not covered in paragraphs (A) through (F) above, the Board of Adjustment shall hear appeals of the Zoning Administrator’s interpretation of the district boundaries.

(H) Boundaries that Split a Lot

District lines that split a lot may be extended by no more than 50 feet (but not beyond the lot property line) in either direction by the Board of Adjustment. This paragraph shall only apply to lot lines established before the effective date of this Ordinance.

## SECTION 3-102 GENERAL DISTRICT REGULATIONS

3-102-1 Applicability

These regulations apply uniformly to all uses, structures, and land within the territorial jurisdiction of this Ordinance.

- 3-102-2 Minimum Standards Required  
Except as herein provided, these regulations set forth the minimum standards that must be complied with and shall apply uniformly to each kind of structure or land. Yards or lots created after the effective date of this Ordinance shall comply with the minimum standards of this Ordinance.
- 3-102-3 Principal Uses per Lot  
No lot shall have more than 1 principal use or building unless approved as part of a planned development. Uses within a planned development shall be permitted as set forth under the applicable zoning district and use regulations.
- 3-102-4 Lot Reduction Prohibited  
No lot shall be reduced to have less than the minimum dimensional standards set forth in this Ordinance that are applicable to the use and the district in which the lot is situated except as required to establish new public right-of-way (such as street widening).
- 3-102-5 Substandard Lots of Record  
Existing lots with dimensional standards that are less than required by this Ordinance shall be subject to the following:
- (A) Adjoining Lots  
When 2 or more adjoining lots with continuous frontage are in single ownership at any time after the effective date of this Ordinance, and such lots individually have less than the minimum area or width required under this Ordinance, then such group of lots shall be considered as a single lot or several lots of minimum width and area required for that district.
  - (B) Lot Not Meeting Minimum Lot Size Requirements  
Except as set forth in paragraph (A) above, in a district where single-family dwellings are permitted, a substandard lot of record may be used as a building site for a single-family dwelling.
  - (C) Side Yard Requirements  
Except as set forth in paragraph (A) above, when an existing lot of record with less than the minimum width for the applicable zoning district, the Zoning Administrator may reduce the required side yard to no less than 10 feet.
- 3-102-6 Corner Lot Setbacks  
Corner lots shall maintain the minimum front yard and setback requirements for each lot line that fronts a street right-of-way.
- 3-102-7 Sight Visibility Triangle
- (A) Adequate site visibility triangle shall be maintained at the intersection of two streets or a street and a driveway. Within the site visibility triangle, no obstruction shall be maintained between 3 feet and 8 feet above the average grade of the lot.
  - (B) The site visibility triangle shall be defined as follows:
    - (1) The area formed at the corner intersection of 2 street right-of-way lines, with 2 sides of the triangle extending 25 feet along the abutting right-of-way lines, and third side being a line connecting the 2 sides.
    - (2) The area formed at the corner intersection of a street right-of-way or alley and a driveway, with 2 sides of the triangle extending 15 feet from the intersecting street right-of-way line and the edge of the driveway, and the third side being a line connecting the 2 sides.

3-102-8 Fences and Walls in Setback

No required setbacks shall prohibit retaining walls, buffer areas, fences, or walls required pursuant to this Ordinance.

3-102-9 Lot Frontage and Accessibility

- (A) Lots shall have 25 feet minimum frontage on an improved public street, private road, or legally recorded access easement.
- (B) Structures shall be located and arranged to provide safe and convenient access for service, fire protection, and off-street parking.

3-102-10 Required Yard and Open Space

- (A) No part of a yard or open space required for one building shall be included as part of the yard requirements of another building.
- (B) The required yards on irregular lots shall be determined by the Zoning Administrator. The determination shall be made with respect to the typical yards on adjacent lots and street vista.
- (C) No structure shall encroach or project into the required yard except as follows:
  - (1) Balconies, stoops, open porches, bay windows, steps, mechanical units, and raised doorways may project up to 5 feet beyond the building.
  - (2) No part of a structure shall encroach or project into the right-of-way or easement.
  - (3) No encroachment into the side yard shall extend closer than 5 feet from the lot line.
  - (4) No deck or porch shall encroach within 15 feet from the rear lot line.
  - (5) No deck or porch that is made into heated floor space shall extend into the required yard.
  - (6) Existing single-family dwellings with decks or porches that encroach into a required yard setback may be replaced as long as it does not increase the nonconformance of the structure.
  - (7) An accessory structure connected to a principal structure by a deck or porch shall not be considered to be attached to the principal structure.
- (D) Nonconforming dwellings that encroach into the side yard setback may be extended lengthwise along the dwelling's side wall plane subject to the following.
  - (1) No such encroachment may extend into the front or rear yard.
  - (2) The extension may be no closer to the side lot line than the existing wall being extended.
  - (3) No part of a dwelling that is less than 5 feet from a side lot line or within 10 feet of a dwelling on an adjacent property may be extended under this provision.

## SECTION 3-103 ZONING DISTRICT REGULATIONS

3-103-1 Application

The provisions of this section shall apply to uses, lands, and structures within the residential and nonresidential zoning districts established in this Section.

3-103-2 Zoning District Purpose Statements

- (A) RA - Residential Agricultural:

The purpose of this district is to create an area in which residential and agricultural uses can be compatibly mixed, achieving a healthful living environment for residents of the district and at the same time preventing the development of blight and slum conditions.

(B) R-15 - Single-Family Residential District

The purpose of this district is to maintain a minimum lot size of 15,000 square feet and to allow for single-family dwellings and other compatible uses that would not be detrimental to this district, and to protect property in this district from the depreciating effects of more densely developed residential uses.

(C) R-10 - Residential District

The purpose of this district is to provide a compatible mixture of single-family, two-family, and multi-family dwellings using adequate controls to ensure that high density residential development will not be detrimental to the neighborhood.

(D) RMHP- Residential Manufactured Home Park

The purpose of this district is to accommodate planned manufactured housing developments and to allow for other selected uses which are compatible with the intended residential character of this district.

(E) CD - Downtown Commercial District

The purpose of this district is to provide for new development, revitalization, reuse, and infill development in Micro's core downtown. A broad array of uses is permitted to enable the needs of residents and visitors to be met. The development pattern seeks to integrate shops, restaurants, services, work places, civic, educational, and religious facilities, and housing in a compact, pedestrian-oriented environment. The Downtown Commercial District serves as the hub of the surrounding neighborhoods and of the broader community. The Downtown Commercial District may be expanded over time to meet the needs of the growing community for downtown facilities and services. Expansion of the Downtown Commercial District shall be contiguous and not separated from the primary district area.

(F) CH - Highway Commercial District

The purpose of this district is to provide for and encourage the proper grouping and development of roadside uses which will best accommodate the needs of the motoring public, reduce highway congestion and hazard, and minimize slum and blight conditions.

(G) LI - Light Industrial District

The purpose of this district is to create and protect areas for industrial uses that do not create excessive noise, odor, smoke, dust, and that do not possess other objectionable characteristics which might be detrimental to surrounding neighborhoods or to other uses permitted in the district.

3-103-3 Table of Permitted Uses

(A) Land and structures in the zoning districts established in this section shall be used as permitted in the following table of permitted uses, and pursuant to the standards and procedures established in this Ordinance.

(B) Explanation of Table of Permitted Uses Structure:

- (1) **Permitted Uses:** The letter "P" denotes a use that requires a Zoning Permit but does not require a public hearing.
- (2) **Special Uses:** The letter "S" denotes a use that requires a Special Use Permit (SUP).

- (3) **Prohibited Uses:** A dash (--) denotes a use that is prohibited.
- (4) **Additional Requirement:** Indicates a use that is subject to additional requirements applicable to the specific use (see Article 4, Specific Use Standards).
- (5) **Uses Not Listed:**
- (a) If the Zoning Administrator finds that a proposed use is not listed, the applicant may appeal to the Board of Adjustment pursuant to Section 2-106. A determination on whether the proposed use is substantially similar to a listed use shall be based on such criteria as the nature of the use, aesthetics, traffic generated, potential impact on property values, and other objectionable impacts on public health and safety.
  - (b) If an unlisted use is found to be substantially similar to a listed use, the proposed use shall comply with the standards that apply to the similar use. If the proposed use is not substantially similar to a listed use, the applicant may request an appropriate amendment pursuant to Section 2-112.

(C) Table of Permitted Uses:

**3-2: Table of Permitted Uses in Zoning Districts**

Use Category/Type	Base Zoning Districts						RMHP	Additional Requirements
	RA	R-15	R-10	CD	CH	LI		
Agricultural Uses								-
Farm (crop production)	P	P	--	--	S	S		-
Animal (livestock) Operations	S	--	--	--	--	--		4-101- 1
Nursery (plants)	P	S	--	--	P	P		-
Agricultural-based business facilities	S	S	--	--	P	P		4-101-2
Residential Uses								
Dwelling, single-family	P	P	P	--	--	--		-
Dwelling, two-family	S	S	P	--	--	--		-
Dwelling, multi-family	--	--	S	--	--	--		4-101-29
Dwelling, Townhouses	--	--	S	S	-	-		Maximum 8 units in CD;4-101-30(B)1
Dwelling, attached house	--	--	--	S	--	--		4-101-20
Class A Manufactured home (double-wide)	P	S	S	--	-	-		4-101- 21
Class B Manufactured home (single-wide)	P	-	-	-	-	-		4-101-21
Manufactured Home Park							S	4-101-22
Family Care Home	P	P	P	-	-	-		4-101-15
Boarding house	-	S	S	-	-	-		-
Public or Institutional Uses								
Ambulance service	-	-	-	P	P	P		-
Cemetery (maintenance)	P	-	-	-	S	-		4-101-9
Church	P	S	S	P	P	-		4-101-11
Club or lodge (fraternal groups)	S	S	S	S	S	-		4-101-12

	Base Zoning Districts							
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Use Category/Type	RA	R-15	R-10	CD	CH	LI	RMHP	Additional Requirements
Fire stations	S	S	S	P	P	P		-
Library	S	S	S	P	P	-		-
Post office	-	-	-	P	P	-		-
Private recreation or swimming club	S	S	S	P	P	S		4-101-25
Museums	S	S	S	P	P	-		-
Utilities, major	S	S	S	S	S	S		4-101-26
Schools: primary or secondary	P	-	P	S	P	-		4-101-24
Other Civic Uses	P	-	-	S	P	S		-
Public/Government Owned Facilities (Owned by Town of Micro)								
Parks/Playgrounds	P	P	P	P	P	P		
Community Center	P	P	P	P	P	P		
Police Station	P	P	P	P	P	P		
Public Works Bldg/Shop/Storage	P	P	P	P	P	P		
Business Center	P	P	P	P	P	P		
Commercial Uses								
Alcoholic Beverage Control (ABC) stores	-	-	-	P	P	-		-
Antique, curio, gift, and souvenir sales	-	-	-	P	P	-		-
Apparel and accessory sales	-	-	-	P	P	-		-
Appliance sales and service	-	-	-	P	P	-		-
Art Store	-	-	-	P	P	-		-
Assemblies (stadiums, coliseum)	-	-	-	-	P	-		-
Auction sales (excluding livestock auctions)	S	-	-	S	P	P		-
Automobile parts and accessories	-	-	-	P	P	P		-
Automobile repair, excluding junkyards	-	-	-	S	P	P		4-101-3
Automobile sales	-	-	-	S	P	-		4-101-4
Automobile service (gas) stations	-	-	-	-	P	S		4-101-3
Automobile wash	-	-	-	P	P	-		-
Bakery production and wholesale sales	-	-	-	-	-	P		-
Banks, S & L, and other financial institutions	-	-	-	P	P	-		-
Barbering and hairdressing	-	-	-	P	P	-		-
Bed and Breakfast Inn	P	P	P	-	-	-		4-101-6
Billboards	Refer to Section 5-105- 4							4-101-7
Bicycles sales and repair	-	-	-	P	P	-		-
Blacksmith	-	-	-	-	P	-		-
Boats and accessory retail sales and service	-	-	-	-	P	P		-
Bookbinding	-	-	-	-	-	P		-
Bookstore (Non-Adult)	-	-	-	P	P	-		-
Builders supply, no outside storage	-	-	-	P	P	P		-
Builders supply, outside storage allowed	-	-	-	-	P	P		4-102- 5

Bulk storage of oil, gas, and other flammables	-	-	-	-	S	S		4-101-8
Cafeteria	-	-	-	P	P	-		-
Candy or confectionary store	-	-	-	P	P	-		-
Carpet and rug cleaning	-	-	-	P	P	P		-
Catalogue sales	-	-	-	P	P	-		-

	Base Zoning Districts							
Use Category/Type	RA	R-15	R-10	CD	CH	LI	RMHP	Additional Requirements
Clinic services, medical and dental	-	-	-	P	P	-		-
Commercial Parking Lot	-	-	-	P	P	-		-
Contractor, general (with outdoor storage)	-	-	-	-	P	P		4-102- 5
Contractor, general (no outdoor storage)	-	-	-	P	P	P		-
Convenience stores	S	-	-	P	P	-		-
Cosmetic supply store	-	-	-	P	P	-		-
Dairy products, ice cream store, retail sales only	-	-	-	P	P	-		-
Dairy products, sales and processing	-	-	-	-	S	P		-
Daycare Facility (pre-school)	-	-	-	S	S	-		4-101-13
Dry-cleaning and laundry, commercial)	-	-	-	P	P	P		-
Dry-cleaning and laundry, self-service	-	-	-	P	P	-		-
Eating or drinking facilities (no drive-thru)	-	-	-	P	P	-		-
Exterminating service	-	-	-	-	P	P		-
Farm machinery sales and service	S	-	-	S	P	P		-
Farm supplies merchandising (exclude machinery)	S	-	-	P	P	P		-
Fine Arts School: art, music, dramatics, etc.	-	-	-	P	P	-		-
Food Trucks	P	P	P	P	P	P		4-101-31
Flower shops	S	-	-	P	P	-		-
Grocery Store or supermarket	-	-	-	P	P	-		-
Funeral homes	-	-	-	P	P	-		-
Furniture store (sales)	-	-	-	P	P	-		-
Hardware, paint & garden supply sales	S	-	-	P	P	-		-
Hobby Shop (collectibles, kits, etc.)	-	-	-	P	P	-		-
Assisted Living / Nursing home	S	-	-	S	S	-		4-101-5
Home furnishings and appliance sales	-	-	-	P	P	-		-
Janitorial service	-	-	-	P	P	P		-
Kennels	S	-	-	-	S	S		4-101-19
Laboratories, medical or dental	-	-	-	P	P	P		-
Locksmith, gunsmith	-	-	-	P	P	-		-
Manufactured building for office and exhibition	-	-	-	-	-	P		-
Medical Office: doctors, dentist, chiropractor, etc.	-	-	-	P	P	-		-



Mini-Warehouse	S	-	-	-	P	P		4-101-23
Monument sales	-	-	-	-	P	P		-
Monument works	-	-	-	-	P	P		-
Motel, hotel, motor court operations	-	-	-	P	P	P		-
Newsstand sales	-	-	-	P	P	-		-
Office supply and equipment sales	-	-	-	P	P	-		-
Optician services	-	-	-	P	P	-		-
Pet sales, excluding kennels or outdoor storage of animals	S	-	-	P	P	-		-

	Base Zoning Districts							
Use Category/Type	RA	R-15	R-10	CD	CH	LI	RMHP	Additional Requirements
Pharmacy (drug store)	-	-	-	P	P	-		-
Photography, commercial	-	-	-	P	P	-		-
Recreation, Game Arcade or amusement enterprises (no video poker or gambling)	-	-	-	S	S	-		-
Small Household Appliance Repair (no outside storage)	S	-	-	P	P	P		-
Small Engine Repair Sales/Service	S	-	-	P	P	-		-
Health spa (fitness center)	-	-	-	P	P	-		-
Sporting Goods Store	-	-	-	P	P	-		-
Retailing or servicing with operations conducted indoors not listed	-	-	-	-	-	-		-
Riding academy (horses)	S	-	-	-	-	-		-
Schools: business, trade, nursing, etc.	-	-	-	P	P	P		-
Second hand and swap shop	-	-	-	P	P	-		-
Theater (performing arts and/or motion pictures) (enclosed) (non-sexually oriented)	-	-	-	P	P	-		-
Tire sales & service	-	-	-	P	P	-		-
Trailer rentals	-	-	-	S	P	P		-
Upholstering or furniture refinishing	-	-	-	S	S	P		-
Variety, gift, hobby supply stores	-	-	-	P	P	-		-
Veterinary Care	S	-	-	P	P	-		2-105 (SUP only)
Wholesale sales and operations, no outdoor sales or storage	S	-	-	P	P	-		2-105 (SUP only)
Industrial Uses								
Bottling	-	-	-	-	-	P		-
Cabinet making	-	-	-	S	P	P		2-105 (SUP only)
Construction storage	-	-	-	-	-	S		-
Construction trades (no outside storage)	-	-	-	P	P	P		-
Construction trades (with outside storage)	-	-	-	-	S	P		4-102- 5
Contractor, general (with outside storage)	S	-	-	-	P	P		4-102- 5

Food aggregation and processing (food hub)	P	-	-	S	P	P		4-101-17
Ice manufacturing	-	-	-	S	P	P		-
Industrial sales of equipment or repair service	S	-	-	-	P	P		-
Machine tool manufacturing or welding	-	-	-	-	S	P		-
Printing and reproduction	-	-	-	P	P	P		-
Sheet metal fabrication	-	-	-	-	P	P		-
Sign making (also home occupant)	S	-	-	P	P	P		-
Storage, warehouse	S	-	-	-	P	P		-
Tailoring or dressmaking	-	-	-	P	P	-		-

	Base Zoning Districts							
Use Category/Type	RA	R-15	R-10	CD	CH	LI	RMHP	Additional Requirements
Tire recapping	-	-	-	-	S	P		-
Tobacco processing	S	-	-	-	-	P		-
Accessory Uses								
Day Care Home	S	S	S	-	-	-		4-101- 14
Home Occupation	S	S	S	-	-	-		4-102- 3
Manufactured Home (Individual)	S	-	-	-	-	-		4-101-21
Outdoor Storage Areas & Sales	S	-	-	S	P	P		4-102- 5
Temporary Uses								Section 4-103
Carnival or Circuses (fundraisers)	P	-	-	P	P	P		4-103- 2
Temporary Portable Storage	P	P	P	P	P	P		4-103- 3
Seasonal Agricultural Sales	P	-	-	P	P	P	P	4-103- 4
Temporary Construction Trailers	P	P	P	P	P	P		4-103- 5
Temporary Sales Trailers	P	-	-	P	P	P		4-103- 6
Tent Revival	S	-	-	S	S	S	-	4-103- 1
Tent Sales	P	-	-	P	P	P		4-103- 1
Planned Development								
Shopping Centers	-	-	-	S	S	-		4-101- 28
Multi-family Dwelling	-	-	S	-	-	-		4-101- 29
Zero Lot Line Development	-	S	S	-	-	-		4-101- 30(B)(3)
Townhouses	-	-	S	-	-	-		4-101- 30(B)(1)
Planned Unit Development	-	S	S	-	-	-		4-101- 30

### 3-103-4 Dimensional Standards

(A) Lots and buildings shall meet the following dimensional standards.

**Table 3-3: Minimum Dimensional Requirements for Lots in Specified Zoning Districts**

Use District	Minimum Lot Area (sq. ft.)	Minimum Lot Width (feet)	Minimum Setback			Maximum Building Height (feet)
			Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	
RA	25,000	100	50	20	30	35

R-15	15,000	90	25	20	30	35
R-10	10,000	75	25	12	25	35
CD	10,000	75	0	0	30	35
CH	10,000	75	50	10	30	35
LI	40,000	75	50	10	40	50

(B) Lots not on public utilities

Lots with private septic, wells, or other on-site water or sewer shall meet the minimum dimensional requirements of the appropriate permitting authority.

(C) Buffer between residential and nonresidential uses

Except as permitted in a mixed use development, a minimum 20-foot vegetated buffer shall be maintained between nonresidential uses and the property line of adjacent residentially zoned or used lots.

(D) Exceptions to the Maximum Building Height

The following are exempted from the maximum building height requirements: spires, belfries, cupolas, water tanks, ventilators, chimneys, elevator shaft enclosures, or other appurtenances usually placed above roof level and not intended for human occupancy. However, they shall not exceed the maximum height allowed by the state or federal authorities.

SECTION 3-104 SPECIAL FLOOD HAZARD AREA OVERLAY DISTRICT REGULATIONS

In addition to the requirements of this Ordinance, lots and structures within the Special Flood Hazard Areas (SFHA) overlay district shall comply with the Flood Damage Prevention Ordinance adopted by the Town on its own or by agreement with another municipality or county as permitted by law.

SECTION 3-105 MIXED-USE DISTRICT (MUD)

**Reserved for future amendment**

## ARTICLE 4. SPECIFIC USE STANDARDS

### SECTION 4-100 APPLICATION

The standards in this Article shall apply to the specific principle, accessory, and temporary uses listed under each section. These standards are in addition to other standards applicable to the district in which the uses are located.

### SECTION 4-101 PRINCIPAL USE STANDARDS

Principal uses, structures, and buildings shall be permitted subject to the provisions of this section.

#### 4-101-1 Animal (livestock) Operations

- (A) Livestock operations shall be located, constructed, operated, and maintained to minimize, reduce, or abate effects of pollution on environmental resources and public health and safety.
- (B) Livestock operation facilities shall comply with applicable state laws and rules, including those administered by the North Carolina Environmental Management Commission.
- (C) Livestock operations shall maintain setbacks that will contain odor, noise, and other nuisances to within the site.
- (D) Applications and site plans shall provide the proposed number of animals to be maintained on the site, the location of buildings and animal feeding areas and their setback from the property line; a copy of required state permit applications, and other details to show compliance with this Ordinance.

#### 4-101-2 Agricultural-Based Business Facility

- (A) The facility shall be located on a lot of no less than five (5) acres.
- (B) Minimum 300 feet distance between manure storage areas, barns, or stables and any adjacent residentially zoned property.
- (C) The facility may include accessory research, manufacturing or production operations for fruit and vegetable produce for human consumption. The facility may include an on-site market, and/or provide space for activities that increase interest in agriculture as a tourist attraction, as well as seasonal activities or events that are designed to generate public interest.
- (D) The facility shall not include feed lots, slaughtering and/or meat packaging operations.
- (E) Buildings shall meet the following design standards:
  - (1) Maximum footprint: 45,000 SF
  - (2) Maximum height 42 feet (excluding silos and related attachments)
  - (3) Exterior building materials shall consist of wood siding, wood shingles, fiber cement siding, brick, rock, or other high quality masonry material.

#### 4-101-3 Auto Service and Auto Body Shops

- (A) No damaged motor vehicle shall be parked where visible from the public right-of-way for more than seven days.
- (B) All new parts, scrap parts, and junk vehicles kept on the exterior of the establishment shall comply with the standards for Outdoor Storage Areas.
- (C) No establishment shall have more than three junk vehicles on premises.

- (D) Off-street parking shall be provided on the site at a ratio of one parking space per 3,000 square feet of floor area plus employee parking.

4-101-4 Auto Sales

Outdoor automobile display areas shall be limited to automobiles that are operable and ready for sale.

4-101-5 Assisted Living Facilities

- (A) Assisted living facilities shall not operate without satisfying state licensing requirements for adult care homes.
- (B) Applicants shall submit proof that an application for the required licenses has been received by the state licensing authority (NC Division of Health Services).
- (C) Multi-unit adult care homes shall require a Special Use Permit.
- (D) Multi-unit facilities may provide dining, healthcare, social, and personal care facilities for residents as an accessory use.

