ORDINANCE # 2021-2

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF LAKE SANTEETLAH, NORTH CAROLINA

WHEREAS, the Town of Lake Santeetlah has the authority pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district; and

WHEREAS, the Town of Lake Santeetlah has the authority pursuant to Article 6 of Chapter 160D of the North Carolina General Statutes, to amend zoning regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, the Town Council of the Town of Lake Santeetlah has taken into full account all statements and information received in public comments at the duly advertised public hearings and the Consistency Statement and recommendations made by the Town Planning Board; and

WHEREAS, this proposed amendment to the Town's Official Zoning Ordinance is consistent with the Town of Lake Santeetlah's Land Use Plan and in the public interest for the following reasons:

1. The proposed amendments will allow for the growth of the Town while keeping the aesthetics unchanged and shall provide adequate light and air and protect the environment and ecology of the area; and

2. The mountain view is preserved by the adoption of the proposed amendments which attempts to maintain lakeside views for property owners, a stated goal in the Land Use Plan; and

3. The proposed amendments provide further for controlled growth which accomplishes the stated policy of the Land Use Plan of maintaining or slowly increasing infrastructure, protection of the surrounding environment and preserving the quality of life for the Town residents.

4. The proposed amendments promote the goals and objectives stated in the Purpose and Intent section of the new zoning ordinance (Article II), which goals and objectives are restated here in their entirety and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE SANTEETLAH THAT:

Section 1. The Zoning Ordinance of the Town of Lake Santeetlah be, and the same is hereby, amended to create the "Town of Lake Santeetlah Comprehensive Zoning Ordinance", as depicted on Exhibit "A" attached hereto and incorporated herein by reference.

Section 2. A copy of the Zoning Ordinance of the Town of Lake Santeetlah shall be kept on file in the office of the Town Clerk, and it shall be the express duty of the Clerk, or someone authorized by the Clerk, to insert in the designated places in such official copy all duly adopted amendments to the Zoning Ordinance, and to extract from the Ordinance all provisions which may from time to time be duly repealed. A copy of this Ordinance shall be available for all persons desiring to examine it during reasonable business hours, under the supervision of the Clerk.

Section 3. In addition to the book form copy of the Ordinance held by the Clerk, the Zoning Ordinance of the Town of Lake Santeetlah shall be published and available online, on the internet, in a form and format directly viewable or linkable from the official internet website of the Town. It shall also be the express duty of the Clerk, or someone authorized by the Clerk, to insert in the on-line version of the Ordinance, as soon as practical and as provided by any contract with a webhost for such publication, all duly adopted amendments to the Ordinance, and to extract all provisions which may be duly repealed

Section 4. It shall be unlawful for any person to change or amend, by addition or deletion, any part or portion of the Zoning Ordinance, including the versions posted online, or to alter or tamper with the Ordinance in any manner whatsoever, including altering or tampering of the Ordinance as published online, which will cause the Ordinances of the Town to be misrepresented thereby. Any person violating this section shall be guilty of a Class 3 misdemeanor, to be punished as provided in Section 14-4 of the General Statutes of North Carolina; provided that the maximum fine for any such violation shall be $500.00.

Section 5. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

NORTH CAROLINA

GRAHAM COUNTY

CERTIFICATION

I hereby certify that the foregoing is a true and accurate copy of this Ordinance adopted by the Town Council of the Town of Lake Santeetlah at a duly convened and held Council meeting on November 4, 2021 for the Town of Lake Santeetlah.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official corporate seal of the Town to be affixed, this the 7 day of December, 2021.

TOWN OF LAKE SANTEETLAH

By: Emily Hooper
Town Clerk

NORTH CAROLINA

GRAHAM COUNTY

ACKNOWLEDGEMENT

I, Kimberly W. Matheson being a Notary Public of Graham County, North Carolina, do hereby certify that Emily Hooper, Town Clerk to the Town of Lake Santeetlah appeared before me this day and acknowledged the due execution of this foregoing instrument.

IN WITNESS WHEREOF, I hereunto set my hand and notarial seal this the 7 day of December, 2021.

Kimberly W. Matheson
Notary Public

My Commission Expires: 11-9-24

KIMBERLY W MATHESON NOTARY PUBLIC GRAHAM COUNTY, NC

Section 6. This Ordinance, which shall replace all prior zoning ordinances, shall be in full force and effect from and after the date of adoption hereof.

Duly adopted this the 4th day of November, 2021.

James Hager, Mayor

Attest:

Bonley Hooper

_____, Town Clerk

ORDINANCE # 2021-3

ORDINANCE ESTABLISHING ZONING MAP FOR
TOWN OF LAKE SANTEETLAH

WHEREAS, the Town of Lake Santeetlah has the authority pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, the Town Council of the Town of Lake Santeetlah has taken into full account all statements and information received in public comments at the duly advertised public hearings and the Consistency Statement made by and recommendations of the Town Planning Board; and

WHEREAS, this proposed amendment to the Town's Official Zoning Map is consistent with the Town of Lake Santeetlah's Land Use Plan; and

WHEREAS, this proposed amendment is determined to be reasonable and in the public interest for the following reasons:

1. The zoning map changes will allow for the growth of the Town while keeping the aesthetics unchanged and shall provide adequate light and air and protect the environment and ecology of the area;

2. The mountain view is preserved by the adoption of the zoning map changes which attempts to maintain lakeside views for property owners, a stated goal in the Land Use Plan; and

3. The Land Use Plan provides further for controlled growth which accomplishes the policy of maintaining or slowly increasing infrastructure, protection of the surrounding environment and preserving the quality of life for the Town residents. The zoning map changes are consistent with these purposes.

4. The zoning map changes promote the goals and objectives stated in the Purpose and Intent section of the new zoning ordinance (Article II), which goals and objectives are restated here in their entirety and incorporated herein by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE SANTEETLAH THAT:

Section 1. The Official Zoning Map of the Town of Lake Santeetlah be, and the same is hereby, amended to create the "Official Zoning Map of the Town of Lake Santeetlah", as depicted on Exhibit "A" attached hereto and specifically including those parcels identified therein.

Section 2. That the Town Clerk with assistance from the Office of the Zoning Administrator is hereby authorized and directed to make the changes as herein before enacted in said zoning map.

Section 3. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Council hereby declared that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. This Ordinance shall be enforced as provided in Zoning Ordinance of the Town of Lake Santeetlah.

Section 5. That this Ordinance shall be in full force and effect on the date of adoption.

This Ordinance was duly adopted by the Town Council this 4th day of November, 2021.

It is the intention of the Town Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances for the Town of Lake Santeetlah, and to accomplish such intention, sections of this Ordinance may be renumbered, captions added, sections retitled, section references corrected and repealed provisions deleted.

Mayor

Attest:

Clerk

(CORPORATE SEAL)

NORTH CAROLINA

GRAHAM COUNTY

CERTIFICATION

I hereby certify that the foregoing is a true and accurate copy of this Ordinance adopted by the Town Council of the Town of Lake Santeetlah at a duly convened and held Council meeting on November 4, 2021 for the Town of Lake Santeetlah.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official corporate seal of the Town to be affixed, this the 7 day of December, 2021.

TOWN OF LAKE SANTEETLAH

By: Emily Hooper

Town Clerk

NORTH CAROLINA

GRAHAM COUNTY

ACKNOWLEDGEMENT

I, Kimberly W. Matheson, being a Notary Public of Graham County, North Carolina, do hereby certify that Emily Hooper, Town Clerk to the Town of Lake Santeetlah appeared before me this day and acknowledged the due execution of this foregoing instrument.

IN WITNESS WHEREOF, I hereunto set my hand and notarial seal this the 7 day of December, 2021.

Kimberly W. Matheson

Notary Public

My Commission Expires: 11-9-26

KIMBERLY W MATHESON NOTARY PUBLIC GRAHAM COUNTY, NC

Town of Lake Santeetlah Comprehensive Zoning Ordinance

ARTICLE I

TITLE

This Ordinance shall be known as "The Zoning Ordinance of the Town of Lake Santeetlah, North Carolina" (hereinafter referenced as "Ordinance")(Ord. 2021-2).

ARTICLE II

PURPOSE AND INTENT

This Ordinance is designed to encourage the protection and development of the various physical elements of the Town's territorial jurisdiction in accordance with the Town's adopted land use plan for the purposes of zoning as set forth in N.C.G.S. §160D-701, including:

(1) Promoting the public health, safety and general welfare of the Town's citizens and property owners;

(2) Promoting the orderly growth and development of the Town;

(3) Lessening congestion in the roads and streets;

(4) Providing adequate light and air;

(5) Protecting the beauty of the surrounding environment and the quality of the waters of Lake Santeetlah;

(6) Securing safety from fire, panic and other dangers;

(7) Preventing the overcrowding of land; and

(8) Facilitating the adequate provision of transportation, water, sewerage, community services and other public necessities.

ARTICLE III

AUTHORITY

The provisions of this Ordinance are adopted under authority granted by N.C.G.S. §160D-101 *et seq*.

ARTICLE IV

JURISDICTION

The land development regulations presented in this Ordinance shall apply to all property located within the corporate limits of the Town of Lake Santeetlah as described by the charter of the Town and as shown on the official zoning map of the Town.

ARTICLE V

GENERAL CONSTRUCTION AND DEFINITIONS

Section 500. Guidance for interpretation.

(1) Interpretations of text within this Ordinance shall be guided by the Ordinance's statement of purpose and intent and the context of the regulations.

(2) All words used in this Ordinance shall have their common, ordinary meaning, unless specifically defined below or within the context of a specific Article of this Ordinance.

(3) Interpretation of commonly used terms and words.

(a) Words used in the present tense shall include the future tense.

(b) Words used in the singular number shall include the plural and words used in the plural include the singular, unless the construction of the context indicates otherwise.

(c) The words "person" or "one" or "no one" includes a firm, association, corporation, trust company or other entity and an individual.

(d) The word "structure" shall include the word "building."

(e) The word "lot" shall include the words "plot", "parcel" or "tract"; meaning a piece of land described in an instrument duly recorded in the office of the register of deeds.

(f) The term "boundary line" or "lot line" shall mean the legally established boundary of a lot and will be considered coincident with an abutting public street right-of-way line unless the metes and bounds description in a recorded deed or plat clearly and specifically established the lot boundary at some other location.

(g) The word "shall," "must," and "will" are always mandatory, including a requirement to comply with the particular provision.

(h) The word "may" is permissive in nature except when used in the negative.

(i) The word "should", whether used in the positive or negative, is a suggested guideline.

(j) References to "days" will always mean business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.

Section 501. Definitions.

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ABC Store means an establishment run by the Alcoholic Beverage Control Board selling alcoholic beverages.

Accessory building or structure means a structure not used as living quarters and detached from the principal building and located on the same lot thereof, relatively small in nature, and incidental and subordinate to the principal building. An accessory building or structure would include a fence, retaining wall, ornamental wall, parking pad, a detached garage (without living quarters), a shed or steps. Regulations for accessory buildings or structures are set forth in Article VIII, Section 807.

Accessory retail means using an accessory building or structure for the sale of various products to a consumer and not customarily subject to sale again.

Accessory use means a use of land or of a building or structure or portion thereof incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

Addition (to an existing building) means an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction set forth herein.

Adult establishment means any structure or use of land that is an adult establishment as defined in N.C.G.S. §14-202-10 (or its successor). This definition shall also include any operation that receives a majority of its gross income during any calendar month from the sale of sexually oriented devices as defined in N.C.G.S. §14-202-10 or any operation which has sexually oriented devices as a preponderance (either in terms of the weight and importance or the volume of the materials to be sold) of its items for sale. This definition shall not include any bona fide therapeutic massage service offered by a licensed or registered medical professional or other person certified by a state or nationally recognized organization; nor shall this definition include any private or public fitness center or nonprofit community recreational facility and service organization, either of which provides massage therapy as a service incidental to the operation of a fitness center.

Amusement/Indoor means the commercial use of land providing services inside of a building to amuse or entertain members of the public, including, without limitation, theatres, concerts or sporting/recreational events.

Amusement/Outdoor means the commercial use of land providing services outside of a building to amuse or entertain members of the public, including, without limitation, outdoor theatres, concerts or sporting/recreational events.

Apartments. See "Dwelling, multiple-family".

Appeal means a request for a review of the local zoning administrator's interpretation of any provision of this Ordinance.

Automobile or boat services/repair means a commercial use of land providing services for the maintenance, care or improvement of motor vehicles, boats, trailers or any other mobile thing.

Auto/Mechanical or boat parts store means a commercial use of land providing parts for the maintenance, care or improvement of motor vehicles, boats, trailers or any other mobile thing.

Automobile wash and *automatic car wash* means a lot on which motor vehicles are washed or waxed, either by the patron or by others, using machinery specifically designed for that purpose.

Banks and other financial institutions means a commercial use of land for the provision of services related to financial lending, investment or monetary management or growth to members of the public.

Bar/Tavern/Nightclub means a commercial establishment where alcohol is provided (and food incidentally) to members of the public as regulated by the North Carolina ABC Commission and its rules and regulations.

Bed and breakfast means a private resident-occupied dwelling unit with four to eight guest rooms where overnight lodging accommodations, with or without a morning meal, are provided to transients for compensation and where the bed and breakfast inn is operated primarily as a business.

Board of adjustment means a quasi-judicial body, appointed by the Town Council, composed of representatives from or for the jurisdiction of the Town which are given certain powers as set forth in Article XV, Section 1504.

Buffer means an area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized, and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of Lake Santeetlah. Standards for this buffer are set forth in Article XI, Section 1103.

Buffer strip means a strip intended to screen incompatible uses consisting of an approved wall, fence or planted strip. A buffer strip may be required as a condition of a special use permit.

Building means any structure constructed or used for residential, business, industry or other public or private purposes, or accessory thereto, having a roof supported by columns or walls and intended for use as shelter, housing or enclosure of any individual, animal, process, equipment, goods or material of any kind.

