

AGENDA

Regular Meeting of the Sawmills Town Council
Sawmills Town Hall
Tuesday, September 21, 2021
6:00 pm

- | | | |
|-----|---|-------------------------------|
| 1. | Call To Order | Mayor Johnnie Greene |
| 2. | Invocation | |
| 3. | Pledge of Allegiance | Mayor Johnnie Greene |
| 4. | Adopt Agenda | Mayor Johnnie Greene |
| 5. | Approve Meeting Minutes | |
| | A. August 17, 2021 Regular Meeting Minutes | Mayor Johnnie Greene |
| | B. August 17, 2021 Closed Session Meeting Minutes | Mayor Johnnie Greene |
| 6. | Public Comment | Mayor Johnnie Greene |
| 7. | Recognitions: | |
| | A. Recycle Rewards | Mayor Johnnie Greene |
| 8. | Discussion: | |
| | A. Employee Vaccine Incentive | Mayor Johnnie Greene |
| 9. | Planning Matters: | |
| | A. Call for Public Hearing for Text Amendment | Mayor Johnnie Greene |
| | B. Reappoint Planning Board/BOA Members | Mayor Johnnie Greene |
| 10. | Public Comment | Mayor Johnnie Greene |
| 11. | Updates: | |
| | A. Code Enforcement Report | Mayor Johnnie Greene |
| | B. Town Manager Updates | Town Manager Chase Winebarger |
| | C. Council Comment | Mayor Johnnie Greene |
| 12. | Closed Session: N.C.G.S. §143-318.11(a)(3) | Mayor Johnnie Greene |
| 13. | Adjourn | Mayor Johnnie Greene |

**TUESDAY, AUGUST 17, 2021
TOWN OF SAWMILLS REGULAR COUNCIL MEETING
6:00 PM**

COUNCIL PRESENT

Mayor Johnnie Greene
Clay Wilson
Keith Warren
Rebecca Johnson

STAFF PRESENT

Chase Winebarger
Julie A Good
Terry Taylor

COUNCIL ABSENT

Joe Wesson
Melissa Curtis

CALL TO ORDER: Mayor Johnny Greene called the meeting to order at approximately 6:05pm.

INVOCATION: Councilman Clay Wilson gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Johnny Greene led the Pledge of Allegiance.

ADOPT AGENDA: Mayor Johnny Greene asked for a motion to adopt the August 17, 2021 Agenda.

Keith Warren made a motion, and Clay Wilson seconded, to adopt the August 17, 2021 Agenda. All were in favor.

APPROVE JULY 20, 2021 REGULAR MEETING MINUTES: Mayor Johnny Greene asked for a motion to approve the July 20, 2021 regular meeting minutes.

Rebecca Johnson made a motion, and Clay Wilson seconded, to approve the July 20, 2021 regular meeting minutes. All were in favor.

APPROVE JULY 20, 2021 CLOSED SESSION MEETING MINUTES: Mayor Johnnie Greene asked for a motion to approve the July 20, 2021 closed session meeting minutes.

Clay Wilson made a motion, and Rebecca Johnson seconded, to approve the July 20, 2021 closed session meeting minutes. All were in favor.

PUBLIC COMMENT: Mayor Johnny Greene asked if anyone had any questions or comments at this time.

No one wished to speak.

RECOGNITIONS:

RECYCLE REWARDS WINNER: Mayor Johnny Greene announced Harold Ramsey, as the August Recycle Rewards winner. A credit of thirty-two dollars (\$32.00) will be added to the current sanitation bill.

No Council action was required.

FINANCIAL MATTERS:

SPECIAL REVENUE FUND BUDGET AMENDMENT: Mayor Johnnie Greene stated that during the regularly scheduled June 2, 2020, Council Meeting, Council approved a special revenue fund for American Rescue Plan Act (ARPA). The Town of Sawmills received eight hundred twenty-six thousand eight hundred sixty dollars and fifty-two cents (\$826,860.52).

Rebecca Johnson made a motion, and Keith Warren seconded, to approve a budget amendment in the amount of eight hundred twenty-six thousand eight hundred sixty dollars and fifty-two cents (\$826,860.52). All were in favor.

DISABLED AMERICAN VETERANS CHAPTER 6 DONATION REQUEST: Mayor Johnnie Greene stated that the Disabled American Veterans Chapter 6 had requested a donation in the amount of two hundred dollars (\$200.00).

Clay Wilson made a motion, and Rebecca Johnson seconded, to give a donation in the amount of two hundred dollars (\$200.00) to the Disabled American Veterans Chapter 6. All were in favor.

CALDWELL COUNTY SCHOOLS DONATION REQUEST: Mayor Johnnie Greene stated that the Caldwell County Schools had requested a donation in the amount of fourteen thousand dollars (\$14,000.00).

Clay Wilson made a motion, and Keith Warren seconded, to give a donation in the amount of fourteen thousand dollars (\$14,000.00) to the Caldwell County Schools. All were in favor.

DISCUSSION:

FLOCK SAFETY CAMERAS AND BUDGET AMENDMENT: Mayor Johnnie Greene stated that Town Manager Chase Winebarger and himself had met with a representative with Flock Safety Cameras about purchasing hardware and software solutions for automatic license plate detection through Flock's technology platform and upon detection, the Flock Service creates images and recordings of suspect vehicles and people. Mayor Johnnie Greene stated that the cost would be eleven thousand dollars (\$11,000.00) for four (4) cameras or twenty-two thousand dollars (\$22,000.00) for eight (8) cameras plus costs per year.

Clay Wilson made a motion, and Rebecca Johnson seconded, to approve a budget amendment in the amount of thirty thousand dollars (\$30,000.00). All were in favor.

Clay Wilson made a motion, and Rebecca Johnson seconded, to enter into a contract with Flock Safety to purchase eight (8) cameras and all costs associated with the software and hardware annually. All were in favor.

SAWMILLS ARCHITECTURAL PROPOSAL MASTER PLAN: Mayor Johnnie Greene stated that CBSA Architects are proposing architectural planning services to provide a comprehensive master plan to identify and locate various facilities withing the site.

The base amount of the contract is twenty thousand dollars (\$20,000.00) and will be a mixed fee. The fee shall be adjusted according to any required adjustment in the scope of work. Any such adjustment shall be agreed in writing by both the Town and CBSA Architects.

Rebecca Johnson made a motion, and Clay Wilson seconded, to approve the contract with CBSA Architects for architectural planning services to provide a comprehensive master plan for the base amount of twenty thousand dollars (\$20,000.00). All were in favor.

PUBLIC COMMENT: Mayor Johnny Greene asked if anyone had any questions or comments at this time.

No one wished to speak.

UPDATES:

AUGUST CODE ENFORCEMENT REPORT: Town Planner Dustin Millsaps stated that there are four (4) code enforcement cases open:

- Teresa Annas Compton, 4486 Sawmills School Road. Abandoned Mobile Home/Garbage and Rubbish. Town Planner Dustin Millsaps stated he received a

complaint on January 13, 2020. Town Planner Dustin Millsaps stated that a NOV letter was sent out on January 23, 2020 with a deadline of February 10, 2020. Town Planner Dustin Millsaps stated that the trailer is not finished and located on the same property as the Compton house that the Town abated in 2018. Town Planner Dustin Millsaps stated that staff will investigate and work with attorney for possible courses of abatement. Town Planner Dustin Millsaps stated that one (1) of Ms. Compton's sons is scheduled to meet with staff in late February to work towards getting the property in his name and get the property cleaned up. Town Planner Dustin Millsaps stated that staff has is waiting for Ms. Compton's son to schedule a time to come in and speak with staff regarding this property. Town Planner Dustin Millsaps stated that he went by the property on September 10, 2020 and the property is still in same condition with extremely high grass and would recommend demolition. Town Planner Dustin Millsaps stated that he has been in contact with Town Attorney Terry Taylor and former Town Planner to get all the evidence for this property. Town Planner Dustin Millsaps stated that on February 19, 2021, the title search process had been started with Town Attorney Terry Taylor. Town Planner Dustin Millsaps stated that on March 11, 2021, there were three (3) heirs found from the title search process and letters had been sent out to all three (3) heirs. Town Planner Dustin Millsaps stated that as of May 11, 2021, fines have started to occur on this property. Town Planner Dustin Millsaps stated that as of June 10, 2021, all information on this case has been handed over to Town Attorney Terry Taylor to explore all options that are left to close this case;

- Carolyn Bray/Robyn Brittan, 2570 Baker Cir. Abandoned Mobile Home/Garbage and Rubbish. Town Planner Dustin Millsaps stated that he was working with Town Attorney Terry Taylor to abate this property. Town Planner Dustin Millsaps also stated that he will treat this as a Junk and Debris and not minimum housing. If so, the Town can proceed to abate after thirty (30) days of notice. Town Planner Dustin Millsaps stated that he got a quote that will demo entire trailer and haul off all debris including our equipment, labor and fees. Town Planner Dustin Millsaps stated that the quote is four thousand one hundred dollars (\$4,100.00). Town Planner Dustin Millsaps stated that on September 10, 2020, the house was still in the same condition and the Town needed to discuss abatement. Town Planner Dustin Millsaps stated that on November 30, 2020, the he had been in contact with Town Attorney Terry Taylor to get all evidence for this property done with previous Town Planner. Town Planner Dustin Millsaps stated that on February 12, 2021, Council instructed Town Planner to table this case until the May 18, 2021, meeting to see where the property ends up. Town Planner Dustin Millsaps stated that on May 7, 2021, he spoke with Attorney Bruce Vanderbloemen, the estate attorney for Carolyn Bray, and was informed that the house has had all the paperwork finished for the property to be sold in a tax sale at the end of May. Town Planner Dustin Millsaps stated that on July 2, 2021 Attorney Bruce Vanderbloeman had assumed rights over the property. Town Planner Dustin Millsaps stated that he went by the property on July 9, 2021 and the property looked to be vacant. Town Planner Dustin Millsaps stated that on August 4, 2021 he received two (2) new complaints on the property;