4-101-6 Bed and Breakfast Inn

- (A) Bed-and-Breakfast Inn establishments shall be located a minimum of 500 feet from other Bed-and-Breakfast Inn establishments. In calculating the 500-foot distance between Bed-and-Breakfast Inn establishments, measurements shall be taken from the closest property line of the existing Bed-and-Breakfast Inn establishment lot to the closest property line of the lot of the proposed Bed-and-Breakfast Inn establishment. Existing, legally established Bed-and-Breakfast Inn establishments that do not meet this separation requirement of 500 feet are permitted to expand within the subject property to the maximum limits allowed under this chapter, as long as all applicable development standards are met.
- (B) The owner or manager shall be a full-time resident on the property.
- (C) Accessory structures shall not be utilized for guest accommodation purposes as part of a Bed-and-Breakfast Inn establishment.
- (D) The length of stay of any guest shall not exceed seven (7) consecutive calendar days.
- (E) Off-street parking shall be provided as required by Section 4-104 of this Ordinance. Parking shall be located on the same lot on which the Bed-and-Breakfast Inn establishment is located, at the rear of the lot and screened with a 20-foot vegetated buffer from adjacent properties and from the street.
- (F) Signage shall be limited to a single sign, subject to the regulations of Article 5. The sign shall be located in the front yard and, if lit, shall be indirectly lighted.
- (G) Exterior lighting shall be residential in nature and shall not be directed towards adjacent properties.
- (H) Activities and functions at the Bed-and-Breakfast Inn establishment shall be provided for overnight guests only.
- (I) The construction and operation of the Bed-and-Breakfast Inn establishment shall comply with N.C. State Building Code and other State mandated requirements.

4-101-7 Billboards (Off-Premise Advertising Sign)

- (A) Where Permitted
  - (1) Billboards are permitted as a Special Use along only Interstate 95 in CH or LI districts.

- (2) Applicants for a sign permit must secure a permit from the NC Department Transportation District engineer pursuant to state law.
- (B) General Standards for Billboards
  - (1) Signs may be placed back-to-back, side-by-side, or in a V-type construction. Maximum sign area shall apply to each side of the sign face. V-type and back-to-back signs will not be considered as 1 sign if located more than 15 feet apart at their furthest points and connected or physically contiguous.
  - (2) No sign shall obscure or physically interfere with the effectiveness of an official traffic signal, sign, or device, nor obstruct or physically interfere with the view of motorist approaching or merging into traffic.
  - (3) No more than 2 advertising messages per sign display side shall be permitted. Display area shall be measured by the smallest square, rectangle, triangle, circle, or any combination thereof, which encompasses the entire sign.
  - (4) No sign shall be placed more than 300 feet from the right-of-way of Interstate 95.
  - (5) Minimum distance between sign structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway, and shall apply to signs located on each side of the highway.
  - (6) No sign shall be illuminated by flashing, intermittent, or moving lights. Illumination shall not be added to nonconforming signs.
- (C) Standards for Billboards along I-95 Highway
  - (1) Sign display area:
    - (a) Maximum sign area is 720 square feet for monopole designed signs; or 300 square feet for other signs.
    - (b) Maximum height is 20 feet; and maximum length is 50 feet, including any border and trim, but excluding the base or apron, supports, and other structural members provided it contains no advertising message.
  - (2) Sign Structure: Minimum distance between signs is 500 feet. Minimum setback from the public right-of-way is 50 feet. Maximum height is 80 feet.
  - (3) Automatic changeable face signs:
    - (a) Shall only be permitted on signs with a monopole type design and have a maximum changeable facing sign area of 720 square feet.
    - (b) Only 1 changeable sign per side is permitted.
    - (c) Changeable facing shall remain in a fixed position for at least 7 seconds. Any change shall be accomplished within a 2 second interval.

4-101-8 Bulk Storage of Oil, Gasoline, and Other Flammable Materials

- (A) The minimum front, rear, and side yards setbacks shall be 50 feet.
- (B) Storage areas shall be enclosed by a fence 6 feet in height.
- (C) The perimeter of the yard shall be planted in evergreen shrubs at least 6 feet in height to act as a buffer.
- (D) Tanks and other storage facilities shall meet the requirements of the National Fire Protection Association and the Environmental Protection Agency (EPA).

- 4-101-9 Cemetery  
Cemeteries shall be screened from adjacent residential lots by a fence at least 6 feet in height and buffered by at least a 20-foot wide landscaped strip.
- 4-101- 10 Contractor  
Where permitted, shall comply with subsection 4-102- 5(Outdoor Storage Areas).
- 4-101- 11 Church/Religious Institutions  
(A) Off-street parking shall be prohibited within 20 feet of adjacent residential lot lines.  
(B) The site shall have primary access from a major road.
- 4-101- 12 Clubs, Lodges, and Fraternal Organizations  
(A) The minimum lot area shall be 1 acre.  
(B) The minimum front, side, and rear yard setbacks shall be 50 feet.  
(C) Food, refreshments, or entertainment shall be provided to only club members and their guests only as long as it will not constitute a nuisance.
- 4-101- 13 Daycare Facility  
Daycare facilities shall be licensed by the State of North Carolina prior to beginning operation. Documentation verifying compliance with all applicable childcare health, safety and sanitation rules shall be provided.
- 4-101- 14 Daycare Home  
A daycare facility operated out of a home shall be considered a Home Occupation. Because of the recurring traffic that is generated, a daycare home must obtain a Special Use Permit. A daycare home shall comply with the following:  
(A) The owner shall possess a license from the appropriate State licensing authority (NC Division of Child Development).  
(B) The applicant shall comply with applicable State health, safety, and sanitation rules for child care centers.  
(C) Noise shall not consistently reach a level where it may be considered a public nuisance.  
(D) When deemed necessary for the health and safety of the children, the Town may require fencing or screening of the outdoor play areas. Fences must extend from the ground to a minimum height of 4 feet.  
(E) A sign installed for the day care center shall comply with the sign regulations for Home Occupations.
- 4-101- 15 Family Care Home  
No family care home shall be located within one-half mile of an existing family care home.
- 4-101- 16 Fire Station  
See Section 4-101- 26 (Public Safety and Major Utilities)
- 4-101- 17 Food Aggregation & Processing Facility (Food Hub)  
Food hubs are businesses that manage aggregation, distribution and marketing of source-identified food products, primarily from local and regional producers. Facilities located in the Commercial



District shall be limited to the processing of non-meat products unless attached to a retail food establishment or restaurant.

4-101- 18 Junkyards

- (A) The minimum front, side, and rear yard setbacks shall be 50 feet.
- (B) Screening:
  - (1) Storage areas shall be screened from public view on all sides with an opaque fence or wall at least 8 feet in height. The height of junk material shall not exceed the height of the wall.
  - (2) Screening must be setback at least 50 feet from the center line of a public right-of-way.
  - (3) The Board of Adjustment may vary the size and setback requirements due to unusual site characteristics, if materials are inadequately screened from public view.
  - (4) Screening shall be kept in good repair and neat finish.
  - (5) Advertisement on screening devices is prohibited.
- (C) No salvaged material shall provide breeding ground for insects or harbor breeding grounds for rodents.
- (D) A permanent office building shall be located on-site for purpose of conducting junkyard business.

4-101- 19 Kennels

- (A) The minimum lot size shall be 1 acre
- (B) Buildings and areas where animals are kept, run, or exercised shall be at least 100 feet from the nearest dwelling and 35 feet from any lot line.

4-101- 20 Attached House

An attached house may consist of a single-family dwelling located on floors above, below or behind a street-level floor in which a commercial use is located.

4-101- 21 Manufactured Home

- (A) General Standards for Manufactured Homes
  - (1) Manufactured homes shall bear a valid seal certifying compliance with the National Manufactured Housing Construction and Safety Standards Act (the HUD Code) as amended.
  - (2) Manufactured homes shall be set up in accordance with the standards of the North Carolina Department of Insurance. They shall have a continuous, permanent masonry foundation or masonry curtain wall, un-pierced except for required ventilation and access installed under the perimeter of the manufactured home.
  - (3) Stairs, porches, entrance platforms, ramps, and other means of entry to and exit from the home shall be installed or constructed to comply with the standards set by the North Carolina Department of Insurance, attached firmly to the primary structure and anchored securely to the ground
  - (4) The moving hitch, wheels, axles, transporting lights, and tongues shall be removed prior to occupancy.
  - (5) Manufactured homes shall be placed on the lot parallel to the street that is the means of

access to the home site. Manufactured homes within a park may be placed perpendicular to interior private streets or drives.

- (6) Manufactured homes shall be maintained in good condition and free of rust, dents, faded or chipped paint, and other visible signs of disrepair.

(B) Additional Standards for Class A (Double-wide) Manufactured Homes

- (1) Class A homes shall have a minimum enclosed living area of 960 square feet.
- (2) The minimum roof pitch shall be 3 feet rise per 12 feet of horizontal run. Roofing material shall be a type of shingle that is commonly used in standard residential construction. Roof projection shall be at least 6 inches, which may include a gutter.
- (3) Exterior siding shall consist predominantly of vinyl or aluminum lap siding whose reflectivity does not exceed that of flat white paint; or wood or hardboard, comparable in composition, appearance and durability to exterior siding commonly used in standard residential construction.

4-101- 22 Manufactured Home Park

(A) Compliance Required.

The park owner shall ensure that the park is constructed and maintained in compliance with this Ordinance. Failure of a manufactured home park to comply continuously with this Ordinance shall be grounds to revoke the Certificate of Occupancy.

(B) Minimum Park Size:

The minimum size of a park site shall be 5 acres and 10 manufactured home spaces. No more than 1 manufactured home shall occupy a space.

(C) Nonconforming Manufactured Home Parks

Nonconforming parks are subject to the applicable provisions of Article 6 (Nonconformities)

(D) Sale of Manufactured Home:

A manufactured home may only be sold under the following circumstances:

- (1) It may be sold by the owner residing in the home;
- (2) The park owner may sell a manufactured home that is parked on an individual space and is connected to water, sewer, electric, and other utilities.

(E) Sale of an Individual Space:

No individual space shall be sold while the manufactured home park is in operation.

(F) Park Identification Sign:

One park identification sign with a maximum sign area of 32 square feet may be permitted at each park entrance. Illumination may only be provided by indirect, non-flashing lighting.

(G) Nonresidential Uses Permitted as follows:

- (1) One space may be used for administrative offices.
- (2) Commercial uses shall be limited to food stores, laundry facilities, beauty parlors, barber shops and other personal services subject to the following:
  - (a) The use must be subordinate to the residential character of the park;
  - (b) No evidence of the commercial nature of the use shall be visible beyond the confines of the park.

- (c) The use shall accommodate the needs of park residents only.
- (H) Contours of Land
  - Land contours with vertical intervals of not more than 2 feet shall be shown on park plans.
- (I) Manufactured Home Dwelling
  - (1) The manufactured home shall be placed on a permanent stand.
  - (2) The manufactured home stand shall be situated so that it can be conveniently placed and removed by customary moving equipment.
  - (3) The minimum setback along the perimeter of the space shall be 5 feet.
  - (4) The minimum setback from another dwelling or common building (e.g. laundry facilities) shall be 15 feet.
- (J) Manufactured Home Space
  - (1) A manufactured home space shall be defined by concrete or iron pipe markers placed at corners. Their location shall be depicted on the manufactured home park plan.
  - (2) No manufactured home space shall be placed in areas susceptible to flooding.
  - (3) One manufactured home shall be permitted on an individual space.
  - (4) The minimum width shall be 50 feet.
  - (5) Minimum Size:
    - (a) Spaces served by public water and sewer shall have a minimum area of 10,000 square feet.
    - (b) Spaces served by public sewer but not public water shall have a minimum area of 20,000 square feet.
    - (c) Spaces served by neither public water nor sewer shall have a minimum area of 25,000 square feet.
    - (d) Additional area may be required by the Johnston County Health Department to allow installation of a safe and adequate water supply and sewage disposal facilities.
- (K) Recreation
  - A recreation area of at least 400 square feet per home space shall be provided for residents in parks with more than 25 spaces.
- (L) Streets and Driveways
  - (1) The minimum right-of-way width is 50 feet, and the minimum pavement width is 24 feet.
  - (2) Streets shall be improved and privately maintained in accordance with Town engineering standards.
  - (3) Each space shall have convenient access to an improved street or drive.
  - (4) Permanent dead-end streets shall not exceed 500 feet in length and shall have a turn-around at least 80 feet in diameter.
  - (5) Streets or drives shall intersect as nearly as possible at right angles; no street shall intersect less than 60 degrees.
  - (6) An appropriate site triangle shall be maintained at street and driveway intersections. The

triangle shall extend 25 feet in length measured along abutting public right-of-way lines and edge of the drive; internal drives shall maintain a site triangle 15 feet in length measured along the edge of the abutting driveway.

- (7) New street names shall be approved by the Town Board upon recommendation of the Planning Board. New street names shall not duplicate or be similar to existing street names in Micro unless it is a continuation of an existing street.

(M) Off-street parking

At least 2 off-street parking spaces shall be provided for each home space.

(N) Public Utilities

- (1) Adequate utilities shall be provided to all buildings on the site in accordance with Town and utility standards.
- (2) Connection to the Town's public water and sewer system is encouraged where available. Applications for parks that will not be served by public water or sewer shall make provisions for safe and adequate water and sewer services. Plans shall be approved by the appropriate county or state permitting authority.
- (3) Each manufactured home space shall be provided with at least a 3 inch diameter sewer riser pipe where collection systems are provided. The sewer riser pipe shall be located so that connection to the manufactured home drain outlet will approximate a vertical position.
- (4) A 2' x 2' concrete apron around all sewer connection riser pipes shall be installed for support and protection. The sewer connection shall be located at least 100 feet from the water supply.
- (5) The sewer connection shall have a nominal inside diameter of at least 3 inches, and the slope of a position thereof shall be at least one-fourth (1/4) inch per foot. Sewer connection shall consist of 1 pipeline with no branch fittings. Joints shall be water-tight, including the connection from the manufactured home to the sewer riser pipe.
- (6) Sewer connection materials shall be semi-rigid, corrosion-resistant, nonabsorbent, and durable. The inner surface shall be smooth.
- (7) Sewer pipes shall be properly plugged when a space is unoccupied by a manufactured home. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least 4 inches above ground elevation.

(O) Solid Waste Disposal

- (1) Solid waste shall be stored, collected, and disposed of in a manner that will not create a health hazard, rodent harborage, insect breeding areas, accident or fire hazards, or pollution.
- (2) Solid waste containers shall be provided in sufficient number and capacity, but no less than 64 gallons, to store properly solid waste generated within the park. Containers shall be fly-tight, water-tight, and rodent proof.
- (3) Each home space shall be within 150 feet of an appropriate solid waste container. Containers shall be stored in a stand designed to prevent tipping, to minimize spillage and deterioration, and to facilitate on-site maintenance.
- (4) Solid waste shall be collected and transported in covered vehicles or containers at least once a week.

(P) Pest and Nuisance Control

- (1) Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Pest control method shall be acceptable to the County Health Department.
  - (2) Parks shall be maintained free of debris that may provide rodent harborage or breeding places for flies, mosquitoes, and other similar pests.
  - (3) Storage areas shall be maintained as to prevent rodent harborage. Lumber, pipe, and other building material shall be stored at least 1 foot above ground.
  - (4) As the potential for insect and rodent infestation exists, exterior openings in or beneath a structure shall be appropriately screened with wire mesh or other suitable material.
  - (5) The growth of grass and vegetation shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Parks shall be maintained free of noxious weeds. Open areas shall be maintained free of heavy undergrowth.
- (Q) Street Lighting
- Adequate street lighting shall be provided from sunset to sunrise. The minimum size streetlight shall be a 175-watt mercury vapor (approximately 7,000 lumen class), or its equivalent. Lights shall be spaced at intervals of not more than 300 feet. Streetlight locations shall be depicted on the manufactured home park plan.
- (R) Sedimentation Control
- Sedimentation control shall be provided in accordance with the NC Sedimentation Control Act as amended.
- (S) Preliminary Plans
- Permit applications shall include 1 original and 7 copies of a preliminary plan drawn to a legible scale that is no smaller than 1 inch = 100 feet in scale, and shall show:
- (1) The name of the park, the names and addresses of the all owners, and designer or surveyor;
  - (2) Date, scale, and approximate north arrow;
  - (3) The location and dimensions of existing and proposed streets, driveways, recreation areas, parking spaces, service buildings, water courses, easements, manufactured home spaces, and structures on the park site;
  - (4) A vicinity map showing the location of the park in relation to nearby streets and adjacent properties;
  - (5) Names of adjacent property owners;
  - (6) Plans for water, sewer, gas, drainage, streetlights, and electrical power and other utilities
  - (7) Additional details needed to show compliance with this Ordinance.
- (T) Certificate of Occupancy
- A Certificate of Compliance/Occupancy issued for the manufactured home park shall authorize the owner to lease manufactured home spaces subject to the standards of this Ordinance.

#### 4-101- 23 Mini-warehouses

- (A) No open storage shall be permitted.
- (B) Storage of flammable, explosive, combustible, or hazardous materials is prohibited.
- (C) A permanent business office shall be located on the site.

- (D) The use of the premises shall be limited to storage of personal and business items and shall not be used for other purposes.
- (E) Retail sales to tenants shall be limited to products or supplies incidental to the use, such as packing materials, labels, ropes, and locks.

4-101- 24 Mobile Classrooms

- (A) Shall be permitted as an accessory to a school when student enrollment exceeds capacity of permanent facilities.
- (B) A permit for mobile classrooms shall not exceed 2 years.
- (C) Following a quasi-judicial hearing, the Board of Adjustment may grant 1 extension for up to 1 additional year.
- (D) No mobile classroom shall be within 100 feet of a dwelling or 15 feet of a permanent building on a separate lot.

4-101- 25 Recreation Facility (Public or Private)

- (A) A minimum 50-foot buffer shall be provided around the perimeter of the site that abuts a residential development.
- (B) At least 1 off-street parking space per 3 member families shall be provided.
- (C) The minimum size of the site is 1 acre.

4-101- 26 Public Safety and Major Utilities

- (A) A minimum 100-foot buffer shall be maintained between lot lines and water treatment, sewer disposal, electric substations, and other public safety and major utility facilities. Screening shall be maintained with opaque fencing or vegetation at least 6 feet high.
- (B) Minimum lot area shall be 1 acre.

4-101- 27 Sanitary Landfills (Same as Public Safety and Utility Facilities)

4-101- 28 Shopping Centers

- (A) The minimum lot area is 1 acre.
- (B) Minimum off-street parking and loading shall be 1 off-street parking space per 100 square feet of gross floor area and 1 off-street loading space per 20,000 square feet of gross floor area.
- (C) Uses shall be permitted as specified for the applicable zoning district.
- (D) The minimum yard setback is 50 feet on all sides.
- (E) A minimum 6 foot high solid screen shall be provided along the property lines when adjacent to a residential use or zoning district.
- (F) Site plan shall show the:
  - (1) Location and dimensions of proposed structures (buildings, signs, etc.).
  - (2) Proposed points of ingress and egress and internal circulation patterns.
  - (3) Topographical features with contour intervals of 2 feet or less.

4-101- 29 Multi-Family Dwellings

- (A) The minimum lot area is 1 acre

- (B) Off-street parking shall be provided in accordance with Section 4-104, Off-street Parking and Loading.
- (C) Site Plans shall include:
  - (1) The location and dimensions of all buildings, signs, and other structures
  - (2) Proposed points of ingress and egress to the site and internal circulation patterns
  - (3) The layout and dimensions of off-street parking, loading, and other vehicular use areas
- (D) Other requirements:
  - (1) Density shall not exceed the maximum permitted in the applicable zoning district.
  - (2) Maximum number of dwellings per building is 8 units.
  - (3) Minimum separation between buildings is as follows:

**Table 4-1: Building Separation Table**

Height of Taller Building	Minimum Horizontal Distance Between Vertical Projections
20 feet or less	16 feet
between 20.1 and 25.0 feet	25 feet
between 25.1 and 30.0 feet	30 feet
between 30.1 and 35.0 feet	40 feet

- (4) Vertical projections shall be drawn from the point on each building that is horizontally closest to the other building.
- (5) The minimum setback along the perimeter of the lot is 30 feet. No building or off-street parking shall be permitted within the minimum setback.
- (6) Convenient access for emergency and public service vehicles to the site shall be provided.
- (7) Solid waste disposal facilities shall be approved by the Town Board.

**4-101- 30 Planned Unit Development (PUD)**

- (A) The minimum size of a PUD site is 2 acres
- (B) Permitted Uses:

Uses may be permitted in a PUD subject to the following provisions:

- (1) Townhouses:
  - (a) A townhouse shall be constructed in a series or group of attached units with property lines separating each unit.
  - (b) Between 2 and 8 units per grouping shall be provided.
  - (c) The maximum density is 10 units per gross acre.
  - (d) Open space may be deeded as part of the individual townhouse lots, clustered as common area dedicated to a homeowners association, or a combination of both.
- (2) Cluster subdivisions:

- (a) Cluster subdivisions shall be permitted as a special use in environmentally sensitive areas.
  - (b) The site shall preserve significant natural features and resources such as wetlands, floodplains, natural drainage ways, and watersheds that is in the best interest of the Town to preserve or that may negatively impact public health or safety.
  - (c) Lots may be clustered within the development to have a minimum lot size of 6,000 square feet, if the gross density of the site does not exceed the minimum lot size that would be permitted for a traditional development in the applicable zoning district. Areas of concentrated density shall be located in upland area and, to the maximum extent practicable, away from critical environmental resources.
  - (d) The remainder of the tract shall be dedicated and maintained as open space. Activities within dedicated open space shall be limited to passive recreation activities.
- (3) Zero lot line dwellings:
  - (a) Single-family dwellings may be permitted with zero setbacks on one side of the lot if no building is within 10 feet of a building on a separate lot.
  - (b) The lot area within a zero lot line development may be reduced to 6,000 square feet as long as the gross density of the PUD site does not exceed the minimum lot area permitted in the applicable zoning district. The reduced area shall be dedicated as *common area* pursuant to paragraph (C) below.
  - (c) These are detached single-family dwellings on lots without a side yard requirement on one side of the lot. The lot for a zero lot line dwelling may be reduced, but may not be less than 6,000 square feet if the difference between the required dimensions for the district and the reduced dimensions is dedicated to a homeowners association as common open space.
- (C) Common Area Requirements:
  - (1) Common areas shall be deeded to an incorporated owners association or a conservation organization for preservation in a permanent easement. Where neither option is available, a maintenance agreement shall be filed with the property deeds.
  - (2) Common areas shall be recorded with the Town Board and the County Register of Deeds Office along with a declaration of covenants and restrictions as well as regulations and bylaws that will guarantee the perpetual maintenance of these areas. Provisions shall include but is not limited to the following:
    - (a) The association shall be established before homes, buildings, or lots are sold.
    - (b) Membership shall be mandatory for property owners and successive owners unless another arrangement that adequately protects the interests of the town and the owners is approved by the Town Board.
    - (c) The association shall be responsible for the liability insurance, local taxes, and the permanent maintenance of recreation, open space, and other facilities.
  - (3) Uses of common property shall be appropriately restricted.
  - (4) The following information shall also be provided:
    - (a) The name of the association;
    - (b) The manner in which directors of the association are to be selected;



- (c) The post office address of the initial registered office;
- (d) The name of the city and county in which the registered office is located; and
- (e) The number of directors constituting the initial board of directors.

#### 4-101-31 Mobile Food Vendors/Food Trucks

All mobile food vendors shall comply with the regulations of this section except for vendors associated with a town sponsored one-day event.\* A food truck that is part of a town sponsored event will be required to complete an application for a single use permit and all fees will be waived. It should be noted that this permit will only be good for the town event, it will not be active prior to or following the event.

There will be two different permits available; a single use permit, which will be valid for no more than 7 days and a long term permit, which will good for no longer than 90 days.

Mobile food vendors at fixed locations on private property shall obtain a zoning permit stipulating an expiration date of the permit not to exceed 90 days (three months). A copy of this zoning permit shall be posted conspicuously at or near the window or windows where customers order or pick up food being vended. Documents required to be submitted at the time a permit is applied for shall include the following:

1. A copy of any written agreement between the mobile food vendor and the owner of the private property where mobile vending will take place.
2. A copy of the most recent inspection from the Environmental Health Department that licensed the mobile food vendor (food truck).
3. A copy of the State issued photo identification of the applicant, which shall be placed on file with the town. The name, along with a copy of the State issued photo identification of any alternate mobile food vending personnel shall be provided if other persons will be allowed at any date/time by the applicant to vend from the permitted food truck.