Building (or structure) setback line means a line establishing the minimum allowable distance between the nearest portion of any building or structure, including

porches, decks and roof overhangs and the right-of-way line of any abutting street for a front setback or side and rear lot lines for side and rear setbacks, respectively. *See* Sections 702 and 807.

Building permit means the permit obtained for construction of a building from the Graham County Building Inspection Department.

Cemeteries means the use of land where the remains of dead people are buried or otherwise interred.

Certificate of zoning compliance means a written statement, signed by the zoning administrator, setting forth that the building, structure or use complies with this Ordinance and that the building, structure or use may be used for the purpose stated in the statement.

Childcare home means a facility run by an individual or family, which provides supervision or care on a regular basis in the individual's or family's home for children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult. Maximum enrollment shall be eight children.

Condominium means a dwelling unit owned as a single-family home within a multiple property together with an undivided portion of ownership in areas and facilities held in common with other property owners in the development. The common areas and structures may include underlying land, parking areas, recreation facilities and swimming pools.

Condominium development means a development of one or more structures containing two or more units intended for owner occupancy, where the land beneath each unit and all common areas (as defined in the North Carolina Unit Ownership Act (G.S. 47A-1 et seq.)) are owned proportionately by each unit owner in the development. Units and the land on which they are built do not meet conventional lot requirements for street frontage and yard sizes, and walls between units are constructed in accordance with state building code requirements. All such projects shall conform to the density requirements of the district in which the development is located and shall be approved in accordance with the provisions of Article X.

Construct means to build or erect something.

Construction means the act or art of constructing.

Convenience store means a one-story retail store containing less than two thousand (2,000) square feet of gross floor area that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket). It is designed to attract and depends upon a large volume of stop-and-go traffic. Illustrative examples of convenience stores are those operated by the "Fast Fare," "7-11" and "Pantry" chains.

Crematories means an establishment or structure in which the bodies of the dead are cremated.

Customary home occupations means any use conducted for gain within a dwelling and carried on by the occupants, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character of the dwelling, and in connection with which there is no outdoor display; further, no person not a resident on the premises shall be employed specifically in connection with the activity, no mechanical equipment shall be used except such as is normally used for domestic or professional purposes, and not over twenty-five percent (25%) of the total floor space or four-hundred (400) square feet of any structure, whichever is less, shall be used for home occupations.

Development means activity defined in N.C.G.S. §160D-102(12).

District means any section of the Town's planning jurisdiction in which zoning regulations are uniform.

Dog or animal grooming services means the commercial use of land for the provision of services related to the care and upkeep of an animal's physical appearance.

Duplex. See dwelling, two-family.

Dwelling or dwelling unit means any building or portion of a building which is designed for living and/or sleeping purposes as such term is defined by the North Carolina Building Code Council. The current definition from the North Carolina Residential Code reads: "A single unit providing independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation".

Dwelling, multifamily, means a building containing three or more dwelling units.

Dwelling, single-family, means a building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

Dwelling, single-family semidetached, means a one-family dwelling attached to another one-family dwelling by a common vertical wall, with each dwelling located on a separate lot.

Dwelling, two-family, means a building arranged or designed to be occupied by two families living independently of each other, the structure having only two dwelling units.

Erect means to build, construct, erect, rebuild, reconstruct, or re-erect as these terms are commonly defined.

Fabrication means light manufacturing, excluding the refining or other initial processing of basic raw materials such as metal ores, lumber or rubber, that involves stamping, cutting or otherwise shaping the processed materials into useful objects

and which generates no emissions of air pollutants nor causes any discharges of pollutants in water.

Family means one or more persons related by blood, adoption or marriage, or a group of not more than five persons not related by blood, living together as a single housekeeping group in a dwelling unit.

Family care home means a home defined and described in N.C.G.S. §168-20 et seq., as having support and supervisory personnel, that provides room and board, personal care and rehabilitation services in a family environment for not more than six resident handicapped persons.

Fence means an erected or constructed barrier, railing or other upright structure, enclosing an area of ground to mark a boundary, control access or prevent escape. Standards related to fences are found in Article XI, Section 1104.

Fine arts and crafts means individual art pieces, not mass produced, consisting of one or more of the following: paintings, drawings, etchings, sculptures, ceramics, inlays, needlework, knitting, weaving, and/or craftwork, leather, wood, metal, or glass.

Flea market means buildings or open areas in which sales areas or stalls are set aside or rented, and which are intended for use by one or more individuals or by educational, religious or charitable organizations to sell a variety or articles such as those which are either homemade, homegrown, handcrafted, old, obsolete or antique.

Floor means the top finished surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Frontage means all property abutting on one side of a street measured along the street line.

Garage, private, means a building or space used as an accessory to or a part of the main building permitted in any residential district, and providing for the storage or care of motor vehicles and in which no business, occupation or service for profit is in any way conducted.

Garage, storage, means any building or premises, other than a private garage, used exclusively for the parking or storage of motor vehicles, boats, trailers or any other mobile thing.

Gas station means any building, structure, or area of land used for the retail sale of automobile fuels, oils, and accessories, which may also include the sale of propane or kerosene.

Government services means any use of land related to the provision of governmental services to the public, including, but not limited to, Town operations.

Group care facility means the use of land for multiunit assisted housing with hands-on personal care services or nursing services to residents of the facility.

Hair salon means the commercial use of land for the provision of services related to beauty or physical appearance of persons.

Hazardous material means any substance listed or regulated as such by any federal or state agency, including those under SARA Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of Clean Water Act (CWA) (oil and hazardous substances).

Height, building or structure means the vertical distance measured from the lowest grade point existing prior to construction adjacent to the building wall on the side of the building providing the primary fire department access for the structure to the highest point of the roof surface or parapet for flat and shed roofs, to the highest break line of mansard or gambrel roofs, and to the median height between edge of eave and the highest ridge of pitched or gable roofs and hip roofs. Chimneys, bell towers, steeples, copulas and other similar decorative elements may extend an additional ten feet above the highest point of the roof or parapet. Mechanical equipment on a roof shall be screened from view.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

Home for the aged means a boarding home with no more than six (6) beds meeting all of the requirements of the State for the boarding and care of persons who are not critically ill and who do not need regular professional medical attention.

Hospital/Urgent care means the use of land for a facility that provides medical or surgical treatment for sick or injured persons.

Hotel means a building used as a lodging place for transients, typically for fewer than one (1) week, who, for compensation, are lodged with or without meals and in which no provision is made for cooking in any individual room or suite.

Internet café means a physical business location where one can use a computer with internet access usually for a fee on a monthly, daily, hourly or per minute basis. Also used as gaming centers and/or locations to operate sweepstakes.

Junk means pre-used or unusable metallic parts and other nonmetallic manufactured products that are worn, deteriorated or obsolete making them unusable in their existing condition, but are subject to be dismantled and salvaged.

Junkyard means the outdoor storage (whether or not for sale) of more than six (6) junk parts or products on any lot or tract or any contiguous lot or tract of the same owner or operator or affiliated person or entity. The presence of two (2) or more abandoned, wrecked, scrapped, ruined or dismantled motor vehicles, recreational

vehicles, boats, trailers, mechanical equipment, or any of the parts of any of the above, shall also constitute a junkyard.

Kennel means a facility operated exclusively for profit and for the boarding of dogs, cats or other animals customarily or traditionally found in a kennel operation.

Landfill means a facility for the disposal of solid waste on land in a sanitary manner in accordance with N.C.G.S. §130A-290 *et seq*. For purposes of this Ordinance, this term does not include composting facilities.

Lot means a parcel of land occupied or to be occupied by a main building or group of buildings and accessory buildings, together with such yards and open spaces as are required by this Ordinance and having not less than the minimum required frontage upon a street, either shown on a plat or record, or considered as a unit of property and described by metes and bounds.

Lot line, rear, means:

(1) If the lot has one front line, the boundary opposite that front line shall be the rear line;

(2) If the lot has two front lines, the boundary opposite the shorter of the two front lines shall be the rear line, provided that if both front lines are of equal length, the rear line shall be fixed by the zoning administrator, subject to review by the Board of Adjustment, on the basis of orientation of existing structures; and

(3) If the lot has three or more front lines, there shall be no rear line.

Manufactured home means a dwelling unit that is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed for installation or assembly and installation on the building site.

Manufactured home, class A, means a dwelling unit constructed with one or more components which are prefabricated and hauled to the site that are capable of producing a dwelling which is indistinguishable from conventionally built homes and which meets the construction requirements of the state uniform residential building code as amended.

Manufactured home, class B, means a dwelling unit that:

(1) Is not constructed in accordance with the requirements of the State Residential Building Code as amended;

(2) Is composed of two or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site;

(3) Meets or exceeds the construction standards of the U.S. Department of Housing and Urban Development; and

(4) Conforms to the following appearance criteria:

(a) The manufactured home has a minimum width, as assembled on the site, of twenty (20) feet;

(b) The pitch of the manufactured home's roof has a minimum vertical rise of four (4) inches for each twelve (12) inches of horizontal run and the roof is finished with asphalt or fiberglass shingles; also, the roof provides an eight (8) inch overhang;

(c) The exterior of the manufactured home must be constructed of vinyl siding;

(d) A continuous, permanent masonry curtain wall, unpierced except for required ventilation and access is installed under the manufactured home;

(e) The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy; and

(f) Framing of the unit shall be recessed and the unit shall be constructed of studs which are sixteen (16) inches on the center.

Manufactured home, class C, means any manufactured home that does not meet the definitional criteria of a class A or class B manufactured home.

Manufactured home park means land used or intended to be used, leased or rented for occupancy by two (2) or more mobile homes, anchored in place by a foundation or other stationary support, to be used for living purposes and accompanied by automobile parking spaces and incidental utility structures and facilities required and provided in connection therewith. This definition shall not include trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.

Manufacturing, Heavy means the processing, fabrication, or manufacture of products or materials including, but not limited to, animal or vegetable matter, chemicals or chemical compounds, glass, metals, minerals, or other products converted from raw materials and including those processes with significant air or water discharge.

Manufacturing, Light means the processing, fabrication or manufacture of items that does not otherwise qualify as Fabrication.

Map and *zoning map* means the official zoning map of the Town.

Mini-Warehouse. See Warehouse-Mini.

Motel and *motor lodge* means a building or group of buildings containing sleeping rooms, designed for or used temporarily by automobile transients, with garage or parking space conveniently located to each unit.

New construction means structures for which the start of construction commenced on or after the effective date of the Ordinance from which these land development regulations derive and includes any subsequent improvements to such structures.

Nonconforming situation means a situation that occurs when, on the effective date of any prior zoning ordinance, or any amendment to it (including this Ordinance), an existing lot or structure or use of any existing lot or structure, otherwise lawful, does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because:

(1) Structures do not satisfy maximum height limitations;

(2) The relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity; or

(3) Land or buildings are used for purposes made unlawful.

Nonconforming use means a nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a restaurant in a residentially zoned area is a nonconforming use).

Nonconformity, dimensional, means a nonconforming situation that occurs when the height or size of a structure or the relationship between an existing building and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

Nursing home means a structure designed or used for residential occupancy and providing limited medical or nursing care on the premises for occupants, but not including a hospital or mental health center.

Office means the use of a building, in whole or in part, for sheltering the operations of a business or professional organization.

Open display or storage means unroofed, outdoor areas, whether fenced or not, for the display of goods, products or items associated with nonresidential uses.

Parking pad means an open area of land, other than a driveway, constructed with a paved or stable surface and used for automobile parking.

Parking space means the storage space for one (1) automobile or if the owner or occupant maintains a boat onsite, the space necessary to store one (1) watercraft with a trailer. The space must meet the dimensional standards of this Ordinance, plus

have necessary access for ingress and egress. A parking space shall always be located outside the dedicated street right-of-way.

Pawn shop means a shop or business that loans money to people who bring in personal property items to serve as collateral by the pawnbroker.

Planned unit development (PUD) means a group of buildings on a single lot or tract or structures on a site where the developer may reduce the size of individual lots. A PUD must be developed in accordance with the provisions of Article X.

Planning board means a board appointed by the Town Council to study the Town and its environs, to recommend plans and policies for the future, and to advise the Town Council in matters pertaining to planning and zoning.

Preschool means a facility for the care and/or education of children of preschool age, including kindergartens and day care centers.

Professional services means the use of land for the provision of services by a professional to the members of the public, including, without limitation, lawyers, doctors and accountants.

Public Safety Facilities means a facility operated by a public agency, a private contractor thereof, or by a private nonprofit volunteer organization and used for the base of operations and/or housing of equipment or personnel for the provision of dispatched public safety services including law enforcement, fire protection, rescue services, and/or emergency medical services. Such a facility may contain living quarters for on duty personnel. Facilities for the maintenance of equipment housed at the operation site are also permitted.

Public Utility Stations means a detached subordinate facility or structure that is incidental to the operation of a utility provider including, but not limited to, water towers, substations, lift stations, and pump stations.

Radio, Telephone, TV Tower means a structure, either freestanding or attached to a building, principally intended to support and/or radiate or receive a source of non-ionizing electromagnetic radiation (NIER), and accessory equipment related to broadcast services, private radio services, cellular telephone services, and common carriers (as regulated by the Federal Communications Commission), including AM, FM, two-way radio, television and cable antenna television transmission and reception, and microwave transmission.

Recreational vehicle means a vehicle which is built on a single chassis, four hundred (400) square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

Recreational vehicle park/Campground means a contiguous site or tract of land under unified ownership intended and designed to accommodate recreational vehicles or tent spaces as temporary living quarters for recreational or vacation purposes.

Rehabilitation center/facility means a residential facility for seven (7) or more persons or a nonresidential facility utilized by participants in programs providing guidance, counseling or therapy, not including persons who are psychotic, developmentally disabled or persons who have demonstrated a known problem repeatedly.