- Denise Dotson/William S Annas, II, 4095 Gatewood Dr. Abandoned Mobile Home/Minimum Housing. Town Planner Dustin Millsaps stated that a complaint was received on March 5, 2020, and a regular NOV letter and a certified NOV letter was sent on March 5, 2020, with a deadline of March 23, 2020. Town Planner Dustin Millsaps stated that the mobile home has been sprayed painted and has an apparent tenant, however, the water meter has been pulled from the property. Property was cleaned up. However, Mr. Annas informed Town Planner Dustin Millsaps that a new tenant has moved in the mobile home. Town Planner Dustin Millsaps stated that a second NOV letter was sent on May 15, 2020 with a deadline of June 15, 2020 for additional garbage on property. Town Planner Dustin Millsaps stated that staff will investigate and work with Town Attorney for possible courses of abatement. Town Planner Dustin Millsaps stated that he went by the property on September 10, 2020 and all garbage has been picked up, however, the house has multiple windows smashed out which is now a minimum housing violation. Town Planner Dustin Millsaps stated that he spoke with property owner and he plans on removing the trailer on November 5, 2020. Town Planner Dustin Millsaps stated that he spoke to William S Annas, II, the property owner, on November 5, 2020 and his plans are removing the mobile home. Town Planner Dustin Millsaps stated that he tried to get in touch with property owner William S Annas, II four (4) times from November 5, 2020 to November 19, 2020 before he would answer the phone for him again, and Town Planner Dustin Millsaps stated he informed property owner Williams S Annas, II that the Town would have to pursue moving the mobile home or fines would occur for him. Town Planner Dustin Millsaps stated that he talked to property owner William S Annas, II on December 8, 2020 and was informed that the property owner had been in contact with an attorney about removal of the mobile home. Town Planner Dustin Millsaps stated that on January 7, 2021, he spoke with property owner William S Annas, II and the property owner stated that he had not worked with his attorney because his attorney had been quarantined multiple times. Town Planner Dustin Millsaps stated that on 2/7/21 he talked with property owner William S Annas, II, again and Mr. Annas stated that he is still talking to his attorney about getting the issue handled. Town Planner Dustin Millsaps stated that he spoke with property owner William S Annas, II, on 4/13/21 and Mr. Annas stated that he is currently in the process of evicting current tenant so that he can tear the mobile home down. Town Planner Dustin Millsaps stated that on June 10, 2021, he spoke with William S Annas, II, and was informed that the tenant has been evicted and the last day for the tenant to move out is June 11, 2021. Town Planner Dustin Millsaps stated that William S. Annas, II informed him that after the evicted tenants time to leave is up, he will get with his attorney to look at his options with the dilapidated trailer. Town Planner Dustin Millsaps stated that on July 1, 2021 the tenants had officially been evicted and William S Annas, II was talking with his attorney to see what his next steps on for the trailer would be. Town Planner Dustin Millsaps stated that he went by the property on July 9, 2021 and William S Annas, II had started tearing the mobile home down. Town Planner Dustin Millsaps stated that the mobile home has been torn down;

- Glen, Cleo and Doug Sawyer, 4113 Horseshoe Bend Rd. Rubbish. Town Planner Dustin Millsaps stated that he received a complaint regarding tall grass and rubbish and sent a NOV letter on July 2, 2021. Town Planner Dustin Millsaps stated that on July 9, 2021 he went by the property and the problem still persist. Town Planner Dustin Millsaps stated that on July 27, 2021 he went by the property and the grass is mowed.

No Council action was required.

TOWN MANAGER UPDATES: Town Manager Chase Winebarger had the following updates:

- Town Manager Chase Winebarger stated that he had scheduled a lunch meeting with pastors of the local churches. Town Manager Chase Winebarger stated that several cancelled the day of the meeting, but it went good with the pastors that came. Town Manager Chase Winebarger stated that he was going to try to make schedule meetings with the local pastors quarterly to keep everyone informed of what is happening in the Town.
- Town Manager Chase Winebarger stated that he has ordered Town shirts with a new design on them.
- Town Manager Chase Winebarger stated that baseball registrations are underway with sixty-three (63) registrations currently in three (3) 8U & three (3) 10U teams. Town Manager Chase Winebarger stated that there were only forty-eight (48) registrations for spring baseball and that was including an additional age group.
- Town Manager Chase Winebarger stated that kick and wiffle ball did not have enough participation this year. Town Manager Chase Winebarger stated that this year the cost of kick ball and wiffle ball was forty dollars (\$40.00) per person and he would like to change the registration fee to per team next year to see if there is more interest.
- Town Manager Chase Winebarger stated that he has talked to a company in Hickory to help design a new logo for the Town. Town Manager Chase Winebarger stated that when the Town receives the new logo, he would like to talk to South Caldwell High School about a partnership to get the logo out into the Public. Town Manager Chase Winebarger stated that included with the partnership is a full page ad in South Caldwell's sports program; a sign, with the new logo on it, at the football/baseball stadium; a sign, with the new logo on it, at the softball field; a sign, with the new logo on it in the gymnasium; an all sports pass and a reserved spot for football.
- Town Manager Chase Winebarger stated that the newest census information has been released and according to the census the Town has lost two hundred twenty (220) people and forty-one (41) housing units.
- Town Manager Chase Winebarger stated that he had toured the former Kohler & Campbell building located at 4233 US Highway 321A today. Town Manager Chase Winebarger stated that the new owner of the building had contacted him to let him and

informed him that most of the renovations had been completed and that it was ready to be on the market for renters.

- Town Manager Chase Winebarger stated that he had received a call from Chief Lail at Sawmills Volunteer Fire and Rescue asking to borrow our PA System. Town Manager Chase Winebarger stated that there had been discussion in the past about donating the older PA System to Sawmills Volunteer Fire and Rescue and wanted to know what Council's thoughts.

Clay Wilson made a motion, and Rebecca Johnson seconded, to donate the older PA System to Sawmills Volunteer Fire and Rescue. All were in favor.

- Town Manager Chase Winebarger stated that the Town has been approached by Lamar regarding the donation of a scoreboard for the baseball field. The scoreboard itself would be donated but there would be a twenty-five thousand dollar (\$25,000.00) cost associated with scoreboard for installation and setup. Town Manager Chase Winebarger stated that the scoreboard was a sixty thousand dollar (\$60,000.00) scoreboard. Citizen Kelly Price asked Town Manager Chase Winebarger if the sign would be capable of playing movies, and if so, the Town could host movie nights at the park.
- Town Manager Chase Winebarger stated that with the current surge in Covid cases that he would like to know if Council would be opposed to starting Covid measures again at Town Hall. Town Manager Chase Winebarger stated that the Town would require all visitors to wear face masks or coverings and only one (1) person at a time in the lobby.
- Town Manager Chase Winebarger stated that Republic Services had started switching out town cans for Republic cans this week. Town Manager Chase Winebarger stated that all cans should be switched out within the month.
- Town Manager Chase Winebarger stated that with the ARPA money that has been given to the Town, that staff is trying to get confirmation of what the monies can be spent on. Town Manager Chase Winebarger stated that staff would like to do water projects with the monies.

CLOSED SESSION PURSUANT TO N.C.G.S. §143.318-11(A)(3): Mayor Johnnie Greene asked for a motion to go into closed session.

Clay Wilson made a motion, and Rebecca Johnson seconded, to go into closed session pursuant to N.C.G.S. § 143.318-11(a)(3) at approximately 6:59pm. All were in favor.

Clay Wilson made a motion, and Rebecca Johnson seconded, to come out of closed session at approximately 7:17pm. All were in favor.

COUNCIL ADJOURN: Mayor Johnnie Greene asked for a motion to adjourn.

Clay Wilson made a motion, and Rebecca Johnson seconded, to adjourn the meeting. All were in favor.

The meeting was adjourned at approximately 7:17pm.

Johnnie Greene, Mayor

Julie A. Good, Town Clerk

AGENDA ITEM 7A

MEMO

DATE:

September 21, 2021

SUBJECT:

Recognition:
Recycle Rewards
Program

Discussion:

The Town of Sawmills would like to congratulate Richard Tucker on winning the Recycle Rewards Program for the month of September. Mayor Johnnie Greene will present him with a Certificate of Appreciation. A thirty-two dollar (\$32.00) credit will be added to the current sanitation bill.

Recommendation:

No Council action is required.

AGENDA ITEM 8A

MEMO

DATE:

September 21, 2021

SUBJECT:

Discussion:
Employee Vaccine
Incentive

Discussion:

Staff would like to discuss an incentive to encourage employee participation in COVID vaccinations.

Recommendation:

Staff recommends Council discuss this matter and decide how they wish to proceed.



MAYOR
Johnnie Greene

TOWN MANAGER
Chase Winebarger

TOWN PLANNER
Dustin Millsaps

**TOWN
COUNCIL**

Keith Warren , Mayor Pro-Tem
Clay Wilson
Rebecca Johnson
Melissa Curtis
Joe Wesson

SAWMILLS TOWN COUNCIL
September 21st, 2021
6:00 PM

PLANNER'S STAFF REPORT

ATTACHMENT (A) – Updated Definitions
ATTACHMENT (B) – Updated Use Chart

Background

The purpose for these changes is to catch up the use-chart and the definition section within the Town of Sawmills Zoning Ordinance. Over the years things have been added to the use chart and never defined, on the other hand things have been defined and not added to the use chart. The purpose for catching up these two main aspects of our Zoning Ordinance is for transparency and more clear uses.

For example, someone will come in for a question for a certain use. That use will be defined and not be listed in the use-chart. Even if they cannot have it, it still needs to have no permitted uses in the use chart. On the other hand, someone may come in and name a particular use that is on the chart. With no definition to interpret it is difficult what that use actually is, especially with a broad term as “Art Store.”

The underlined words in the chart and definitions is what is being added to the ordinance, the ~~strike through~~ words is what is being taken out of the ordinance.

Planning Board Recommendation

Planning board recommends approval on the text amendment change to the Town Ordinance.

Staff recommendation

Staff recommends for the Town of Sawmills Zoning Ordinance be updated (definitions and use-chart) for more fluidity and more comprehensive interpretation for the planner to make decisions. This will ensure a more accurate and fair interpretations on the zoning uses for years to come.

4076 US Highway 321-A * Sawmills NC * (828)396-7903 * (828)396-8955 fax

<http://www.townofsawmills.com/>

The Town of Sawmills does not discriminate on the basis of age, sex, race, religion, national origin, disability, political affiliation, or marital status.

§153.005 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY DWELLING. A dwelling unit that is accessory, supplementary, and secondary to the principal **DWELLING UNIT** that may be constructed as an addition to the principal structure or as an accessory building.

ACCESSORY STRUCTURE. A structure incidental and subordinate to the principal structure and located on the same parcel with such principal structure. Swimming pools (above and below ground) are **ACCESSORY STRUCTURES**. Items such as doghouses, bird houses, benches, picnic tables and the like are not considered **ACCESSORY STRUCTURES**. Gazebos, covered picnic shelters, and the like are not considered **ACCESSORY STRUCTURES** except for meeting setback requirements. When the term **ACCESSORY BUILDING** is used in this chapter, it shall be interpreted to mean **ACCESSORY STRUCTURE** as defined herein. Tractor trailers, manufactured homes, and storage pods may not be used as **ACCESSORY STRUCTURES** in the residential zoning districts.

ACCESSORY USE. A use customarily incidental and subordinate to the principal use and located on the same parcel with such principal use. In no instance shall an **ACCESSORY USE** be used as principal use. Furthermore, in no instance shall an **ACCESSORY USE** be placed upon a parcel which is absent of a principal use.

ADULT ESTABLISHMENTS. A land-use which is established for the explicit purpose of adult entertainment.

(1) The following items represent but are not limited to, examples of **ADULT ESTABLISHMENTS**:

ADULT ARCADE. An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or other similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, DVD's or other photographic or digital reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas. (See division (2) of this definition for the definition of specified sexual activities or specified anatomical areas.)

ADULT BOOKSTORE. An establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following: books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, DVD's, slides or other visual representations that are characterized by an emphasis upon the depiction or description of specialized sexual activities or specified anatomical areas; or instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities. (See division (2) of this definition for the definition of specified sexual activities or specified anatomical areas.)

ADULT CABARET. A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, DVD's, slides, or other photographic or digital reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas. (See division (2) of this definition for the definition of specified sexual activities or specified anatomical areas.)

ADULT MOTION PICTURE THEATER. An establishment where, for any form or consideration, films, motion pictures, video cassettes, DVD's, slides or other similar photographic or digital reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas. (See division (2) of this definition for the definition of specified sexual activities or specified anatomical areas.)