#### **A. Siting Requirements.**

1. A maximum of two (2) mobile food vendors shall be located on a Lot or Parcel in Residential Agricultural (RA), Downtown Commercial District (CD), Commercial Highway (CH) and Light Industrial (LI) except Commercial Highway (CH) and/or Light Industrial (LI) . In the CH or LI Districts, a maximum of four (4) mobile food vendors may operate on any privately owned parcel exceeding three (3) acres in size.
2. Mobile food vendors shall be located a minimum of one hundred (100) feet\*, from the main entrance to any eating establishment or similar food service business, and one hundred (100) feet\* from any outdoor dining area operated as part of an eating establishment, as measured from the designated location on the Lot or Parcel accommodating the food truck, trailer or cart. *\*Unless this is waived in writing from owner of eating establishment or food service business.*
3. Mobile food vendors, food trucks, trailers and carts shall be located a minimum distance of fifteen (15) feet from any fire hydrant.
4. Mobile food vendors, food trucks, trailers and carts shall not be located within any area of the Lot or Parcel that impedes, endangers, or interferes with pedestrian or vehicular traffic.
5. Mobile food vendors, food trucks, trailers and carts shall not occupy any parking spaces required to fulfill the minimum requirements of the principal use, unless the Principal Use's hours of operation do not coincide with those of the food truck business. Nor shall any mobile food vendor occupy parking spaces that may be leased to another business and used to fulfill its minimum parking requirements.

6. Food trucks, trailers and carts shall not occupy any handicap accessible parking space as specified in NCGS § 20-37.6.

#### **B. Operations.**

1. One freestanding sandwich board sign shall be permitted as part of the food truck, trailer or cart vending operation.
2. No audio amplification shall be permitted as part of the food truck, trailer or cart vending operation.
3. Hours of operation of food trucks, trailers and carts shall be limited to the hours between 5:00 a.m. and 10:00 p.m. When open for business, the food truck, trailer or cart operator, or his or her designee, shall be present at all times, except in cases of an emergency. If the food truck, trailer or cart operator's name does not match the name on the zoning permit displayed conspicuously at the window or windows where customers order or pick up food being vended, the name of the operator shall be displayed alongside the permit.
4. The food truck, trailer or cart vendor is responsible for the proper disposal of waste and trash associated with the operation. Town trash receptacles are not to be used for this purpose. Vendors shall remove all waste and trash from their approved location at the end of each day or as needed to maintain the health and safety of the public. The vendor shall keep all areas of the permitted lot free and clean of grease, trash, paper, cups, cans or other materials associated with the vending operation. No liquid waste or grease is to be disposed in tree pits, storm drains or onto the sidewalks, streets, or other public space. Under no circumstances shall grease be released or disposed of in the Town's sewer system.
5. All equipment required for the operation shall be contained within, attached to or within twenty (20) feet of the food truck, trailer, or cart. All food preparation, storage, and sales-distribution shall comply with all applicable County, State and Federal Health Department sanitary regulations.

#### **C. Permits Required.**

1. A Town-issued mobile food vendor permit shall be obtained in accordance with this ordinance by the vendor. Prior to the issuance of the permit, the vendor shall provide evidence of having obtained a food vending permit from the Johnston County Environmental Health Department (if applicable), a North Carolina Sales and Use Certificate for collecting and paying the proper sales taxes (if applicable), and a means for the disposal of grease within an approved grease disposal facility.
2. If at any time evidence of the improper disposal of liquid waste or grease is discovered, the mobile food vendor permit shall be rendered null and void, and the business shall be required to cease operation immediately. The vendor shall be cited for the violation as hereinafter set forth.
3. Copies of the zoning permit and food vending permit shall be kept in the food truck, trailer, or cart at all times.
4. If at any time, the Johnston County Environmental Health Department revokes or suspends the issued food vending permit, the Town permit for mobile food vending operation shall be revoked or suspended simultaneously.

#### **D. Enforcement.**

1. This section shall be enforced by law as provided in G.S. § 160A-175. All criminal sanctions shall be up to the dollar limit provided in G.S. § 14-4(a), as currently enacted or as hereafter amended, or any similar limitations.
2. The civil penalty for violating this section shall be as follows: For the first offense, the fine shall be one hundred (\$100.00) dollars. For the second offense, the fine shall be three hundred (\$300.00) dollars. The mobile food vendor permit shall be revoked after the third offense.

### **SECTION 4-102      ACCESSORY USES AND STRUCTURES**

Accessory uses, structures, and buildings may be permitted, subject to the provisions of this section.

#### **4-102-1      General Standards and Limitations**

- (A) Accessory structures and uses must:
- (1) Be located on the same lot as the principal use or structure;
  - (2) Be customarily and clearly incidental to principal use or structure;
  - (3) Be subordinate in area, extent, and purpose to the principal use or structure;
  - (4) Be owned or operated by the occupant of the principal use or structure;
  - (5) Be constructed or established simultaneously with or subsequent to construction or establishment of the principal use or structure.
- (B) Location of Accessory Uses or Structures:
- (1) Unless stated otherwise in this Ordinance, no accessory use or structure shall extend beyond the front building line of the principal structure.
  - (2) Except for fences and walls, no detached accessory structures shall be placed within 10 feet of another building or 5 feet of a lot line.
  - (3) No accessory structure shall locate within an easement or over known utilities.
- (C) The height of an accessory structure shall not exceed that of the principal building.
- (D) The area of a non-farm accessory structure shall not exceed 40 percent of the total area of the principal building. The total area of all accessory uses or structures shall not exceed 75 percent of the principal use or structure.

#### **4-102-2      Fences and Walls**

- (A) Placement of Fences and Walls
- (1) There are no setbacks for fences. We advise not to place fences directly on the property line in case of any confusion regarding where the actual property line is. We recommend 1-2 feet from the property line, but we do not require that. (*Updated Ordinance #2023-12-02*)
  - (2) Fences shall not impede access to dedicated easements. The Town shall not be responsible for repair or replacements of fences damaged or removed to access and manage easements for their intended purpose. This provision shall not be construed to prevent fencing around storm water retention or detention facilities required by this Ordinance.
  - (3) No fence shall block or divert natural drainage flow on to or off of another lot.

(B) Height of Fences and Walls

- (1) Fence or wall height shall be measured from the natural grade.
- (2) Fences in residential districts shall not exceed 4 feet in height in the front yard or 6 feet in the side or rear yard.

- (3) Fences in nonresidential districts shall not exceed 6 feet in height in the front yard or 8 feet in height in other yards.
- (4) The combined height of a fence and retaining wall or berms shall not exceed the maximum allowed for a fence or wall alone.
- (C) Exemptions
  - (1) Fences that are an accessory to a permitted tennis court, athletic field, or other recreational facility are exempted from height restrictions of this subsection.
  - (2) Major utilities, government facilities, and other public uses are exempted from these standards as needed to protect public safety.
- (D) Appearance of Fences and Walls
  - (1) Customary Materials: Fences and walls shall be constructed of customary materials, including solid wood, brick, masonry, stone, wrought iron, decorative metal materials, or products designed to resemble these materials. Where screening and buffering provisions elsewhere in this Ordinance require that specific materials be used, then all other fencing materials are prohibited.
  - (2) The more finished side of fences shall face the public right-of-way or adjacent property. If one side has visible support framing and the other does not, then it shall be deemed the less “finished” side and shall be placed away from the public view.
  - (3) Fencing along a single side of a lot shall be composed of a uniform material and uniform color.
  - (4) Fences and walls shall be maintained in a safe and attractive condition. Fence structures shall be maintained to prevent sagging and weathering of surfaces visible from the public right-of-way. Any missing, deteriorated, or broken structural and decorative elements shall be repaired or replaced. Fences that lean more than 20 degrees from vertical shall be promptly repaired to correct that condition.
- (E) Prohibited Fences
  - (1) No chain link or metal slat fences shall be permitted within the front yard of residential districts. Where chain link fencing is permitted, it shall be vinyl coated and colored dark green, brown, or black.
  - (2) Barbed wire fences and above ground electrified fences are prohibited except for agricultural uses, major utilities, government facilities, and for public safety reasons. Underground electric fences for control of domestic animals are permitted.
  - (3) Fences made of rolled plastic, sheet metal, plywood, or junk or waste materials are prohibited unless they have been reprocessed to resemble new building materials and marketed as a recyclable product.

4-102-3 Home Occupations

- (A) The occupation must be owned and operated by a resident of the dwelling.
- (B) No more than 1 non-resident shall be employed in the home occupation.
- (C) A maximum 25 percent or 600 square feet, whichever is smallest, of the heated floor area of the dwelling shall be dedicated to the conduct of the home occupation.
- (D) Off-street parking by patrons of the home occupation shall be in the rear of the premises.

- (E) The external appearance of the dwelling shall be preserved. The conduct of the occupation shall not cause the premises to differ from its residential character.
- (F) No traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference which can be detected by the normal senses from off the premises, including interference with radio or television reception, shall be created by the home occupation.
- (G) No equipment that will change the fire rating of the structure where the home occupation is conducted shall be permitted.
- (H) One business identification sign for the home occupation shall be permitted. Otherwise, no advertising shall be visible from outside the dwelling or accessory building.
- (I) No outdoor display, storage, or service areas shall be permitted.

4-102-4 Outdoor Display Area

- (A) No outdoor display area shall be within 20 feet of the property line of a residentially zoned or used lot or within 5 feet of the public right-of-way.
- (B) Outdoor sales and display items shall be located on a hard and durable surface
- (C) Vehicular use and parking areas where outdoor items are displayed shall not count towards the minimum parking standards for the proposed use.
- (D) Merchandise in outdoor display areas shall be limited to items sold on the premises.
- (E) Sale of seasonal items such as Christmas trees shall require a Temporary Use Permit pursuant to Section 2-110.
- (F) No area used for outdoor display shall be used to meet off-street parking and loading requirements.

4-102-5 Outdoor Storage

- (A) Storage of any material shall be contained to prevent any adverse impacts on adjacent uses.
- (B) No outdoor storage area shall extend into the front yard.
- (C) Outdoor storage areas shall be screened from adjacent properties and rights-of-way by an opaque fence, wall, or landscape berm.
- (D) The maximum height of screening material shall be 8 feet. No material shall be stored at a height above that of the screening material.
- (E) The design of screening material shall be compatible with the overall design of the principal structure.
- (F) If the outdoor storage area is covered, the covering shall include at least one of the predominant exposed roofing colors on the primary structure.

## SECTION 4-103 TEMPORARY USES AND STRUCTURES

Temporary uses, structures, or special events shall be permitted, subject to the provisions of this section:

4-103-1 General Standards for Temporary Uses and Structures

- (A) Temporary uses shall be permitted as provided in the applicable zoning district.
- (B) Temporary uses shall be compatible with the principal use of the site;

- (C) No temporary use shall have a detrimental effect on adjacent properties or be a danger to the public health, safety, or general welfare;
- (D) No permanent alteration to the site shall result from the temporary use;
- (E) Minimum setbacks of the applicable zoning district shall be maintained;
- (F) Signage shall comply with applicable temporary sign standards.
- (G) No structure associated with the temporary use shall remain on the site after the temporary use ends.

4-103-2 Carnival or Circus

- (A) Off-street parking spaces dedicated to the temporary use shall not exceed 15 percent of the minimum required for the principal use during business hours.
- (B) If on a vacant lot, the minimum lot area shall be 2 acres, at least one-third of which shall be designated for parking.
- (C) No activity shall be permitted within 25 feet of a lot line.
- (D) No carnival or circus shall be permitted for more than 14 days in a calendar year.

4-103-3 Portable Shipping Containers

- (A) No container shall be permitted on a lot for more than 30 days in any 365-day period.
- (B) No container shall be larger than 8 feet x 8 feet x 16 feet.
- (C) No container shall be used to store hazardous or flammable materials, live animals, or for human habitation.
- (D) Containers must serve an existing residential use on the lot
- (E) The zoning administrator shall determine the most appropriate location for the portable storage unit to be placed on site.
- (F) Containers in the front yard must be placed on a paved driveway. No more than 1 container shall be placed in the front yard of a single-family residential lot.
- (G) No container shall be closer than 10 feet from a lot line.

4-103-4 Seasonal Agricultural Sales

- (A) Location
  - (1) No agricultural sales area shall have an adverse impact on existing open space, landscaping, traffic circulation, or off-street parking.
  - (2) No sales area shall encroach into a public right-of-way or within 200 feet of a dwelling.
  - (3) A minimum 5-foot wide walkway shall be maintained in front of the sales area.
- (B) Seasonal agricultural products shall be limited to Christmas trees, pumpkins, produce, and similar seasonal agricultural products. For the purposes of this subsection, processed or prepared food products shall not be considered agricultural products.
- (C) The sale of products shall not involve the short-term display or storage of products on-site for 2 days or longer to be considered seasonal agricultural sales. Sales accomplished solely from a vehicle shall not be considered seasonal agricultural sales.

- (D) The hours of operation shall be no earlier than 7:30 AM to no later than 10:00 PM but shall not exceed the operating hours of the principal use on the same lot.
- (E) No seasonal sales shall remain on a lot for more than 120 days in a calendar year.

4-103-5 Temporary Construction Trailers

- (A) A temporary construction trailer may be permitted on a lot with a valid Building Permit and during the period of active construction.
- (B) No trailer shall be within 20 feet of a building or any lot line, or within minimum setback of the applicable zoning district, whichever is greater.
- (C) Trailers may include restroom facilities for workers and utility connections.
- (D) Trailers shall be removed upon issuance of a Certificate of Occupancy.

4-103-6 Temporary Sales Trailers

- (A) A temporary trailer may be set up as an office for the real estate sale of lots within a development under construction.
- (B) No temporary sales trailer shall be within 20 feet of a lot line.
- (C) Temporary sales trailers shall be removed once the project is complete or all lots are sold, whichever is sooner.
- (D) Temporary sales trailers shall be underpinned and meet applicable parking and screening requirements.

## SECTION 4-104 OFF-STREET PARKING AND LOADING

4-104-1 Purpose and Intent

The purpose and intent of this section is to relieve traffic congestion in the streets, to minimize detrimental effects of off-street parking areas on adjacent lands, and to ensure the proper and uniform development of parking areas throughout the Town. Off-street parking and loading shall be provided in accordance with the standards of this section.

4-104-2 Expansions and Alterations

Any expansion and alterations to existing buildings or any change to an existing use that will increase parking and loading demands beyond what is currently available shall comply with this section.

4-104-3 General Standards for Off-Street Parking, Stacking, and Loading

(A) Use of Parking Area, or Loading Space

Designated vehicular parking areas, stacking areas, and loading spaces shall be used for those purposes. Spaces used to store vehicles for repair service or outdoor sales display shall not count towards the minimum requirements.

(B) Delineating Parking and Loading Areas

Painted lines, wheel stops, and other methods shall be used to distinguish off-street parking areas with 3 or more spaces and off-street loading areas from aisles and other designated circulation areas.

(C) Paving

- (1) Off-street parking and loading surfaces shall be paved with a durable, dust free and hard material such as surface and seal treatment, bituminous hot mix or Portland cement,



concrete, or some comparable material.

- (2) Gravel driveways may be permitted for single-family residential lots. Gravel shall be contained within the parking area and prevented from being carried into the public roadway or drainage ways.
- (3) Surface areas for parking and loading shall be maintained for safe and convenient use at all times.

(D) Arrangement

- (1) Arrangement of off-street parking and loading areas shall provide convenient access and safe circulation for pedestrians and motorists.
- (2) Except for detached residential uses, off-street parking areas with 3 or more spaces shall be arranged so no parking or incidental maneuvering into a public street or sidewalk is required; and so that vehicles can be parked and un-parked without moving another vehicle.

(E) Drainage

Off-street parking and loading area drainage shall not cause a nuisance on adjacent land.

(F) Exterior Lighting

No exterior lighting shall emit glare or excessive light on adjacent properties and public rights-of-way. A lighting plan shall be included with permit applications.

(G) Curbs and Motor Vehicle Stops

Curbs, wheel stops, or similar devices shall prevent vehicles from overhanging into public right-of-way, sidewalks, walkways, adjacent land, or landscape areas.

(H) Maintained in Good Repair

Off-street parking and loading areas shall not create a hazard to public safety or a visual or aesthetic nuisance to surrounding land. Off-street parking and loading areas shall be periodically restored to clearly identify and separate parking stalls.

(I) Responsibility for Provision

Off-street parking and loading areas shall be provided and maintained jointly by the property owner and the operator of the use for which such areas are required.

(J) Construction of Off-street Parking and Loading Areas

Required off-street parking and loading areas shall be available before a Certificate of Occupancy can be issued for the establishment they serve.

4-104-4 Off-Street Parking Standards

(A) Parking Plan Required

Permit applications shall include a parking plan showing compliance with off-street parking requirements. The plans shall accurately illustrate the location, number, and dimensions of parking and circulation areas, landscaping, lighting, and other parking facilities associated with the proposed use.

(B) Minimum Number of Spaces Required

Off-street parking shall be provided as specified in the following table.

**Table 4-2: Minimum Parking Spaces Required for Specific Uses**

<b>Use</b>	<b>Minimum Off-Street Parking Spaces</b>
Single-family dwelling	2 spaces
Duplexes	4 spaces
Multi-family/townhouses	2.5 spaces/unit
Manufactured home	2 spaces
Offices	1 space per 250 square feet of floor area
Retail businesses	3 spaces per 1000 square feet of floor area
Religious Institution	1 space per 4 seating capacity in sanctuary
Auditoriums, stadiums, theaters	1 space per 5 seats
Accommodations (hotels and motels)	1 space per rental room
Hospitals and nursing homes	1 space per bed
Medical clinics	4 spaces per doctor plus 1 space per employee
Wholesale, warehouse, and similar businesses	1 space per 2 employees, and 1 space per truck to be stored or stopped simultaneously
Industrial	1 space per 1.5 employees, and 1 space per truck to be stored or stopped simultaneously
Institutional uses	1 space per 5 seats in principal assembly room
Swim club	1 space per 3 memberships
Barber or beauty shop as home occupation	2 additional spaces
Daycare Center	1 space per adult caregiver, and 1 space per 6 children
Elementary or Junior High School	3 spaces per administrative office or classroom, or 1 space per 6 seats in auditoriums and other places of assembly, whichever is greater
High School	1 space per school employee, and 1 space per 4 students
Restaurants and other eating establishments	1 space per 4 seats

(C) Determination by Zoning Administrator

Parking standards for uses not specifically listed above shall be determined by the Zoning Administrator based on the standards for the closest comparable use or from accepted sources such as the National Parking Association or the American Planning Association.

(D) Placement

Off-street parking shall be provided on the lot where the use is located or on a lot within 500 feet of that lot with the written permission of the owner. Except in the CD Districts, no on-street parking spaces shall be used to satisfy off-street parking requirements.

(E) Shared Parking

- (1) Shared parking for multiple uses may be used to satisfy off-street parking requirements. Users wishing to share parking must file a request that justifies the feasibility of shared parking. Such a request shall provide information on the size and type of uses proposed to share parking, and shall demonstrate that sufficient space will be available for each use during their respective peak parking demand.

- (2) The shared parking plan shall be enforced through written agreement among the owners of record. An attested copy of the agreement shall be filed with the Zoning Administrator before a Certificate of Occupancy is issued. A shared parking agreement may be revoked if the required off-street parking will be provided by the individual users.
- (F) Minimum Dimensional Standards for Parking Spaces and Aisles
- (1) General: The minimum dimensions for standard car parking spaces and parking lot aisles shall be as follows:

**Table 4-3: Dimensional Requirements for Off-Street Parking Spaces**

Angle	Stall Width	Curb Length Per Car	Stall Depth
0 degrees	9 ft.	23 ft.	8 ft.
20 degrees	9 ft.	23 ft., 6 in.	14 ft.
30 degrees	9 ft.	16 ft.	16 ft., 6 in.
45 degrees	9 ft.	11 ft., 4 in.	19 ft., 2 in.
60 degrees	9 ft.	9 ft., 4 in.	20 ft., 6 in.
70 degrees	9 ft.	8 ft., 6 in.	20 ft., 10 in.
90 degrees	9 ft.	8 ft.	19 ft.

- (2) Dimensional Adjustments: Parking structures may be subject to dimensional adjustments based on utilization, but no stall shall be less than 8 feet wide. The Zoning Administrator may reduce or increase these standards based on the type of vehicular traffic typically generated by the proposed use.
- (3) Maximum Driveway Width: Unless otherwise required by the NCDOT, the maximum pavement width of driveways in off-street surface parking lots shall be 24 feet from curb face to curb face.

#### 4-104-5 Loading Space Standards

- (A) Minimum Loading Space Requirements

**Table 4-4: Table Showing Off-Street Loading Requirements**

Use Classification	Minimum Space Requirements
Non-residential uses with a floor area of less than 20,000 square feet (sq. ft.)	1 space
Retail uses with 20,000 sq. ft. or more of usable floor area	1 per 20,000 sq. ft. of usable floor area but no more than 2 spaces
Light industrial uses with a gross floor area of less than 40,000 sq. ft.	1 space
Industrial and wholesale uses with a gross floor area of 40,000 sq. ft. or more:	
40,000-99,999 sq. ft.	2 spaces
100,000-159,999 sq. ft.	3 spaces
160,000-239,999 sq. ft.	4 spaces
240,000-319,999 sq. ft.	5 spaces
320,000-400,000 sq. ft.	6 spaces
Each 90,000 above 400,000 sq. ft.	1 space
Office uses and hotels with 100,000 sq. ft. devoted to such purposes	1 space per 100,000 sq. ft.

- (1) The minimum dimensions of a loading berth or space shall be 12 feet wide x 30 feet deep; and the minimum clearance shall be 14 feet.
- (2) Each loading space shall have adequate unobstructed means of ingress and egress for vehicles.

(B) Location

Where possible, loading areas shall be located to the rear of the use they serve. In addition, the loading area shall be adjacent to the building's loading doors and in an area that promotes their practical use.

(C) Street Access

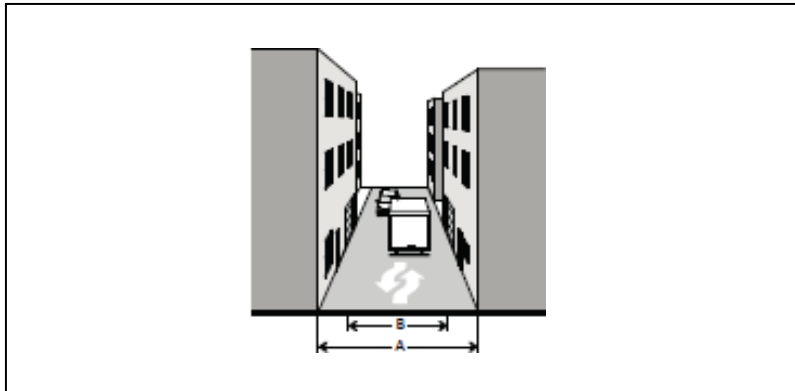
The loading space shall have safe and convenient access to a street, but no loading space shall extend into the aisle of the parking lot.

4-104-6

Alleys

Specifications for Private Alleys (Commercial District Only)

- (A) Alleys provide for access to service entrances, side or rear parking spaces, loading docks, and garages, as well as providing a location for utilities and garbage. Alleys can also provide alternative means of access for pedestrians. They may vary in width from 8 to 20 feet, depending upon whether they are one-way, two-way, or pedestrian-only. Where practicable, alleys shall be surfaced with permeable pavement.



<b>Width</b>		
A	Easement Width	8-20 ft., depending upon purpose
<b>Travelway</b>		
B1	Travel Lane (2-way)	20 ft. maximum
B2	Travel Lane (1-way)	12 ft. minimum
<b>Pedestrian Accessway</b>		
B3	Paved Walkway	8 ft. minimum

- (B) Alleys are typically shared by adjoining properties. Upon development, wherever there exists a dedicated or platted half-alley adjacent to the parcel to be developed, the other half shall be platted and constructed.

## SECTION 4-105 LANDSCAPING

### 4-105-1 Purpose and Scope

This Section 4-105 is intended to establish standards for the design of landscaping to improve the community aesthetically, economically, and environmentally.

The landscaping regulations apply to both public and private property, according to the following standards:

- (A) New development - All standards of this section shall apply.
- (B) Existing development – For changes of use and or expansion of an existing non-conforming development all standards of this section shall apply.
- (C) Exemptions – The development of individual single-family or two-family dwellings and building interior or exterior renovation projects are exempt from the requirements of this section.

Appendix 1 shows the Landscaping Design and Details to be used with this Section.