Religious institutions means the use of land for institutions such as churches, temples, mosques or other places of worship to support and manage the practice of a specific set of religious beliefs.

Residential means the use of a building on land for living accommodations, not including hotels, motels or other similar commercial lodging.

Residential, multi-family means the residential use of a dwelling unit by more than one family.

Residential, single family means the residential use of a dwelling unit by a single family.

Restaurant means an establishment, other than a drive-in or drive-through which serves food and beverages primarily to customers seated at tables or counters located within the building or designated outdoor seating areas.

Resubdivision means a change in a map of an approved and recorded subdivision plat, or in a map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Retail business means a business which sells goods (that are not for resale) or services to the public and which is open on a regular basis for consumer shopping or consumer needs.

Riding academy means an equestrian institution of learning requiring tuition at which students remain on campus for an extended period of time until prepared curriculum is successfully completed.

Rooming House means a resident-occupied building or portion of a building which contains guestrooms which are designed or intended to be used, let or hired out for occupancy by or which are occupied by four (4) or more but not exceeding eight (8) individuals for compensation, whether the compensation is paid directly or indirectly.

Schools means a public or private institution offering a curriculum of education authorized by the State of North Carolina giving regular instruction at the primary and/or secondary level. This *definition* includes kindergartens, elementary schools,

junior high schools, middle schools and high schools but does not include day care facilities, individual instruction, or classes in a specialized subject.

Self-service laundry & dry-cleaning services means the use of land for laundry facilities or services related to the care, cleaning and repair of clothes, linens or other similar personal property.

Service station means any building or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, lubricants or tires, except that indoor car washing, minor motor adjustment, and flat tire repair are only performed incidental to the conduct of the service station.

Sign means any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, design, trade names, or trademarks by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product, which are visible from a public way and used to attract attention. *See* Article XIII.

Sign area means the size of sign allowed according to the applicable regulations as contained in this Ordinance.

Solar farm means a facility used to convert solar energy into electrical power for interconnection with the power grid for primarily off-site energy consumption.

Special use means a use permitted in a zone only after specific findings by the Town Council.

Street means a public thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, boulevard, highway, road and any other thoroughfare except an alley.

Structure means anything constructed, erected or placed the use of which is intended for and requires location on the ground, or attachment to something having a location on the ground, including signs and portable structures, sheds or outbuildings.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Telecommunication Tower. See Radio, Telephone and TV Tower.

Tourist home means a dwelling where lodging only is provided for compensation, not exceeding fourteen (14) persons, and open to transients.

Use means the purpose for which land or structures on the land are designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented or leased.

Use, accessory, means the same as "Accessory use".

Use by right means a use which is listed as a use by right is any given zone district in this article.

Use, special, means the same as "Special use".

Variance means a modification or alteration of zoning development standards. Except for development involving a special use permit, a major variance can be approved only by the board of adjustment after specific findings of fact pursuant to Section 1504.04.

Variance, major means a modification or alteration of zoning development standards that does not qualify as a minor variance.

Variance, minor means a variance that does not exceed five percent (5%) of any development standard and, therefore, does not qualify as a major variance. The zoning administrator is authorized to grant a minor variance pursuant to Section 1503.03.

Veterinary clinic means the use of land in a building for the care of animals, principally household pets such as dogs and cats. A veterinary clinic does not include an animal kennel for the boarding of animals not requiring treatment for illness or injury.

Violation means the failure of a structure or other development to be fully compliant with the Town's regulations.

Warehouse means a building or compartment in a building used and appropriated by the occupant for the deposit and safekeeping or selling of his own goods at wholesale, and/or for the purpose of storing the goods of others placed there in the regular course of commercial dealing and trade, to be again removed or reshipped.

Warehouse-mini means a moving and/or storage services for household and business goods, including self-service storage facilities.

Warehousing means the depositing or securing of goods, wares and/or merchandise in a warehouse.

Water-dependent structure means any structure for which the use requires access to or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boathouses, docks and bulkheads. Ancillary facilities such as stairs or steps providing necessary access to the above-described things are also considered a water-dependent structure.

Water Storage Tanks means a standpipe or elevated tank used as a reservoir or for maintaining equal pressure in the water supply system.

Wholesale means sale for resale, not for direct consumption.

Wireless telecommunication means the set of equipment and network components, exclusive of the underlying support structure or tower, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment necessary to provide wireless data and telecommunications services to a discrete geographic area".

Yard means an open space on the same lot with a principal building, unoccupied and unobstructed by any structure from the surface of the ground upward except for ornamental or retaining walls, fences, landscaping, and as otherwise provided in this Ordinance.

Yard, front, means an open space on the same lot with a building, between the front line of the building (exclusive of steps) and the front property line or street right-of-way line and extending the full width of the lot.

Yard, rear, means an open space between the rear line of the principal building and the rear line of the lot and extending the full width of the lot.

Yard, side, means an open, unoccupied space on the same lot with a building between the sideline of the building and the sideline of the lot and extending from the front yard line to the rear yard line.

Zoning administrator means the official charged with the enforcement of this article or his designee.

Zoning compliance application means an application made to the zoning administrator so that a building, structure, or parcel may be researched to verify compliance with the requirements of the zoning ordinance.

ARTICLE VI

ESTABLISHMENT OF ZONING DISTRICTS

Section 600. Zoning districts enumerated.

The Town and its territorial jurisdiction are divided into the following zoning districts:

R-1	Single Family Residential District
CS	Commercial Service District
GS	Governmental Service District

Section 601. Locations and boundaries of districts; establishment of zoning map.

The locations and boundaries of each of the zoning districts shall be and are hereby shown on the map accompanying and made a part of this Ordinance, entitled "Official Zoning Map of the Town of Santeetlah, North Carolina," and adopted by the

Town Council. The official zoning map and all the notations, references and amendments to and other information shown on the map are made a part of this Ordinance. The official zoning map shall be kept on file in the office of the Town Clerk and shall be available for inspection by the public.

(Ord. 2021-2: Ord. 2021-3).

Section 602. Rules governing boundaries.

When uncertainty exists with respect to the boundaries of a district as shown on the official zoning map, the following rules shall apply:

(1) District boundary lines are intended to be along or parallel to property lines or lot lines of a platted addition and to the centerlines of streets, alleys, railroads, easements or other rights-of-way, and creeks, streams or other water channels.

(2) In the absence of specified distances on the map, dimensions or distances shall be determined by the zoning administrator by the scale of the official zoning map.

(3) The Board of Adjustment shall interpret the intent of the map as to the location of district boundaries upon appeal from the decision of the zoning administrator.

ARTICLE VII

DISTRICT REGULATIONS

Section 700. Description and Intent of Zoning Districts.

(1) Single Family Residential District (R-1). The R-1 district as shown on the Town zoning map is defined as low-density residential areas of predominately single-family residential use of single dwellings. The uses in this district are designated to stabilize and protect the essential characteristics of the area and to prohibit all activities of commercial nature except certain home occupations controlled by specific limitations.

(2) Commercial Service District (CS). The CS district as shown on the Town zoning map is intended to provide suitable locations for commercial, office and multi-family developments along major roads or thoroughfares.

(3) Governmental Services District (GS). The GS district as shown on the Town zoning map is intended to provide suitable locations for public services. It includes administrative, utility and recreational usage within the Town.

Section 701. Table of Permitted Uses.

In the following table:

(1) Districts in which particular uses are permitted as a use by right are indicated by "P".

(2) Districts in which particular uses are prohibited are indicated by a blank.

(3) Districts in which particular uses are permitted as a special use upon approval of the Town Council are indicated by "SP". *See* regulations for Special Use in Article IX.

PERMITTED USE TABLE

P = Permitted

Blank Space = Not Permitted

SP = Special Use Permit

R-1 = Residential District

CS = Commercial Services District

GS = Governmental Services District

	R-1	CS	GS
ABC Store		SP	P
Accessory Buildings	P	P	P
Accessory Retail		SP	
Adult Establishment		SP	
Amusement/Indoor		SP	
Amusements/Outdoor		SP	
Apartments		SP	
Auto/Mechanical or Boats Parts Store		SP	

Automobile or Boat Services/Repair		SP	
Automobile wash/automatic car wash		SP	
Banks and other Financial Institutions		SP	
Bar/Tavern/Nightclub		SP	
Bed and Breakfast		SP	
Cemeteries		SP	SP
Childcare Home		SP	
Condominiums		SP	
Convenience Stores		SP	
Crematories		SP	
Customary Home Operation	P	P	
Dog/Animal Grooming Services		SP	
Duplex	P	P	
Dwelling Multifamily		SP	
Dwelling Single Family	P	P	
Dwelling Single Family Semi-detached	P	P	

Dwelling Two-family	P	P	
Family Care Home	P	P	
Fabrication		SP	
Flea Market		SP	
Garage Private	P	P	
Garage Storage		SP	
Gas Station		SP	
Government Services		P	P
Group Care Facility		SP	
Hair Salon		SP	
Hazardous Material		SP	SP
Home for the Aged		SP	
Hospital/Urgent Care		SP	
Hotel		SP	
Internet Cafe		SP	
Junkyard		SP	
Kennel		SP	

Land Fill		SP	
Manufactured Home Class A	P	P	
Manufactured Home Class B	P	P	
Manufactured Home Class C			
Manufactured Home Park		SP	
Manufacturing Heavy		SP	
Manufacturing Light		SP	
Motel/Motor Lodge		SP	
Nursing Home		SP	
Office		SP	
Open Display or Storage		SP	
Pawn Shop		SP	
Planned Unit Development (PUD)		SP	
Preschool		SP	
Professional Services		P	
Public Safety Facilities		P	P
Public Utility Stations		P	P

Radio, Telephone, TV Tower		SP	
Recreational Vehicle Park/Campground		SP	
Rehabilitation Center/Facility		SP	
Religious Institutions		P	P
Residential, Multi-Family		SP	
Residential, Single-Family	P	P	
Restaurant		SP	
Retail Business		SP	
Riding Academy		SP	
Rooming House		SP	
Schools		SP	P
Self Service Laundry and Dry-Cleaning Services		SP	
Service Station		SP	
Solar Farm		SP	
Tourist Home		SP	
Vehicle/Heavy Equipment Sales		SP	

Vehicle/Heavy Equipment Storage		SP	
Veterinary Clinic		SP	
Warehouse		P	
Warehouse Mini		SP	
Water and Sewer Plants		SP	
Water Dependent Structure	P	P	P
Water Storage Tanks		P	P
Wireless Telecommunication		SP	SP

*All single dwellings must meet dimensional requirements except when located in a PUD or cluster development as described in the Ordinance. If a PUD approval or amendment request is made any deviations from the requirements of this Ordinance, it must be clearly stated and if wholly or partially approved by the Council so stated in the approval.

Section 702. Minimum Development Standards.

Unless a variance is granted, the minimum standards for setbacks and height of buildings and structures in each zoning district or for PUDs are shown in the table below.

District	**Measured from Street Right of Way or Center of Adjacent Street, whichever is more restrictive**	**Side Yard**	**Rear Yard**	**Max Height in feet**

R-1 Single-Family Residential	15'	10'	10'	35'
CS Commercial Services, (except for PUDs unless waived by the Town Council)	30' (25')	10' (10')	10' (10')	35' (35')
GS Governmental Services	30'	10'	10'	35'

Note: Minimum lot area shall be subject to approval from Graham County and its Health Department or applicable state agency as required. In all cases, lot areas shall meet setback requirements contained in this Ordinance.

Note: *See* setbacks for accessory buildings or structures in Section 807.

Section 703. Intent Regarding Allowance of Uses.

The Town's intent is to not ban any residential or commercial use of land that is otherwise not a nuisance *per se*. In order to carry out that intent, in the event that any residential or commercial use of property is not specified in the Permitted Use Table in Section 701, the Zoning Administrator is authorized to determine a use that it is most similar to and then, utilizing that designation, identify what district such omitted use is allowed.

ARTICLE VIII

GENERAL PROVISIONS

Section 800. Zoning Affects Every Building and Use.

No building or land shall be used or occupied, and no building or part of a building shall be erected, moved, or structurally altered except in conformity with the use and dimensional regulations of this Ordinance, or amendments thereto, for the district in which it is located.

Section 801. Certificate of Zoning Compliance Required.

No building or structure shall be erected, moved, added to or structurally altered, nor shall any change in the use of any building or land be made until a Certificate of Zoning Compliance has been issued by the Zoning Administrator. No

Certificate of Zoning Compliance shall be issued except in conformity with the provisions of this Ordinance. This Article shall in no case be construed as requiring a Certificate of Zoning Compliance or a certificate of occupancy in the event of a change in ownership or tenancy only, without a change in use or intended use, provided that no repairs, alterations or additions are proposed for such building.

Section 801.01 Application for Certificate of Zoning Compliance.

All applications for Certificates of Zoning Compliance shall be accompanied by plans showing the actual dimensions of the plot to be built upon, and the location on the lot of the building(s) or structure(s) proposed to be erected or altered, and such other information as may be necessary to provide for the enforcement of the provisions of this Ordinance. A copy of the approved Application for a Certificate of Zoning Compliance is found in the Appendix to the Ordinance. The Town may charge a reasonable fee for the administration and issuance of the Certificate.

Section 802. Building Permit.

A Certificate of Zoning Compliance shall be issued prior to the applicant seeking a building permit from Graham County. In the event an applicant applies for or obtains a building permit from Graham County without first securing a Certificate of Zoning Compliance from the Town, that act will be prima facie evidence of an intent to violate this Ordinance.

Section 803. Certificate of Occupancy.

A Certificate of Occupancy shall be required by the Graham County Building Department prior to occupancy of any building.

Section 804. Only one main building on a lot.

In all districts every principal building erected or altered shall be located on a separate lot, and in no case shall there be more than one principal building and permitted accessory buildings on the lot, except as permitted for a PUD pursuant to Article X of this Ordinance.