ADULT THEATER. A theater, concert hall, auditorium, or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas or by specified sexual activities. (See division (2) of this definition for the definition of specified sexual activities or specified anatomical areas.)

MASSAGE PARLOR. An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where a massage or similar manipulation of the human body is offered as an incidental or accessory service.

SEXUAL ENCOUNTER ESTABLISHMENT. An establishment other than a hotel or motel, or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate, or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in sexual therapy.

(2) (a) **SPECIFIED ANATOMICAL AREAS.** As used herein, specified anatomical areas means and includes any form of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
2. Human male genitals even if completely and opaquely covered.

(b) **SPECIFIED SEXUAL ACTIVITIES.** As used herein, includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in divisions 1 through 3 of this definition.

(3) An establishment where a person appears in a state of nudity as part of a modeling class will not be construed as an **ADULT ESTABLISHMENT** if the establishment is operated:

(a) By a proper school, licensed by the state; a college, junior college, or university accredited by a nationally recognized accreditation authority; and

(b) In a structure:

1. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;
2. Where, in order to participate in the class, a student must enroll at least three days in advance of the class; and
3. Where no more than one model is nude at any one time.

AIRPORT, PRIVATE USE. Any airport licensed by North Carolina as a private airport, used primarily by the airport licensee, but available for use by others upon specific invitation of the licensee.

AIRPORT, PUBLIC USE. Any publicly or privately owned airport licensed by North Carolina as a public airport, which meets minimum safety and service standards and is open for use to the general flying public.

ALLEY. A public way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ANIMAL FEED MANUFACTURING. A manufacturing facility dedicated to making various types of animal feed.

ALTERNATIVE STRUCTURE. A structure which is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted. **ALTERNATIVE STRUCTURES** include, but are not limited to, buildings, silos, water tanks, pole signs, lighting standards, steeples, billboards and electric transmission towers.

ANTENNA. Any exterior transmitting or receiving device which radiates or captures electromagnetic waves (excluding radar signals).

ANTENNA, CONCEALED. An antenna with a support structure that screens or camouflages the presence of antennas and/or towers from public view, in a manner appropriate to the site's context and surrounding environment. Examples of **CONCEALED ANTENNAS** include but are not limited to manmade trees, clock towers, flag poles, light structure, steeples, camouflage painting and similar objects.

ANTENNA, DUAL-BAND/MULTI-BAND. An antenna with separate elements for two or more commercial wireless service frequency bands (example: cellular and PCS or specialized mobile radio).

ANTIQUE STORE. A business that sales a product that is of value because of oldness as respects the present age, and not simply because the product is not new.

ARMORY. An establishment with the sole purpose of storing weapons for the military.

ART GALLERY. An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This clarification does not include libraries, museums, or non-commercial art galleries.

AUTOMOBILE SALES LOT. A land use which utilizes a parcel of property for the storage, open or concealed, and sale of new and/or used automobiles.

ART GOODS STORE. A store with the sole purpose of selling a variety of different art supplies.

ASSEMBLY HALL. A building or portion of a building in which facilities are provided for civic, educational, political, religious, or social purposes.

AUDITORIUM. An open, partially enclosed, or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions, and other public gatherings. Typical uses include convention and exhibition halls, sports arenas, and amphitheaters.

AUTOMOBILE PARKING LOT AND STRUCTURE. A parking lot or structure dedicated to automobiles consisting of no more than four wheels.

AUTOMOBILE PARTS/RETAIL ESTABLISHMENT. Stores that sell new automobile parts, tires, and accessories. May also include minor parts installation. Does not include tire recapping establishments or businesses dealing exclusively in used parts.

AUTOMOBILE REPAIR SERVICES ESTABLISHMENT. A facility which is operated for the purpose of repairing and/or reconstructing automobiles. Any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work, oil change and lubrication, painting, tire service and sales, or installation of CB radios, car alarms, stereo equipment, or cellular telephones.

AUTOMOBILE SALES. Storage and display for sale of more than two motor vehicles or any type of trailer provided the trailer is unoccupied, and where repair or body work is incidental to the operation of the new or used vehicle sales. Motor vehicles sales includes motor vehicle retail or wholesale sales.

AUTOMOTIVE CAR WASH/DETAIL SHOP. A facility where either the owner of an automobile or an employee of the establishment cleans automobiles.

BACKYARD WORKSHOP. A home occupation which is conducted within an accessory structure.

BAKERY. An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service.

BANK. A freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

BANKS, WITH DRIVE THRU. A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities. This bank shall have a drive thru for the purpose of offering banking services directly to the occupants of motor vehicles.

BANKS, WITHOUT DRIVE THRU. A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.

BARBER SHOP. Any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

BEAUTY SALON. A fixed establishment or place where one or more persons engage in the practice of cosmetology.

BED AND BREAKFAST INN. An owner-occupied dwelling unit which provides for short-term lodging accommodations (less than thirty days), with or without meals, for compensation.

BEDDING MANUFACTURING. The manufacture of bedding materials to compile for the final product of a mattress.

BILLBOARD. An off-premises sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign.

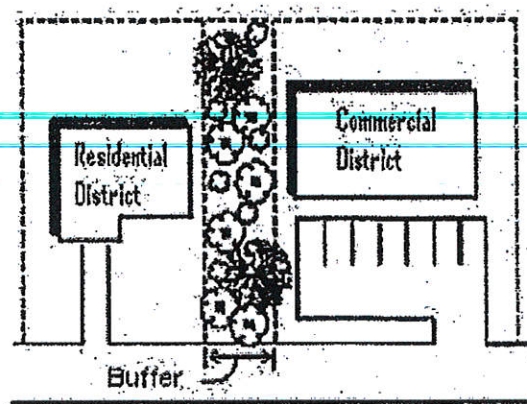
BOARDING HOUSE. An establishment with lodging for five or more persons where meals are regularly prepared and served for compensation and where food is placed upon the table family style, without service or ordering of individual portions from a menu.

BOAT SALES/RENTAL. The accumulation and retail sale of marine vehicles to the general public. This shall include boat rental services.

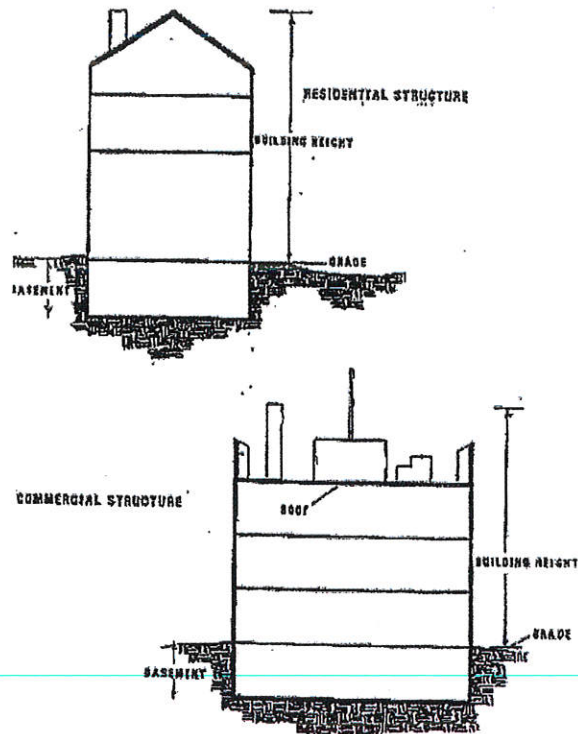
BOOKSTORE. A retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software, or any other printed or electronically conveyed information or media, excluding any "adult bookstore," "adult theater," "theater," or "studio theater."

BOWLING ALLEY. An establishment that devotes more than 50 percent of its gross floor area to bowling lanes, equipment, and playing area.

BUFFER. A method, perpetually maintained, by which a view of one zoning district is shielded, concealed or hidden by a visual block which is constructed or preserved upon the site. When existing vegetation is present such vegetation shall be preserved for buffering purposes.



BUILDING HEIGHT. The vertical distance measured from the average elevation of the finished lot grade at the front building line to the highest point of the roof beams adjacent to the front of the wall in the case of a flat roof, to the average height of the gables in the case of a pitched roof, and to the deck line in the case of a mansard roof.



BUILDING SUPPLY AND EQUIPMENT SALES. The accumulation and retail sale of various building supplies and/or equipment. This only pertains to new equipment only, the resale of used building supplies/equipment is strictly prohibited. Daily-weekly rentals of equipment only shall be permitted.

BUMPER OVERHANG. The distance measured from the outermost portion of the curb stop forward which is intended to allow area for the portion of the vehicle that protrudes forward or backward beyond the wheels of said vehicle so that said vehicle does not protrude into any vertically adjoining parking stalls.

BUS SHELTER. A small, roofed structure, usually having three walls, located near a street and designed primarily for the protection and convenience of bus passengers.

BUS STATION. The congregation of various public transportation busses for the parking, loading of passengers, and service of the busses. This will be a common area that all busses will come for the purpose of serving the public with transportation services.

BUSINESS SIGN. A sign which directs attention to goods, commodities, products, services, or entertainment sold or offered upon the premises where the sign is located.

CAMPGROUND. An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character. In no instance shall a CAMPGROUND be used for permanent residency.

CANDY STORE. A store dedicated to the sale of candy only, this shall include the manufacture of the candy on premises.

CANOPY. An attached structure which provides shelter.

CARPET MANUFACTURING. The manufacture of residential, marine, and/or automotive carpet at wholesale. This shall not include the installation of carpet.

CELLAR. A story having more than one-half of its height below the average level of the adjoining ground. A **CELLAR** shall not be counted as a story for purposes of height measurement.

CEMETERY, COMMERCIAL. A facility not used in conjunction with a church or similar place of worship, which is used for the burial, above or below ground, of deceased human beings or animals. This definition includes columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of the commercial cemetery.

CEMETERY, PRIVATE. Private land used for the burial of the dead, and dedicated for cemetery purposes, excluding columbariums, crematories, mausoleums, and mortuaries.

CLINIC. An establishment where patients are admitted for special study and/or treatment by one or more licensed practitioners in medically related arts.

CLOTHING MANUFACTURING. The creation of clothing from raw materials.

CLOTHING STORE. The congregation of various clothing articles for the retail sale of new clothes, this shall not include the resale of used clothing.

CLUSTER DEVELOPMENT. The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project. This term includes non-residential development as well as single-family residential subdivisions and multi-family developments that do not involve the subdivision of land. **CLUSTER DEVELOPMENTS** shall be developed utilizing the identical standards placed upon Planned Unit Developments.

CO-LOCATION. The placement of additional antennas or antenna arrays on an existing or approved telecommunications tower (or alternative structure), the sharing of an antenna or antenna array, or otherwise sharing a common location by two or more commercial wireless service providers of personal wireless services. **CO-LOCATION** includes antennas, transmitters, receivers and related electronic equipment, cabling, wiring, equipment enclosures and other support equipment or improvements located on the tower site.

COMMERCIAL WIRELESS SERVICE PROVIDER. Persons who operate radio systems requiring an FCC license and who employ those facilities to provide fixed wireless (including microwave) or mobile wireless communication services to third parties for compensation. **COMMERCIAL WIRELESS SERVICE PROVIDERS** include, but are not limited to cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and competitive local exchange carriers (CLEC) utilizing point-to-multipoint microwave.