### 4-105-2 Definitions

The following definitions shall apply to the regulation and control of landscaping within this Section 4-105:

**Caliper:** A standard trunk diameter measurement for nursery grown trees taken six inches above the ground for up to and including four-inch caliper size, and twelve inches above the ground for larger sizes.

**Critical Root Zone (CRZ):** A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for every inch of tree DBH, with a minimum of eight feet.

**DBH:** Diameter-at-breast-height is the tree trunk diameter measured in inches at a height of 4.5 feet above the ground.

**Deciduous:** Those plants that annually lose their leaves.

**Drip Line:** A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

**Evergreen:** Those plants that retain foliage throughout the year.

**Evergreen Screen:** A plant growing to over 20 feet in height at maturity that retains foliage year-round that is planted to provide a dense vegetative screen for purposes of visual mitigation between zoning districts.

**Ground Cover:** A prostrate plant growing less than 2 feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, groundcovers control erosion while eliminating the maintenance of mowing on hillsides.

**Landscaping:** The process or product of site development including grading, installation of plant materials, and seeding of turf or ground cover.

**Parking Lot Plantings:** Planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement.

**Planting Area:** The area prepared for the purpose of accommodating the planting of trees, shrubs, and groundcovers.

**Planting Buffer Yard:** The required installation of landscaping and screening materials between uses (Table 3-2).

**Type A Planting Buffer Yard:** A planting strip having minimum width of 8 feet which is intended to separate uses, provide vegetation in densely developed areas, and enhance the appearance of individual properties.

**Type B Planting Buffer Yard:** A medium density screen having a minimum width of 15 feet which is intended to partially block visual contact between use classifications and create spatial separation.

**Type C Planting Buffer Yard:** A high density screen having a minimum width of 20 feet which is intended to substantially block visual contact between use classifications and create spatial separation. A Type C Planting Yard reduces lighting and noise that would otherwise intrude upon adjacent use classifications.

**Shrub, Large:** An upright plant growing 10 feet to 20 feet in height at maturity that is planted for ornamental or screening purposes.

**Shrub, Small - Medium:** A plant growing 3 feet to 10 feet in height at maturity that is planted for ornamental or screening purposes.

**Street Tree:** A tree planted along the street behind the right-of-way.

**Street Yard:** A planting area parallel to a public street designed to provide continuity of vegetation along the right-of-way and to soften the impact of the development by providing a pleasing view from the road.

**Tree, Small Ornamental:** A small tree, growing 15 feet to 40 feet in height at maturity, that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

**Tree, Medium – Large Shade:** A large tree growing to over 40 feet in height at maturity, usually deciduous, that is planted to provide canopy cover shade.

#### 4-105-3 Planting Buffer Yard

##### (A) Applicability and Exceptions

The planting buffer yard language of this Section 4-105- 3 shall apply to new development, and for existing buildings with a fifty percent (50%) or more in size expansion of a building or parking lot.

The following uses (Table 3-2) do not require planting buffer yards:

##### Agricultural Uses

- Farm (crop production)
- Nursery (plants)

##### Residential Uses

- Dwelling, single-family
- Dwelling, two-family
- Dwelling, multi-family
- Dwelling, Townhouses
- Dwelling, attached house
- Class A Manufactured home (double-wide)
- Class B Manufactured home (single-wide)

- Family Care Home
- Boarding house

Accessory Uses

- Day Care Home
- Home Occupation
- Manufactured Home (Individual)

All Temporary Uses

(B) Planting Buffer Yard Types

Planting buffer yards are intended to separate different land uses from each other and eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, and unsightly buildings or parking areas. The planting buffer yard types are determined by adjacent uses.

Table 4-105.1A shows the zoning use (Table 3-2) categories for existing and proposed development and required planting buffer yard Types A, B, and C.

**Table 4-105.1A. Use Category (Table 3-2) and Planting Buffer Yard Types (A, B and C)**

	Existing Use Category			
Proposed Use Category	Residential	Public or institutional	Commercial	Industrial
Public or institutional	Type A	None	Type A	Type B
Commercial	Type A	Type A	None	Type A
Industrial	Type C	Type B	Type A	None

Table 4-105.1B shows additional specific zoning use (Table 3-2) types for existing and proposed development, and the required planting buffer yard Types A, B, and C.

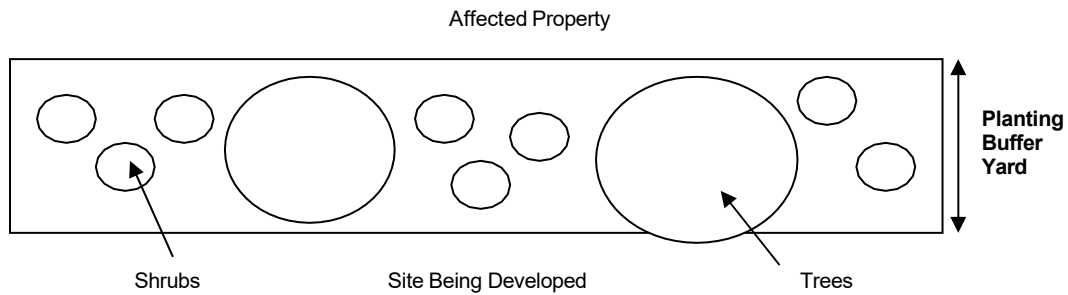
**Table 4-105.1B. Specific Uses (Table 3-2) and Planting Buffer Yard Types (A, B and C)**

	Existing Use Category			
Proposed Specific Use	Residential	Public or institutional	Commercial	Industrial
Animal (livestock) Operations	Type C	Type C	Type B	Type A
Agricultural-based business facilities	Type A	Type A	None	None
Manufactured Home Park	Type A	Type A	Type A	Type A
Outdoor Storage Areas & Sales	Type B	Type B	Type A	None
Planned Development				
Shopping Centers	Type A	Type A	None	Type A
Multi-family Dwelling	Type A	Type A	Type B	Type C
Zero Lot Line Development	Type A	Type A	Type B	Type C
Townhouses	Type A	Type A	Type B	Type C
Planned Unit Development	Type A	Type A	Type B	Type C

(C) Planting Buffer Yard Example

For a planting buffer yard example (Figure 4-105-1), suppose there is an existing residential house and the adjacent property is zoned that will allow a gasoline station use. The developer of the proposed gasoline station will be required to install a buffer between the two properties. In this example, the house would be a residential land use (Table 3-2) and the gasoline station a commercial use (Table 3-2). Reading Table 4-105.1A, the required buffer yard would be a Type A with plant types as shown in Tables 4-105.2 and 4-105.3.

**Figure 4-105-1: Buffer Yard Example**



**(D) Tree and Shrub Plants for Buffer Yard**

Tables 4-105.2 and 4-105.3 show the planting requirements of planting buffer yard Types A, B, C. Each planting buffer yard has a specified width, type of plant material and quantity of plant material that is required. Additionally, in Type B Planting Buffer Yards, small ornamental trees may be substituted for medium-large shade trees at the rate of two (2) small ornamental trees for each required medium-large shade tree.

**Table 4-105.2: Planting Buffer Yard Landscaping**

<b>Yard Type</b>	<b>Minimum Width (feet)</b>	<b>Medium – Large Shade Trees</b>	<b>Small Ornamental Trees</b>	<b>Shrubs</b>	<b>Required Points per Linear Foot*</b>
A	8	Optional	1/50 feet	Optional	0.4
B	15	1/75 feet	1/100 feet	Optional	0.7
C	20	1/50 feet	1/75 feet	Optional	0.9

\* See Table 4-105.3, Points for Planting Buffer Yards.

**Table 4-105.3: Points for Planting Buffer Yards**

<b>Trees and Shrubs</b>	<b>Points</b>
<u>Medium - Large</u> Shade Tree	12
Small Ornamental Tree	6
Large Shrub	3
<u>Small - Medium</u> Shrub	2

**(E) Wall or Fence with Planting Buffer Yard**

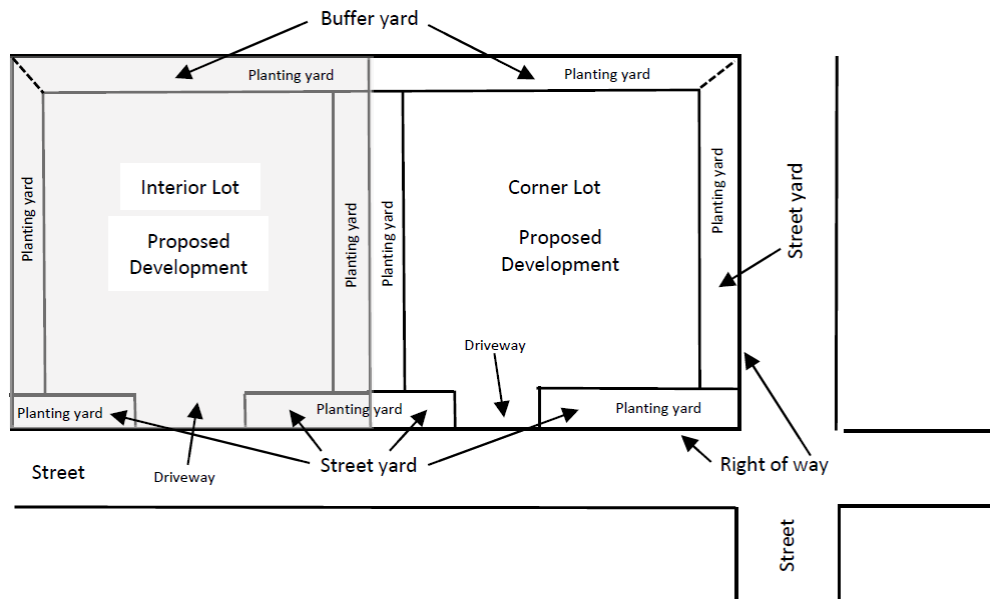
A wall or opaque fence may be used to reduce both the minimum width of the planting buffer yard (Type A, B, and C) and the corresponding number of points per linear foot by 20%. A wall or opaque fence must be a minimum of six (6) feet in height and constructed of masonry or pressure treated lumber. The combination of plants, with a wall or opaque fence shall provide a complete visual separation within three (3) years of planting.

**4-105-4 Landscaping and Design Standards for Street Yards**

A Street Yard consists of a Planting Area parallel to a public street designed to provide continuity of vegetation along the right-of-way and to soften the impact of development by providing a pleasing view from the road (Figure 4-105-2, and Table 4-105.4).



**Figure 4-105-2: Planting Yard, Street Yard, and Buffer Yard Example**



**Table 4-105.4: Street Yard Landscaping**

	Minimum Width	Trees		Shrubs
		Medium - Large Shade	Small Ornamental	
<b>Requirements</b>	8 feet	1 per 35 feet	1 per 25 feet	Optional

- (A) Street Yards shall be a minimum of eight (8) feet wide.
- (B) Street Yards shall contain one medium to large shade tree per thirty-five (35) linear feet, or one small ornamental tree per twenty-five (25) linear feet, except in the case of a conflict with utility lines. These trees shall be generally equally distributed along the street frontage, but they are not required to be at absolute equal intervals. This will allow for some flexibility in design while discouraging long intervals without trees. Shrubbery may be planted in clusters where trees are not practical; however, the requirements of Section 4-105 shall be met.
- (C) Parking, merchandise display and off-street loading are prohibited in the street yard.
- (D) Any tree or shrub planted within a sight triangle shall comply with Section 3-102- 7 sight visibility triangle.
- (E) All trees in Street Yards shall be planted no closer than four (4) feet from any public right-of-way.
- (F) Building setbacks as listed in Table 3-3 shall supersede Planting Yard landscaping requirements.

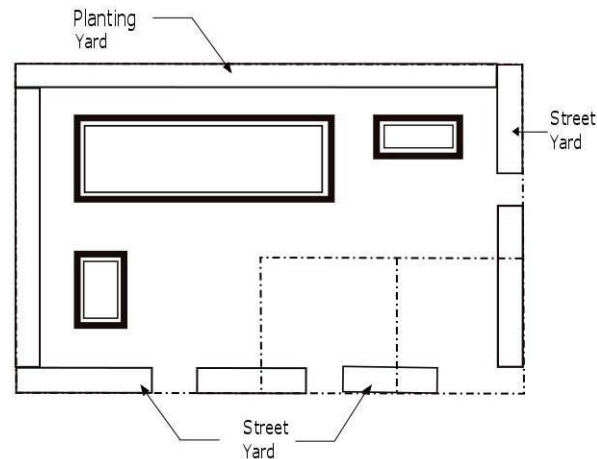
#### 4-105-5 Planned Development Planting Yards

In the case of a Planned Development (Table 3-2 and Section 4-101- 30), consisting of a shopping center (Figure 4-105-3), multi-family development, zero lot line development, townhouses, or planned unit development, the outer boundary planting buffer yard shall be landscaped according to the

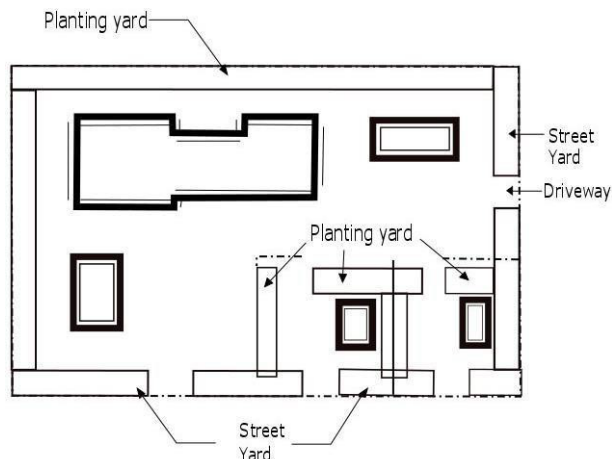
requirements of Table 4-105.1B, Table 4-105.2, and Table 4-105.3. A street yard shall comply with the requirements of Section 4-105- 4, Table 4-105.4 and Figure 4-105-3 at the time of development.

**Figure 4-105-3: Planned Development Planting and Street Yards**

A. Planned Development shopping center prior to development of out-parcels.



B. Planned Development shopping center at time of out-parcel development.



**4-105-6 Standards for Landscaping within Parking Lots**

- (A) All new parking lots with 12 or more spaces shall comply with the requirements of this section.
- (B) If an existing parking lot (paved or unpaved) is expanded or improved to add 12 or more spaces, it shall comply with the parking lot requirements of the landscape ordinance within the expanded or improved portion.
- (C) If a parking lot is expanded or developed, then Street Yard, Planting Yard, and parking lot requirements shall be applicable.
- (D) In parking lots with 12 or more spaces, trees shall be planted at a rate of one medium-large shade tree or two small ornamental trees for every 12 spaces or fraction thereof.

- (E) Required trees shall be located within or adjacent to parking lots as tree islands, medians, at the end of parking bays, traffic delineators, or between rows of parking spaces in a manner such that no parking space is located more than 60 feet from a parking lot tree.
- (F) Trees required within the Planting Yards or Street Yards cannot be credited toward the parking lot requirements.
- (G) Planting Areas within the parking lots shall provide a minimum of 81 square feet with a minimum inside dimension of nine (9) feet and a minimum prepared depth of 18 inches.

4-105-7 Tree Preservation and Care During Construction

- (A) Existing trees shall be preserved whenever feasible. Credits for tree preservation are offered when a tree preservation plan is submitted to the Town's Zoning Administrator prior to grading the site. A tree preservation plan must show that there will be no disturbance in the critical root zone (CRZ). A disturbance is considered trenching, placing backfill in the CRZ, driving or parking equipment in the CRZ, and dumping of trash, oil, paint, or other materials detrimental to plant health in close proximity of the tree(s).
- (B) When selecting which trees to preserve, the following shall be considered: existing and proposed grading; age, condition, and type of tree; and location of site improvements and utility connections.
- (C) Credit for existing trees within parking lots and Planting Yards will be given at the rate of 18 points per 4 inches in diameter at breast height (DBH) of existing plant material preserved. Minimum size requirement to qualify for tree preservation is 4 inches DBH.
- (D) Should any tree designated for preservation in the tree preservation plan die at any time after approval of the plan or issuance of a Certificate of Occupancy, the owner shall replace sufficient landscaping equal to the tree preservation credit within 180 days. In the event of a restricted site, the owner may request review by the Zoning Administrator. The replacement tree shall be a minimum of 2" in caliper for a shade tree and a minimum of 6' in height for an ornamental tree (six feet from the top of root ball to top of tree) at the time of planting.

4-105-8 Landscape Plan Submittal Requirements

In order for a plan to be reviewed, a site plan containing the following information must be submitted to the Zoning Administrator:

- (A) Site plan shall be drawn to scale and include a North arrow and necessary interpretive legends
- (B) Property lines and zoning designation of adjacent properties
- (C) Location of proposed buildings, parking areas with spaces delineated, paving and sidewalks.
- (D) Existing plant materials and areas to be left in natural state
- (E) Methods and details for protecting existing plant materials during construction and the approved erosion control plan, if required.
- (F) Locations, size and names for all proposed plants
- (G) Location and description of other landscape improvements, such as earth berms, walls, fences, sculptures, fountains, and paved areas
- (H) Planting and installation details as necessary to ensure conformance with all required standards
- (I) Location of overhead and underground utilities

- (J) Landscape Compliance Summary Table. This Table shall list required Planting Yards by type, length, points required and plants to meet the points requirement. This Table shall include length of Street Yard and Trees by type (shade or ornamental) to meet the tree planting standard. This Table shall include the number of new parking spaces provided and the trees required and the trees proposed to meet Parking Lot Landscape requirements.

4-105-9 Landscape Standards and Specifications

- (A) The developer shall furnish and install all plant materials listed on the plan schedule.
- (B) Plant materials shall conform to the requirements described in the latest edition of American Standard for Nursery Stock, which is published by the American Association of Nurserymen.
- (C) Suggested plant shrubs, trees and design materials are shown in Appendix 1.

Due to a specific physical property, disease susceptibility or other conditions, the following species are restricted in selection as approved plant materials in the following situations:

Not permitted within 25 feet of any above ground utility lines – due to the brittleness of the wood

*Botanical and Common Name*

Acer saccharinum - Silver Maple  
Betula spp. - Birches  
Catalpa speciosa - Northern Catalpa  
Cladrastis kentukea - Yellowwood  
Fraxinus spp. - Ashes  
Juniper virginiana - Red Cedar  
Liliodendron tulipifera - Tulip Poplar  
Populus alba - White Poplar  
Paulownia tomentosa - Royal Pawlonia  
Pinus spp. - Pines  
Ulmus pumila - Siberian Elm

Not permitted within 25 feet of any water or sewer line – due to invasive root growth

*Botanical and Common Name*

Salix spp. - Willows  
Ulmus spp. - Elms  
Pinus spp. - Pines

The following species are restricted in use to no more than the specified percentage for any tree or shrub category per parcel or project – due to disease susceptibility:

*Category, and Botanical and Common Name*

No more than 25% of medium-large trees: Betula nigra - River Birch  
No more than 25% of small ornamental trees: Cornus spp. – Dogwoods, and  
Lagerstroemia indica - Crepe Myrtle  
No more than 10% of small ornamental trees: Prunus spp. - Bradford Pears  
Not permitted as an evergreen shrub: Photinia glabra - Red Tip Photinia

- (D) Medium-large shade trees must be a minimum of 2 inches in caliper. Small ornamental trees must be a minimum of 6 feet in height at the time of planting. (Six feet from top of root ball to top of tree.)
- (E) No tree may be planted in the sight triangle (Section 3-102- 7).

- (F) Do not use staking materials unless it is absolutely necessary. If staking is necessary, then the developer/property owner must remove the staking materials after one growing season.
- (G) Property owners must ensure the survival and health of required tree in perpetuity.
- (H) A temporary Certificate of Occupancy may be issued when extremes in weather or soil conditions are not favorable for landscaping.
- (I) The developer shall ensure that all plant pits, vine pits, hedge trenches, and shrub beds are excavated as follows:
  - (1) All pits shall be generally circular in outline, with vertical sides. The tree pit shall be deep enough to allow one-eighth of the ball to be above existing grade. Soil within the Planting Areas shall be free of rock, debris, inorganic compositions and chemical residues detrimental to plant life. Soil shall be compatible with the composition of the existing sub-soil and sufficiently blended to ensure adequate exchange of air and water between the Planting Area and the adjacent soil strata. Plants shall rest on well-compacted surface. The tree pit shall be a minimum of nine inches larger on every side than the ball of the tree.
  - (2) If areas are designated as shrub beds or hedge trenches, they shall be cultivated to at least 18 inches in depth.
- (J) Each tree or shrub, shall be pruned in an appropriate manner, in accordance with accepted standard practice.
- (K) All trenches and shrub beds shall be cultivated to the lines shown on the drawings. The areas around isolated plants shall be cultivated to the full diameter of the pit.
- (L) Existing trees shall be preserved whenever possible.
- (M) All planting areas shall be mulched with a two-to-three-inch layer of bark or other similar material to cover the Planting Area.

#### 4-105- 10 Alternative Methods of Compliance

- (A) Use of Alternate Plans, Materials, or Methods: Alternate landscaping plans, plant materials, or planting methods may be used where unreasonable or impractical situations would result from application of landscaping requirements, or where necessary to protect existing vegetation. Such situations may result from streams, natural rock formations, topography, or other physical conditions; or front lot configuration, utility easements, unified development design, or unusual site conditions.
- (B) Approval of Alternate Plan: The Micro Planning Board may approve an alternate plan which proposes different plant materials or methods provided that quality, effectiveness, durability, and performance are equivalent to that required by this ordinance. This determination shall take into account the land use classification of adjacent property, number of plantings, species, arrangement and coverage, location of plantings on the lots, and the level of screening, height, spread, and canopy of the planting at maturity.
- (C) Appeal: Decisions of the Micro Planning Board regarding alternate methods of compliance may be appealed to the Micro Town Board.

#### 4-105- 11 Plant Substitution

Due to seasonal planting problems and a lack of plant availability, approved landscape plans may require minor revisions. Minor revisions to planting may be approved by the Zoning Administrator or his/her designee if the following are true.

- (A) There is no reduction in the quantity of plant material.
- (B) There is no significant change in size or location of plant materials.
- (C) The new plants are of the same general category (i.e., shade tree, ornamental tree, or shrub) and have the same general design characteristics (mature height, crown spread) as the materials being replaced.

## ARTICLE 5. SIGN REGULATIONS

### SECTION 5-100 PURPOSE AND INTENT

The purpose and intent of this Article is to permit and regulate signs in way that supports and complements the various land uses allowed in the town's zoning jurisdiction. More specifically, this Article is intended to:

- 5-100-1     Encourage Effective Use  
To encourage the effective use of signs as a means of communication in the Town;
- 5-100-2     Maintain and Enhance Character  
To maintain and enhance the beauty, unique character, and aesthetic environment of the Town by eliminating visual blight;
- 5-100-3     Enhance Economic Growth  
To enhance the Town's ability to attract economic growth and development;
- 5-100-4     Maintain Safe Conditions  
To protect pedestrians and motorists from damage or injury attributable to distractions and obstructions caused by improper signage;
- 5-100-5     Minimize Adverse Effects  
To minimize the possible adverse effect of signs on nearby property and public right-of-way;
- 5-100-6     Promote Public Safety, Health, and Welfare  
To promote public safety, health, welfare, convenience, and enjoyment of travel and the free flow of travel within the Town.

### SECTION 5-101 APPLICABILITY

- 5-101-1     General  
It is unlawful to erect or alter any sign except in conformance with the provisions of this Article and subject to issuance of a permit except as otherwise provided in this Ordinance. Signs subject to these regulations shall be constructed and maintained in compliance with the applicable provisions of this Article.
- 5-101-2     Review for Compliance  
All signs subject to this Ordinance shall be reviewed for compliance with these regulations as provided in this Article or in conjunction with an application for a Special Use Permit, or Zoning Permit (as appropriate).

### SECTION 5-102 SIGN DEFINITIONS

**Sign:** A structure that incorporates graphics, symbols, or written copy intended to convey a message about a business, product, commodity, service or event or to provide direction or identification for a premises or facility; and is visible from outside the building from the public right-of-way or other premises.

**Awning (canopy) signs:** A sign incorporated into or attached to an awning or canopy.

**Advertising:** A sign intended to promote, advertise, or sell a product or service obtainable on the premises where the sign is located, and not solely to identify the premises.