Section 805. Minimum yards.

The minimum yards or other spaces required by this Ordinance, including those provisions regulating intensity of use, for each and every building erected or structurally altered shall not be encroached upon or considered as meeting the yard or open space requirements or the intensity of use provisions for any other building.

Section 806. Minimum standards.

This Ordinance establishes the minimum standards for the development of property within the Town. Other ordinances or state or federal law may be applicable to any development and impose higher restrictions than those standards contained in this Ordinance.

Section 807. Accessory buildings or structures.

No separate accessory building or structure, not including fences, ornamental or retaining walls or detached steps, shall be erected within ten (10) feet of any ide or rear property line, except to the extent that a greater or lesser setback or buffer is imposed as provided in Section 1103 of this Ordinance. A fence authorized in Section 1104 or an ornamental or retaining wall may be erected with a zero-lot line. A parking pad or detached accessory steps shall have a five (5) foot setback from the side or rear property line (unless the steps are a water dependent structure).

Section 808. Lot accessibility.

Every building erected or moved shall be on a lot adjacent to a street right-of-way; and all structures shall be so located as to provide safe and convenient access for servicing, fire protection and required off-street parking.

Section 809. Combination uses.

When a combination use comprises two (2) or more principal uses that require different types of permits (zoning or special use), the permit authorizing the combination use shall be the following:

(1) A special use permit if any of the principal uses combined requires a special use permit.

(2) A zoning permit in all other cases.

Section 810. Certification of Completion.

Prior to occupancy of any building or commencement of any use, the zoning administrator shall perform a final inspection of the premises to ensure that all applicable local approvals and applicable Town laws have been complied with and satisfactorily completed. A certificate of completion shall be required to be issued by the Town for any development project to be considered conforming to Town development standards. The burden is on any property owner or developer to obtain such written certificate prior to occupancy of any building or use of land or any structure thereon.

Section 811. Duration of Development Permit.

Development permits issued by the Town for a development project, including the use or occupancy of any building or land, or portion thereof, or the construction, erection or alteration of any structure or building, shall expire one year after issuance unless work authorized by the permit has substantially commenced. The Town zoning administrator may grant in writing one (1) six (6) month extension of the expiration date of a development permit.

Section 811.01. Uncompleted Development Project.

After substantial commencement of any work authorized under the development permit, an uncompleted development project shall be deemed abandoned and the development permit shall expire if the authorized work is intentionally or voluntarily discontinued for a period of not less than 24 consecutive months.

Section 811.02. Tolling.

The 24-month discontinuance period is automatically tolled for those reasons set out in N.C.G.S. §160D-108(d).

ARTICLE IX

SPECIAL USES

Section 900. Objectives and Purposes.

(1) Permitting special uses adds flexibility to this Ordinance. Subject to high standards of planning and design, certain property uses are allowed in the several districts where these uses would not otherwise be acceptable. By means of controls exercised through the special use permit procedures, property uses which would otherwise be undesirable in certain districts can be developed to minimize any negative effects they might have on surrounding properties.

(2) The uses for which special use permits are required are listed in the table in Section 701. Uses specified in this section shall be permitted only upon the issuance of a special use permit.

Section 901. Special use permits granted by the Town Council.

(1) Special use permits may be granted by the Town Council for the uses enumerated in the regulations for special uses in Section 701.

(2)

(a) The owner of all the property included in the petition for a special use permit shall submit an application to the zoning administrator at least three (3) weeks prior to the regular monthly Town Council meeting at which it is to be heard. Such application shall include all the requirements pertaining to it in this section.

(b) On receiving the application, the Town Clerk shall give notice of a public hearing in the manner as is required for quasi-judicial hearing. At the public hearing, all interested persons offering

competent, material and substantial evidence shall be permitted to testify.

(3) The special use permit, if granted, shall include approval of plans as may be required. In order to grant the permit, the Town Council shall find that the:

(a) Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;

(b) Use meets all required conditions and specifications;

(c) Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity;

(d) Location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the Town;

(e) The proposed use will not cause or have adverse effects on surrounding properties due to noise, vibration, odor, or glare effects;

(f) Satisfactory ingress and egress and parking for the proposed use and proposed structures has been or will be provided. Particular attention has been paid to automotive and pedestrian safety and convenience, traffic flow and control;

(g) Provision of adequate and proper utilities, with reference to location, availability and compatibility; and

(h) Hours of operation, with particular reference to protecting and maintaining the character of the neighborhood.

(4) In granting the special use permit, the Town Council may designate additional conditions to ensure that the use in its proposed location will be harmonious with the area in which it is proposed to be located, with the spirit of this Article and in order for the project to adhere to the standards in subsection (3). All such additional conditions shall be entered in the minutes of the meeting at which the special use permit is granted and be listed on the special use permit or order granting the permit. All specific conditions shall run with the land and shall be binding on the original applicants for the special use permit, their heirs, successors and permit assigns.

(5)

(a) If the Town Council disapproves of the special use permit, the Council shall enter the reason for its action in the minutes of the meeting at which the action is taken.

(b) No appeal may be taken to the board of adjustment in granting or denying a special use permit.

(6) In addition to the conditions specifically imposed in subsection (4) and such further conditions as the Town Council may deem reasonable and appropriate, special uses shall comply with the height, area and parking regulations for the zone district in which they are located. All special uses other than planned unit developments shall comply with yard regulations for the zone district where they are located. No structure in any planned unit development, either commercial or residential, shall be located closer to any external property line of the tract on which it is situated than twenty-five (25) feet, nor closer to any street right-of-way line than the distance specified as a front yard requirement for the zone district in which it is located.

(7) Any variance from the development standards for a project requiring a special use permit shall be presented to the Town Council for consideration and approval in lieu of the board of adjustment.

(8) Minor changes to the conditions imposed for a project requiring a special use permit may be made at a later date by the Town zoning administrator. Major changes shall require Town Council approval after a new public hearing of a quasi-judicial nature. The following factors shall be considered as to whether a requested modification is minor or major:

(i) A change in the use or character of the development.

(ii) An increase in overall density.

(iii) An increase in intensity of use.

(iv) Alteration of the traffic circulation system.

(v) A reduction in approved open space.

(vi) A reduction in off-street parking and loading space.

(vii) A reduction in setbacks.

(9) In the event of failure to comply with the plans approved by the Town Council, or with any other conditions imposed upon the special use permit, or failure to obtain a building permit within two (2) years, the permit shall immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this void special use permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of this

Ordinance; however, the Town Council shall not be prevented from thereafter rezoning such property for its most appropriate use or considering a new permit request.

(10) Where plans are required to be submitted and approved as part of the application for a special use permit, modifications of the original plans may be authorized by the Town Council.

(11) Only a simple majority vote by the Town Council, considering all eligible seats, is required for approval of special use permits. Vacant seats and disqualified members are not eligible and shall not be counted in computing majority.

ARTICLE X

PLANNED UNIT DEVELOPMENT

Section 1000. Purpose.

The purpose of this section is to encourage and provide for flexibility and innovation in the design and location of structures and land development, to provide for the most efficient use of land resources, and to provide an opportunity to develop land areas in a manner different from the standard arrangements of one principal building on one lot in order to create useful open spaces and preserve natural site features. It is further intended that a Planned Unit Development will be in harmony with the character of the district in which it is located.

Section 1001. Planned Unit Development Defined.

Any development where more than one (1) principal building or use is proposed to be constructed on a single lot or a multi-family development shall be deemed a Planned Unit Development (PUD).

Section 1002. Land Development Standards.

The following land development standards shall apply for all Planned Unit Developments. PUDs must be located in the CS District, subject to a finding by the Town Council that certain conditions be met. Additionally, the standards in Section 901(3) for a special use permit shall apply.

(1) Ownership Control. The land in a PUD shall be under single ownership or management by the applicant before final approval and/or construction, witnessed by legal title filed with the Register of Deeds which shall be provided to the Town Council.

(2) Frontage Requirements. PUDs shall have access to a highway or road suitable for the scale and density of development being proposed.

(3) Land Uses. A mixture of land uses shall be allowed in any PUD. Commercial uses shall be carefully designed to complement any

proposed residential uses within the PUD.

(4) Minimum Requirements:

(a) For a PUD, the normal interior setbacks are waivable by Town Council in its discretion after public hearing when considering the standards of Article IX and the purpose section of this Article Prior to the approval or amendment of a PUD, the PUD must be completely platted by a licensed, registered surveyor. No later than thirty (30) days subsequent to approval by the Town Council, said completed plat must be filed with the Graham County Register of Deeds or said approval shall be rendered null and void. As a condition of the PUD, a homeowners' association may be required to be established.

(b) Height limitations: No building or structure shall exceed the height limitations of the district in which it is located, as set forth in this Ordinance.

(c) Required distance between buildings. The separation distance between buildings shall be twenty (20) feet or as otherwise specified by the Town Council in order to ensure adequate air, light, privacy, and space for emergency vehicles.

(d) Every dwelling unit shall have access to a public or private street, walkway or other area dedicated to common use, and there shall be provision for adequate vehicular circulation and parking to all development properties in order to ensure acceptable levels of access for emergency vehicles.

(5) Enjoyment. Each PUD shall provide reasonable visual and acoustical privacy for all dwelling units. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses and reduction of noise. Multi-dwelling residential and commercial buildings shall be located within a PUD in such a way as to dissipate any adverse impact on adjoining single dwelling unit buildings and shall not invade the privacy of the occupants of such single dwelling unit buildings.

(6) Perimeter Requirements:

(a) Structures located on the perimeter of the development must be set back from property lines and rights-of-way of abutting streets in accordance with the provisions of the Zoning Regulations controlling the district within which the property is situated.

(b) Structures other than single-dwelling detached units located on

the perimeter of the development may require screening in a manner which is approved by the Town Council.

(7) Proof of satisfactory water and sewer approvals and connections, stormwater controls and any other state required plans shall be submitted to the Town in accordance with Section 1105.

(8) Preliminary plans shall include parking provisions for all proposed uses within the PUD in accordance with this Ordinance. When more than one (1) use is located in the PUD, the minimum required parking shall be the sum of the required parking for each use within the development.

(9) Any pedestrian and bicycle path circulation system and its related walkways shall be designed to minimize conflicts between motorized vehicles, pedestrian and bicycle uses.

(10) Layout of parking areas, service areas, entrances, exits yards, courts and landscaping, and control of signs, lighting, noise or other potentially adverse elements shall be such as to protect the character within the zoning districts and desirable character in any adjoining district.

(11) Conveyances and maintenance of open space, recreational areas and community facilities shall be in accordance with the Unit Ownership Act, Chapter 47 of the North Carolina General Statutes, and/or any other appropriate mechanisms acceptable to the Town Council.

(12) PUD application approvals shall have a construction schedule, including any phasing, for the buildout of the entire project.

ARTICLE XI

OFF-STREET PARKING, FENCING/WALL AND ENVIRONMENTAL STANDARDS

Section 1100. General requirements; scope of requirements.

(1) Off-street parking space, either garage or properly graded open space with a stable surface, shall be provided in accordance with the requirements set forth in this subsection in all classes of districts.

(a) Each application for a certificate of zoning compliance submitted to the zoning administrator shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress between such space and a street or alley. This information shall be in sufficient detail to enable the zoning administrator to determine whether or not the requirements of this Article are met.

(2) The certificate of completion in Section 810 for the use of any building, structure or land where off-street parking or loading space is required shall be withheld by the zoning administrator until provisions of this

section are fully met. If at any time such compliance ceases, any certificate shall immediately become void and of no effect.

(3) The property owner or operator shall comply with the Town's Parking Ordinance, which is a separate ordinance that is incorporated herein by reference as if fully set forth herein.

Section 1101. Off-street parking.

(1) No part of an off-street parking area required for any building or use for the purpose of complying with the provisions of off-street parking requirements in this Article shall be included as part of any off-street parking area similarly required for another building or use unless the times of usage of such buildings or uses will not be simultaneous, as determined by the zoning administrator.

(2) Off-street parking space shall be located on the same lot as the use for which provided or on a separate lot within one hundred (100) feet of any entrance to the building.

(3) The off-street parking requirements for two (2) or more uses on the same lot may be combined and used jointly, provided that the parking spaces shall be adequate in area to provide the same total off-street parking requirements with all such uses.

(4) An off-street parking space shall not be less than the following dimensions: nine (9) feet by eighteen (18) feet, plus necessary room for ingress and egress.

(5) The following parking ratios shall control, as applicable, in the zoning districts:

Athletic fields	30 spaces per athletic field (excluding courts)
Auditoriums, stadiums, theaters, and bingo	1 space for every 5 seats
Banks and financial services	1 space for every 200 square feet of gross floor area
Churches	1 space for every 4 seats in principal auditorium
Community buildings, not for commercial gain	1 space for each 5 seats, or 1 space for each 250 square feet of gross floor area, whichever is greater.