CONCRETE OR PAVING MATERIALS MIXING PLANT. This land use is meant for the sole purpose of the manufacture of concrete or other paving materials. This land use shall also include the delivery of certain paving materials from the mixing plant.

CONDITIONAL USE PERMIT. A permit granted by the Board of Adjustment after the Board holds a quasi-judicial public hearing. Such a permit authorizes a use, the nature of which, would not be appropriate generally throughout the zoning district but which, if regulated as to number, size, location or relation to the neighborhood, would not hinder the public health, safety, and general welfare. Each district shall have

a list of conditional uses which could be authorized within such district. If a conditional use is not listed in the subject district then it is prohibited. Conditions outlined by the Ordinance may not be modified and/or omitted by the Board of Adjustment. Additional conditions which are not listed in the Ordinance may be added to the **CONDITIONAL USE PERMIT** by the Board of Adjustment.

CONDOMINIUM. A group of dwelling units as defined by the North Carolina Condominium Act.

CONGREGATE HOUSING. A structure or group of structures containing two or more dwelling units and rooming units limited in occupancy and occupied by persons, their spouses, or surviving spouses, except for rooms or units occupied by resident staff personnel, providing on-site, conveniently located, shared food preparation services and major dining areas, and common recreational, social, and service facilities for the exclusive use of all residents. This definition shall include **REST HOME**.

CONTRACTOR'S OFFICE. An establishment used for the indoor repair, maintenance, or storage of a contractor's vehicles, equipment, or materials, and may include the contractor's business office. This definition shall also include **CONTRACTOR'S SHOP**.

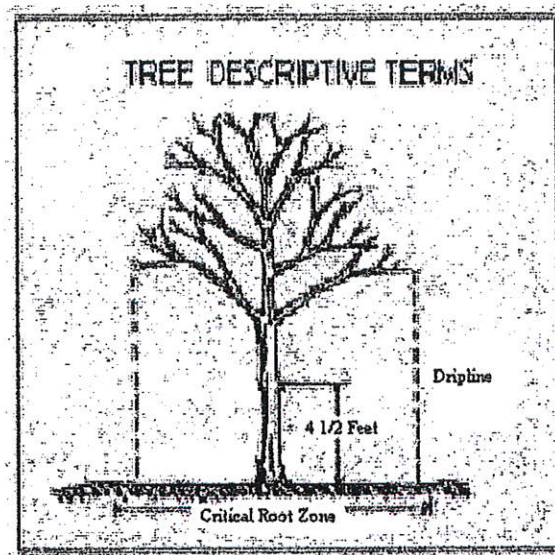
CONVALESCENT HOME. A facility that provides nursing services and custodial care on a 24-hour basis for three or more unrelated individuals who for reasons of illness, physical infirmity, or advanced age, require such services.

CONVENIENCE STORE. A retail store with a floor area of less than 2,500 square feet that sells groceries and may also sell gasoline; does not include automotive service stations or vehicle repair shops.

CORRECTIONAL INSTITUTION. Facilities for the judicially required detention or incarceration of people, where inmates and detainees are under 24-hour supervision by professionals, except when on approved leave. If the use otherwise complies with this definition, a [correctional institution] may include, by way of illustration, a prison, jail, or probation center.

COUNTRY CLUB. A club with recreation facilities for members, their families, and invited guests.

CRITICAL ROOT ZONE (CRZ). A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The CRZ is one foot for every inch of tree diameter measured at four and one-half feet above grade, with a minimum of eight feet. Each **CRZ** shall be clearly marked and surrounded a means of adequate protection.



CURB STOP. A barrier which prohibits the through access of a parking stall.

CUSTOMARY HOME OCCUPATION. Any use conducted entirely within the dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof.

DAY CARE. An agency, organization, or individual providing daytime care of six or more persons not related by blood or marriage to, or not the legal wards or foster children, of the attendant adult.

DENTAL CLINIC. An office organized to provide dental treatment by one or more dentist and dental hygienist to provide dental care to the community.

DENTAL LABORATORY. An establishment with the dedication of running lab work and test on different dental specimens.

DEPARTMENT STORE. A business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed enclosed and are exhibited and sold directly to the customer for whom the goods and services are furnished.

DETERGENT MANUFACTURING. This land use is tied to the sole purpose of manufacturing detergent, this shall not permit any type of chemical dumping for the manufacturing of detergent.

DEVELOPMENT. Any land disturbing activity which changes the natural character of the land area.

DISCERNIBLE. Capable of being distinguished with the eye or mind from its surroundings. As way of example and not limitation, a telecommunications tower on a hill.

DRUG STORE. An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

DRY CLEANERS. An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

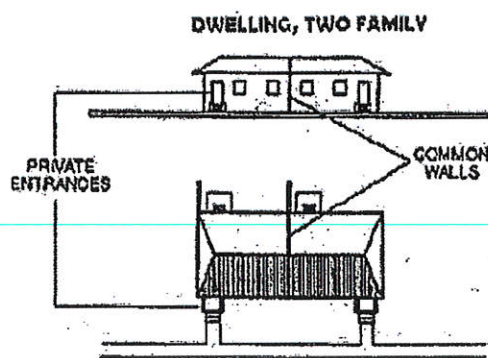
DRY GOODS STORE. A store dedicated to the retail sale of products that do not require any type of special storage treatment.

DWELLING UNIT. A building, or portion thereof, providing complete and permanent living facilities for one family. The term **DWELLING UNIT** shall not be deemed to include a motel, hotel, tourist home, or other structure designed for transient residence.

DWELLING, DUPLEX. A building designed as a single structure, containing two separate living units, each of which is designed to be occupied as a separate permanent residence for one family each.

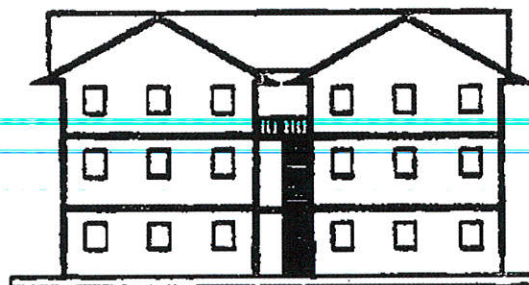
DWELLING, SINGLE- FAMILY. A building designed for and containing one dwelling unit.

DWELLING, TWO FAMILY. A building designed for and containing two dwelling units.



DWELLING, MULTI-FAMILY. A building designed for and containing three or more dwelling units.

Dwelling, multi-family



ELECTRIC TRANSMISSION TOWERS. Metal towers used to suspend wires transporting electricity between generating plants and substations supplying electricity to distribution and feeder lines.

ELECTRICAL AND ELECTRONIC PRODUCT SALES. The accumulation and retail sale of electronic products.

ELECTRICAL AND ELECTRONIC PRODUCT MANUFACTURING. The act of manufacturing a product with a primarily electronic use.

EQUIPMENT ENCLOSURE. A building, cabinet or shelter used to house transmitters, receivers and other electronic equipment and accessories at a wireless telecommunication facility.

EXISTING DEVELOPMENT. Those projects which are built or those projects that has established a vested right under GS §160A-385.1, as amended, as of the effective date of this Ordinance based on at least one of the following criteria:

- (1) Building permits have been issued pursuant to GS §160A-417 prior to the enactment of this chapter or amendments so long as the permit(s) remain valid and unexpired pursuant to GS §160A-418 and unrevoked pursuant to GS §§160A-421 and 160A-422; or
- (2) A vested right has been established pursuant to GS §160A-385.1 and such vested right remains valid and unexpired pursuant to GS §160A-385.1 as subsequently amended.

FAA. Federal Aviation Administration.

FABRIC STORE. A store that has the sole focus for the sale of various fabrics/textiles, that come in many different colors, texture, and materials.

FALL ZONE. An area around the base of a telecommunication tower required to be kept clear of buildings, other than equipment enclosures associated with the wireless telecommunication facility, to contain debris in the event of a tower structure failure.

FCC. Federal Communications Commission.

FAMILY CARE HOME. An establishment qualified for a license by North Carolina which provides resident services to individuals of whom one or more are unrelated. The individuals are handicapped, aged, or disabled, are undergoing rehabilitation or extended care, and are provided services to meet their needs.

FEED AND SEED STORE. A retail store selling primarily agricultural products, including the bulk storage of fertilizers and related agrichemicals.

FENCE. Any artificially constructed barrier of any material or combination of materials erected to enclose areas of land.

FLEA MARKET. A building or open area in which stalls or sales areas are set aside, rented or otherwise provided, and which are intended for use by individuals for the sale of goods.

FLOORING STORE. A store that has the dedicated purpose of the sale of residential flooring, including but not limited to: hardwoods, vinyl, and/or tile.

FLORIST. Retail business whose principal activity is the selling of plants which are not grown on the site and conducting business within an enclosed building.

FIRE STATION. A building used for fire equipment and firefighters.

FOWL. Any of several other, usually gallinaceous, birds that are barnyard, domesticated, or wild, as the duck, turkey, or pheasant.

FOOD PROCESSING ESTABLISHMENT. Manufacturing establishments producing or processing foods for human consumption and certain related products. Includes: (1) bakery products, sugar and confectionery products (except facilities that produce goods only for on-site sales with no wider distribution); (2) dairy products processing; (3) fats and oil products (not including rendering plants); (4) fruit and vegetable canning, preserving, and related processing; (5) grain mill products and by-products; (6) meat, poultry, and seafood canning, curing, and byproduct processing (not including facilities that also slaughter animals); and (7) miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants. This shall also include **PREPARED FOODS AND MISCELLANEOUS FOOD PRODUCT MANUFACTURING.**

FOSTER CARE. A dwelling used in whole or in part as living quarters for a household including one or more minor children, placed by a licensed child placement agency, who are not members of the family occupying said dwelling but, are under their supervision. This shall also include a **GROUP HOME.**

FUNCTIONALLY EQUIVALENT SERVICES. FCC-licensed providers of commercial mobile radio services (CMRS) classified as cellular, personal communication services (PCS), paging, and specialized mobile radio (SMR) and enhanced specialized mobile radio (ESMR).

FUNERAL HOME. A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles; and (e) facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

FURNITURE MANUFACTURING. A manufacturing establishment that has the dedication for the assembly of furniture. This shall include the actual fabrication of supplies needed to make furniture and/or the intake of those supplies and committing assembly only.

FURNITURE STORE. A store that has the dedicated purpose of the retail sale of furniture, this shall not permit the manufacturing of furniture.

GASOLINE, OIL, OR FUEL STORAGE, ABOVE GROUND. The storage of petroleum products and other fuel in large containers for bulk storage tanks that lie above ground level.

GIFT SHOP. Retail stores where items such as art, antiques, jewelry books, notions, and other novelty items are sold.

GLASS MANUFACTURING. A manufacturing establishment that has the dedicated purpose of the production of glass from raw materials. This shall include the shaping and forming of glass to meet a desired look.

GOVERNMENTAL USER. Federal, State or local governments, or agencies or instrumentalities thereof, volunteer fire departments or rescue squads which operate radio systems (including microwave) requiring an FCC license and which employ those facilities exclusively for intra-governmental or inter-governmental public service, public safety or administrative purposes.