**Billboard:** A sign that directs attention to a business, commodity, service, or event conducted, sold, or offered at a location other than the premises where the sign is located.

**Bulletin board sign:** A changeable copy sign that identifies a use on the premises and provide information on services or activities to be held therein.

**Community special event sign:** A sign advertising or announcing a community wide event or activity sponsored by or on behalf of a local government, a charitable organization, or non-profit. A community special event is one that occurs no more than twice a year and seeks to attract donations, participants, or customers throughout the town or to foster civic pride.

**Construction sign:** A temporary sign providing information about future development or current construction on a site with an active development permit.

**Electronic Message Display (EMD):** A sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means. It excludes flashing and fully animated signs (e.g. video), which are prohibited.

**Frame:** A complete, static display screen on Electronic Message Display signs.

**Freestanding signs:** A permanent sign that is attached to, erected on, or supported by some structure (such as a pole, monument, or other structure) that is not an integral part of or attached to a building or structure whose principal function is something other than to support a sign.

1. Pole sign: A sign that is affixed, attached, or erected on a pole that is not itself an integral part of or attached to the building or structure to which the sign pertains.
2. Monument signs: A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other structure other than a pole.

**Identification sign:** A sign giving the nature, logo, trademark, or other identifying symbol; the address of a building, business, development or establishment on the premises; or any combination of the above.

1. Development identification sign: An identification sign that identifies a shopping center, commercial or industrial park, or other development with a mixture of residential, commercial, or industrial uses.
2. Subdivision identification sign: A sign identifying a vehicular entrance into a residential subdivision, manufactured home park, or residential complex.

**Government flag:** the official flag of the United States government or any nation recognized by the United States government, any US state or territory, or any political subdivision of North Carolina (i.e. a county government or municipality).

**Message Display Time:** The time that a message is displayed on an EMD sign.

**On-premise sign:** Any sign identifying or advertising a business, person, activity, goods, or services located on the premises where the sign is located.

**Wall sign:** A sign mounted or painted flat against or projecting less than 12 inches from the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of the wall. This excludes window signs.

**Window sign:** A sign affixed to a window or place immediately behind a window pane to attract the attention of persons outside the building.

**Home Occupation sign:** A sign listing only the name and occupation of a permitted home occupation.

**Obsolete Sign:** A sign that pertains to an event that has already occurred, a product no longer available, or a business no longer in operation.

**On-premise sign:** A sign that pertains to a business, person, activity, good or service located or available on the premises where the sign is located.



**Nameplate sign:** A sign indicating the name and address of a building or dwelling, the name of an occupant thereof, or practice of a permitted occupation.

**Permanent sign:** A sign attached to a building, structure, or the ground in some manner and that is constructed of durable materials and intended for long term use.

**Portable signs:** A sign that is movable and not permanently attached to a structure or the ground. This includes sandwich boards, portable reader boards with changeable copy, trailer signs, gas filled balloons and similar signs. This also includes portable marquee signs with the wheels and axles removed and placed on permanent foundations.

**Projecting signs:** A sign that is attached to and projecting at least 12 inches from a building face or wall, generally at right angles to the building.

**Roof signs:** A sign erected on a roof or that projects above the highest point of the roofline, parapet, or fascia of a building.

**Permanent sign:** A sign attached to a building, structure, or the ground in in a permanent manner and that is made of durable materials and intended for long term use.

**Sign Face:** The surface area of a sign used to display a sign message.

**Sign Plan:** A graphic representation showing a comprehensive detailed presentation of all signage proposed for a particular lot.

**Sign Structure:** The supports, uprights, bracing, or framework of any structure exhibiting a sign, be it single-faced, double-faced, V-type, or otherwise. This shall include any braces, guys, and anchors that support the sign.

**Transition:** A visual effect used on an EMD to change from one message frame to another, which may include one of the following modes.

1. Static. Signs which include no animation or effects simulating animation.
2. Fade. Signs where static messages are changed by means of varying light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increase intensity to the point of legibility.
3. Dissolve. Signs where static messages are changed by means of varying light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneous to the gradual appearance and legibility of the subsequent message.
4. Travel. Signs where the message is changed by the apparent horizontal movement of the letters or graphic elements of the message.
5. Scrolling. Signs where the message is changed by the apparent vertical movement of the letters or graphic elements of the message.

**Temporary sign:** A sign installed for a limited time and is not permanently mounted.

**Window sign:** A sign affixed to a window or immediately behind a window pane to attract the attention of persons outside the building.

## SECTION 5-103 GENERAL SIGN PROVISIONS

### 5-103-1 Design and Scale

Signs shall be integrated with the design of the building and shall not obscure architectural features. The scale of signs shall be proportional to the building and lot on which it is located.

- 5-103-2 Public Safety and Sight Visibility  
No sign shall be placed and maintained to impede ingress and egress from any door, window, or fire escape. Any sign or sign structure that endangers the public safety shall be immediately removed or repaired to comply with this Ordinance. Appropriate site visibility triangles shall be maintained.
- 5-103-3 Setback from Public Right-of-Way  
No sign shall be permitted within 5 feet of the public right-of-way. Signs within 2 feet of the right-of-way after a street widening shall be moved if the Board of Adjustment finds that said sign will encumber free and easy movement of traffic or endanger public safety.
- 5-103-4 Signs for Street Address  
Principal buildings shall have street address numbers at least 3 inches high and visible from the street on which the building fronts.
- 5-103-5 Sign Illumination  
Signs may be illuminated from behind to silhouette letters and figures or illuminated internally. Spotlighted signs that casts glare disturbing to motorists or that reflects on property in separate ownership shall be prohibited. Except for time or temperature units, no flashing signs shall be permitted. No illuminated sign shall be placed so that light rays or illumination will cast directly on any dwelling or towards motorists.
- 5-103-6 Computation of Sign Area  
(A) The area of a sign face shall be computed by measuring the smallest rectangle that encompasses all messages or information, and any material, color, or other display that are an integral part of the background or display; or that differentiate the sign from the backdrop of the sign structure.  
(B) The area of a wall sign shall be calculated by measuring the area of an envelope that encloses all of the sign information and graphic representations. The sign area of a building wall shall be the aggregate area of individual signs on the façade upon which the signs are affixed.  
(C) Where a sign has more than 1 face, only the area of the larger face shall be considered when calculating the maximum sign area allowed if all faces are part of the same sign structure, and are back-to-back and separated by no more than 2 feet.
- 5-103-7 Discontinuance of Use  
If a use on a site is discontinued, the sign information pertaining to such use shall be removed within 60 days of discontinuance. It is the responsibility of the landowner to ensure compliance with this provision.
- 5-103-8 Sign Construction and Maintenance  
All signs and sign structures shall be maintained in safe and sound condition. Signs and sign structures shall meet the North Carolina Building Code.
- 5-103-9 Viewpoint Neutrality  
Notwithstanding anything in this Section or this Zoning Ordinance to the contrary, no sign or sign structure shall be subject to any limitation based upon the viewpoint of the message contained on such sign or displayed on such sign structure.

## SECTION 5-104 PROHIBITED SIGNS

The following signs are prohibited as established in this section.

- 5-104-1 Snipe Signs  
Sign of any material attached in any way to a utility pole, tree, or any other object other than a building, roof, or sign post.
- 5-104-2 Signs Attached to Free-standing Objects  
Signs attached to light fixtures, curbs, sidewalks, gutters, streets, utility poles, public buildings, fences, railings, public telephone poles, or trees.
- 5-104-3 Signs Interfering with Traffic Safety or Obstructing Free and Clear Vision  
Signs that interfere with the effectiveness of traffic signs, devices, or signals, or erected or displayed in such a manner as to obstruct free and clear vision at any location, street, intersection, or driveway, as determined by the Zoning Administrator.
- 5-104-4 Signs Interfering with Free Egress and Ingress  
Signs which prevent free ingress to or egress from any door, window, or fire escape.
- 5-104-5 Signs Misconstrued as Regulatory  
Signs that imitate or can be misconstrued as government regulatory signs or emergency warning signs such as "Stop" or "Yield" signs.
- 5-104-6 Signs Blocking Existing Signs  
Any sign that blocks the visibility of another sign.
- 5-104-7 LED or Flashing Signs  
Except for time and temperature units, digital LED signs or signs with flashing or reflective disks, signs with flashing lights or lights of changing degree of intensity or color or signs with electrically scrolled messages.
- 5-104-8 Signs Attached to or Carried by Person  
Signs carried by or attached to people, including costumes worn for the purpose of attracting commercial attention.
- 5-104-9 Portable Signs  
Portable signs shall be permitted only as temporary sign in nonresidential districts. Marquee signs mounted on a mobile framework, trailer, or other movable apparatus other than operable licensed vehicles shall be permitted only as a temporary special events sign.
- 5-104- 10 Vehicular Signs  
Signs displayed on inoperable or unlicensed vehicles or any vehicle visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity on the premises or nearby property. This also applies to a billboard or outdoor advertising sign mounted to the bed of a truck.
- 5-104- 11 Moving, Rotating, or Windblown Signs  
Moving or rotating signs, excluding barber shop signs. Windblown signs not specifically permitted in this Section such as pennants, feather flags, streamers, spinners, balloons, inflatable figures, and similar signs, except as specifically permitted herein.

- 5-104- 12 Roof Signs  
Any sign that extends above the soffit of a pitched roof or above the highest point of a mansard roof or parapet wall.
- 5-104- 13 Off-Premise Including Outdoor Advertising Signs  
Off-premises signs, including outdoor advertising signs, except those placed by governmental agencies for public purposes and yard sale and open house signs that are displayed as specifically permitted herein. The exception being that existing off-premises billboard signs that are non-conforming may be disassembled and replaced with a newer structure upon approval by the Zoning Administrator. The new signage shall be designed to result in no expansion of or increase in the non-conformity; shall not allow replacement with a digital sign; shall not exceed 30' in height; shall be designed to limit lighting to the sign face; and shall be designed to enhance the architectural features of adjacent buildings. Color renderings or photographic simulations shall be submitted to the Zoning Administrator, who shall have the authority to deny permits for signs that do not meet the intent of this Ordinance.
- 5-104- 14 Signs in the Public Right-of-Way  
Other than government signs, no sign shall encroach into the public right-of-way. Unauthorized signs in the right-of-way may be removed and disposed of without notice or reimbursement to the sign owner.
- 5-104- 15 Abandoned Signs  
Abandoned signs are in unsafe and deteriorated condition for more than 60 days in a 1-year period. These signs shall be removed within 60 days from the date of abandonment.
- 5-104- 16 Obsolete signs  
A sign that has been obsolete for any reason for more than 180 consecutive days or for 18 months in any 3-year period.

## SECTION 5-105 SIGN PERMITS REQUIRED

- 5-105-1 Signs Requiring a Permit  
Signs shall be permitted in the applicable zoning districts as specified in the Table of Permitted Signs and subject to this Article.
- 5-105-2 Comprehensive Signage Plan  
A comprehensive signage plan shall be attached to all permit applications. The plan shall illustrate the compatibility of the sign design with the architecture of the buildings. The Comprehensive Signage Plan shall set forth design standards relating to sign types, placement, dimensions, design, colors, materials, textures, and method of illumination.
- 5-105-3 Repainting or Copy Change  
Repainting or changing the message of a sign may occur without a permit, provided the height and area of the sign and the original sign face comply with this Ordinance.
- 5-105-4 Table of Permitted Signs  
(A) The letter "X" indicates that no permit is required.  
(B) The letter "P" indicates that a sign requires a Zoning Permit.

- (C) The letter “S” indicates that a sign requires a Special Use Permit.
- (D) The letter “T” indicates that a sign requires a Temporary Use Permit.
- (E) A blank column indicates that a sign is prohibited in a particular district.

**Table 5-1: Table of Permitted Signs by Zoning District**

	<b>Zoning Districts</b>					
<b>Type of Sign</b>	<b>RA</b>	<b>R-15</b>	<b>R-10</b>	<b>CD</b>	<b>CH</b>	<b>LI</b>
<b>On premise signs</b>						
Freestanding sign				P	P	P
Wall sign				P	P	P
Projecting sign				P	P	P
Window signs				P	P	P
Billboards					S	S
Subdivision Identification sign	P	P	P			
<b>Incidental signs</b>						
Identification sign	X	X	X	X	X	X
Home Occupation sign	X	X	X	X	X	X
Bulletin board signs				X	X	X
Informational signs				P	P	P
Memorial signs	X	X	X	X	X	X
<b>Temporary signs</b>						
Real Estate sign	X	X	X	X	X	X
Construction sign	P	P	P	P	P	P
Special events signs	P	P	P	P	P	P
Portable marquee sign	P	P	P	P	P	P

**5-105-5 Standards for Signs Requiring a Permit**

The number, area, length, and height, and additional requirements for signs requiring a permit within the various zoning district are as provided in the following table.

**Table 5-2: Standards for Permitted Signs**

<b>Sign Type</b>	<b>Maximum Area Per Face</b>	<b>Maximum Height (feet)</b>	<b>Maximum Number</b>	<b>Additional Requirements</b>
Freestanding signs	40 sf	35	1 per 200 feet of street frontage	5-105- 6(A)
Development Identification sign	120; or 64 in LI zone	35	1 per street frontage	
Subdivision Identification sign	Either 12 sf for 1 sign; 9 sf for 2 signs	8	2 per entrance	5-105- 6(B)

Sign Type	Maximum Area Per Face	Maximum Height (feet)	Maximum Number	Additional Requirements
Projecting signs	See additional requirements	Minimum clearance: 9 feet above ground		5-105- 6(D)
Portable Marquee signs		1 per business establishment		5-105- 6(G) and 5-106- 10
Wall signs	2 per lineal foot of wall length	Shall not exceed height of building		5-105- 6(E)
Window signs	25% of glass area on which it is displayed			5-105- 6(C)
Billboard	See Section 4-101- 7			

5-105-6 Additional Requirements for Permitted Signs

(A) Freestanding Signs

The height of freestanding signs shall be measured from ground level or grade level, whichever is higher. The minimum setback from any property line shall be 5 feet.

(B) Subdivision Identification Signs

A maintenance agreement shall be provided by a home-owners association. Signs placed on an individual lot or common area shall also include a private easement dedicated for such purposes.

(C) Window Signs

Window signs shall be painted on the inside of the window or placed inside the building immediately behind the window.

(D) Projecting Signs

- (1) The sign area of projecting signs shall be calculated as part of the maximum sign area for wall signs.
- (2) The total area of the lettering and logo on a canopy or awning shall not exceed 25 percent of the total area (excluding supports) that is visible from the road.

(E) Wall Signs

- (1) Wall signs shall not extend beyond 12 inches from the surface of the building wall upon which it erected or fastened.
- (2) The building wall frontage shall be measured along the wall containing the main public entrance to the principal use. Only the main entrance wall of the building will be used in computing wall area.

(F) Home Occupation Signs

A business identification sign may be installed on a window or attached to the wall of a dwelling in which the home occupation is permitted.

(G) Portable Marquee Signs

Portable marquee signs may be permitted as a temporary sign for business grand openings or other special promotional events. No portable marquee sign shall be permitted for more than 28 days in a calendar year. Permit shall be valid for no longer than 7 days in any one period. Sign must be removed within 1 day after event.

(H) Signs with Electronic Message Displays (EMD)

- (1) In residential districts, Signs with EMD may be allowed with a Special Use Permit subject to the following:
  - (a) Minimum Display Time: The message display shall be static for at least 12 seconds.
  - (b) Transition: The maximum time between message displays shall be 0.3 seconds. Fading, dissolving, traveling, or scrolling messages are prohibited.
- (2) In nonresidential district, permitted signs may have an EMD subject to the following:
  - (a) Minimum Display Time: Minimum display time for signs with EMD shall be 8 seconds.
  - (b) Transition: Maximum transition between message displays shall be 0.3 seconds. Modes of transition may include static, fade, dissolve, travel, or scrolling.

SECTION 5-106 SIGNS ALLOWED WITHOUT A PERMIT

The following signs shall be allowed without a permit subject to the requirements of this Article and this section:

- 5-106-1 Official government flags  
Official government flags with a maximum sign area of 50 square feet. Freestanding flag poles shall be no higher than 35 feet. Flags mounted against a wall or post shall not exceed the height of the building.
- 5-106-2 Signs not visible from outside the building  
Signs located completely within a building and are not visible from outside the building.
- 5-106-3 Bulletin Board signs  
One bulletin board sign on the premises of an institutional or public use, placed at least 15 feet from the property line.
- 5-106-4 Nameplate signs  
A nameplate sign mounted flat against a wall or door or hung from a mailbox or lamp post. Sign shall be limited to 1 sign per establishment or dwelling with a maximum sign area of 3 square feet.
- 5-106-5 Memorial signs  
Memorial signs shall only display the names of buildings and date of construction. Signs may be cut into any masonry surface or constructed of metal and affixed flat against a structure.
- 5-106-6 Produce advertising signs  
Sign shall advertise only the sale of an agricultural product produced on the premises. No more than 1 sign with a maximum sign area of 20 square feet shall be located on the premises without a permit.
- 5-106-7 Directional signs  
Message shall be limited to guiding the circulation of motorists or pedestrians on the premises. No advertising message shall be provided. Total sign area shall not exceed 10 square feet.
- 5-106-8 Business information sign  
Message shall be limited to general information to the public of goods, services, or facilities available on the premises. Examples include credit card decals, hours of operation signs, no smoking signs, menus, and signs providing information on business affiliation.

5-106-9 Government signs

Signs authorized by government authorities or public utilities, including traffic signs, legal notices, railroad crossing signs, warning signs, and similar signs.

5-106- 10 Temporary signs

Temporary signs setback at least 10 feet from the public right-of-way and that comply with the following standards (Table 5-3).

**Table 5-3: Temporary Sign Standards**

Type of Sign	Maximum Sign Area (sq. feet)	Maximum Height (feet)	Maximum Number	Permitted Duration
Community event sign				Placed no more than 30 days before the event. Removed within 3 days after event.
Construction sign	32	8	1 per street frontage	Allowed during period of active construction. Shall be removed within 30 days after issuance of Certificate of Occupancy/Compliance.
Garage sale sign	6	5	1 per street frontage	Shall be placed no more than 10 days before the day of sale and removed within 1 day after sale.
Special events signs for grand openings and other special promotions if non-illuminated			1 per business per street frontage	Placed no earlier than 2 weeks of event. Shall be removed within 1 day after event.
Political sign	42 aggregate	--	--	Installed no more than 30 days before election early voting (GS 163-227.2). Removed within 10 days after primary or election. Property owner is responsible for sign.
Real estate sign for sale or lease of building or lot	10	--	1 per street frontage	Remove within 15 days of closing or the leasing of premises
Real estate sign for property within a development	32	8	1 per street frontage	Removed within 7 days after all units or lots are sold

5-106- 11 Directional Signs

Signs shall direct and guide traffic and parking on private property. Signs shall have no advertising message other than a logo. Maximum sign area shall be 10 square feet.

5-106- 12 Political Signs

Political signs within the right-of-way shall comply with GS 136-32 and the following:

- (A) No sign shall be permitted in the right-of-way of Interstate 95.
- (B) No sign shall be closer than 3 feet from the edge of pavement.
- (C) Signs must comply with Section 3-102- 7 for sight visibility.
- (D) No sign shall be higher than 42 inches above the edge of the pavement of the road.
- (E) Maximum sign area shall be 6 square feet.
- (F) No sign shall obscure or replace another sign.



## ARTICLE 6. NONCONFORMITIES

### SECTION 6-100 GENERAL PROVISIONS

#### 6-100-1 Purpose and Applicability

(A) Purpose

It is the intent of this Ordinance to permit nonconformities to continue until removed, but to discourage their survival except to conform to the standards of this Ordinance.

(B) Applicability

This article shall apply to uses, lots, and structures that were lawfully established before the effective date of this Ordinance or subsequent amendment but fail to conform to the standards of this Ordinance as amended.

#### 6-100-2 Minor Repairs and Maintenance

Minor repairs and normal maintenance required to preserve the safety and appearance of nonconformities are permitted provided they do not extend, expand, or enlarge the nonconforming use, structure, or land.

### SECTION 6-101 NONCONFORMING USES

#### 6-101-1 Change of Use

No nonconforming use shall be changed except to comply with this Ordinance. Once a change of use is established, the previous use shall lose its nonconforming status.

#### 6-101-2 Expansion and Enlargement

No nonconforming use may expand into a part of a structure or land unless the expanded area was designed for such use on the date it became a nonconformance.

#### 6-101-3 Discontinuance

(A) No nonconforming use that has been discontinued for 180 consecutive days shall be re-established except to comply with this Ordinance. Days closed for repairs and renovations allowed under an approved permit shall not count towards the 180-day limit. The use shall be re-established within 30 days after repairs or renovations are complete or the permit expires, whichever happens first.

(B) Accessory uses shall cease operation within 30 days after the nonconforming principal use is discontinued.

### SECTION 6-102 NONCONFORMING STRUCTURES

#### 6-102-1 Enlargement

No nonconforming structure shall be enlarged or expanded to increase its degree of nonconformity.

#### 6-102-2 Relocation

With a valid permit, a nonconforming structure may be relocated on the lot to comply with the minimum standards applicable to the lot and use.

6-102-3 Nonconforming Manufactured Homes

- (A) A existing nonconforming manufactured/mobile home serving as a principal use may be replaced with another non-conforming manufactured/mobile home provided the replacement manufactured/mobile home:
  - 1) Is 12 foot wide or wider
  - 2) Is in place within 180 days of the removal of the prior non-conforming manufactured/mobile home. (*Ordinance #2024-04-02, adopted 4/9/24*)
- (B) No nonconforming manufactured home park shall expand beyond the area or total units authorized under the original permit. A nonconforming manufactured home on a space may only be replaced with a conforming manufactured home.

6-102-4 Reconstruction after Casualty Damage

- (A) If a nonconforming structure is damaged or destroyed by more than 50 percent of its structural replacement cost at the time of damage or destruction, it shall only be reconstructed to comply with this Ordinance.
- (B) If the damage or destruction is 50 percent or less of its replacement costs, the structure may be reconstructed to its previous form if a Building Permit for construction is obtained within 180 days of the casualty event and the required repairs and restorations are diligently pursued to completion.
- (C) Structural replacement cost shall be the cost of replacing the structure on the day prior to its destruction as determined by a market appraisal by a certified appraiser at the property owner's expense.
- (D) No repair or restoration shall increase the degree of nonconformity.

6-102-5 Lot Improvements

New construction on a nonconforming lot (including the establishment of off-street parking, landscaping, signage, and other site features) shall comply with this Ordinance.

6-102-6 Accessory Structures

No accessory structure shall remain on a lot where a nonconforming principal structure has been removed or abandoned. However, if a Building Permit for new construction of a principal building is obtained within 180 days of removal, accessory structures that conform to this Ordinance may remain.

SECTION 6-103 NONCONFORMING LOTS OF RECORD

6-103-1 Status of Structures on Nonconforming Lots

- (A) Conforming structures on a nonconforming lot may be enlarged, extended, reconstructed, or structurally altered in conformance with this Ordinance.
- (B) Nonconforming structures on a nonconforming lot may be continued, enlarged, or redeveloped only in accordance with Section 6-102, Nonconforming Structures.

6-103-2 Development of Unimproved Lots

(A) Lot Combination

A nonconforming vacant lot shall not be developed if it can be combined with an adjoining lot with the same owner at any time after the date of this Ordinance to create a single conforming lot.

(B) Residential Districts

If a lot cannot be combined as provided in paragraph (A) above, a nonconforming vacant lot may be developed for any Use Permitted in the zoning district in which it is located, provided that the use meets applicable yard and setback requirements for that zoning district.

(C) Nonresidential Districts

If a lot cannot be combined as provided in paragraph (A) above, a nonconforming lot in a nonresidential zoning district can be permitted for a conforming use with a Special Use Permit. In addition to complying with the standards for a Special Use Permit, the decision-making authority shall find that the use complies with the dimensional requirements of this Ordinance to the maximum extent practical.

6-103-3 Development of Improved Lots in Residential Districts after Casualty

If a legally established single-family attached or detached use is destroyed by casualty on a nonconforming lot in a residential zoning district that was part of a subdivision recorded prior to the effective date of this Ordinance, an identical replacement use may be constructed within the footprint of the original dwelling, even though the lot fails to meet the minimum lot area or lot width requirements.