Community or private swimming clubs	1 space for every 5 members or families
Drive-through service such as banks, dry cleaners, car washes, etc.	Stacking for 4 vehicles at each bay, window or lane
Dwelling unit having home occupation	1 additional space
Fire stations	1 space for each person on duty on a normal shift
Furniture showroom display facilities	1 space for each 1,000 square feet for showroom space, plus 2 spaces for each 3 employees
Hospitals	1 space for each bed space
Hotels and motels	1 space for every guestroom plus 2 spaces per 3 employees on largest shift
Indoor commercial recreation (physical fitness centers, game rooms, etc.)	1 space for each 130 square feet of gross floor area devoted to such use
Industries	1 space for every 2 employees during maximum employment and 1 space for every truck to be stored or stopped simultaneously
Institutions and clubs	1 space for each 5 seats in principal assembly room
Medical clinics	4 spaces for each doctor plus 1 space for each employee
Nursing homes and rest homes	1 space for each 3 patient beds
Offices	1 space for every 250 square feet of gross floor area

Personal service (barbershops, hair salons, business schools, dance studios and gyms)	2.5 spaces per operator or employee
Preschool	1 space for each regular employee and 1 added space for every 6 children or fraction thereof
Residence, multifamily	2 spaces for each dwelling
Residence, multifamily, for elderly and handicapped	0.75 space for each dwelling unit
Residence, single-family and two-family	2 spaces (may be in a single drive with one car behind the other)
Restaurants or other eating places	1 space for each 4 seats
Retail business	1 space for every 200 square feet of gross floor area; 1 space minimum
Roadside stands, new and used car sales, house, truck and trailer sales, and outdoor machinery sales	4 spaces for each salesperson on duty during period of average greatest employment, plus 1 space per each two other employees during period of average greatest employment
Rooming houses and boardinghouses	1 space for each roomer in addition to normal dwelling unit requirements
Schools, elementary or junior high	3 spaces for each room used for administration offices, class instruction, or 1 space for each 6 seats in auditorium and other places of assembly or facilities available for the public, whichever is greater
School, senior high	1 space per school employee and 1 space per 4 students

Shopping center	5 spaces per 1,000 square feet of gross floor area (optional to computing parking on a store-by-store basis)
Wholesale establishment, warehouse and other business not catering to retail or package trade	1 space for every 3 employees during maximum employment and 1 space for every tuck to be stored or stopped simultaneously

Special situations which are not covered by the table shall be handled by the Board of Adjustment. The Board of Adjustment shall make the final determination as to the number of spaces to be required but shall in all cases give due consideration to the needs and space available and shall classify the proposed use in one of the categories listed in the table.

(6) All off-street parking shall provide for handicapped parking requirements as set forth in the state building code.

(7) An off-street parking space shall also be provided for any boat (including its trailer) maintained on a lot.

Section 1102. Off-street loading.

The duty to provide the off-street loading space required in this Section shall be the joint responsibility of the owner and operator of the structures for which off-street loading space is required. The spaces shall be provided designed so that the vehicles loading and unloading shall not rest upon or cross any public street or alley right-of-way. All off-street loading spaces shall be at least twelve (12) feet wide, forty (40) feet long, and have an overhead clearance of fourteen (14) feet.

Section 1103. Buffers for Lake Santeetlah.

An undisturbed riparian buffer of no less than ten (10) feet in width shall be maintained along and from the historical waterline of Lake Santeetlah. Only water dependent structures shall be allowed in this buffer.

Section 1104. Fences and Walls.

Except as provided below for the GS District, only wood or wrought iron fences or materials simulating wood or wrought iron shall be allowed in any District. Fences made with any other material, including, but not limited to, wire, barbed wire, wooden pallets and electrically charged fences, are not permitted in any District. Fence posts and supports must be installed on the side of the fence that faces the owners' house or yard (that is the owner who is installing the fence). Except as provided in Section 1106, wood fences and rock walls may not exceed six (6) feet in height. Chain link

fencing is permitted for Governmental Services located within the GS District in connection with the protection of water system facilities.

Section 1105. Septic/Sewer Approval.

As a condition of any local development approval contemplated by this Ordinance, including a Certificate of Zoning Compliance, the permit application shall provide as part of any development permit application sufficient evidence of approval from Graham County or the State of North Carolina of septic or sewer capacity and treatment for the proposed development.

Section 1106. Junkyards.

(1) Stored materials must not pose a danger to adjacent and surrounding properties, or residents, due to noise, runoff, animal or insect populations or other factors. Fluids within any vehicles or equipment are to be drained/removed and under no circumstances shall fluids or other contaminants or pollutants be leaked or discharged onto the earth and into surface or ground water.

(2) The junkyard facility shall be completely enclosed by a wooden, opaque fence. The fence shall be eight (8) feet high, measured from the lowest point of grade, and shall be maintained in good condition.

(3) The facility, including the required fence, shall be located at least fifty (50) feet from all surface waters.

ARTICLE XII

NONCONFORMING SITUATIONS

Section 1200. Continuation of nonconforming situations.

Subject to Section 1702, nonconforming situations that were otherwise lawful on the effective date of the Ordinance or any amendments to this Ordinance may be continued, subject to the restrictions and qualifications set forth in this Article.

Section 1201. Extension or enlargement of nonconforming situations.

(1) Except as specifically provided in this Article, it shall be unlawful for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. For example, adding to the number of junk parts to a preexisting, nonconforming junkyard would be an unlawful increase of a nonconforming use of land.

(2) A nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this Ordinance, was manifestly designed or arranged to accommodate such use. A nonconforming use may not be extended to additional buildings or to land outside the original building.

(3) Physical alteration of structures or the placement of new structures on open land are unlawful if they result in the following:

(a) An increase in the total amount of space devoted to a nonconforming use;

(b) Greater nonconformity with respect to dimensional restrictions such as yard requirements, height limitations or density requirements; or

(c) The enclosure of the previously unenclosed areas, even though those areas were previously used in connection with the nonconforming activity. An area is unenclosed unless at least seventy-five percent (75%) of the perimeter of the area is marked by a permanently constructed wall or fence.

(4) Minor repairs or routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovation, i.e., work estimated to cost more than ten percent (10%) of the appraised value of the structure to be renovated (and not required by the partial or total destruction of a structure per subsection (6)) may be done only pursuant to authorization of the Board of Adjustment, upon request of the owner. The Board of Adjustment may grant such authorization if it finds that the work will not result in a violation of any other subsections of this section or make the property more incompatible with the surrounding neighborhood. Notwithstanding, any improvement of a structure to correct existing violation of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions are permitted, upon written proof of the existence of such conditions.

(5) A structure that is nonconforming in any respect or a structure that is used in a nonconforming manner may be reconstructed or replaced if partially or totally destroyed, subject to the following restrictions:

(a) The total amount of space devoted to a nonconforming use may not be increased, except that a larger single-family residential structure may be constructed in place of a smaller one and a larger manufactured home intended for residential use may replace a smaller one.

(b) The reconstructed building may not be more nonconforming with respect to dimensional restrictions such as yard requirements, height limitations or density requirements.

Section 1202. Change in kind of nonconforming use.

(1) A nonconforming use may be changed to a conforming use. Thereafter, the property may not revert to a nonconforming use.

(2) A nonconforming use may be changed to another nonconforming use only if authorized by the Zoning Board of Adjustment. The Board may grant such authorization if it finds that the proposed use will be more compatible with the surrounding neighborhood than the use in operation at the time the permit is applied for. If a nonconforming use is changed to any use other than a conforming use without authorization pursuant to this subsection, that change shall constitute a discontinuance of the nonconforming use, with consequences as stated in Section 1203.

Section 1203. Abandonment and discontinuance of nonconforming situations.

(1) When a nonconforming use is discontinued for a period as provided in N.C.G.S. §160D-108(d) or discontinued for any period of time without a present intention to reinstate the nonconforming use, the use of property is conclusively considered abandoned and shall thereafter be used only for conforming purposes, except as provided in subsection (b).

(2) If a nonconforming use is abandoned as stated in this section, that property may thereafter be used only in conformity with all of the regulations applicable to the district in which the property is located unless the Board of Adjustment specifically authorizes the property to be used without correcting the nonconforming situation. The Board shall authorize such use if it finds that the nonconforming situation cannot be corrected without undue hardship or expense and the nonconforming situation is of a minor nature that does not adversely affect the surrounding property or the general public to any significant extent.

(3) For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this section, all of the buildings, activities and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one (1) apartment in a nonconforming apartment building or one (1) space in a nonconforming manufactured home park shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building or manufactured home park as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter. And so, if a manufactured home is used as a nonconforming use on a residential lot where a conforming residential structure also is located, removal of

that manufactured home for one hundred eighty (180) days terminates the right to replace it.

ARTICLE XIII

SIGNS

Section 1300. Purpose.

The purpose and intent of this Article is to recognize that signs serve a legitimate public service, communicate information valuable to Town residents and that they complement and support trade, tourism and investment within the Town of Lake Santeetlah. These regulations are intended to establish standards which maximize the effectiveness of permitted signs while limiting visual distraction to motorists and neighboring properties and preserving the land values and natural attractiveness of the area.

All signs except those specifically listed in Section 1304 shall be erected, installed, or modified only in accordance a valid zoning permit issued by the Zoning Administrator. Permits shall be issued in accordance with the requirements and procedures of this Article. If plans submitted for a special use permit include sign plans in sufficient detail that the Town Council can determine whether the proposed sign(s) comply with the provisions of this Article, then issuance of the requested special use permit shall constitute approval of the proposed sign(s).

Section 1301. Definitions.

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

Sign means an outdoor sign, light, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform any part of the advertising or informative contents of which is visible to the public.

Advertising Signs (Billboards) means a sign that is operated or owned by a person or entity that is earning compensation directly or indirectly from a third party or parties for the placement of a message on the sign which does not include a sign that is an on-premises device or a type of sign exempt from regulation under this chapter.

Animated Sign means any sign which flashes, revolves, rotates or swings by mechanical means, or which uses a change of lighting to depict action, or to create a special effect or scene.

Banner means a temporary sign of light weight fabric or similar material which is rigidly mounted to a pole or a building by a rigid frame at two or more edges. National,

state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Building Marker means a sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface, or made of bronze or other permanent material.

Canopy Sign means any sign which is a part of or attached to an awning, canopy or other fabric-like or plastic protective structure which is extended over a door, window, or entranceway. A marquee is not a canopy.

Changeable Message Sign means a sign that displays a series of messages at intervals by means of digital display or mechanical rotating panels.

Commercial Message means any sign wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity related solely to the economic interests of the speaker and its audience. This definition does not include company nameplates or logos on instructional signs.

Construction Sign means a sign on a construction site during the period of construction on which is printed or written the name of the owner, builder, contractor, architect, planner, engineer, or development title.

Directional Sign means an official sign that identifies a site, attraction, or activity and directional information useful to a traveler in locating the site, attraction, or activity, including mileage, route numbers, or exit numbers.

Flashing Sign means a type of animated sign which contains an intermittent, blinking, scintillating, or flashing light source, or which includes the illusion of intermittent or flashing light, or an externally mounted intermittent light source. A changeable message sign is not a flashing sign unless the messages displayed change copy at intervals less than one per eight (8) second intervals.

Freestanding Sign means any sign which is supported by structures or supports which are placed on, or anchored in the ground, and which structures or supports are independent from any building or other structure.

Governmental Sign means any sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.

Identification Sign means a permanent sign announcing the name of a subdivision, manufactured home park, campground/RV park, condominium, apartment or townhouse development, tourist cottage development, church, school, park or quasi-public structure or facility, and uses permitted in residential zoning districts.

Business Accessory Sign means a sign which provides information for the convenience and necessity of the owner or operator of a business occurring on the same premises as the sign and incidental to the business and for which no compensation is being received. It is customarily referred to as "on-premises" sign.

Nonconforming Sign means any sign which does not conform to size, height, location, design, construction, or other requirements of this Article. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

Portable Sign means a sign not permanently attached to any surface.

Professional or Occupational Sign or Name Plate means a sign which publicizes and directs attention to a home occupation.

Projecting Sign means any sign which is end mounted or otherwise attached to an exterior wall of a building which forms an angle with said wall.

Real Estate Sign means a sign which advertises the sale, rent, or lease of property.

Sign Area means the area of a sign shall be measured in conformance with the following:

(1) The area of the face of a sign shall be calculated to include the outermost part which forms the shape or display. Necessary supports and trim moldings shall not be included when calculating the area of the sign. Aprons below advertising signs shall not exceed three (3) feet in height. Aprons serve an aesthetic function and shall not be used for any purposes other than to identify, by name, the sign company responsible for the sign.

(2) In computing the area of a sign, standard mathematical formulas for common regular geometric shapes (triangle, parallelogram, circle and ellipse, or combinations thereof) shall be used.

(3) In the case of an irregularly shaped sign or a sign with letters and/or symbols affixed to or painted, displayed or incorporated into or upon a wall, canopy, awning or decorative facade of a building, the area of the sign shall be the area within the singular continuous perimeter, outlining the limits of the writing, representation, emblem, or any figure of similar character.

(4) Back-to-back and V-type signs mounted so as to be physically connected and not spread more than fifteen (15) feet will be considered as one sign location when calculating horizontal separation between signs. Advertising signs (billboards) shall not be stacked, horizontally or vertically.

Sign Height means the vertical distance measured from the ground elevation where the sign is located, to the highest point of the sign.

Temporary Signs means those signs which relate to such events as elections, auctions, yard sales, agricultural production sales, annual charitable, civic or fraternal events, bona fide grand openings and home show openings.

Wall Sign means a sign which is attached to a wall or facade of a building or canopy.

Warning Sign means any sign with no commercial message that displays information pertinent to the safety or legal responsibilities of the public such as signs warning of 'high voltage', 'no trespassing,' and similar directives.

Yard Sign means any sign that is located on the residential premises of the person conveying the message. This sign includes Professional or Occupational Sign or Name Plate, Construction Sign, Real Estate Sign or a sign erected for the purpose of advertising a candidate or stating a position regarding an issue upon which the voters of the Town my vote.

Section 1302. Sign Standards.

(1) Sufficient documentation shall be submitted to the Zoning Administrator for review to assure that wind and stress requirements have been met prior to any permit being issued for any sign requiring a permit.

(2) All signs shall be installed and maintained in compliance with the North Carolina State Building Code, applicable state law and/or other Town codes not in conflict with the provisions of this Article. Electrical signs and fixtures shall bear labels of a nationally accepted testing laboratory.

(3) All signs shall be maintained in a state of good repair and shall present a neat, well-kept appearance.

(4) All lights used for the illumination of a sign shall be shielded so that the light will not shine directly on surrounding areas or create a traffic hazard or distraction to operators of motor vehicles on the public thoroughfares. The Zoning Administrator shall have the power to order a change in the illumination of any sign that becomes a hazard or a nuisance.