GRADE. An average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

GREENHOUSE. Retail business whose principal activity is the selling of plants grown on the site and having outside storage, growing, or display. Where a greenhouse is permitted a storefront shall also be permitted except for in residential areas.

GROCERY, FOOD, PRODUCE, FRUIT AND MEAT STORES. Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.

GROSS FLOOR AREA. The total area of all buildings in the project including basements, mezzanines and upper floors, exclusive of stairways and elevator shafts. It excludes separate service facilities outside the main building such as boiler rooms and maintenance shops.

GUN STORE. An establishment having at least 25 percent of its gross floor area used for the sale of firearms, ammunition and ammunition components, and hunting or shooting equipment.

GUNSMITH. A person who practices in the trade of the repair and/or creation of firearms.

GYMNASIUM. Recreational center for the exclusive use of members and their guests with facilities usually including swimming pools and/or tennis courts, but specifically excluding golf courses. This definition shall include **HEALTH CLUBS.**

HARDWARE STORE. A facility of 30,000 or fewer square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and/or household appliances, garden supplies, and cutlery.

HATCHERY. Establishments devoted to hatching, raising and/or rearing of fish or fowl.

HAZARDOUS MATERIAL. Any substance list as such in: SARA Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (Oil & Hazardous Substances).

HOBBY STORE. A retail establishment that sells recreational modelling and craft supplies and specialty magazines for model airplanes (both military craft and airliners), train models, ship models, house and building models. Some hobby shops may also sell dolls, and collectible coins and stamps. A subtype of hobby shop is a game store, which sells board games. This shall also include **CRAFTS STORE.**

HOME OCCUPATION, CUSTOMARY. An occupation profession which is conducted entirely within the residential dwelling provided that:

- (1) No person other than members of the family residing on the premises shall be engaged in such occupation;
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- (3) The exterior appearance of the dwelling shall not be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs (except as permitted below) or the emission of sounds, noises, vibrations, or glare;
- (4) The home occupation in the R-20, RA-20, and R-15 Districts shall be confined entirely to the principal building, and no accessory building or outside storage shall be used in connection with the home occupation.

(5) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and on the premises of the home occupation. Vehicular traffic and parking associated with the home occupation may increase vehicular traffic by no more than two vehicles at one time and no **more than 12 vehicles per day**;

(6) No home occupation shall create noise, dust, vibration, odor, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances where in no home occupation exists;

(7) No more than one commercial type vehicle may be used for the delivery of materials from the premises;

(8) No commercial type vehicle shall be used for the delivery of materials to the premises;

(9) No display of products shall be visible from outside the dwelling;

(10) Instruction in music, dancing and similar subjects shall be limited to two students at a time;

(11) Traffic generated by the home occupation shall be limited to the hours between 8:00 a.m. and 8:00 p.m.;

(12) **One professional or announcement sign may be used to identify the customary home occupation providing such sign shall not exceed two square feet in area and shall not be illuminated.**

(13) Beauty salons/barber shops shall be limited to one (1) operator.

(14) Sale of products related to the service being provided are allowed.

(15) Examples of uses that frequently qualify as home occupations: accountant; architect; artist; attorney; author; bookkeeper; commission merchant; consultant; dance, music or art instruction on an individual basis; dressmaking, interior decorating, mail order business; telephone service; millinery; preserving and home cooking; realtor; individual tutoring. Uses qualifying as home occupations are not limited to those named in this division (2) nor does listing in this division (2) automatically qualify the use as an acceptable home occupation. All home occupations are subject to the standards established in this Section.

(16) Uses that are prohibited. The following uses by nature of the investment or operation have a tendency to grow beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residential purposes. Therefore the uses specified herein shall not be permitted as home occupations: animal hospitals; auto repair; any retail business; medical or dental offices and clinics; truck or trailer repairs; paint shops or painting of vehicles, trailers or boats; printing shops; mortuaries; private clubs; restaurants.

HORSES. A large plant-eating domesticated mammal with solid hoofs and a flowing mane and tail, used for riding, racing, and to carry and pull loads.

HORTICULTURAL NURSERY. A nursery that is actively engaged and dedicated to the commercial production or growing of fruits or vegetables or nursery or floral products under a sound management program.

HOSPITAL. An institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

HOTEL. A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a rooming or boarding house as herein defined. A hotel should be comprised of 6 or more rooms.

HOUSEHOLD APPLIANCE MANUFACTURING. An establishment dedicated to the manufacture of various appliances used in homes.

ICE MANUFACTURING. The manufacture of ice for distribution purposes only. This shall not include on-site retail sales.

IMPOUNDED WATER BODY. A body of water, such as a lake, confined by a dam, dike, floodgate or other barrier. It is used to collect and store water for a public water supply.

INDUSTRIAL DEVELOPMENT. Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product.

INN. Any building or group of buildings in which there are six or fewer guest rooms, used for the purpose of offering public lodging on a day-to-day basis, not including a bed and breakfast home.

JAIL. A facility established in conjunction with a law enforcement or public safety building, established for the temporary detention of adult or juvenile persons while being processed for arrest or detention by law enforcement. Such facilities do not include lodging or food service facilities to facilitate a stay longer than necessary for processing of the arrest. Holding facilities do not include detention, correctional, or release facilities.

JEWELRY STORE. Shops that sell new merchandise primarily and some used merchandise from estate sales or reconstitute precious metals they purchase into jewelry forms that are sold at retail on the premises. This shall also include a **JEWELRY REPAIR STORE.**

JUNK/SALVAGE YARD. An area where waste and/or used secondhand materials are bought, sold, exchanged, stored, processed, or handled. Materials shall include but are not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. An automobile junkyard or graveyard is also considered a **JUNK/SALVAGE YARD.**

KENNEL, COMMERCIAL. Any location where boarding, caring for or keeping of more than a total of three dogs or cats or other small animals or a combination thereof (except litters of animals of not more than six months of age) is carried on, and also raising, breeding, caring for or boarding dogs, cats, or other small animals for commercial purposes.

KENNEL, NONCOMMERCIAL. Any location where the boarding, caring for and keeping of more than three but not more than ten dogs or cats or other small animals or combination thereof (except litters of animals of not more than six months of age) is carried on, not for commercial purposes, but as a hobby such as the raising of show and hunting dogs.

KINDERGARTEN. Providing day care with or without educational services for children not yet attending elementary school; includes nursery school and preschool. This may also operate in conjunction to a larger school.

LAUNDROMAT. A facility dedicated to the sole purpose of the self-service of washing and drying clothes.

LEATHER GOODS MANUFACTURING. The manufacture of certain leather goods, for the later resale of those products.

LIBRARY. A public, nonprofit facility in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale.

LIFE CARE FACILITY. A health facility where persons are housed and furnished with meals and continuing health care for compensation. This term shall not include congregate housing, but shall include the term NURSING HOME.

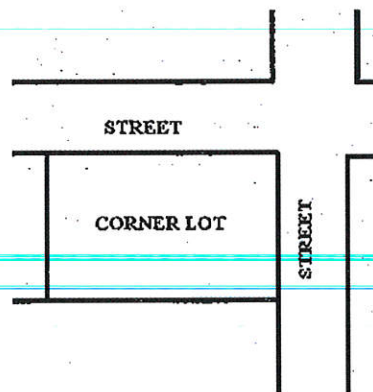
LIVESTOCK. Grazing animals kept either in open fields or structures for training, boarding, home use, sales, or breeding and production, including but not limited to: cattle; riding and draft horses; hogs, excluding pigs weighing under 120 pounds and standing 20 inches or less at the shoulder which are kept as pets or small animals; sheep; and goats.

LOAN OFFICES AND AGENCIES. An office at which loans are negotiated or at which the accounts of loans are kept and the interest paid to the lender.

LOCKSMITH. A person or establishment that works in the trade of making, repairing, and unlocking locks.

LOT. A parcel of land occupied or capable of being occupied by a building, group of buildings, or specific use devoted to a common use, together with the customary accessories and open spaces belonging to the same.

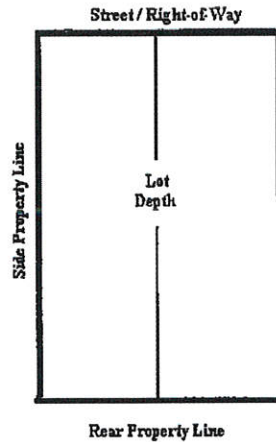
LOT, CORNER. A lot which occupies the interior angle at the intersection of two street lines which make an angle of more than 45 degrees and less than 135 degrees with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two street lines are equal, in which case the owner shall be required to specify which the front when requesting a zoning compliance permit is.



LOT COVERAGE. The percentage of a lot which may be covered by impervious surfaces. For the purposes of this definition compacted gravel and stone shall be included as impervious surface.

LOT DEPTH. The mean horizontal distance between the front and rear lot lines.

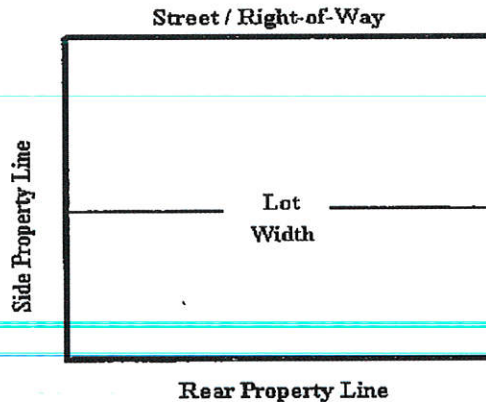
LOT DEPTH



LOT OF RECORD. A lot which meets all applicable development requirements of the town and has been properly recorded with the County Register of Deeds. Lots recorded prior to the adoption date of this chapter shall be given grandfather status.

LOT WIDTH. The mean horizontal distance between the side property lines.

LOT WIDTH



MACHINE TOOL MAUFACTURING. The manufacture of tools used for power-driven machine used to help with the repair of certain machines.

MANUFACTURED HOME. A structure transportable in one or more sections, which in the traveling mode is eight feet or more in width or 40 feet or more in length or when erected on site is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities, including plumbing, heating, air conditioning and electrical systems contained therein. Such units shall also comply with the National Mobile Home Construction and Safety Standards adopted by the U.S. Department of Housing and Urban Development and meet the Appearance Criteria established by this Ordinance. This term shall also include the term **MOBILE HOME**. (See GS §160A-383.1, as subsequently amended.) In accordance with state

requirements (*North Carolina State Manufactured Housing Code*, 1995 Edition/1996 Revision), a **MANUFACTURED HOME** shall not be permitted as an accessory structure.

MANUFACTURED HOME, INDIVIDUAL LOT. A manufactured home that is placed on an individual lot without any other principal structures on the lot. This shall not include accessory buildings.

MANUFACTURED HOME, TEMPORARY. A manufactured home that has temporary purposes only, this is permitted for the construction of a home on the same principal lot. This temporary status is only permitted for **one year or 365 days.**

MANUFACTURED OR MOBILE HOME PARK. Any place or tract of land maintained, offered or used for the parking of two or more manufactured homes for rental or lease and used or intended to be used for living or sleeping quarters.

MANUFACTURING. The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials including but not limited to oils, plastics, resins, etc.