6-103-4 Public Acquisition of Land in a Residential District

Public acquisitions that reduce the dimensions of a lot to less than the minimum standards of this Ordinance shall not render that lot nonconforming.

## SECTION 6-104 NONCONFORMING SIGNS

6-104-1 Continuance or Removal

- (A) Nonconforming signs shall be allowed to continue as long as they are properly maintained and not detrimental to the public health and welfare except as provided herein.
- (B) A nonconforming sign damaged by more than 50 percent of its pre-existing fair market value shall be removed and may only be replaced with a conforming sign. Remnants of the damaged structure shall be removed from the premises.
- (C) If a nonconforming sign is abandoned or obsolete for more than 180 consecutive days or for more than 6 months in any 18-month period, it shall be removed and may only be replaced with a conforming sign.
- (D) Nonconforming signs may only be replaced with a conforming sign.

6-104-2 Alterations or Reconstruction

A nonconforming sign may only be altered or reconstructed to comply with the provisions of this Ordinance. This provision shall not apply to routine maintenance and repair or changing copy as provided herein. The message on a nonconforming changeable copy sign or bulletin board sign may be changed if the change does not create any greater nonconformity.

6-104-3 Routine Repairs and Maintenance

Routine repairs and maintenance to keep signs in good and safe condition shall not exceed 50 percent of the appraised value of the sign. Routine repair and maintenance shall include painting of chipped or faded signs, replacement of faded or damaged surface panels, or repair or replacement of electrical wiring or devices. No repair or maintenance shall create a greater nonconformity.

## ARTICLE 7. ENFORCEMENT AND REMEDIES

### SECTION 7-100 PURPOSE

The purpose of this Article is to ensure that structures, lots, and uses comply with this Ordinance before, during, and after development. This Article is intended to encourage voluntary correction of violations when possible.

### SECTION 7-101 ENFORCEMENT GENERALLY

The Zoning Administrator shall enforce this Ordinance in accordance with GS 160A-174, 160A-175, and 160A-193 and other applicable North Carolina law.

### SECTION 7-102 VIOLATIONS

#### 7-102-1 Failure to Comply

Failure to comply with the provisions of this Ordinance or the terms and conditions of an approved permit shall constitute a violation of this Ordinance and be subject to the remedies and penalties of this Article. Each day that a violation exists shall constitute a separate offense.

#### 7-102-2 Complaints of Violations

- (A) Any person may allege that a violation exists by filing a complaint with the Zoning Administrator. Such complaint shall state the condition that is believed to constitute a violation.
- (B) When a violation is alleged or observed, the Zoning Administrator shall properly record and investigate such allegation or observation, and if substantiated, shall issue the offending party a Notice of Violation in accordance with subsection 7-102- 3 below.

#### 7-102-3 Notice of Violations

- (A) The initial Notice of Violation shall: (1) Describe nature of the violation; (2) order corrective action to abate the violation; (3) give a deadline to voluntarily correct the violation; and (4) advise the party of right to file an administrative appeal.
- (B) The final Notice of Violation (which may also be the initial notice) shall state the remedies and penalties that may be pursued to correct the violation (see Section 7-103, Remedies and Penalties, below) if not voluntarily corrected by the deadline set in the Notice of Violation.

### SECTION 7-103 REMEDIES AND PENALTIES

#### 7-103-1 Application of Remedies and Penalties

If the offending party fails to voluntarily comply with the final Notice of Violation, the Zoning Administrator shall take appropriate action to correct and abate the violation and to ensure compliance with this Ordinance. These remedies and penalties are listed in their preferred but not required sequence of application.

#### 7-103-2 Civil Penalty

In addition to the remedies cited in this Ordinance and pursuant to GS 160A-175, this Ordinance may be enforced through issuance of civil penalties by the Zoning Administrator.

#### 7-103-3 Revocation of Zoning Permit

A Zoning Permit may be revoked if false statements and misrepresentation were made in securing the permit; work associated with an approved permit is a substantial departure from the standards of this

Ordinance and the approved permit, or a permit was mistakenly approved in violation of this Ordinance. A written notice of revocation shall be provided to the applicant.

7-103-4 Stop Work Order

A Stop Work Order may be issued on the work associated with an approved Building Permit.

7-103-5 Injunction

An application for a mandatory or prohibitory injunction may be filed with the appropriate court ordering the offender to correct the unlawful condition or cease the unlawful use or activity in question. Application may be filed before or after all other remedies are applied.

7-103-6 Order of Abatement

(A) In addition to an injunction, the Town may apply to the court for an Order of Abatement as part of the judgment in the case. An Order of Abatement may direct that:

- (1) Buildings or other structures on the property be closed, demolished, or removed;
- (2) Fixtures, furniture or other moveable property be moved or removed entirely;
- (3) Improvements, alterations, modifications or repairs be made; or
- (4) Other actions required to bring the property into compliance with this Ordinance.

(B) The Zoning Administrator may execute the Order of Abatement and the town will place a mechanic's and material man's lien on the property to recover the cost of executing the order.

7-103-7 Equitable Remedy

The Town may apply to a court of law for appropriate equitable remedy to enforce this Ordinance. The fact that other remedies are provided under general law or this Ordinance shall not prohibit the Town's application for equitable relief.

7-103-8 Criminal Penalties

Pursuant to North Carolina General Statutes Section 14-4, persons convicted of violating this Ordinance shall be guilty of a misdemeanor and subject to a fine not to exceed \$500.

7-103-9 Deny or Withhold Permits

The Zoning Administrator may deny or withhold authorization to use or develop a lot, structure, or improvement until the alleged violation is corrected and associated civil penalty is satisfied.

## SECTION 7-104 REPEAT VIOLATIONS

To correct repeat violations by the same offender over a two-year period, the Town may begin at the point of enforcement where the previous violation was resolved.

## **ARTICLE 8. DEFINITIONS AND RULES OF INTERPRETATION**

### **SECTION 8-100 GENERAL RULES FOR INTERPRETATION**

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance.

#### **8-100-1 Meanings and Intent**

- (A) The provisions, terms, phrases, and expressions in this Ordinance shall be interpreted consistent with the general purposes of Section 1-103, PURPOSE AND INTENT, and the purpose statements set forth throughout this Ordinance.
- (B) When a specific section of these regulations gives a different meaning than the general definition provided in this Article, the specific section's meaning and application of the term shall control.

#### **8-100-2 Headings, Illustrations, and Text**

The text of this Ordinance shall supersede conflicts or inconsistencies between a heading, caption, figure, illustration, table, or map. Graphics and illustrations are provided for informational purposes and should not be relied upon as a complete and accurate description of applicable regulations.

#### **8-100-3 Lists and Examples**

Unless specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not an exhaustive list of possibilities.

#### **8-100-4 Computation of Time**

The time required to perform an act shall be computed by excluding the first day and including the last day. If a deadline falls on a Saturday, Sunday, or official Town holiday, the deadline shall be extended to the next business day. References to days are calendar days unless otherwise stated.

#### **8-100-5 References to Other Regulations/Publications**

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise stated.

#### **8-100-6 Delegation of Authority**

An act authorized by this Ordinance to be carried out by a specific official of the Town may be delegated to a subordinate of that official.

#### **8-100-7 Technical and Nontechnical Terms**

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be understood according to such meaning.

#### **8-100-8 Public Officials and Agencies**

All public officials, bodies, and agencies to which references are made are those of the Town of Micro, unless otherwise indicated.

#### **8-100-9 Mandatory and Discretionary Terms**

The words "shall," "must," and "will" are mandatory, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive.

8-100- 10 Tenses, Plurals, and Gender References

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender and vice versa.

8-100- 11 Terms Not Defined

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

SECTION 8-101        DEFINITIONS

The following words, terms, and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this section.

**A**

**Abandonment:** A use, structure, or lot which has been physically and objectively discontinued, ceased, relinquished, vacated, or not maintained for 180 or more consecutive days without intent to resume. Periods of temporary interruptions for remodeling or maintenance or normal vacation or seasonal closing are excluded. “Intent to resume” can be evidenced by continuous operation of a portion of the facility, maintenance of sewer, water, and other public utilities, or other outside proof of continuance such as bills of lading, delivery records, etc.

**Abutting:** When two adjoining lots have a common property line, including cases where two or more lots adjoin a corner, but excluding cases where adjoining lots are separated by a street or alley.

**Access:** The provision for immediate and direct ingress and egress of vehicles from a lot to an improved street.

**Accessory Dwelling Unit:** A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether it is attached to the principal dwelling unit or as a detached dwelling on the same lot.

**Accessory (use or structure):** A use or structure that is subordinate and incidental to the principal use or structure on the lot.

**Acreage:** The acreage within the perimeter of a development tract.

**Active Recreation:** Uses or structures intended for active recreational activities, facilities may include play grounds, ball fields, tennis courts and other similar uses.

**Addition:** Any increase in floor area or height of a structure.

**Adjacent:** A lot that touches or is directly across a street, access easement, or right-of-way 100 feet or less from the subject property.

**Administrative and Support Services:** Establishments engaged in activities that support the day-to-day operations of other organizations or households. Travel agencies, pest control services, and janitorial services are examples that are included in this category.

**Administrative Decision:** A decision that applies a standard in the Ordinance that requires no use of judgment and no condition for approval is allowed. Zoning permit approval is an example of an administrative decision.



**As-built plan:** Construction drawings prepared by the engineer of record to accurately identify and depict the location on all on-site improvements, including all structures, parking facilities, curbs, gutter, and sidewalks, constructed under a valid development permit.

**Assisted Living Facility:** A facility that provides housing and housekeeping services, meals, social activities, personal care, and other support services to seven or more adults who require assistance with daily living activities.

**Adult Establishment:** Any adult bookstore, adult motion picture, theatre, adult mini motion picture theatre, adult live entertainment business, massage business, or other sexually-oriented businesses as defined in GS 14-202.10.

**Aggrieved Person:** Any person who has standing to file an appeal as provided under GS 160D-1402(c).

**Alley:** A service road that provides a secondary means of access to abutting property but not intended for general traffic circulation.

**Alteration:** A change in the size, configuration, or location of a structure; or a change or expansion in the use of a structure or lot, from a legally existing size, configuration, location, or use.

**Applicant:** Any authorized person who initiates an application for development approval.

**Application:** The completed form and accompanying documentation required to initiate development review and to show compliance with this Ordinance.

**Arena, Amphitheatre, Or Stadium:** A building or structure designed or intended for use for spectator sports, entertainment events, expositions, and other public gatherings. Such uses may or may not include lighting facilities for illuminating the field or stage area, concessions, parking facilities, and maintenance areas.

**Assessed Value:** The monetary price of a parcel of land, portion of land, improvement on land, or other commodity assigned by the Johnston County Property Appraiser's office for the purposes of taxation.

**Assisted Living Facilities:** A facility that provides residential care for seven or more unrelated adults who require assistance with daily living activities. Medical care in an adult care home is usually occasional or incidental, such as may be required in the home of any individual or family, but is administrated under the supervision of a licensed home care facility or provider. These facilities are subject to the state licensure requirements for adult care homes.

**Authority:** Any government entity with regulatory authority to issue development permits or over public facilities or utilities.

**Authorized Agent:** Any person with written authority to act on behalf of another. The terms of a valid lease, contract, or option to buy may be used to indicate owner consent.

**Auto Service and Repair Shops:** An establishment principally engaged in the minor service, repair or maintenance of motor vehicles, trailers, and similar mechanical equipment. Typical services include brake, muffler, upholstery work, tire repair and change, lubrication, replacement of belts, hoses, and fluids (including gasoline), tune ups, and transmission work conducted within a completely enclosed building.

**Auto Body Shops (major repairs):** An establishment principally engaged in major auto repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding, and major painting service. This definition excludes auto salvage and storage yards.

## **B**

**Bed and Breakfast Inn:** A private residence, generally a single-family detached dwelling, where 1 or more rooms are available for rent on a daily basis to tourists, vacationers, and business people, and meals are provided to residents and guests only.



**Berm:** An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses.

**Best Management Practice (BMP):** A wide range of management procedures, schedules of activities, prohibitions on practices and other management protocols which have been demonstrated to effectively control the quality and quantity of storm water runoff, and which are compatible with the land use or other land disturbing activity.

**Billboard:** A freestanding advertising sign which directs the attention of the public to a commodity, product, service, activity, or a person, place or thing which is not located, found, or sold on the premises upon which such sign is located.

**Board of Adjustment:** A quasi-judicial board appointed by the Board of Commissioners and Johnston County Commissioners in accordance with state law.

**Board of Commissioners (Town Board):** The governing board of the Town of Micro, North Carolina.

**Bona Fide Farm:** The production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture as described under GS. 160D-903.

**Buffer:** An area of land with landscaping, berms, screening, and building setbacks, that is located between land uses of different character and is intended to mitigate negative impacts of incompatible uses.

**Build:** To construct, assemble, erect, convert, enlarge, reconstruct, or structurally alter a structure.

**Building Envelope:** The three-dimensional space within which a structure is permitted to be built on a lot. It is defined by maximum height regulations, and minimum yard setbacks or build-to lines, buffers, easements, or other applicable regulations.

**Building Footprint:** The area of a lot or parcel of land included within the surrounding exterior walls and/or outermost projection of the roof of a building or portion of a building, exclusive of courtyards.

**Building:** A structure enclosed with exterior walls, built, erected, and framed of a combination of materials, having a roof, to form a shelter for persons, animals, or property.

**Building Height:** The vertical distance measured from the main level of the finished grade along the front of a building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, or to the mean height level between eaves and ridge of gable, hip, cone, gambrel, or shed roofs.

**Building Story:** A building story is the space between the surface of a floor and the surface of the next floor above it; or if there is no floor above it, the space between the floor surface and the top of the ceiling joists or roof rafters above it. Typically, story height in a residential structure is twelve feet per story, and story height in a nonresidential structure is fifteen feet per story. Half-story spaces are less than 12 and 15 feet in height.

**Building, Principal:** A building in which the primary use of the lot on which the building is located is conducted.

**Building Permit:** A permit issued by the Johnston County Inspections Department pursuant to this Ordinance and the State Building Code authorizing the erection, construction, reconstruction, restoration, alteration, enlargement, conversion, remodeling, demolition, moving, or repair of a building or structure.

## C

**Capacity:** The maximum lawful level of use of a structure, or part thereof, as determined by the Town's adopted building code and expressed in terms of occupants, seats, persons, employees, or other units.

**Carport:** A roofed structure not more than 75 percent enclosed by walls and attached to the main building for providing shelter for one or more motor vehicles.

**Casualty Damage:** Damage to a use, lot, or structure from an event that is sudden, unexpected, and unusual, such as a hurricane, earthquake, fire, flood, theft, or similar event.

**Catering Service:** An establishment principally engaged in the preparation of food and meals on the premises, and the delivery of such food and meals to another location for consumption.

**Cemetery:** A use principally engaged in the burial of the dead and dedicated for cemetery purposes. This use may include a funeral home, mortuary, or a mausoleum or columbarium (a structure or vault lined with recesses for cinerary urns), but excludes a crematory.

**Certificate of Compliance:** A statement signed by the zoning administrator certifying that a structure or use complies with the zoning ordinance and that the same may be used for the purpose stated in the development permit.

**Certificate of Occupancy:** A document issued by the Johnston County Inspections Department allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with this Ordinance and other applicable regulations.

**Change of Use:** Any alteration of the principal use of a lot that may require additional parking or loading facilities, any change from one use to another use, or the addition of a new use category to an existing use.

**Civic Club:** An organization and its premises catering exclusively to members and their guests for social, intellectual, recreational, or athletic purposes that are not primarily conducted for profit; includes fraternal lodge.

**Code of Ordinances:** The collection of regulations adopted by the Town of Micro enforceable as municipal law.

**Commencement of Construction:** The first placement of permanent construction on a site, such as pouring of slabs or footings or any work beyond the stage of excavation or the first permanent framing or assembly of any part of a structure on its piling or foundation when a structure is without a basement or poured footings.

**Common Area:** Land within a development that is not part of a lot and is designed for the common usage of the development.

**Compatible:** A term used to describe how the visual aspects of a structure (including signage) are similar to or consistent with the other structures on the same parcel or in the immediate vicinity. Visual aspects include, but are not limited to color, texture, materials, scale, size, and form.

**Comprehensive Plan:** The comprehensive plan, land use plan, small area plans, neighborhood plans, transportation plan, capital improvement plan, official map, and other plans regarding land use and development officially adopted by the Town Board.

**Comprehensive Signage Plan:** A plan establishing the proposed size, location, and design of signage for uses located on a single lot or within a single development.

**Condominium:** A development containing individually owned dwelling units and jointly owned and shared areas and facilities that is subject to the North Carolina Unit Ownership Act (GS 47A) and/or the North Carolina Condominium Act (GS 47C).

**Conservation Subdivision:** A subdivision that permits a cluster of lots with less than the minimum dimensions required for the applicable zoning district in exchange for dedicating the undeveloped portions of the land for conservation of open space.

**Construction Trade:** These establishments are principally engaged in the construction of buildings or public construction projects (e.g., highways and utility systems).

**Construction Trailer:** A trailer typically towed by a commercial vehicle which includes mobile homes, manufactured homes, or containerized offices and is used for normal office functions in conjunction for a construction project excluding sales. A camper cannot be used as a construction trailer.

**Construction:** Any act or process that involves new work, additions, alterations, or maintenance and repairs of structures or public improvements. Activities may require a development permit and be subject to the standards of this Ordinance.

**Contiguous:** Abutting directly or immediately adjacent to a boundary or separated by a street, railroad or public right-of-way.

**Country Club:** Land area and buildings containing golf courses, swimming pools, tennis courts, or similar recreational facilities along with a clubhouse and customary accessory uses which are open to members and their guests, or to the public on a fee basis.

**County:** Johnston County, North Carolina.

## D

**Day Care Home:** A residence where daytime care, supervision, and protection is provided to three or more children who are not the legal wards or foster children of the attendant adult occupant of the residence.

**Day Care Facility:** A facility that provides care, protection and guidance to individuals during only part of a 24-hour day. This term includes nursery schools, preschools, and similar uses. Educational facilities or a facility offering childcare for a full 24-hour periods are excluded from this category.

**Decision:** Any final and binding order, requirement, or determination of the decision-making authority. Below is a description of the various types of zoning decisions made in the administration of this ordinance.

1. Administrative Decision: May be made by Zoning Administrator or local board. No formal review hearing is required. Must apply standards as written in the ordinance and involves no discretion. No conditional approvals are allowed.
2. Quasi-judicial Decision: Any decision made by an appointed or elected body that requires an evidentiary public hearing with notice to affected parties and that requires a determination of facts regarding a specific application of the ordinance and the exercise of discretion when applying them.
3. Legislative Decision: Any decision made by the Town Board to adopt ordinance to amend or repeal the text of this Ordinance or the Official Zoning Map. These decisions create standards based on what board members consider to be reasonable and in the best interest of the public health, safety, and welfare.

**Decision-making authority:** The administrative official or board authorized to make the final decision on a zoning request. The decision-making authority is authorized to approve or deny a zoning request.

**Deck:** A structural platform that is attached to the principal structure for outdoor lounging and entertainment. The term deck can be interchangeable with patio and porch.

**Density:** The number of dwelling units per acre, square feet, or other designated unit of area measurement.

**Developer:** The person who intends to undertake a development and who has a legal or equitable interest in the property to be developed.

**Development regulations:** Any ordinance enacted by the appropriate authority to regulate any aspect of development, including zoning, subdivision, and other land development ordinances.

**Development request:** Includes but not limited to applications for zoning permits, variances, appeals, interpretations, rezoning and amendments.

**Development standard:** A regulation that establishes minimum specifications and maximum allowances for development that must be complied with.

**Development:** The planning for or carrying out of a building activity, making a material change in the use or appearance of any structure or property, or dividing of land into two or more parcels. Development, as designated in a development permit, includes all activities customarily associated with it unless otherwise specified.

**District:** A portion of the planning jurisdiction of the Town within which, on a uniform basis, certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance

**District, Overlay:** A district that encompasses one or more zoning base districts and that imposes requirements above those required by the underlying district.

**Drive-thru:** A facility designed to enable a person to transact business while remaining in a motor vehicle.

**Driveway:** An unobstructed area providing ingress and egress to vehicle parking, loading, or maneuvering facility from a street or another use.

**Dwelling:** A building or part of a building, containing permanent living, sleeping, housekeeping accommodations, and sanitary facilities for one family. This term does not include hotels, motels, or other structured used for transient residence.

1. Single-Family Dwelling: A building designed specifically and exclusively for one family and not attached to any other dwelling by any means.
2. Two-Family Dwelling (duplex): A building designed exclusively for 2 families living independently from each other.
3. Multi-family dwelling (apartments): A building designed for occupancy exclusively by three (3) or more families living independently of each other.
4. Townhouse: A series of 3 or more single-family dwelling units attached to each other by common walls along the lot line. Each dwelling unit has primary ground access to the outside and typically arranged on a side-by-side rather than a stacked configuration. Unlike in multi-family dwellings, each unit is individually owned.
5. Attached House: An attached house may consist of a single-family dwelling located on floors above, below, or behind a street-level floor in which a commercial use is located.

## E

**Easement:** Authorization by a property owner for another person or entity to use a portion of the owner's property for a specified purpose such as access or placement of utilities.

**Erect:** To build, construct, attach, hang, place, suspend or affix, also including the painting of wall signs.

**Erosion:** The removal of soil through the actions of water or wind.

**Existing Lot of Record:** A lot of record that was legally recorded in the Office of the Register of Deed prior to the effective date of this Ordinance or amendment.

**Extraterritorial Jurisdiction:** The area beyond the incorporated town limits where a municipality can legally enforce planning laws adopted under the authority of GS 160D-202.

## F

**Façade:** The exterior wall of a building that fronts a lot line or street on which said building is located. Facades may be on the front, side, or rear elevation of the building.

**Family:** An individual or two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than 6 persons unrelated living together as a single housekeeping unit.

**Family Care Home:** A home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident persons with disabilities as defined under 168-21.

**Farm:** Land, along with supporting buildings or structures, on which the raising of crops or livestock is conducted. This includes orchards, vineyards, nurseries, or animal husbandry activities.

**Fence:** A structure used to delineate a boundary or act as a barrier or means of protection, confinement, or screening.

**Finance and Insurance:** Establishments that are principally engaged in financial transactions involving the creation, liquidation, or change in ownership of financial assets or in facilitating financial transactions.

**Floodplain or Flood Prone Area:** Any land area susceptible to being inundated by water from any source.

**Floor:** The top surface of an enclosed area in a building (including the basement), such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

**Special Flood Hazard Area:** The area designated by the Town as an area where development must be regulated to prevent damage from flooding.

## G

**Garage:** Any part of a building or structure used or designed to be used for the parking and storage of vehicles.

**Glare:** The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**Grade:** The elevation of the land or land level at a specific point.

**Group Home:** A facility for the sheltered care of juvenile or adult persons which, in addition to providing food and shelter to persons unrelated to the proprietor, also provides personal care, assistance or services beyond food, shelter and laundry on an ongoing basis. This is limited to those juveniles and adult persons who are not in more restrictive custodial confinement but may be mentally and/or physically handicapped, abused, or other noncriminal situations. The definition does not include hospitals, nursing homes, boarding homes, or halfway house/mainstreaming facilities.

## H

**Health Care and Social Services:** Establishments that provide health care and social assistance for individuals.

**Height:** The vertical distance from the mean grade elevation taken at the fronting street side of a structure to the parapet or roof line of a flat roof, the eave of a pitched roof, or the deck line of a mansard roof.

**Home Occupation:** An occupation carried on in a dwelling unit by the resident.

**Hospital:** An institution for the diagnosis, treatment, or other care of human ailments. The term hospital is deemed to include in-patient medical or surgical care and related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

**Hotel** (*Also includes **extended-stay hotel**; **motels***): A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, but not a bed and breakfast or rooming or boarding house as herein defined.

## I

**Impervious Surface:** Any surface composed of material that impedes or prevents natural infiltration of water into the soil. It includes buildings; parking areas; driveways; streets; sidewalks; concrete, asphalt, gravel, or other compacted aggregate surfaces; and areas covered by the outdoor storage of goods or materials

**Improvement:** Street pavements, curbs, gutters, sidewalks, water lines, sewer lines, drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of land into building sites.