(5) No illuminated sign, other than identification signs shall be permitted within one hundred (100) feet of any residential zoning district.

(6) The Zoning Administrator or his authorized representative shall have the authority to order the painting, repair, alteration or removal of a sign, at the expense of the owner of such sign, which shall constitute a hazard to safety, health or public welfare by reasons of inadequate maintenance, dilapidation or obsolescence. The existence of a sign or its support structure with no message display for a period of ninety (90) days, shall be justification to declare the sign abandoned and require its removal.

(7) Any sign erected without proper permits or in violation of this Ordinance shall be brought into compliance within thirty (30) days of notification by the Zoning Administrator or said sign shall be removed immediately.

Section 1303. Exempt Signs.

The following listed signs are subject to all placement and dimensional requirements of this Section and shall comply with the North Carolina Department of Transportation sight distance and street rights-of-way clearances. The following listed signs shall, however, be exempt from permit and fee requirements. Exempt signs shall be maintained in good condition and shall not constitute a hazard to safety, health or public welfare. Exempt signs which are found to be in violation shall be ordered corrected or removed.

(1) Any warning signs; utility signs; signs for public use; and no trespassing, no hunting, or neighborhood watch signs shall contain no commercial message.

(2) Any sign that is required by law or erected at the direction of a governmental agency.

(3) Governmental Signs, including those erected to regulate traffic.

(4) Mailboxes, house numbers, nameplates, and building markers not exceeding three (3) square feet in area.

(5) Religious symbols at a place of worship or at a church-owned or operated facility. Such symbols must meet all setbacks and lighting requirements for signs.

(6) Construction signs having a maximum area of two (2) square feet and a maximum height of three (3) feet and limited to one (1) sign per construction site per street frontage. Exempt construction signs must be removed within fifteen (15) days following the completion of the project.

(7) Real estate signs having a maximum area of two (2) square feet and a maximum height of three (3) feet; provided, however, that a real estate sign facing Lake Santeetlah may be increased to three (3) square feet in size. Real estate signs are limited to one (1) per site or one per three hundred (300) feet of street frontage. This type of sign must be set back a minimum of two (2) feet from all exterior property lines of the subdivision and shall remain clear of the street sight distance easement. An additional directory-type sign of the same dimension, height and setback requirements may be located within the interior of a subdivision. Real estate signs must be removed within thirty days following completion of the project or transaction.

(8) Temporary signs shall not be placed more than thirty (30) days prior to the event, election or grand opening and must be removed within ten (10) days following the event, election or grand opening. Such signs are limited to two (2) square feet in area and three (3) feet maximum height.

(9) No more than two (2) yard signs, which may include construction or real estate signs, can co-exist on a lot.

Section 1304. Prohibited Signs.

The following signs shall not be permitted, erected or maintained within any zoning district in the Town of Lake Santeetlah planning and zoning jurisdiction:

(1) Portable signs, including signs painted on or displayed on vehicles or trailers used to serve primarily as a sign, shall be prohibited except that portable signs used as temporary signs as defined herein and in compliance with Section 13-4(H) are permitted.

(2) Signs erected, maintained, painted or drawn on any tree, rock or other natural feature.

(3) A sign located in or placed upon any roadway, right of way or sidewalk other than those signs identified in Section 13-4(B-D) above.

(4) Signs which extend vertically above the highest portion of the roof of any structure.

(5) Flashing Signs.

(6) Strings of light bulbs used in connection with commercial premises for commercial purposes other than traditional holiday decorations, during the appropriate holiday period.

(7) Animated Signs.

Section 1305. Noncommercial Messages.

Any sign authorized in this Article is allowed to contain non-commercial copy in lieu of any other copy.

Section 1306. Sign Placement, Size, Height, Setback, Separation, Clearances and Construction by Sign Type.

(1) Advertising Signs (Billboards)

(a) Maximum height: thirty-five (35) feet.

(b) Minimum separation from another billboard: one thousand (1000) feet measured along the same side of the street or within a one thousand (1000) feet radius.

(c) Signs located within the CS district shall maintain a minimum separation of one hundred (100) feet from any residential zoning district boundary.

(d) Maximum sign size and height:

(i) One hundred (100) square feet per face of sign area.

(ii) Ten (10) feet in height.

(e) Minimum setback from the street right-of-way: six (6) feet.

(f) Minimum separation from other structures and side or rear property lines: six (6) feet.

(g) Minimum separation from utility lines shall be in compliance with the requirements of the utility having jurisdiction.

(h) All structures, blank surfaces, backs and supports shall be uniformly painted in a neutral finish when exposed to any street and shall be maintained in good repair.

(i) Minimum requirements contained within the North Carolina Outdoor Advertising Control Act (North Carolina General Statute 136-126 et seq.) which are more stringent or in addition to those contained in this Section shall apply.

(2) On-Premise or Business Accessory Signs (freestanding pole or ground mounted on-premises signs)

(a) Maximum height: ten (10) feet.

(b) Maximum Sign Size: thirty-two (32) square feet per face of sign area.

(c) Maximum number of freestanding or ground mounted on-premises signs per parcel: one (1) sign per adjoining public street frontage.

(d) Minimum separation from rights-of-way, property lines and structures: six (6) feet.

(e) Minimum separation from utility lines shall be in compliance with the requirements of the utility having jurisdiction.

(f) No unfinished surfaces or structures shall be exposed on on-premises signs.

(3) Wall Signs (including canopy, awning and building facade signs)

(a) Maximum area: one (1) square foot of sign area per linear foot of building, canopy or awning per building side. Sign footage

permitted per building side may not be used on other than that building side (no transfers or cumulative totals).

(b) Maximum wall signage area at any individual premises is thirty two (32) square feet.

(c) The maximum projection of a wall sign shall not exceed twelve (12) inches.

(d) The height of a wall sign shall not exceed the height of the building or canopy facade.

(4) Professional or Occupational Name Plates and Incidental Signs

(a) Maximum sign area: three (3) square feet.

(b) Maximum height: thirty (30) inches if ground mounted, signs in this category may also be mounted against the structure.

(c) Minimum setback from all property lines: two (2) feet.

(d) Maximum number of signs per home occupation: one (1)

(5) Identification Signs

(a) Maximum sign area: thirty-two (32) square feet.

(b) Maximum height: six (6) feet.

(c) Minimum setback: six (6) feet from all property lines.

(d) Maximum number of signs per adjoining street frontage: one (1).

Section 1307. Table of Permitted Signs.

The below table of permitted signs delineates the various types of permitted signs by zoning district.

13-7-1 Table of Permitted Signs

Sign Type	R-1	**CS**	GS
Advertising Signs*		X	
On-Premises/Business Acc.		X	X
Wall Sign		X	X
Professional or Occupational Nameplate, Incidental	X	X	

Identification	X	X	X
Menu	X	X	X
Yard Signs	X	X	X
Construction	X	X	X
Real Estate	X	X	X
Temporary	X	X	X
Exempt	X	X	X

Notes:

X = Indicates permitted

Blank = Indicates **not** permitted

*Advertising signs shall also comply with the permit procedures contained in the current edition of the North Carolina Department of Transportation outdoor advertising manual, where applicable.

Section 1308. Nonconforming Signs.

It is the intent of this Ordinance to permit signs which were lawful before the effective date of this Ordinance to be allowed to be continued so long as the nonconforming situation is not increased, enlarged or intensified.

ARTICLE XIV

AMENDMENT

Section 1400. Amendments.

This Ordinance, including the Zoning Map, may be amended by the Town Council in accordance with the provisions of this Article.

Section 1401. Amendment Recommendations.

Proposed changes or amendments may be initiated by the Town Council, the Zoning Administrator, the Zoning Board of Adjustment, or the Planning Board or one or more owners of property within the area proposed to be changed or affected, except as provided by N.C.G.S. 160D-704.

Section 1402. Application.

Before any action on a proposed change or amendment, an application shall be submitted to the Zoning Administrator at least thirty (30) days prior to the Planning Board's meeting at which the application is to be considered. The application shall contain the name(s) and address(es) of the owner(s) of the property in question, the

location of the property and a description and/or statement of the present and proposed zoning regulation or district. Applications requesting a change in the Zoning Map shall include a description of the property in question. The Zoning Administrator and Town Council will not consider an application for property denied within the preceding twelve (12) months by the Town Council.

Section 1403. Town Council Action.

Before taking any action on a proposed amendment to the Ordinance, the Town Council shall consider the recommendations of the Zoning Administrator and the Planning Board on each proposed amendment. The Town Council will place the matter on the agenda at the next regularly scheduled meeting to hear the recommendations. At the next regularly scheduled meeting, the Council shall determine the process of proceeding with the recommendations.

Section 1404. Public Hearing.

Before enacting any amendment to this Ordinance, the Town Council shall hold a public hearing. A Notice of such public hearing shall be published in a newspaper of general circulation in the Town of Lake Santeetlah once a week for two (2) successive weeks, and the first publication shall not appear less than ten (10) days or more than twenty-five (25) days prior to the date fixed for the public hearing. The notice shall include the time, place, and date of the hearing and include a description of the property or the nature of the change or amendment to the Ordinance and/or the Zoning Map.

Section 1405. Decision.

The Town Council shall make a decision on the proposed amendment within sixty (60) days after the public hearing. Neither the Planning Board nor the Town Council shall consider specific development proposals on any property when considering an amendment involving the re-zoning of such property or the amendment of the Zoning Map.

ARTICLE XV

ADMINISTRATION

Section 1500. The General Process and Duties of the Town Council, the Planning Board, the Zoning Administrator and the Zoning Board of Adjustment.

Section 1501. Town Council.

Section 1501.01. Town Council Duties Related to Zoning.

The Town Council shall appoint the Zoning Administrator, members of the Planning Board and the Zoning Board of Adjustment. The Town Council may remove any Board member for good cause. Good cause includes the intentional failure to discharge one's duties, criminal misconduct in office, incapacity, repeated absences from meetings and similar substantive problems.

Section 1501.02. Approval of Land Use Plan and Ordinance.

The Town Council shall review, proposed changes to and approve the Land Use Plan, the Ordinance, and amendments and additions to the Ordinance.

Section 1502. Planning Board.

Section 1502.01. Composition and Duties.

Planning Board composition and duties shall be carried out in accordance with N.C.G.S. §160D-301 (a) and (b).

Section 1502.02. Members.

The Planning Board shall consist of five (5) members and may have two (2) alternate members. Members shall consist of Town property owners. Alternate members shall only vote when they are sitting in a vacant seat.

Section 1502.03. Terms.

Board members and alternates shall be appointed to three-year (3) terms.

Section 1502.04. Planning Board and Zoning Board of Adjustment membership.

Planning Board members shall concurrently serve on the Zoning Board of Adjustment.

Section 1502.05. Dual Office Holding.

A Board member shall not hold more than two (2) elected or appointed offices.

Section 1502.06. Duties.

The duties and responsibilities of the Planning Board are advisory to the Town Council. The Planning Board may perform various duties as follows:

(1) Make studies of the area within its jurisdiction and surrounding areas.

(2) Determine objectives to be sought in the development of the study area.

(3) Prepare and recommend plans for achieving these objectives.

(4) Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.

(5) Exercise any functions in the administration and enforcement of plans that the Town Council may direct.

(6) Take responsibility for the development of the Town's Land Use Plan and Ordinance.

(7) Arrange for and supervise the preparation of special studies as approved by the Town Council.

(8) Prepare land use plans, policies and drafts of Ordinances addressing the Town's planning needs.

(9) Work with other Planning Boards in the surrounding communities.

(10) Perform such other duties relating to zoning and land use as required by the Town Council.

Section 1502.07. General Proceedings.

(1) Board Meetings. Special meetings of the Board may be called at any time by the chairman or by request of three or more members of the Board. At least forty-eight (48) hours written notice of the time and place of meetings shall be given, by the chairman, to each member of the Board.

(2) Quorum. A quorum shall consist of three (3) members of the Board and shall be necessary for the transaction of any business.

(3) Voting. Regular members shall vote on any issue unless a member is disqualified pursuant to N.C.G.S. 160D-109(d). In all matters, the vote of at least three (3) of the members present and voting shall decide issues before the Board.

Section 1503. Zoning Administrator.

It shall be the duty of the Zoning Administrator to administer and enforce the provisions of this Ordinance.

Section 1503.01. Questions.

All questions arising in connection with the enforcement of this Ordinance shall be presented in writing first to the Zoning Administrator who shall be responsible for the day-to-day administration of this Ordinance.

Section 1503.02. Certificate of Zoning Compliance; Final Inspection.

(1) Application. The Zoning Administrator shall receive all applications for Certificates of Zoning Compliance in writing. The Zoning Administrator shall review the application for compliance with the standards of this Ordinance, make a site visit, if necessary, and provide an interpretation and decision on any questions or issues raised or discovered.

(2) Issuance of Certificate of Zoning Compliance. Once the Zoning Administrator is satisfied that the application is complete and satisfies all

standards of this Ordinance, a Certificate of Zoning Compliance shall be issued.

(3) Final inspection. The Zoning Administrator shall make a final inspection and be responsible for the issuance of a certificate of completion as provided for in Section 810.

Section 1503.03. Minor Variance.

The Zoning Administrator is authorized to issue minor variances as defined in Article V for development projects.

Section 1504. Zoning Board of Adjustment (ZBA).

Section 1504.01. Composition and Statutory Duties.

The ZBA shall consist of five members who are Town property owners. ZBA composition and duties shall be carried out in accordance with N.C.G.S. §160D-302(a) and (b).

Section 1504.02. Terms.

Members of the Board shall be appointed by the Town Council for three-year (3) terms.

Section 1504.03. Dual Office Holding.

Planning Board members shall become ZBA members and shall not be considered as dual office holding.

Section 1504.04. General Duties.