MATURE VEGETATIVE CANOPY. The more or less continuous cover of branches and foliage which have reached their mature height formed collectively by the crowns of adjacent trees that have reached their mature height.

MEDICAL CLINIC. A building, other than a hospital as herein defined, used by two or more licensed physicians for the purpose of receiving and treating patients.

MEDICAL LABORATORY. A facility for scientific laboratory research in technology-intensive fields. Examples include biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities.

METAL AND METAL PRODUCT MANUFACTURING. The manufacture of metal products for the distribution of retail sales.

METAL FABRICATION SHOP. An establishment with the sole purpose of creation of metal structures by cutting, bending and assembling processes. It is a value-added process involving the creation of machines, parts, and structures from various raw materials.

MILLINERY SHOP. A shop dedicated to the manufacture and resale of hats.

MINIATURE GOLD COURSE. A theme-oriented recreational facility, typically comprised of nine or 18 putting greens, each with a "cup" or "hole," where patrons in groups of one to four pay a fee to move in consecutive order from the first hole to the last.

MODIFICATION. The addition, removal, repositioning (other than down tilt adjustments), alteration or other material change in the number or type of antennas employed in a wireless telecommunications facility; changes in the height, size, shape or appearance of telecommunications towers; and increase in the number or size of equipment enclosures or other improvements at an existing or approved wireless telecommunication facility.

MODULAR HOME. A dwelling unit constructed in accordance with the standards set forth in the *North Carolina State Residential Building Code*, as amended, and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent

foundation. A **MODULAR HOME** shall consist of two or more sections transported to the site on a truck and erected or joined together on the site.

MODULE. The distance, measured parallel from curb to curb, of the interior of a parking facility. This measurement shall include the parking aisle and the parking stalls.

MOTEL. A building in which lodging or board and lodging are provided for transient guests and offered to the motoring public for compensation.

MUSEUM. A building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of natural, scientific or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

NEWSPAPER OFFICE. A office that has the purpose of the distribution or administration of a local newspaper.

NONCONFORMING. A lot, structure, sign, or use of land or structure which is currently prohibited under the terms of this Ordinance.

NONCONFORMING LOT. A lot of record that does not conform to the dimensional requirements of the district in which it is located. The nonconformity may result from adoption of this chapter or any subsequent amendment.

NONCONFORMING STRUCTURE. A structure that does not conform to the dimensional, height, elevation, location, appearance standards, or other requirements of this chapter. The nonconformity may result from adoption of this chapter or any subsequent amendment.

NONCONFORMING USE. A use which does not conform to the use regulations of this chapter for the district in which it is located, at the effective date of this chapter.

NURSING HOME. A home for aged or ill persons in which three or more persons not of the same immediate family are provided with food, shelter and care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment.

OFFICE: BUSINESS, PROFESSIONAL, AND PUBLIC. A room or a suite of rooms or portion of a building used for the practice of a profession or for the conduct of a business that involves the accessory sale of goods from the premises. If the goods or merchandise are sold for delivery on or from the premises, and constitutes a portion greater than 20 percent of the gross revenue from the office, then the premises shall be considered to be a store rather than an office.

OFFICE: SUPPLIES, EQUIPMENT, SALES, AND SERVICES. An establishment that is dedicated to the sale of various office related supplies.

OPEN SPACE. Property within a development or contained on an individual parcel, which is designated by a permanent reservation to remain undeveloped, for the purpose of providing areas for recreation and/or conservation.

OPEN STORAGE. Unroofed storage area, whether fenced or not.

OPTICIAN. A person qualified to make and supply eyeglasses and contact lenses for correction of vision.

PAINT MANUFACTURING. The manufacture of paint products, these paints could be used on cars, planes, residential, etc.

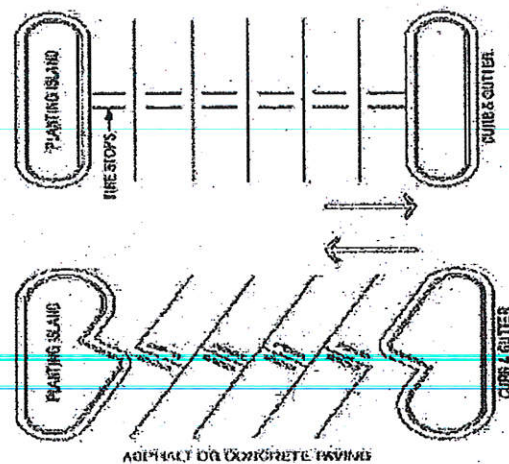
PAINT STORE. A store that is dedicated to the retail sale of paint for various different uses.

PAPER PROCESSING/MANUFACTURING. The manufacture of paper and paperboard, from both raw and recycled materials, and their conversion into products including paper bags, boxes, envelopes, wallpaper, etc.

PARKS. A noncommercial, not-forprofit facility designed to serve the recreation needs of the residents of the community. Such facilities include subdivision recreation facilities (neighborhood parks), community parks, regional parks, and special use facilities, all as described in the recreation and open space element of the [comprehensive plan]. Such facilities may also include but shall not be limited to school and religious institution ballfields, football fields, and soccer fields, if they meet the above definition. Commercial amusement facilities, such as water slides, go-cart tracks, and miniature golf courses shall not be considered parks.

PARKING AISLE. The area, parallel to curb stops, which automobile traverse in order to utilize parking stalls.

PARKING LOT. Any designated area designed for temporary accommodation of motor vehicles of the motoring public in normal operating condition, whether for a fee or as a service.



PARKING SPACE/STALL. A storage space for a motor vehicle or motorcycle.

PERSON. Any individual, partnership, limited partnership, company, corporation, trust, estate, agency, association or other legal entity and their successors and assigns.

PET STORE. A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, goats, sheep, and poultry.

PILLOW MANUFACTURING. A manufacturing establishment dedicated to the process of making pillows from raw materials. Pillows are for the support of the body at rest for comfort, therapy or decoration.

PHASED DEVELOPMENT PLAN. A plan which has been submitted to the county for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan determined by the Town to be a site specific development plan.

PLANNED UNIT DEVELOPMENT (PUD). A form of development characterized by a unified site design for a number of structures, clustering of buildings and providing common open space, density increases, and a mix of building types. It permits the planning of a project and a calculation of densities over the entire development rather than on an individual lot-by-lot basis. Such development shall be based on a plan which allows for flexibility of design not available under normal district requirements.

PLASTIC AND RUBBER PRODUCT MANUFACTURING. The manufacture of rubber products including: rubber footwear; mechanical rubber goods; heels and soles; flooring; and rubber sundries from natural, synthetic, or reclaimed rubber. Also includes: establishments engaged in molding primary plastics for the trade, and manufacturing miscellaneous finished plastics products; fiberglass manufacturing; and fiberglass application services.

PORCELAIN MANUFACTURING. The manufacture of a hard, fine-grained, sonorous, nonporous, and usually translucent and white ceramic ware that consists essentially of kaolin, quartz, and a feldspathic rock and is fired at a high temperature.

POTTERY MANUFACTURING. The manufacture of pots, dishes, and other articles made of earthenware or baked clay. Pottery can be broadly divided into earthenware, porcelain, and stoneware.

PRINCIPAL BUILDING. A building in which is conducted the principal use of the lot on which said building is situated.

PRINCIPAL STRUCTURE. A structure in which is conducted the principal use of the lot on which said building is situated.

PRINCIPAL USE. The primary use of a lot or structure.

PRIVATE BUSINESS USER. Persons who operate radio facilities (including microwave) requiring an FCC license solely for intra-company communications and who do not employ those facilities to offer fixed or mobile wireless communication services to third parties for compensation.

PRODUCE STAND. A building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs, or plants. May also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces, or baked goods, and home-made handicrafts. The floor area devoted to the sales of these accessory items shall not exceed 50 percent of the total sales area. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold at a roadside stand. This shall also include a **FARM STAND.**

PROTECTED MOUNTAIN RIDGE. A ridge at or above 3,000 feet with an elevation of 500 feet or more above the elevation of an adjacent valley floor.

PUBLIC SERVICE FACILITY. The use of land, buildings, or structures by a municipal or county agency to provide protective, administrative, maintenance and social services for the general public, including water treatment plants, sewage treatment plants, resources recovery facilities, parks and

recreation facilities, police and fire stations, municipal buildings, community centers and other similar public structures and facilities.

PUBLICLY OWNED INSTITUTIONS. An public entity that owns land or buildings operated by a governmental or other public agency.

RECREATIONAL CENTER. A building to be used as a place of meeting, recreation, or social activity and not operated for profit and in which neither alcoholic beverages or meals are normally dispensed or consumed. This shall also be known as a **COMMUNITY CENTER.**

RECREATIONAL FACILITIES, PRIVATE. Recreational center for the exclusive use of members and their guests with facilities usually including swimming pools and/or tennis courts, but specifically excluding golf courses. This definition shall also include **COMMERCIAL RECREATIONAL FACILITIES.**

RECREATIONAL FACILITIES, PUBLIC. A recreation facility that is open to the general public for various recreational activities, without having to have a specific membership to use this facilities.

RECREATIONAL VEHICLE PARK. Any lot of land upon which one or more recreational vehicles sites are located, established, or maintained for occupancy by recreational vehicles for the general public as temporary living quarters for recreation or vacation purposes. In no instance shall a recreational vehicle be used as a permanent residence.

RELIGIOUS INSTITUTION. A building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes. This shall also include **CHURCH.**

REPAIR SERVICES. Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments.

REPLACEMENT TOWER. A telecommunications tower intended to replace an existing approved tower where the replacement tower is:

(1) At or within 50 feet of the existing tower base, and

(2) No higher than the existing tower.

REST HOME. A home licensed by North Carolina for the aged or chronically or incurably ill persons in which five or more such persons not of the immediate family are provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured. This shall also be known as a **NURSING HOME.**

RESTAURANT, WITH DRIVE THRU. Restaurants where most customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed.

RESTAURANT, WITHOUT DRIVE THRU. A structure in which the principal use is the preparation and sale of food and beverages. Only for the purposes of serving patrons from solely the inside of the restaurant.

RETAIL ESTABLISHMENT. A retail establishment engaged in selling goods or merchandise to the general public as well as to other retailers, contractors, or businesses, and rendering services incidental to the sale of such goods. Bulk retail involves a high volume of sales of related and/or unrelated products in a warehouse setting and may include membership warehouse clubs (i.e., "big box" retail). Bulk retail is differentiated from general retail by any of the following characteristics: items for sale include large, categorized products (e.g., lumber, appliances, household furnishings, electrical and heating fixtures and supplies, wholesale and retail nursery stock, etc.) and may also include a variety of carry-out goods (e.g., groceries, household, and personal care products).

RIDING STABLE. Commercial horse, donkey, and mule facilities including: horse ranches, boarding stables, and riding schools. This land use includes barns, stables, corrals, and paddocks accessory and incidental to the above uses.

RIDGE. The elongated crest or series of crests at the apex or uppermost point of intersection between two opposite slopes or sides of a mountain, and includes all land within 100 feet below the elevation of any portion of such line or surface along the crest.

ROOMING HOUSE. A residential building with three or more sleeping rooms for lodgers, and wherein no dining facilities are maintained for the lodger, as distinguished from a boarding house.