**Industrial, Light:** An operation that manufactures, produces, processes, fabricates assemblies, treatments, repairs, or packages finished products, predominantly from previously prepared or refined materials (or from raw materials that do not need refining) in a manner that does not create noise, dust, odor, smoke, glare or vibration outside of the building in which the activity takes place, does not require outside storage of goods or materials, and does not generate objectionable amounts of truck traffic. Warehousing, wholesaling, and distribution of the finished products produced at the site is allowed as part of this use.

**Information Services:** These establishments are principally engaged in producing and distributing information and cultural products, providing the means to transmit or distribute these products as well as data or communications, and, processing data. Publishing, telecommunications, and broadcasting are the main components of this sector.

**Intensive Livestock Operations:** Any livestock operation with at least the following animal populations: 100 head of cattle, 75 horses, 250 swine, 1,000 sheep, or 30,000 birds.

**Intermittent Stream:** A stream that fails to convey water for some or part of the year.

## K

**Kennel:** A facility where dogs, cats, or other domestic animals are raised, sold, boarded, bred, shown, treated, or groomed. Such a facility may have an indoor and outdoor component.

## L

**Land:** The earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

**Lighting Plan:** A document that indicates the proposed variations and intensities of light affected by the development on a site at a given point in time.

**Livestock:** Any animal raised for food or product. This includes animals with hooves; members of the bovine (cows), ovine (sheep) equine (horses) and swine (hogs) families; emus and ostriches; and poultry (turkey, chicken, ducks, etc.).

**Loading Space, Off-Street:** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and not considered as part of the minimum required off-street surface parking.

**Lot:** 1 or more parcels of land in single ownership that is occupied or intended to be occupied by a principal use, together with principal and accessory structures, vehicular use areas, and open space.

### Lot Dimensions:

1. Lot Area: The horizontal land area within lot lines, measured in acres (ac.) or square feet (sf.).
2. Lot Depth: The average horizontal distance between the front lot line and the rear lot line.
3. Lot Width: The horizontal distance between side lot lines measured at the required front setback.

**Lot Line:** Any boundary line of a lot.

1. Front Lot Line: The property line dividing a lot from a public or private street and from which the required front setback is measured.
2. Side Lot Line: Any lot line not a front or rear lot line.
3. Rear Lot Line: The lot line that is opposite and most distant from the front lot line.

**Lot of Record:** A lot platted as part of a subdivision or described by metes and bounds as a separate parcel in the Office of the register of deed as prescribed by law.



## **Lot Types:**

1. Corner Lot: A lot situated at the intersection of two or more streets that have an angle of intersection of not more than 135 degrees.
2. Interior Lot: A lot other than a corner lot or through lot.
3. Through Lot: A lot, other than a corner lot, that has frontage on two or more streets.
4. Flag Lot: A lot that has access to a public right-of-way by means of a narrow strip of land.
5. Irregular Lot: A lot with 3 sides, more than 4 sides, or with opposing property lines that are generally not parallel to each other, such as a pie-shaped lot on a cul-de-sac.

**Lot, Nonconforming:** A lot of record that complied with Town standards when it was recorded but does not comply with the standards of this Ordinance as amended.

## **M**

**Manufactured Home:** A dwelling unit constructed after July 1, 1976 and that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development (the HUD Code) in effect at the time of construction.

1. Class A Manufactured Home (Double-wide): A manufactured home that meets all the design standards established under subsection 4-101- 21, Manufactured Home. It is the intent that these homes, when installed, will have substantially the appearance of an on-site, conventionally built, single-family dwelling.
2. Class B Manufactured Home (Single-wide): A manufactured home that satisfies the general criteria for manufactured homes but does not satisfy all the standards of a Class A Manufactured Home.

**Manufactured Home Park:** A planned development designed to accommodate 4 or more manufactured homes.

**Manufactured Home Space:** A plot of ground within a manufactured home park designed for the accommodation of one manufactured home together with its accessory structures including carports or other off-street parking areas, awnings and similar appurtenances.

**Map Amendment (Rezoning):** A legislative decision to change the official zoning of property in accordance with Section 2-112 (Amendments).

**Mini-warehouse (Self-storage):** A building divided into sections for storage of items, either temporary or long-term, and not to be used for other purposes (such as small offices, garages, etc.).

**Mixed-Use:** A single structure or tract of land with more than one category of uses in close proximity, planned as a unified complementary development, and functionally integrated to share vehicular and pedestrian access and parking areas.

**Mobile Home:** Any manufactured home that does not meet the definition of a Manufactured Home above. These homes shall be deemed as nonconforming manufactured homes.

**Modular Home:** A single-family dwelling constructed in accordance with the standards set forth in the North Carolina State Building Code (instead of the HUD Code) but is composed of components assembled in a manufacturing plant and transported to the building site for assembly on a permanent foundation.

## **N**

**NAICS (North American Industrial Classification System):** A system used by the federal government to classify all types of business and industrial activities in the United States. May be used as a guide to define and classify land uses.

**Nonconforming:** A structure, use, or lot that was valid when brought into existence but by subsequent amendments or regulations no longer conforms to a standard in this Ordinance.

**North Carolina General Statutes:** The laws created by the NC General Assembly and to which the Town of Micro is obligated to uphold.

**Notice of Violation:** As used in Article 7 (Enforcement and Remedies), a formal notice to a person that he or she is charged with a violation of this Ordinance and that penalty is due.

## O

**On-site Improvement:** An improvement on the lot of the use or structure such improvement is designed to serve.

**Opacity:** A measurement indicating the degree of obscuration of light or visibility.

**Open Space:** Areas maintained in a mostly natural state that are restricted for passive recreation, gardens, landscaping, and similar uses. Such space must be maintained generally free of impervious surface areas.

**Ordinance:** A law or set of regulations adopted and enforced by a governmental authority (county or municipality) to permit or restrict an activity.

**Outdoor Display:** An area used for the display and sales of products or services primarily outside of a building and limited to those items generally stored, used, or inspected outdoors.

**Outdoor Storage:** The storage of any material for periods greater than 24 hours, including items for sale, lease, processing, and repair (including vehicles) not in an enclosed building.

## P

**Parcel:** A quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries. It may be established as distinct from other parcels as land to be used or developed as a unit, or which has been used or developed as a unit.

**Parking, Shared:** Off-street parking facilities shared by two or more uses that are in close proximity to one another, and the peak use of the facilities by one use will not generally overlap with the peak use by the other uses.

**Parking, Off-Street:** A space that is designated for the parking or temporary storage of one motor vehicle located outside of a dedicated street right-of-way.

**Passive Recreation:** Recreational uses where minimum alteration of vegetation, topography, or other native feature is necessary for the enjoyment of the site amenities. Passive recreation activities include, but are not limited to, hiking, bicycling, nature observation, camping, picnicking, non-motorized recreation and sports, and archaeological or historic sites.

**Perennial Stream:** A stream or other channel that holds flowing water 365 days a year.

**Planning Board:** The planning board for the Town of Micro, established pursuant to GS 160D-301.

**Person:** An individual, corporation, business or land trust, estate, trust, partnership, association, two or more persons having a joint or common interest, government agency, or any legal entity.

**Permit:** A Building Permit, Zoning Permit, subdivision final approval, Special Use Permit, variance, or any official government document that authorizes a specified development activity.

1. Special Use Permit: A quasi-judicial permit issued by the Town Board for Special Uses in accordance with Section 2-105.



2. **Zoning Permit**: An administrative permit issued by the Zoning Administrator in accordance with Section 2-109.

**Planned Development**: A tract of land under single, corporation, partnership, or association ownership, and to be planned and developed under a Use Permit using a master zoning plan, and containing one or more principal use and structure, and appurtenant common areas as permitted by the applicable district regulations.

**Planning Statutes**: The North Carolina General Statutes, Article 160D, Article 19 Parts I and II (Planning and Regulation of Development), that gives municipalities the authority to plan for and regulate development.

**Pervious Surface**: A surface that is penetrable by water to some degree. (*Antonym: Impervious Surface*)

**Porch**: A roofed structure not more than 75 percent enclosed by walls, attached to the main building, and not heated or cooled.

**Portable Shipping Container**: A box-like, portable container transported by truck or trailer to a lot for temporary storage of building materials, household goods, personal items, or other materials. A common name for these containers is PODS, or Portable On-Demand Storage.

**Present Use Value**: A designation used by a County Property Appraiser to denote land which is being used for agricultural purposes.

**Private Use**: A use or facility belonging to, or restricted for the use or enjoyment of particular persons.

**Produce Stand**: A structure used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located. Such use may also involve the accessory sales of products made from those produce such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts.

**Property Owner**: Any person with a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner.

**Property**: All real property subject to development regulation by a local government and includes any improvements or structures customarily regarded as a part of real property.

**Public Facilities**: Major capital improvements, including, but not limited to, educational, parks and recreational, health systems, transportation, sanitary sewer, solid waste, drainage, potable water, and other public utilities, which are operated or funded by a government body or public entity.

**Public Hearing**: A meeting advertised and open to the public to gather comments or evidence related to zoning decisions or other official acts that require public input.

**Public**: Any use or facility owned or operated by the federal government, state government, or any political subdivision of the state such as a county or municipality.

## Q

**Quorum**: The minimum number of board members that must be present in order to conduct official business or take official action.

## R

**Real Estate Agency**: Establishments principally engaged in managing real estate for others, selling, renting and/or buying real estate for others, and appraising real estate.

**Recreation, Arts, Entertainment**: Includes wide range of establishments that operate facilities or provide services to meet varied cultural, entertainment, and recreational interests of their patrons.

**Register of Deeds**: The duly designated Register of Deeds of Johnston County, North Carolina.

**Rental and Leasing:** Establishments principally engaged in renting, leasing, or otherwise allowing the use of tangible or intangible assets (motor vehicles, computers, consumer goods), and establishments providing related services.

**Reservation:** The setting aside of parcels of land for a specific purpose. Reservations of land are encouraged for future development of streets, parks, and civic buildings.

**Retail Trade:** An establishment principally engaged in retailing merchandise, rendering services incidental to the sale of merchandise, to the general public, generally without transformation.

**Review Authority:** The public body or official identified by this Ordinance as having the responsibility and authority to review an application or request prior to making a recommendation or decision.

**Roof Line:** The highest point of a flat roof and mansard roof and the lowest point of a pitched roof excluding cupolas, chimneys or other minor projection.

**Roof, Gable:** A roof sloping downward in two parts at an angle from a central ridge, so as to leave a gable at each end.

**Roof, Hip:** A roof with sloping ends and sides that meet at an inclined projecting angle.

**Roof, Mansard:** A four-sided roof having a double slope on each of the four sides, with the lower slope much steeper than the upper.

**Roof, Monopitch:** A roof with a single pitch (also referred to as a “shed” roof).

**Roof:** The cover of any building, including the eaves and similar projections.

**Rooming House:** A building or portion thereof for providing lodging, but not meals, to not more than five guests where rent is paid to the owner or proprietor.

## S

**Secondhand Swap Shop:** A commercial business that buys, sells, possesses on consignment for sale of used merchandise; or derives more than 35 percent of its gross receipts from the sale, or consignment for sale of such merchandise. This definition includes businesses commonly known as pawn shops, swap shop operators, stamp dealers, coin dealers, jewelers and auction houses.

**Schools:** Establishments that provide instruction and training on a wide variety of subjects. They include primary and secondary schools, colleges, universities, and training centers. These establishments may be privately or publicly owned and operated. This term does not include commercial trade or business schools.

**Sediment Control Plan:** A set of drawings, other documents, and supporting calculations that indicates necessary land management and treatment measures, BMPs, maintenance guidelines to manage soil erosion and sedimentation.

**Setback:** The distance between every structure and the property line of the lot on which it is located.

1. Side Yard Setback: The distance between every structure and the side lot line.
2. Rear Yard Setback: The distance between every structure and the rear lot line.
3. Front Yard Setback: The distance between every structure and the front lot line.
4. Perimeter Setback: The distance between every structure and every property line of a lot.

**Shopping Center:** A building or group of buildings under unified ownership, with three or more tenants engaged principally in the provision of retail goods and services, along with common parking, pedestrian circulation, and shared ingress and egress.

**Sight Visibility Triangle:** A triangle formed on corner lots or driveway intersections between points on the lot lines or edges of pavement as specified by this Ordinance. Within this triangular area, no structure, vegetation, stored materials, or other obstruction to approaching motorists shall be erected or maintained.

**Site specific development plan:** A plan that describes with reasonable certainty the type and intensity of use for a specific parcel or parcels of property.

**Stacking/Standing Area:** A portion of the vehicular use area on a site that is dedicated to the temporary storage or “standing” of vehicles engaged in drive-through use of the site or development. Parking or storage of vehicles is not permitted within the stacking area.

**State Road:** The system of roadways owned and maintained by the North Carolina Department of Transportation.

**Structure:** A building, sign, or anything constructed or erected on the ground or attached to something on the ground.

**Parking Lot:** An area used for the off-street parking or storage of vehicles (including ingress and egress or other areas devoted to vehicular use).

**Swimming Pool:** An above- or below-ground structure that is filled with water and used for swimming.

**The State:** The state government of North Carolina, including its departments and divisions.

**Trade School:** A commercial enterprise that provides instruction or training in business, secretarial service, personal service, vocational, or other technical or specialized service or trade.

## T

**Telecommunications Facility, Collocation:** A situation in which one or more different communication service providers place communication antennas or other communications equipment on a common antenna-supporting structure (building, tower, or other stationary device).

**Telecommunications Facility, Freestanding:** A structure erected on the ground and used primarily for the support of antennas for communication purposes and utilized by commercial, governmental, or other public or quasi-public users. The term includes microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term does not include private home use of satellite dishes and television antennas, or amateur radio operators as licensed by the FCC.

**Town Board:** The governing board of the Town of Micro.

**Town:** Town of Micro, a municipal corporation of the state of North Carolina.

**Tract:** All contiguous land and water bodies under single or diverse ownership being developed as a unit consisting of one or more parcels or lots.

**Transportation and Warehousing:** These uses include industries providing transportation of passengers and cargo, warehousing and storage for goods, scenic and sightseeing transportation, and support activities related to modes of transportation. These establishments use transportation equipment or transportation related facilities as a productive asset. The modes of transportation are air, rail, water, road, and pipeline.

**Text Amendment:** A legislative act to modify or repeal a regulation of this Ordinance in accordance with Section 2-112.

## U

**Use:** The activity occurring on a lot for which land or building is arranged, designed, or for which land or buildings are or may be occupied. Includes principal and accessory uses.

**Use, Compatible:** A compatible use is a use or service that is capable of direct association with certain other uses because it is complementary, harmonious, or otherwise not detrimental. (*Antonym: incompatible*).

**Use, Conforming:** Any use of a structure or land that is permitted in the district in which the structure or land is situated and which conforms to all the regulations that are applicable to that use and district.

**Use Permit Type:**

1. **Special Use:** A use of property that may be permitted by the Town Board upon finding it complies with the standards, safeguards, and conditions of a Special Use Permit.
2. **Permitted Use:** A use that is permitted in a district without a quasi-judicial review and upon satisfying the standards and requirements specified in this Ordinance. No conditions for approval are allowed.

**Use, Principal:** The main or primary purpose for which a structure or lot is designed, arranged, or intended or for which it may be used or occupied for under this Ordinance.

**Use, Temporary:** Any use permitted on a lot for a period of short duration and that does not involve the construction or alteration of any permanent structure.

**Utility:** Infrastructure providing electric power, natural gas, steam supply, water supply, and sewage removal and other utility services. This definition includes treatment and storage facilities, utility transfer stations, and similar utility infrastructure designed to serve the community or region. Facilities primarily used for waste management services are excluded from this definition.

**Utility, Minor:** Public or private infrastructure serving a limited area with no on-site personnel. This definition is for utilities that need to be located in or near the neighborhood or use they serve. Examples include storm water retention and detention facilities, telephone exchanges, water pump stations, and sewer lift stations.

## V

**Variance:** An approval to deviate from a dimensional standard imposed by this Ordinance in accordance with the Section 2-107, Variance.

**Vehicular Use Area:** An area used primarily for parking, circulation and storage of vehicles, including but not limited to parking lots, loading areas, stacking spaces and driveways.

**Vested Right:** The right of a landowner to undertake and complete a development or use of property under the terms and conditions of an approved Site-Specific Development Plan or as otherwise established by common law.

## W

**Warehouse:** A use engaged in storage of manufactured products, supplies, and equipment excluding bulk storage of materials that are flammable, explosive, or hazardous materials or that present hazards or conditions commonly recognized as offensive.

**Waste Management Services:** Establishments engaged in the collection, treatment, and disposal of waste materials; sorting and recycling materials from the trash stream; cleaning up contaminated buildings, mine sites, soil, or ground water; and providing septic pumping and other miscellaneous waste management services. Excluded from this category are sewer treatment and disposal and long distance hauling of waste material.

**Wetland:** A natural area of land that is distinguished from upland areas by hydric soils, signature hydrologic characteristics, and adaptive vegetation. Some of the different types of wetlands include fens, bogs, marshes, and swamps.

**Wholesale Trade:** Establishments principally engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers, generally without transformation, and rendering services incidental to the sale of merchandise. Wholesalers normally operate from a warehouse or office.

## Y

**Yard:** An open space on the same lot with the building and unoccupied and unobstructed by any portion of any structure from the ground upward except as otherwise permitted in this Ordinance.

1. Front Yard: A yard extending the full width of the lot between the front lot line and the front building line as established by this Ordinance. In no case shall a structure encroach into an easement area established for a private street.
2. Yard, Rear: The yard extending the full width of the lot between the rear lot line and the face of the principal structure that is most nearly parallel to the rear lot line.
3. Yard, Side: An open space extending from the front yard to the rear yard; the width shall be measured at right angles to its side lot line.

## Z

**Zero Lot Line Lot:** A lot where a principal structure is allowed directly atop one or more lot lines.

**Zoning Administrator:** Any administrative official designated by the Town Board to administer or enforce any part of this Ordinance.

**Zoning District:** A geographic area within the jurisdiction of the Town within which only certain land uses and structures are permitted and certain standards for development are established in this Ordinance.

**Zoning Map:** The official map upon which the boundaries of various zoning districts are drawn and which is an integral part of this Ordinance.

# Appendix 1

## APPENDIX 1. LANDSCAPING DESIGN AND DETAILS

The following Appendix 1, with Section 4-105 Landscaping, provides a list of suggested shrubs and trees, tree protection, and planting guidelines. Included in this Appendix is a compilation of the latest accepted horticultural practices, used by North Carolina landscape contractors to help assure that installed landscaping thrives once planted. This Appendix, along with Section 4-105, is a guide that the Town will use to assess landscape installation. All developers are expected to follow these guidelines. Other plants may be approved by the Zoning Administrator upon request if the plant can successfully grow in the area.

**Appendix Table 1-1. Small-Medium Shrub List**

NAME	SHRUB TYPE	AT MATURITY		GROWTH RATE	SITE CONDITIONS	BENEFITS	POSSIBLE PROBLEMS
		HEIGHT	SPREAD				
Abelia grandiflora Glossy Abelia	evergreen	3-6'	3-6'	moderate to fast	easily grown, sun, moist, well-drained	flowers June – frost	none serious
Aronia arbutifolia Red Chokeberry	deciduous	6-10'	4-6'	moderate	adaptable, sun part shade	spring flowers fall color	none serious, leaf
Berberis thunbergii Japanese Barberry	deciduous	3-6'	4-7'	moderate	adaptable, sun, not too wet	leaf colors, winter fruit	not prevalent
Callicarpa dictoma Purple Beautyberry	deciduous	3-5'	4-6'	moderate	adapts, well-drained, sun part shade	graceful form, spectacular fall berries	none serious
Clethra alnifolia Summersweet Clethra	deciduous	3-8'	4-6'	moderate	acid, organic tolerates wet, sun shine	summer bloom fall color	none
Itea virginica Virginia Sweetspire	deciduous	3-7'	5-10'	moderate to fast	adaptable, prefers moist, sun and shade	May blooms, good foliage	none serious
Nandina domestica Nandina	evergreen	2-8'	3-8'	moderate	adaptable, sun and shade	spectacular fruit	none serious
Prunus lauroceracus 'Zabel' 'Zabel' Skip Laurel	evergreen	3-6'	5-10'	moderate	moist, well-drained, organic, sun and shade	lustrous green foliage	root rot, bacterium, insect damage
Spirea species Spirea	deciduous	2-8'	3-8'	moderate to fast	adaptable, not too wet, sun	spring to summer flower	very resilient

**Appendix Table 1-2. Large Shrub List**

NAME	SHRUB TYPE	AT MATURITY		GROWTH RATE	SITE CONDITIONS	BENEFITS	POSSIBLE PROBLEMS
		HEIGHT	SPREAD				
Berberis juliana Wintergreen Barberry	evergreen	6-10'	6-10'	moderate	adaptable, sun	yellow spring flowers, fall	thorns
Buddleia davidii Butterfly Bush	deciduous	5-15'	8-12'	fast	adaptable, sun, not too wet	foliage color, profuse bloom	none serious
Camellia japonica, sasanqua Camellia	evergreen	6-15'	5-10'	slow to moderate	moist, well-drained organic, part shade	fall, winter or spring bloom	many without proper condition
Chamaecyparis pisifera cult. Japanese Falsecypress	evergreen	4-15'	4-10'	moderate	moist, well-drained humid, sun	fine texture	none serious leaf scorch

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NAME	SHRUB TYPE	AT MATURITY		GROWTH RATE	SITE CONDITIONS	BENEFITS	POSSIBLE PROBLEMS
		HEIGHT	SPREAD				
Euonymus alatus Winged Euonymus	deciduous	15-20'	15-20'	moderate	adaptable, not too wet, sun and shade	form, fall color fruit, winter	none serious
Forsythia x intermedia Border Forsythia	deciduous	8-12'	10-12'	fast	adaptable, sun part shade	early spring flowers	none serious
Hammamelis intermedia Witch Hazel Hybrid	deciduous	10-20'	10-15'	moderate	moist, well-drained, sun and shade	fragrant winter bloom	none serious
Hydrangea species Hydrangea	deciduous	4-15'	4-15'	fast	moist, well-drained salt tolerant	large summer bloom	none prevalent
Ilex comuta cultivars Chinese Holly	evergreen	6-15'	6-15'	moderate	adaptable, sun drought tolerant	broad glossy leaf	scale, varies with culture
Ilex glabra Inkberry Holly	evergreen	5-10'	5-10'	moderate	moist, acid sun and shade	adaptable	none serious
Ilex verticillata Winterberry	deciduous	6-10'	6-10'	slow to moderate	adaptable, tolerates wet, sun and part shade	red fall-winter fruit	none serious
Juniperus cultivars Juniper	evergreen	6-20'	6-20'	moderate	tolerant of poor soils, not wet	needle-like foliage	twig blight, rust, mites
Ilex crenata cultivars Japanese Holly	evergreen	6-12'	6-12'	moderate	moist, well-drained sun, no drought	evergreen leaf, texture	spider mites
Ilex vomitoria Yaupon Holly	evergreen	6-15'	6-15'	moderate to fast	adaptable, wet or dry, salt tolerant	great adaptability	none serious
Illicium parviflorum Small Anise-Tree	evergreen	8-15'	10-15'	moderate	adaptable, wet and dry sun/shade	olive green foliage	none serious
Ligustrum japonicum Japanese Privet	evergreen	8-15'	8-12'	fast	adaptable, sun shade, salt tolerant, no wet	lustrous dark green leaves	none serious
Myrica cerifera Wax Myrtle	evergreen	10-20'	10-20'	fast	adaptable, sun and shade salt tolerant	adaptable, fragrant	none serious
Osmanthus x fortunei Fortune's Osmanthus	evergreen	15-20'	15-20'	slow to moderate	moist, well-drained sun and shade	fragrance of flower	none serious
Viburnum species 'Zabel' Skip Laurel	deciduous evergreen	5-20'	5-20'	moderate	moist, well-drained, sun and shade	flower, fragrance fall color	relatively few