The powers and duties of the ZBA shall be conducted in accordance with N.C.G.S. §§160D-302(b) and 160D-406.

General duties are as follows:

(1) Interpretation. To interpret the Town's Zoning Map and examine disputed questions of lot lines or district boundary lines and any other questions of interpretation that may arise in the administration of this Ordinance in the context of an appeal from the Zoning Administrator.

(2) Administrative Review. To hear and decide appeals from any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Ordinance as provided in this Ordinance and in accordance with N.C.G.S. §160D-406. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter which it is required to pass under the Zoning Ordinance other than a major variance which shall require a four fifths approval. The decision of the ZBA may be appealed to a court of competent jurisdiction.

(3) Variances. To review and consider the grant or denial of a major variance from the terms of this Ordinance pursuant to N.C.G.S. §160D-705(d).

Section 1504.05. Meetings.

Special meetings of the Board may be called at any time by the chairman or by request of three (3) or more members of the Board. At least forty-eight (48) hours written notice of the time and place of meetings shall be given, by the chairman, to each member of the Board. Whenever there are no appeals, requests for variances, or other business for the Board, or whenever three or more members notify the secretary of inability to attend such that a quorum will not be available the Chairman may dispense with a meeting by giving written or oral notice to all members. A quorum shall consist of three (3) members of the Board and shall be necessary for the transaction of business other than appeals.

ARTICLE XVI

VIOLATIONS, PENALTIES AND REMEDIES

Section 1600. Statutory Authority.

Statutory authority for enforcement of this Ordinance is found in N.C.G.S. §§160A-175 and 160D-404.

Section 1601. Violations.

Whenever, by the provisions of this Ordinance, the performance of any act is prohibited, or whenever any regulation is imposed on the use of any land, or on the erection, alteration, use or change of use of a structure, or the uses within such structure, a failure to comply with such provisions of this Ordinance, shall constitute a separate violation and a separate offense.

Section 1602. Injunctive Relief.

If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, moved or maintained, or any building, structure or land is used in violation of this Ordinance, the Town, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection construction, reconstruction, alteration, repair, conversion, moving, maintenance or use, to restrain, correct or abate the violation, to prevent occupancy of the building, structure on land, or to prevent any illegal act, conduct of business or use in or about the premises.

Section 1603. Notice of Violation.

Upon determination of a violation of any section of this Ordinance, the penalty for which is a civil penalty, the Zoning Administrator may cause a Notice of Violation to be issued. The Notice shall be deemed to have been served upon the mailing of such Notice to the address on file or to the address found at the County tax office or as provided in subsection 1603.01.

Section 1603.01. Notice of Violation Delivery.

Notice of Violation may be delivered to the holder of the development approval and to the landowner of the property involved if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity.

Section 1603.02. Notice Timeframe.

The Notice of Violation shall include a date for response.

Section 1604. Failure to Respond to the Notice of Violation.

Upon failure of the offender to respond to the Notice of Violation, a civil citation shall be issued by the Zoning Administrator as set forth in Schedule B setting out the nature of the violation, the Ordinance section violated, the date of the violation, and the date the warning citation was issued along with the order to cease date. The offender shall be deemed to have been served upon the first class mailing of such citation as provided in Section 1603. The citation shall direct the offender to pay the penalty, pursuant to N.C.G.S. §14-4, in person at Town Hall, or alternatively pay the penalty by mail, within ten (10) business days of the date of the Notice with the date shown. The violation for which the citation is issued must have been corrected by the time the full penalty is paid; otherwise, further citations shall be issued and other remedies available to the Town may be pursued as provided in Schedule B.

Section 1604.01. Stop Work Order.

The Zoning Administrator may issue a stop work order in accordance with N.C.G.S. § 160D-404(b). Violation of a stop work order shall constitute a Class 1 misdemeanor.

Section 1604.02. Appeal.

A property owner may appeal the notice of violation as provided for in N.C.G.S. §160D-405 by providing to the Town Clerk and the Zoning Administrator a written or electronic request to be heard by the Board of Adjustment.

Section 1605. Remedies.

Unless otherwise specifically provided, violation of any provision of this Ordinance shall subject the offender to the remedies provided in this Article and Schedule B, and as otherwise allowed by law.

Section 1605.01. Misdemeanor.

Any person adjudged in violation of this Ordinance shall be guilty of a misdemeanor and shall be subject to provisions in N.C.G.S. § 14.4(a).

Section 1605.02. Separate and Distinct Offense Penalties.

Except as otherwise specifically provided, each day's continuing violation of any provision of this Ordinance shall be a separate and distinct offense. Penalties shall be determined in accordance with Schedule B.

Section 1605.03 Civil Violation.

Civil Violation of this Ordinance shall subject the offender to a civil penalty as contained in Schedule B for each violation to be recovered by the Town.

Section 1605.04.

If the violator does not pay the penalty within ten (10) business days of issuance of the citation, and an appeal does not otherwise stay enforcement proceedings, the Town shall recover such penalty and related legal and Court costs in a civil action in the nature of a debt.

Section 1605.05. Penalty Duration.

Penalties shall remain in effect until the Zoning Administrator, or a court of law determines the violation has been corrected.

Section 1605.06 Court Equitable Remedy.

Any provision of this Ordinance may be enforced by an appropriate equitable remedy issuing from a court of jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the Town for equitable relief that there is an adequate remedy at law.

Section 1606. Order of Abatement.

If the offender fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he/she may be cited for contempt, and the Zoning Administrator shall execute the order of abatement within the time allowed by the court. The Town shall have a lien on the property for the cost of executing an order of abatement in accordance with N.C.G.S.§160A-175(e). The offender may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the offender's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction with such order.

Section 1607. Enforcement Remedies Not Exclusive.

The provisions of this Ordinance may be enforced by anyone, all or a combination of the remedies authorized and prescribed by this Article.

Section 1608. Abatement of Public Health Nuisances.

Under authority of N.C.G.S. §160A-193, the Town shall have the authority to summarily remove, abate, or remedy any acts, omissions, or conditions within Town limits that is dangerous or prejudicial to the public health or public safety.

Section 1608.01. Lien on Property for Recovery of Expense.

Any expense incurred by the Town for action taken under this Section shall be paid by the person responsible for such act, omission or condition. If the expense is not paid, it shall be a lien on the land or premises where such act, omission or condition occurred. A lien established pursuant to this Section shall have the same priority and be collected as unpaid ad valorem taxes.

Section 1608.02. Lien on Other Property for Recovery of Expense.

The expense incurred by the Town for action taken under this Section is also a lien on any other real property within the Town limits owned by the owner of property where the act, omission or condition occurred. A lien established pursuant to this Subsection is inferior to all prior liens and shall be collected as a money judgment. This Subsection shall not apply if the owner of the property where the act, omission or condition occurred can show that the act, omission or condition was created solely by the actions of another.

ARTICLE XVII

LEGAL STATUS PROVISIONS AND EFFECTIVE DATES

Section 1700. Severability; Conflicts of Law.

It is the legislative intent of the Town Council in adopting this Ordinance that all provisions and sections thereof shall be liberally construed, to the extent allowed by law, to protect and preserve the peace, health, safety and general welfare of the inhabitants of the Town of Lake Santeetlah, and further, that should any provision, portion, section or subsection of this Ordinance be held to be invalid by a court of competent jurisdiction, such ruling shall not be construed as affecting the validity of any of the remaining provisions, portions, sections or subsections; it being the intent of the Town Council that this Ordinance shall stand, notwithstanding the invalidity of any provision or section, or part thereof. To the extent that other Town ordinances or local or State laws are applicable to a particular use of land or a building or structure,

and conflicts arise in terms of what is allowed, the more restrictive provision shall apply.

Section 1701. Existing Nonconformities or Illegal Uses or Structures.

Whether a use of land or a structure qualifies as legal nonconforming shall continue to be measured from the effective date of prior zoning ordinances that resulted in the nonconformity if the nonconformity continues after the effective date of this Ordinance. No land or a structure that violates prior zoning ordinances shall obtain the status of a legal nonconforming use or structure by virtue of the enactment of this Ordinance so long as the failure to conform continues.

Section 1702. Effective Date.

This Ordinance shall take effect and be in force beginning _____.

SCHEDULE A

PROPOSED ZONING APPLICATION FEE SCHEDULE

RESIDENTIAL AND COMMERCIAL:

Permit/Certificate of Zoning Compliance $50.00

Variance Application $50.00

Re-Inspection if Initial Inspection finds Violation of Approved Construction $100.00

PUD:

Permit/Certificate of Zoning Compliance $250.00

Variance Application $250.00

Re-Inspection if Initial Inspection finds Violation of Approved Construction $250.00

SPECIAL USE PERMIT APPLICATION: $250.00

RESIDENTIAL/COMMERCIAL/PUD:

Surcharge on Above Fees on Construction Initiated without prior Town Approval 25%

Issuance and Removal of Cease-and-Desist Order..... $100.00

Initiation of Civil Action $150.00

SCHEDULE B

VIOLATION OF LOCAL ORDINANCES

PENALTIES

Whenever, by the provisions of the Town of Lake Santeetlah (the Town) Zoning Ordinance (Ordinance), the performance of any act is prohibited, or whenever any regulation is imposed on the use of any land, or on the erection, alteration, use or change of use of a structure, a failure to comply with such provisions of the Ordinance shall constitute a separate violation and a separate offense as a part of and in addition to all other remedies available for such violation pursuant to N.C.G.S. §§160A-175 and 160D-404.

(1) Violation. Violation of any provision of this Ordinance, the Parking Ordinance or any other ordinance of the Town shall subject the offender to a civil penalty in the amount of fifty dollars ($50) to be recovered by the Town for each violation. Violators shall be issued a written Notice of Violation which must be paid in full within thirty (30) days after issuance of the written citation. Notwithstanding anything to the contrary, a failure to remedy a violation within the thirty (30) day cure period, shall constitute a separate and distinct violation for each day the violation continues, and the Town is authorized to levy a fine of fifty dollars ($50) per day until remedied. If the violator does not pay the full amount of the penalty within thirty (30) days after issuance of the written Notice of Violation, the Town may recover such penalty in a civil action in the nature of a debt.

(2) Continuing Violations. Each day's continuing violation after the thirty (30) day time period expires shall constitute a separate and distinct violation and shall continue until the violation has been remedied.

APPENDIX

Town of Lake Santeetlah
Office of Zoning Administration
16 Marina Drive
Lake Santeetlah, NC 28771

(828) 479-8190

Certificate of Zoning Compliance (CZC) Permit Application

All new and modifying construction must be in compliance with the requirements of Lake Santeetlah's zoning ordinance. More specifically Article VIII, Section 801, of the Zoning Ordinance of the Town of Lake Santeetlah states: "No building or structure shall be erected, moved, added to or structurally altered, nor shall any change in the use of any building or land be made until a Certificate of Zoning Compliance has been issued by the Zoning Administrator."

The zoning permit process requires that landowners or their agents submit a plan and description of their proposed project that is reviewed for preliminary compliance with major zoning regulations such as the use of the property, the size and location of the structure, and adherence to setbacks. This occurs up front before the project is initiated. If the project is found to be in harmony with applicable ordinances and regulations, a "Certificate of Zoning Compliance (CZC)" is approved and issued, enabling the project to proceed. The zoning permit process is briefly discussed below.

Certificate of Zoning Compliance — Pre-Construction Requirements

The following is a short outline of the basic steps of the application process and should be utilized in moving forward with any construction project in which zoning compliance either, conforming or nonconforming, must be sought.

- The first step: variance, if necessary.
- Unless a variance is necessary, the next step of the process is to submit a completed Zoning Permit Application with any applicable fees. This form and any other relevant forms and/or information are available from Town Hall. This application for Certificate of Zoning Compliance (CZC) must be completed in its entirety. Incomplete forms will not be reviewed for compliance.
- The property owner should be available as necessary to schedule a Preliminary Zoning Inspection or at a minimum to discuss the pending project with the Zoning Administrator or Town Hall staff accepting the application. If a meeting is deemed necessary, a time convenient with all parties of fact will be scheduled either on the project site or the Town Hall offices as appropriate.

Application Supporting Documentation Checklist

Pursuant to Article VIII, Section 801.01 of the Zoning Ordinance of the Town of Lake Santeetlah, the following must be provided to process a zoning compliance application.

./ Site Plan that shows direction, scale size, adjacent street(s) and the following features (Examples are Shown Later in this Application):

* Dimensions of the lot.
* Dimensions of the building, including height.
* Setback distance of building(s) from lot lines.
* Building(s) orientation on the lot.
* Ingress and Egress and parking. (*See* Section 1100(1)(a)).
* Septic/Sewer approval from Graham County or State. (*See* Section 1105).

./ Floor plan drawings with front and side elevations are recommended.

The information above provides a summary of the zoning permit process and a list of the most common items that will be necessary during the application process. Although this list is provided for your convenience, it is not all-inclusive. It remains the applicant's duty to know all the ordinances and strictly adhere to them. In some situations, in addition to the above listed items, the Zoning Administrator may request additional documentation before reviewing the application for clarification purposes.

By signing this application, the Applicant agrees to the following:

1. All construction work shall comply with the applicable State and local laws. Examples include land disturbing activities in accordance with the Sedimentation Pollution Control Act (N.C.G.S. 113-51 through 113-60) and Graham County Building Inspections and enforcement of State building codes. Substantial change from the plans submitted herewith must be approved in advance by the Zoning Administrator. Failure to obtain change approval will result in a Stop Work Order being issued until in compliance.

2. The construction site must be maintained in a safe and orderly condition at all times.

3. Prior to commencement of construction of any building, a building permit must be obtained from Graham County Building Inspections Department and delivered to the Zoning Administrator.

4. The Certificate of Zoning Compliance Permit shall expire 1 year after date of issuance if work has not substantially commenced.