SCHOOL, ART. A school where classes in the various arts (e.g. dance, painting, sculpting, singing) are taught to four or more persons at a time. This shall also include **DANCE OR MUSIC SCHOOL.**

SCHOOL, BARBER AND BEAUTY. A school dedicated to the teaching of barbers and beauticians, to then further their education in this field.

SCHOOL, COLLEGE/UNIVERSITY. A post-secondary institution for higher learning that grants associate or bachelor degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This may also include community colleges that grant associate or bachelor degrees or certificates of completion in business or technical fields.

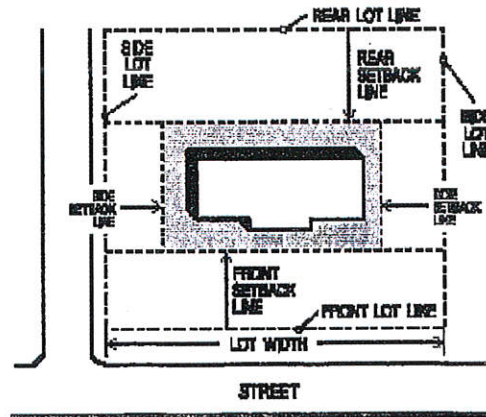
SCHOOL, ELEMENTARY AND HIGHSCHOOL. A public, private, or parochial school offering instruction at the elementary, junior, and/or senior high school levels in the branches of learning and study required to be taught in the public schools of the North Carolina.

SCHOOL, NURSERY. Any day care center which receives children between the ages of two and six years and which is established and professionally operated primarily for educational purposes to meet the developmental needs of the children served.

SERVICE OR STORAGE TANKS. Any one of a combination of tanks, including underground pipes connected thereto, which is used to contain an accumulation of regulated substances and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground. Flow-through process tanks are excluded from the definition of underground storage tanks.

SERVICE STATIONS, AUTOMOBILE. The portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities may include automotive repair and maintenance, car wash service, and food sales.

SETBACK. The minimum distance that a structure can be constructed or erected in relation to property and/or right-of-way lines, excluding any uncovered porches, patios, steps, gutters and similar fixtures. Front yard **SETBACKS** shall be measured from the outermost edge of the dedicated right-of-way. In the event the lot in question does not directly abut upon a dedicated right-of-way, the front yard **SETBACK** shall be measured from the property line or outermost edge of any access easement. In the case of a corner lot the applicant of the Zoning Compliance Permit shall state which frontage is intended to serve as the front yard.

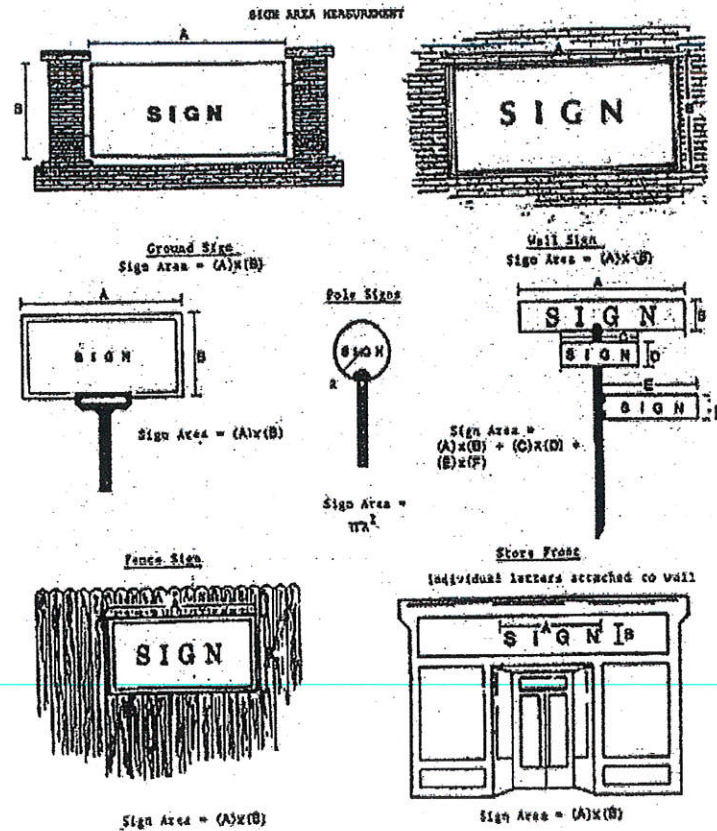


SEWER, PUBLIC / TRADITIONAL MUNICIPAL. System approved by the County Department of Environmental Health and Town Engineer that provides for multiple unit treatment. Such systems as municipal sewer, community drain fields, spray irrigation, drip irrigation, pressurized underground systems and similar systems recognized by the County Department of Environmental Health. The following are exclusively prohibited: package treatment plant or individual lot septic drain field systems.

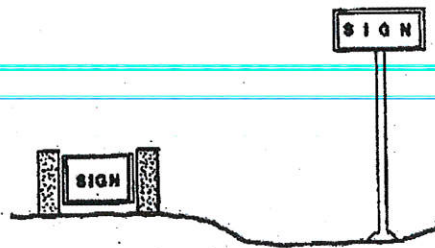
SEWER SYSTEM, INDIVIDUAL. An individual septic tank system of sewage disposal. Individual sewage disposal systems must be installed and maintained in accordance with the Division of Health Services, North Carolina Department of Human Services *Rules and Regulations Governing the Disposal of Sewage from any Residence, Place of Business or Place of Public Assembly in North Carolina* and the regulations of the County Board of Health.

SIGNS. Any form of publicity, visible from any public highway directing attention to an individual activity, business, service, commodity or product. The publicity can be conveyed by means of words, figures, numerals, lettering, emblems, devices, designs, trademarks, or trade names or other pictorial matter designed to convey such information. The information can be displayed by means of bills, panels, posters, paints, or other devices erected on an open framework, or attached or otherwise applied to posts, stakes, poles, buildings, or other structures or supports.

SIGN AREA. Sign area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof, which will encompass the entire advertising copy area, excluding architectural trim and structural members. In computing area, only one side of a double-faced sign shall be considered.



SIGN, FREESTANDING. A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. A sign that stands without supporting elements, such as "sandwich sign," is also a **FREESTANDING SIGN**. If the message is removed from a structure that was originally designed and used as a **FREESTANDING SIGN**, this structure shall still be considered a sign.



SIGN, INTERNALLY ILLUMINATED. Signs where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that are filled with neon or some other gas that glows when an electric current passes through it and are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered **INTERNALLY ILLUMINATED SIGNS**.

SIGN, OFF-SITE. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained or provided at a location other than the site where the sign is located.

SIGN, ON-SITE. A sign that draws attention to or communicates Information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained or provided at a location other than the site where such sign is located.

SIGN, PORTABLE. Any sign not permanently affixed to the ground or to a structure, including any sign attached to or displayed on a vehicle that is used for the expressed purpose of advertising a business establishment, product, service, or entertainment, when that vehicle is so parked as to attract attention of the motoring or pedestrian traffic.

SIGN, ROOF. A sign which is higher than the roof to which it is attached. Signs attached to the lower slope of a roof or attached to a parapet wall above a flat roof are considered wall signs. Signs on mansard or canopy roofs are considered wall signs.

SIGN, TEMPORARY. A sign that is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or is intended to remain on the location where it is erected or placed for a period of not more than 15 days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

SIGN, WALL. See Sign, Roof.

SINGLE FAMILY RESIDENTIAL DEVELOPMENT. Any development where:

- (1) No building contains more than one dwelling unit;
- (2) Every dwelling unit is on an individual lot; and
- (3) Where no lot contains more than one dwelling unit.

SITE SPECIFIC DEVELOPMENT PLAN. A plan which has been submitted to the Town describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property.

- (1) The plan may be in the form of but not limited to any of the following plans or approvals:
 - (a) A planned unit development plan;
 - (b) A subdivision plat;
 - (c) A conditional use permit; or
 - (d) A zoning compliance permit.
- (2) Unless otherwise expressly provided by the Town such plan shall include the approximate boundaries of the site; significant topographical features; the approximate location of any proposed structures; the approximate dimensions, including height, of any proposed structures; the approximate location of existing and proposed infrastructure on the site, including but not limited to water, sewer, roads and pedestrian walkways.

- (3) A variance shall not constitute a **SITE SPECIFIC DEVELOPMENT PLAN**, and approval of a **SITE SPECIFIC DEVELOPMENT PLAN** with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels or property shall constitute a **SITE SPECIFIC DEVELOPMENT PLAN**.

SKATING RINK. An establishment that provides facilities for participant skating.

SOAP MANUFACTURING. The manufacture of soap, which is a product that is primarily meant for cleaning purposes.

SPECIAL USE PERMIT. A permit issued by the Town Council after said Council has held a public hearing. **SPECIAL USE PERMITS** may be issued within any of the use districts outlined in this Ordinance. Such a Special Use shall only be allowed within districts to which the **SPECIAL USE PERMIT** is to correspond. By way of example and not limitation, within an RA-20 District an NB-SU permit may be issued for a site-specific development proposal for any use permitted by right with an ordinary NB District. The development proposal authorized by a **SPECIAL USE PERMIT** shall comply with all provisions of the corresponding district. Additional conditions may not be added onto any **SPECIAL USE PERMIT**.

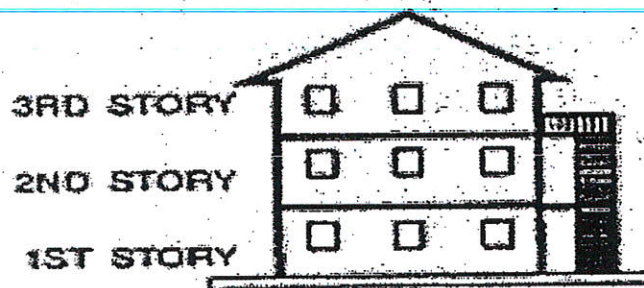
SPORTING GOODS STORE. A store that is solely dedicated to the primary retail sale of various sporting equipment.

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

STONE CRUSHING, CUTTING, AND POLISHING. An establishment that is dedicated to the sole purpose of forming rock for various purposes. This shall not include **ROCK QUARIES**.

STORAGE, MATERIALS AND EQUIPMENT OUTDOORS. This definition is for uses that allow the storage of materials outside.

STORAGE UNITS. Small units that are dedicated to the storage of personal goods of persons that lease or buy the unit, for that storage purpose.



STREET. A dedicated right-of-way for vehicular traffic which affords the principal means of access abutting properties. (Also see Town Subdivision Regulations set forth in Chapter 152 which are incorporated here by reference.)

STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on or in the ground or which is attached to something having more or less permanent location on or in the ground.

STRUCTURAL ALTERATIONS. Any change on the supporting members of a building, such as load bearing walls or partitions, columns, beams, or girders, or any structural change in the roof, or dimensions or the rooms therein.

SUBDIVISION. See Town Subdivision Regulations set forth in Chapter 152 which are incorporated here by reference.

SURFACING MATERIAL. A material whose natural characteristics provide a hard, nonflexible, rigid, and relatively flat groundcover. Examples include but are not limited to concrete and asphalt. Gravel shall not be considered a **SURFACING MATERIAL**.

TAILOR. An establishment that is dedicated to the process of fitting the general public for various types of clothing. This shall also include **DRESSMAKING**.