**Appendix Table 1-3. Small Ornamental Tree List**

NAME	TREE TYPE	AT MATURITY		GROWTH RATE	SITE CONDITIONS	BENEFITS	POSSIBLE PROBLEMS
		HEIGHT	SPREAD				
Acer ginnala Amur Maple	deciduous	15-20'	15-20'	moderate	adaptable, sun or light shade	flowers, fall color	relatively few
Acer palmatum Japanese Maple	deciduous	15-25'	15-25'	slow to moderate	moist, well-drained, sun/shade	fall color, great foliage	few, leaf scorch



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NAME	TREE TYPE	AT MATURITY		GROWTH RATE	SITE CONDITIONS	BENEFITS	POSSIBLE PROBLEMS
		HEIGHT	SPREAD				
Amelanchier aborea Serviceberry	deciduous	15-25'	10-30'	moderate	moist, well-drained, sun/shade	spring flowers, fall color	rust, leaf blight
Cercis canadensis Redbud	deciduous	20-30'	25-35'	moderate	adaptable if not wet sun/part shade	spring flowers fall color	canker, leaf spot Verticillium wilt
Cornus florida Flowering Dogwood	deciduous	20-30'	20-30'	moderate	well-drained, acid, organic, moist	spring flowers fall color	borer, fungus, leaf s
Cornus kousa Kousa Dogwood	deciduous	20-30'	20-30'	slow to moderate	well-drained, acid, sandy, organic	spring flowers fall color	borers, none serious
Crataegus phaenopyrum Washington Hawthorn	deciduous	25-30'	20-25'	moderate	well-drained, full sun	spring flowers, showy fall	Fire blight, leaf spot mildew
Halesia carolina Carolina Silverbell	deciduous	30-40'	20-35'	moderate	well-drained, organic, moist, acid	spring flowers fall fruit	very pest resistant
Ilex opaca American Holly	evergreen	20-40'	18-40'	slow	well-drained, moist, acid, sun	red berries	leaf miner, scale, bud moth, blight
Ilex cultivar Holly (large types)	evergreen	15-25'	15-25'	moderate to fast	well-drained, moist acid, sun	glossy dark leaves	none serious
Koelreuteria paniolata Golden Raintree	deciduous	30-40'	30-40'	moderate to fast	adaptable, full sun	spring leaves summer flower	none very serious
Lagerstroemia indica faurei Crape Myrtle	deciduous	18' +	varies	fast	well-drained, warm full sun	bark, form, summer flower	powder mildew, black spot
Magnolia loebneri Magnolia Loebner	deciduous	20-30'	25-35'	moderate	well-drained, acid moist, organic, sun	fragrant spring blooms, form	seldom
Magnolia soulangeana Saucer Magnolia	deciduous	20-30'	15-25'	moderate	well-drained, acid, moist, organic, sun	fragrant spring blooms, form	seldom
Magnolia virginiana Sweetbay Magnolia	semi-evergreen	20-30'	25-35'	moderate	adaptable, tolerates wet, shade	fragrant summer bloom	none serious
Malus hybrid Flowering Crabapple	deciduous	varies	varies	varies	well-drained, moist, acid, sun	spring bloom fall fruit	use only resistant variety
Parrotia persica Persian Parrotia	deciduous	20-40'	15-30'	moderate	well-drained, sun or light shade	spring flowers exfoliation bark	none except J. bee
Pistachia chinensis Chinese Pistache	deciduous	30-35'	25-35'	moderate	adaptable, full sun	fall color, bark	none
Prunus species Flowering Cherry	deciduous	varies	varies	varies	well-drained, moist, sun	spring flowers tree form	depends on condition
Sassafras albidum Sassafras	deciduous	30-60'	25-40'	moderate to fast	well-drained, moist, acid, sun/lit. shade	spring flowers fall color	numerous but seldom noticed
Stewartia pseudocamelia Japanese Stewartia	deciduous	20-40'	15-30'	moderate	well-drained, moist, organic	summer flower bark, tree form	none serious
Styrax japonica Japanese Snowbell	deciduous	20-30'	20-30'	moderate	well-drained, moist, organic	late spring flower, form	mostly pest free
Thuja occidentalis 'Emerald' 'Emerald Arborvitae'	evergreen	15-25'	5-10'	slow to moderate	well-drained, soil & air moisture, sun	fine texture, foliage	bagworm, heart rot, spider

**Appendix Table 1-4. Medium - Large Shade Tree List**

NAME	TREE TYPE	AT MATURITY		GROWTH RATE	SITE CONDITIONS	BENEFITS	POSSIBLE PROBLEMS
		HEIGHT	SPREAD				
Acer rubrum Red Maple	deciduous shade	40-60'	30-50'	fast	adaptable	spring flowers fall colors	leaf hoppers borers
Acer saccharum Sugar Maple	deciduous shade	60-75'	40-60'	moderate	well-drained slightly moist	fall color	leaf scorch
Betula nigra River Birch	deciduous	40-70'	40-60'	slow to moderate	moist preferred, but adaptable	handsome form & bark	leaf spot
Carpinus carolina Hornbeam, Ironwood	deciduous shade	20-50'	30-50'	slow to moderate	rich, moist, slightly acid	fall color, smooth bark	canker, leaf spot
Cedrus deodara Deodar Cedar	evergreen	40-70'	50-90'	moderate	well-drained, somewhat dry	foliage texture and color	cold damage, top die back
Cercidiphyllum japonicum Katsura Tree	deciduous shade	40-60'	30-60'	moderate	rich, moist, well-drained; full sun	beautiful foliage	
Cladrastis kentukea Yellowwood	deciduous shade	30-50'	40-55'	moderate	well-drained, full sun	fragrant & bright	very few
Cryptomeria japonica Japanese Cedar	evergreen	50-60'	20-30'	moderate	rich, moist, acid; full sun	soft texture, beautiful bark	leaf blight, branch die back
Fagus grandiflora American Beech	deciduous shade	50-70'	50-70'	slow	moist, well-drained, acid	handsome form, bark	none serious, surface roots
Fraxinus pennsylvanica Green Ash	deciduous shade	50-60'	25-35'	fast	very adaptable, full sun	adaptability	borers, scale
Ginkgo biloba Ginkgo Tree	deciduous shade	50-80'	30-60'	moderate	adaptable, full sun	unique foliage, rich yellow	none serious
Gymnocladus dioica Kentucky Coffeetree	deciduous shade	60-75'	40-50'	slow to moderate	adaptable	bold form & unique color	none serious
Liquidambar s. rotundiloba Sweetgum (fruitless)	deciduous shade	60-75'	40-50'	moderate	adaptable, needs large root zone	rich fall color	possible pests
Liriodendron tulipifera Tulip Poplar	deciduous shade	70-90'	35-50'	fast	moist, drained, loamy soil, full sun	beautiful spring flowers	numerous if poor sited
Magnolia grandiflora Southern Magnolia	evergreen	60-80'	30-50'	moderate	rich, well-drained shade tolerant	fragrant flower handsome leaf	messy leaves surface roots
Metasequoia glyptostroboides Dawn Redwood	deciduous	70-100'	25-45'	fast	moist, well-drained slightly acid	bright green fine leaves	none serious Japanese beetle
Nyssa sylvatica Black Gum	deciduous	30-50'	20-30'	moderate	moist well-drained acid	striking fall color	none serious
Pinus taeda Loblolly Pine	evergreen	40-60'	20-30'	fast	adaptable to poorly drained, acid soil	good fast screen	pine beetles
Quercus alba White Oak	deciduous shade	50-80'	60-90'	slow	deep, moist, well-drained, acid	stateliness, fall color	numerous, but tree survivor
Quercus coccinea Scarlet Oak	deciduous shade	70-75'	40-50'	moderate	adaptable	excellent glossy foliage	none serious
Quercus phellos Willow Oak	deciduous shade	40-60'	30-60'	moderate	adaptable	good form, fine texture	none serious
Quercus shumardii Shumard Oak	deciduous shade	40-60'	40-60'	moderate	adaptable	reliability, fall color	none serious

NAME	TREE TYPE	AT MATURITY		GROWTH RATE	SITE CONDITIONS	BENEFITS	POSSIBLE PROBLEMS
		HEIGHT	SPREAD				
Quercus virginiana Live Oak	deciduous shade	40-80'	30-60'	slow	adaptable	excellent glossy foliage	none serious
Sophora japonica Pagoda - Scholar Tree	deciduous shade	50-75'	50-75'	fast	loamy, well-drained	fragrant showy flowers	canker, cold damage young
Taxodium distichum Bald Cypress	deciduous	50-70'	20-30'	moderate	adaptable, full sun	fine texture, attractive bark	twig blight, cypress moth
Tilia cordata Littleleaf Linden	deciduous shade	60-70'	40-60'	moderate	moist, well-drained, fertile	pollution tolerant	scale, linden mite aphids
Tsuga Canadensis Canadian Hemlock	evergreen	40-70'	25-35'	moderate	moist, well-drained acid, sun or shade	fine texture; hedge, screen	numerous if not properly sited
Ulmus parviflora Lacebark Elm	deciduous shade	40-50'	40-50'	moderate	adaptable	beautiful mottled bark	none serious
Zelkova serrata Japanese Zelkova	deciduous shade	50-80'	50-80'	moderate	moist well-drained sun	good foliage, fall color	none serious

## **PRUNING TREES**

The following guidelines are recommended to protect your investment. Proper pruning improves the health and appearance of trees and prolongs their useful life by removing undesirable branches which are dead, weakened, diseased or insect-infested.

### **Types of Pruning**

The National Arborist Association recognizes four classes of pruning which define the type and degree of recommended pruning.

Class 1: Fine Pruning – the thorough removal of undesirable branches over ½” in diameter. This includes selective thinning to lessen wind resistance. See Drawing.

Class 2: Standard Pruning – the removal of undesirable branches over 1” in diameter.

Class 3: Hazard Pruning - the removal of undesirable branches over 2” in diameter. This class is recommended where safety considerations are paramount.

Class 4: Crown Reduction Pruning – the reduction in the size of the tree canopy.

### **Topping Versus Thinning**

Proper pruning is not to be confused with the disfiguring practice of topping, which is prohibited. Topping is the indiscriminate removal of a tree’s main leader and branches resulting in stubs. The cut surfaces of the stubs do not close readily and internal decay develops. The resulting flush of multiple water sprouts from the stubbed branches form terminals that are very weak. Topping leaves a tree highly susceptible to damage from strong winds, winter injury, insects and diseases.

Thinning is the correct method for removal of branches to their point of attachment to the trunk or another branch. This method eliminates unhealthy and unsightly stubs, resulting in an open, airy, natural appearance to trees. Thinning requires more skill and time to perform than does topping. Trees that are properly pruned and thinned will live longer and should not need to be pruned as often as trees that have been topped.

### **When to Prune**

Maintenance pruning of most shade trees can be done anytime. Severe pruning, however, should be done in late winter or early spring before new growth begins. Pruning of “bleeder” trees like birch and maple causes profuse seeping from cut surfaces in the spring, and is sometimes delayed until the fall. Although the loss of sap is seldom

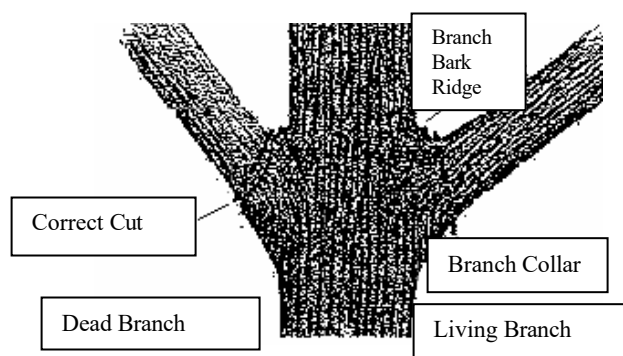
injurious unless the cuts are large. Pruning of trees susceptible to certain vascular diseases, like American elm and red oak, should be avoided during the activity period of beetles which spread the diseases.

### How to Prune Trees

The objective of pruning is to produce strong, healthy, attractive plants. By understanding how, when and why to prune, and by following a few simple principles, this objective can be achieved. Pruning cuts should be made so that only branch tissue is removed and stem tissue is not damaged. At the point where the branch attaches to the stem, branch and stem tissues remain separate, but are contiguous. If only branch tissues are cut when pruning, the stem tissue of the tree will probably not become decayed, and the wound will seal more effectively.

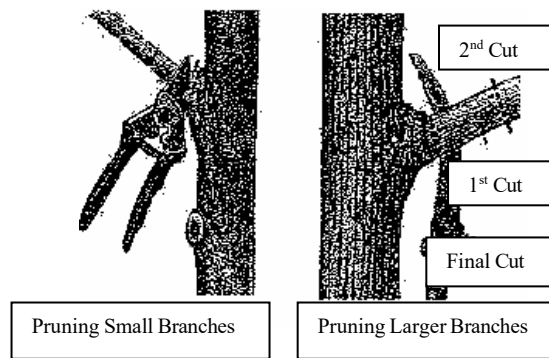
#### Pruning Living Branches

To find the proper place to cut a branch, look for the branch collar that grows from the stem tissue at the underside of the base of the branch. On the upper surface, there is usually a branch bark ridge that runs (more or less) parallel to the branch angle, along the stem of the tree. A proper pruning cut does not damage either the branch bark ridge or the branch collar. A proper cut begins just outside the branch bark ridge and angles down away from the stem of the tree, avoiding injury to the branch collar. Make the cut as close as possible to the stem in the branch axil, but outside the branch bark ridge, so that stem tissue is not injured and the wound can seal in the shortest time possible. If the cut is too far from the stem, leaving a branch stub, the branch tissue usually dies and wound wood forms from the stem tissue.



The quality of prune cuts can be evaluated by examining pruning wounds after one growing season. A concentric ring of wound wood will form from proper pruning cuts. When pruning small branches with hand pruners, make sure the tools are sharp enough to cut the branches cleanly without tearing. Branches large enough to require saws should be supported with one hand while the cuts are made. If the branch is too large to support, make a three-step pruning cut to prevent bark ripping.

1. The first cut is a shallow notch made on the underside of the branch, outside the branch collar. This cut will prevent a falling branch from tearing the stem tissue as it pulls away from the tree.
2. The second cut should be outside the first cut, all the way through the branch, leaving a short stub.
3. The stub is then cut just outside the branch bark ridge/branch collar, completing the operation.



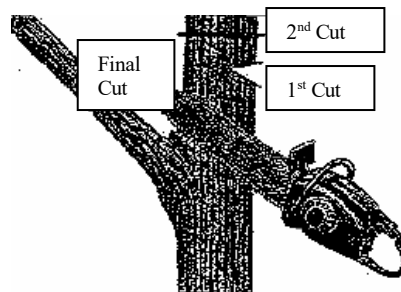
### Pruning Dead Branches

Prune dead branches in much the same way as live branches. Making the correct cut is usually easy because the branch collar and the branch bark ridge can be distinguished from the dead branch.

### Drop Crotch Cuts

A proper cut begins just above the branch bark ridge and extends through the stem parallel to the branch bark ridge. Usually, the stem being removed is too large to be supported with one hand, so the three-cut method should be used.

1. With the first cut, make a notch on the side of the stem away from the branch to be retained, well above the branch crotch.
2. Begin the second cut inside the branch crotch, staying well above the branch bark ridge, and cut through the stem above the notch.
3. Cut the remaining stub just inside the branch bark ridge through the stem parallel to the branch bark ridge.



To prevent the abundant growth of sprouts on the stem below the cut, make the cut at a lateral branch that is at least one-third of the diameter of the stem of their union.

### **Pruning Guidelines**

#### Crown Thinning:

- Assess how a tree will be pruned from the top down.
- Favor branches with strong, U-shaped angles of attachment. Remove Branches with weak, V-shaped angles of attachment.
- Ideally, lateral branches should be evenly spaced on the main stem of young trees.

## Town of Micro Zoning Ordinance

- Remove any branches that rub or cross another branch.
- Make sure that lateral branches are no more than one-half to three-quarters of the diameter of the stem to discourage the development of co-dominant stems.
- Do not remove more than one-quarter of the living crown of a tree at one time. If it is necessary to remove more, do it over successive years.

### Crown Raising:

- Always maintain live branches on at least two-thirds of a tree's total height.
- Removing too many lower branches will hinder the development of a strong stem.
- Remove basal sprouts.

### Crown Reduction:

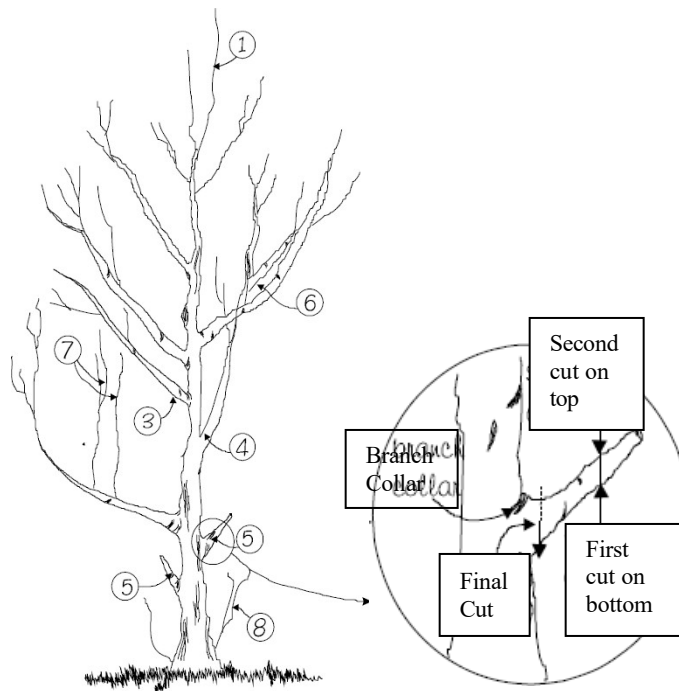
- Use crown reduction pruning only when absolutely necessary. Make the pruning cut at a lateral branch that is at least one-third the diameter of the stem to be removed.
- If it is necessary to remove more than half of the foliage from a branch, remove the entire branch.

### **Pruning Diagram** (figure shown on the following page)

What to look for:

1. Fork top. If left on tree this will cause the development of two leaders, thus wasting growth energy. Later as the two tops get larger the fork may split and damage the tree.
2. Remove for street tree clearance.
3. Parallel branch, remove the smaller of the two.
4. Branch growing at a sharp angle. When this branch becomes larger, it may rub on the trunk, split out, or even cause rot to develop by giving water a chance to collect.
5. Temporary Branch.
6. Crossing branches. These interfere with each other's growth and create bad form.
7. Water sprouts. Remove.
8. Basal sprouting from the root crown. This saps energy from the tree, looks messy and can collect trash.

### Pruning Diagram



### **PLANTING GUIDELINES**

The following guidelines to tree planting will help reduce transplanting shock and ensure that trees adapt to the new site. Keep in mind that spring and fall are the best times of the year to plant trees.

#### **Planting the Tree**

The tree should be planted at the same depth or slightly higher than it was growing at the nursery. A high mound should be avoided as the soils can dry out quickly in the summer and freeze in the winter.

The hole should be dug shallow and wide. It should not be any deeper than the root ball but should be a wide hole, allowing for amendments, availability and root penetration.

The backfill soil should be added gradually and watered carefully to settle the soil but not to saturate it. Balled and burlapped trees should have any untreated burlap pulled away from the top of the root ball and cut away, not buried, so that none of the burlap is exposed at the soil surface. Otherwise, the burlap can wick moisture away from the roots of the freshly planted tree.

#### **Staking the Tree**

Stakes should only be necessary to support trees on windy sites or for smaller trees with weak trunks. The stakes should be placed before the backfill is added to avoid damaging any large roots. A stake is meant to provide temporary support and should be removed within a year or two to allow the tree to develop trunk strength and to limit the potential for physical damage from the stakes and support ties.

Anything used for a tie should have a flat, smooth surface and be somewhat elastic to allow for slight movement for the tree. Suitable materials include rubber strips or webbing and belting. Wire covered with a hose or tubing should not be used.

## **Water**

Because a newly transplanted tree may have lost much of its root system, watering is critical for successful establishment. Initial watering at planting should be followed with weekly watering, at a minimum, particularly during dry periods. A newly planted tree will benefit from at least an inch of water a week.

## **Mulch**

Newly planted trees respond well to mulch placed around the tree. This reduces initial root competition with turf and limits the possibility of physical damage by mowers. Mulch material also allows for the exchange of gases between the atmosphere and soil; helps provide for better water penetration into soil; and, reduces evaporation of soil water, conserving soil moisture for optimal root growth. These factors contribute to the health of the trees and increase the likelihood of survival.

The mulch should not be piled around the tree and should not actually touch the tree trunk. No more than a 2-3 inches depth of mulch should be added with it being no more than ½ inch deep closest to the tree. Effects of too much mulch in planting areas include excessive moisture, reduced oxygen, and fungal growth.

The ideal mulch pattern tapers from a two to four-inch depth of well-composted organic matter at the drip line of trees and shrubs to bare soil at the trunk. Sandy soils need deeper mulch layers over the new root zone than clay soils.

## **Pruning**

When planting a tree, only dead or broken branches should be removed. All living branches should be left on the tree to help promote tree establishment. Once the tree has been established on the site training pruning can be done to promote good branching patterns, but no more than ¼ of the branches should be removed at any one time.

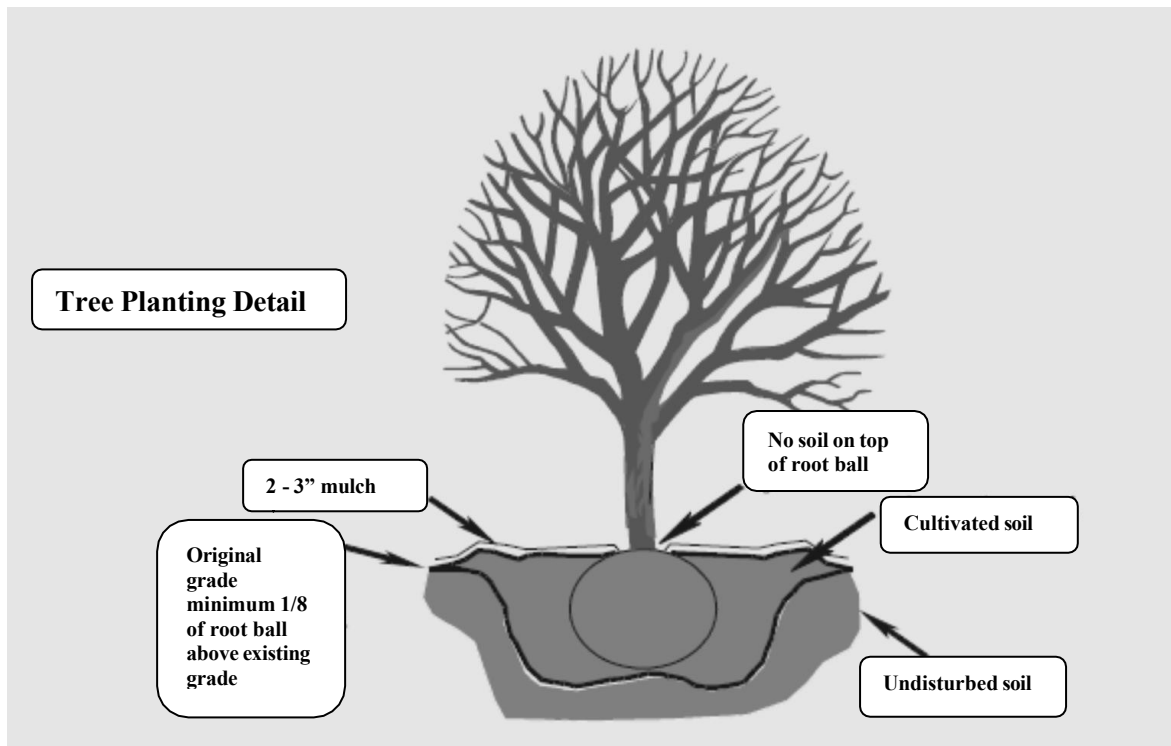
## **Fertilizer**

Fertilizer is not generally necessary at the time of planting and, indeed, if placed improperly in the planting hole can injure roots. However, the addition of nitrogen, if applied as recommended on the product label, can benefit a newly planted tree.

## **Planting Diagram** (figures shown on the following page)



### Planting Diagrams



Staking may be necessary to support trees on windy sites or with smaller weaker young trees for the first 1 to 2 years.