The appropriate section of the following application should be used by those wishing to obtain a Certificate of Zoning Compliance (CZC) for any construction project or change in use of any building or land within the corporate limits of the Town of Lake Santeetlah. Once an application has been determined to be complete it will be reviewed by the Zoning Administrator. The Zoning Administrator will prepare a written report that will include any outstanding concerns with the application. The Zoning Administrator shall ultimately approve or disapprove the application. Be aware that if your project does not meet certain requirements of the Town zoning ordinance, variance approval may be required prior to receipt of an approved CZC.

When returning this application please return all pages for inclusion in the zoning file.

Section #1: Application for Certificate of Zoning Compliance (CZC)

Contact Information:

Applicant:

Name: _____

Address: _____

Email: _____

Phone #: _____

Property Owner (if different):

Name: _____

Address: _____

Email: _____

Phone #: _____

Legal Relationship of Applicant to Property Owner (if different):_____

Property Information:

Physical Address: _____

Parcel Tax ID Number:_____

Total Parcel(s) Acreage: _____

Existing Land Use of Property: _____

If you are seeking to address a nonconforming situation on your property, either through use, maintenance, repair, reconstruction or alteration, please fill out Section # 2 of the Application. Failure to do so means that such section is not applicable.

Request:

If Project is New Construction:

Proposed Use of Property: _____

Proposed Cost of Project: _____

If Project is a Renovation, Modification, or Other Activity Related to Pre-Existing Improvements:

Current Value of Existing Structure: _____

Percentage of Proposed Project Cost to Structure:_____

Builder/Contractor Contact Information:

Name of Point of Contact:_____

Name of Company:_____

Address: _____

Phone Number: _____ Email:_____

Affirmation of Understanding

By signing below the undersigned hereby certifies that he/she is the owner, contractor, or authorized agent of the owner, and the above representations and information are true and accurate to the best of his/her knowledge and hereby makes application for a 'Certificate of Zoning Compliance'. You also understand that

the Town of Lake Santeetlah is relying on these representations to evaluate whether to issue the permit or certificate and that in evaluating this request the Town is not independently verifying or certifying any representations made by the applicant. Any information given herein that is incorrect will cause this certificate to become null and void. By signing below, you acknowledge understanding of all applicable Town zoning ordinances and the penalties incurred for violation of such. You also understand that in the event violations are discovered at the project site that stop work orders will be issued and enforced until such time violations are remedied.

I hereby authorize and grant permission for the Town of Lake Santeetlah Zoning Administrator or other proper personnel to enter my property for site visits for the purposes of determining zoning compliance during the work in progress of the project (North Carolina General Statute §160D - 403(e); 1113; 1117 & 1207 as applicable).

IF USING AN AUTHORIZED AGENT: If the property owner wishes to authorize someone to apply on their behalf, they must submit a letter attached to this application authorizing such. The authorization letter must be signed by all property owners and contain the following statement: *"(Name/Company/Contact Info) has authority to act on my behalf regarding the property and this application and is authorized to submit, amend, alter or supplement this application."*

Applicants / Authorized Agent Signature: **Date:**

#1:_____ _____

Printed Name:_____

#2:_____ _____

Printed Name:_____

Thank You For Completing The Application!

Staff Use Only

Application # _____ Received by:_____Date:_____

Section #2: Application for Certificate of Zoning Compliance (CZC) Non-Conforming

Due to the unique circumstances surrounding the formation of The Town of Lake Santeetlah from a pre-existing subdivision of 25 plus years to a state legislatively recognized incorporated municipality the local governing authorities have adhered to the concept of allowing equivalent replacement of structures built prior to the Town's incorporation and adoption of its initial zoning ordinances on April 14, 1990. This position was considered the most equitable stance and the least negatively impacting on its citizens as many of the pre- existing residential uses would not be permitted to be constructed as previously built, if at all, under the adopted zoning ordinances. As a result, all structures within the town limits built prior to the incorporation of the Town and council adoption of the initial zoning ordinances are effectively "Grandfathered" and allowed to be rebuilt in their original state even in situations where they are non-conforming nor in harmony with current ordinances.

The equivalent replacement grandfathered stance is applicable in situations where the improvements by necessity (such as destruction by fire or natural causes) or are to be renovated or upgraded are to be reconstructed exactly as they previously existed in size, shape, height, footprint and/or setbacks. In these situations, a formal public hearing and a ZBA variance is not required to rebuild. Should the improvements deviate in any way from the original footprint, size, scope and/or manner of use the new improvements will become subject to the current zoning ordinances and, if found not to be in harmony with such, shall require a variance from the ZBA in order for the project to commence.

Initial Non-Conforming Questions:

Was your home, appurtenances, and/or any applicable features that are subject to this request built prior to the adoption of the initial town zoning ordinances of April 14, 1990 or built after and granted a variance by a previous Town Zoning Board or the ZBA?_____

If so, will the project be equivalent replacement? That is will the improvements be reconstructed exactly as they previously existed in size, shape, height, footprint and/or setbacks prior to zoning implementation or variance granting?_____

If not equivalent replacement is this new construction or modification of existing improvements that are conforming to a use which will become a nonconforming use?_____

Please detail the nonconforming issues:_____

_____

_____

_____

_____

_____

Thank You For Completing The Application!

Staff Use Only

Application # _____ Received by:_____Date:_____

(This Section for Staff Use Only) **Zoning District:**

Site Plan and Supporting Documentation Submitted and Received: ☐

Minimum Distance to:

Abutting Road(s) & Rights-of-Way and Front Yard:___

Side Lot Line(s):___

Rear Lot Line(s):_____

Maximum Building Height_____(As Measured From):

Peak of Roof to Mean Between Lowest & Highest Footings: ☐

From Highest Base Elevation of Subject Property to Peak of the Roof: ☐

or From the Finish Yard Grade to the Peak of the Roof: ☐

Special Conditions and Notes:_____

Permit Status:

Conforming:

Approved ☐
Denied ☐

Non-Conforming:

Pre-Existing Structure - Equivalent Replacement **Approved** ☐ **Denied** ☐

New Construction or Modification of Existing Improvements - Conditionally Approved - Pending Variance Approval ☐

(When a Variance is Sought Final Approval and Project Commencement can not begin Until the ZBA Approval is Obtained)

Reviewed By:_____ **Date:_____**

This Section Only Used by Zoning Staff When a Proposed Project is Nonconforming And a Variance Has Been Sought.

Date of Public Hearing:_____ **Date of ZBA Hearing:**_____

Zoning Board of Adjustment Variance Request Recommendation:

Approved ☐

Denied ☐

Special Conditions and Notes:_____

Final Certificate of Zoning Compliance Non-Conforming Status Based on ZBA Decision:

Approved ☐

Denied ☐

Reviewed By:_____ **Date:**_____

GENERAL INFORMATION

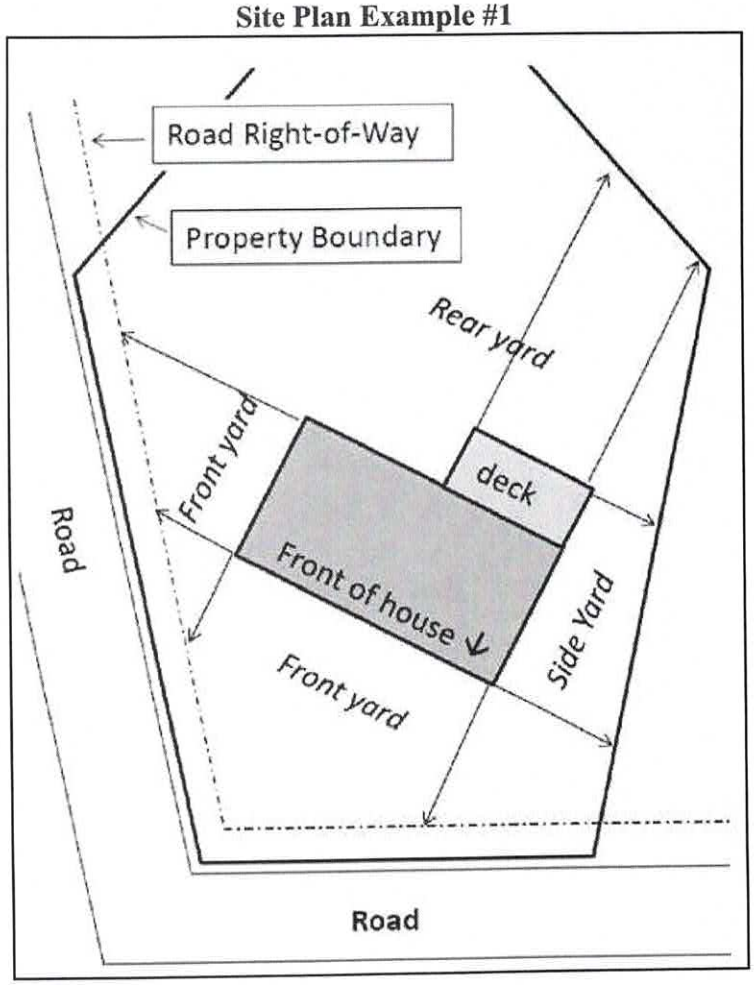
SETBACK REQUIREMENTS:

All above ground portions of the structure, including but not limited to decks, stairs, and other attached heated or unheated spaces must meet the setback requirements of the Ordinance.

Setbacks are measured perpendicular from the plane of the building or structure out to the closest property line or street (road) right-of-way.

Any structure abutting two or more streets (or roads) shall maintain minimum "front yard" setbacks on all roadsides. The location of the primary entrance of the structure shall be considered the front and shall also maintain minimum front yard setbacks.

Site Plan Example #1



DEFINITIONS:

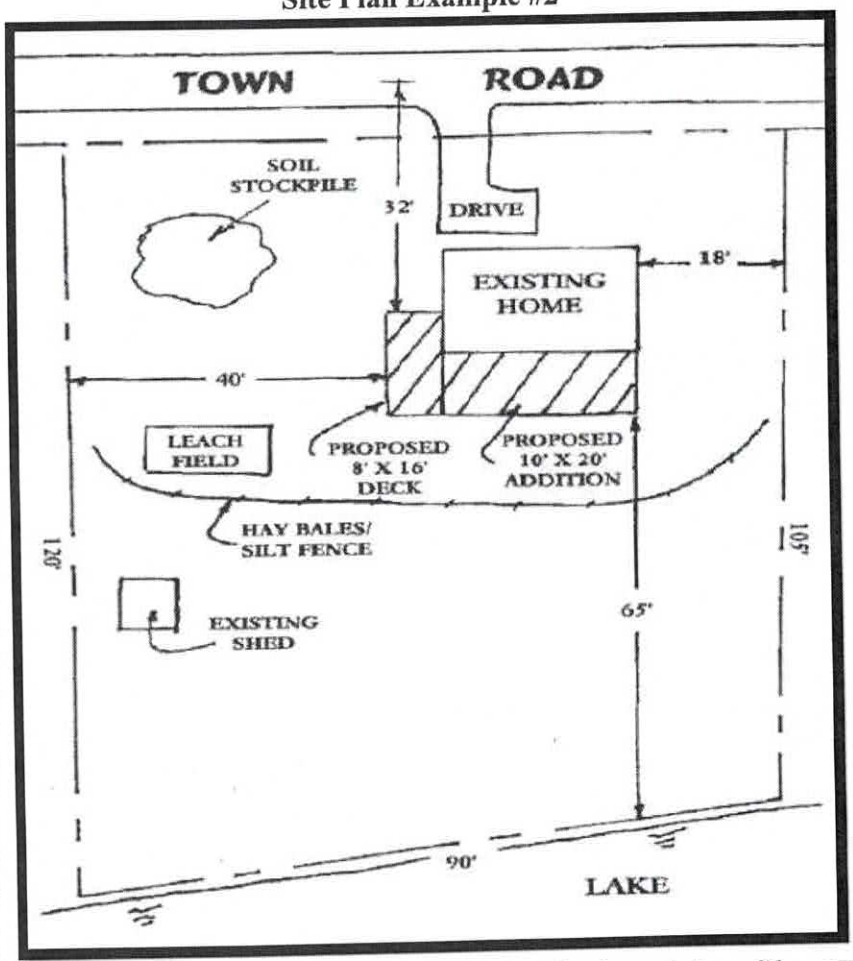
Building: Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals or chattels. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall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

Equivalent Replacement: Equivalent replacement is an election option a landowner has when seeking a Certificate of Zoning Compliance (CZC) concerning pre-existing nonconforming improvements. For the purposes of this application equivalent will be translated and interpreted as, "that is virtually the same thing; having the same effect" and replacement as, "the action of replacing a thing; the fact of being replaced." More succinctly for the purposes of the landowner claiming equivalent replacement the zoning administration stance will be that a structure or any appurtenance, feature, or attachment must adhere to the exact same footprint, size, height, and setbacks with no deviation from such in order to qualify for this exemption.

Grandfathered: The grandfather clause is a provision in a new statute or zoning ordinance that exempts certain previously existing property uses from the new rules or regulations. The grandfather clause is

adopted during the enacting of the new zoning ordinances and regulations that affect land uses and certain related situations going forward, while factoring in logistical or cost problems that would arise if the old or pre-existing uses were to be required to be updated or upgraded to meet the initial or current standards.

Site Plan Example #2



The grandfather clause the Town of Lake Santeetlah adheres to specified the date of April 14, 1990 for the division of exempted land uses being from the adoption of new ordinances and regulations and making it clear that situations impacting land use planning that occur from that date forward are subject to the new regulations. In basic terms, the grandfather clause allows the current state of something to remain unchanged, regardless of the policy change so long as there is no material change in that use even after the date of the implementation of the new ordinances and regulations.

Structure: Anything constructed or erected, including but not limited to buildings, decks, stairs, walkways, patios, sheds, or any other attached or detached spaces not considered to be native soil or yards, which require location on the land or attachment to something having permanent location on the land.

4838-1696-6641, v. 2