TELECOMMUNICATIONS TOWER. Any tower, pole or similar structure 20 feet or more in height, used to support one or more antennas.

TEXTILE MANUFACTURING. A shop dedicated to the conversion of fiber into yarn, and then the yarn into fabric. From here the fabric may be dyed or printed. This shall also be known as a **TEXTILE FABRICATION SHOP**.

TOBACCO STORE. A tobacco retailer whose business exclusively or primarily involves the sale of tobacco products and related goods.

TOURIST HOUSE. An establishment used for dwelling purposes in which rooms, with or without meals, are offered to transient guests for compensation, including establishments known as bed-and-breakfasts.

TOWER BASE. The foundation, usually concrete, on which the telecommunications tower is situated. For measurement calculations, the **TOWER BASE** is the actual or geometric center of the tower.

TOWER HEIGHT. The vertical distance measured from the tower base to the highest point on a telecommunications tower, including any antennas or other equipment affixed thereto, but excluding any lightning protection rods extending above the tower and attached equipment.

TOWER SITE. The land area which contains, or will contain, a proposed telecommunications tower, and related equipment enclosures and other equipment.

TOY STORE. A store dedicated to the sole purpose of selling toys to the general public. This toys are specific to young children for their enjoyment for playing.

TREATMENT INSTITUTIONS. An institution dedicated to the treatment of, but not limited to, mental illness, alcoholism, narcotics. This shall also include the term **REHABILITATION CENTER**.

TREE, LARGE. A tree which has an expected height at maturity of at least 35 feet. These types of trees shall at the time of planting have a diameter of at least two inches. The diameter shall be measured four and one-half feet above grade.

TREE, PROTECTED. Any tree located on a development site having a circumference of 30 inches or more measured four and one-half feet above natural grade.

TREE, SMALL. A tree which has an expected height at maturity of at least 15 feet. These types of trees shall at the time of planting have a diameter of at least one inch. The diameter shall be measured four and one-half feet above grade.

TRUCKING TERMINAL. A establishment (land or building) used as a relay station for the transfer of a products from one party to another (truck-to-truck).

VARIANCE. A modification of the literal provisions of the zoning ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

VARIETY STORE. A retail store that sells a wide variety of relatively small and inexpensive items.

VESTED RIGHT. The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or an approved phased development plan.

VETERINARY CLINIC. A facility whose practitioners are licensed by the state to treat diseased or injured animals.

VISIBLE. Capable of being seen by the unaided eye in daylight.

VITEOUS CHINA MANUFACTURING. The manufacture of Fine China, however, having a glass like consistency.

WASHING COMPOUND MANUFACTURING. The manufacture of different compound meant for cleaning purposes of multiple varieties.

WATER SYSTEM, PUBLIC / TRADITIONAL MUNICIPAL. Water supply systems serving multiple connections are classified as a public water supply by State law. Plans and specifications must be approved by the Town Engineer and the Sanitary Engineering Section, Division of Health Services, North Carolina Department of Human Resources.

WATER SYSTEM, SEMI-PUBLIC. Water supply systems serving from two to nine connections, inclusive. This system may be regulated by the County Board of Health, and plans should be approved by the Town Engineer and the County Health Department.

WATER SYSTEM, INDIVIDUAL. A drilled or bored well or spring which serves a single connection. Individual water supply systems should be located, constructed and operated in accordance with the Division of Health Services, North Carolina Department of Human Resources.

WATERSHED, CRITICAL. Refer to the Town Watershed Protection Ordinance, set forth in Chapter 155.

WATERSHED, PROTECTED. Refer to the Town Watershed Protection Ordinance, set forth in Chapter 155.

WAREHOUSE ESTABLISHMENT. Facilities characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors, but not involved in manufacturing or production.

WHOLESALE ESTABLISHMENT. An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

WIRELESS TELECOMMUNICATION FACILITY. Equipment at a single location used by a private business user, governmental user or commercial wireless service provider to transmit, receive or relay electromagnetic signals (including microwave). Such facility includes antennas or antenna arrays, telecommunications towers, support structures, transmitters receivers, base stations, combiners, amplifiers, repeaters, filter or other equipment; together with all associated cabling, wiring, equipment enclosures and other improvements.

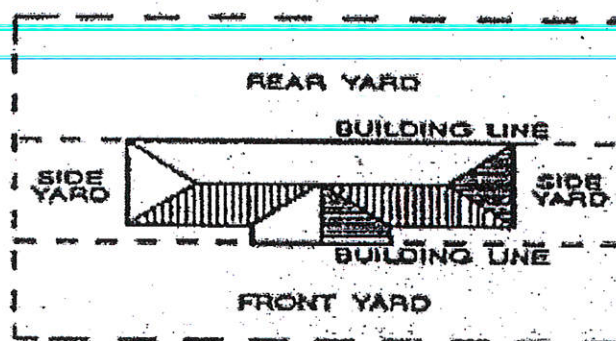
WOOD FABRICATION SHOP. A shop with the dedicated purpose of the different varieties to machine wood materials.

YARD. The open space on the same lot with a principal building, or structure unoccupied and unobstructed from the ground upward.

YARD, FRONT. The open, unoccupied space on the same lot with a principal building or structure, between the front line of the principal building or structure (exclusive of uncovered porches, patios, steps, gutters and similar fixtures) and the front property line or street right-of-way line and extending across the full width of the lot.

YARD, REAR. The open, unoccupied space on the same lot with a principal building or structure, between the rear line of the principal building or structure (exclusive of uncovered porches, patios, steps, gutters and similar fixtures) and the rear property line and which extends the full width of the lot.

YARD, SIDE. The open, unoccupied space on the same lot with a principal building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.



ZONING ADMINISTRATOR. Town official charged with the responsibility of enforcing this chapter.

ZONING PERMIT. Permit issued by the Zoning Administrator indicating that a proposed use is in compliance with requirements of this chapter.

(Ord. Art. VI, §60B, passed 2-19-2008; Ord. passed 8-16-2011)

§153.051

TABLE OF PERMITTED AND SUPPLEMENTAL REQUIREMENTS

Use	R-20	RA-20	R-15	O-I	N-B	H-B	G-M	SR
Abattoirs	-	-	-	-	-	S	P	
Accessory Dwelling	S	S	S	-	-	-	-	§153.070
Accessory Structure, commercial	-	-	-	P	-	S	-	§153.071
Accessory Structure, residential	P	P	P	-	-	-	-	§153.072
Adult establishments	-	-	-	-	-	S	-	§153.073
Airport, Commercial	-	-	-	-	-	-	-	
Airport, Private	-	S	-	-	-	-	-	
Animal feed manufacturing	-	-	-	-	-	-	P	
Antenna	-	-	-	-	-	P	P	
Antenna, Concealed	-	-	-	P	P	P	P	
Antiques store	-	-	-	-	P	P	P	
Armory	-	-	-	P	-	-	-	
Art gallery	-	-	-	P	P	P	P	
Art goods store	-	-	-	-	P	P	P	
Assembly hall	-	-	-	-	-	P	P	
Auditorium	-	-	-	P	-	-	-	
Automobile parking lot and structure	-	-	-	-	P	P	P	
Automobile parts/retail establishment and supplies	-	-	-	-	-	P	P	
Automobile repair services establishment garage, without open storage of wrecked vehicles	-	-	-	-	-	P	P	
Automobile sales	-	-	-	-	-	P	P	
Automobile washing establishments	-	-	-	-	P	P	P	

Use	R-20	RA-20	R-15	O-I	N-B	H-B	G-M	SR
Bakery	-	-	-	-	-	P	P	
Banks, with drive thru	-	-	-	S	P	P	P	
Banks, without drive thru	-	-	-	P	P	P	P	
Barber shops and beauty salon shops	-	-	-	-	P	P	P	
Bedding manufacturing	-	-	-	-	-	-	P	
Boarding House	-	-	S	-	P	P	P	
Boat sales and rental	-	-	-	-	-	P	P	
Bookstore	-	-	-	-	P	P	P	
Bowling alleys	-	-	-	-	-	S	-	
Building supply and equipment sales	-	-	-	-	-	P	P	
Bus shelter	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Bus Station	-	-	-	-	P	P	P	
Business, professional, government, religious, charitable or fraternal offices or agencies	-	-	-	P	P	P	-	
Camera supply store	-	-	-	-	P	P	P	
Campground	-	-	-	-	-	-	-	
Candy store	-	-	-	-	P	P	P	
Carpet manufacturing	-	-	-	-	-	-	P	
Cemeteries	S	S	S	-	-	-	-	
Churches and other places of worship	P	P	P	-	-	-	-	
Clinic	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>	-	
Clothing manufacturing	-	-	-	-	-	-	P	
Clothing store	-	-	-	-	P	P	P	

Use	R-20	RA-20	R-15	O-I	N-B	H-B	G-M	SR
Coliseum	-	-	-	-	-	P	P	
Concrete or paving materials mixing plant	-	-	-	-	-	-	P	
Contractors office, shop	-	-	-	P	P	P	P	
Convalescent center home	-	-	-	-	-	P	P	
Convenience store	-	-	-	P	P	P	P	
Correctional intuitions	-	-	-	-	-	-	-	
Country Club	S	S	S ¹	-	-	-	-	
Dairy Bar	-	-	-	-	P	P	P	
Day Care	-	-	-	P	P	P	-	
Dental Clinic	-	-	-	P	P	P	P	
Dental Laboratory	-	-	-	-	P	P	P	
Detergent manufacturing	-	-	-	-	-	-	P	
Department store	-	-	-	-	P	P	P	
Drug stores, with or without fountains	-	-	-	-	P	P	P	
Dry Cleaners	-	-	-	-	P	P	P	
Dry goods store	-	-	-	-	P	P	P	
Dwelling, Duplex	-	P	P		-	-	-	
Dwelling, Multi-Family	-	-	S ¹	-	-	-	-	
Dwelling, Single Family	P	P	P	-	-	-	-	
Dwelling, Two Family	-	P	P	-	-	-	-	
Electric repair shop	-	-	-	-	P	P	P	
Electrical and electronic products sales	-	-	-	-	P	P	P	
Electrical and electronic product manufacturing	-	-	-	-	-	-	P	
Fabric store	-	-	-	-	P	P	P	

Use	R-20	RA-20	R-15	O-I	N-B	H-B	G-M	SR
Family Care Home	P	P	P	-	-	-	-	
Feed and seed store	-	-	-	-	-	P	P	
Fire Station	S	-	-	-	-	-	-	
<u>Flea Market</u>	-	-	-	-	-	-	-	
Flooring covering store	-	-	-	-	P	P	P	
Florists	-	-	-	-	P	P	P	
Food processing establishment and food product manufacturing	-	-	-	-	-	-	P	
<u>Foster care</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	-	-	-	
Fowl	P	P	P	P	P	P	P	\$ 153.081
Funeral Home	-	-	-	P	-	P	P	
Furniture manufacturing	-	-	-	-	-	-	P	
Furniture store	-	-	-	-	P	P	P	
Gasoline, oil, or fuel storage above ground	-	-	-	-	-	-	P	
Gift shop	-	-	-	-	P	P	P	
Glass manufacturing	-	-	-	-	-	-	P	
Greenhouse	-	S	S	-	-	P	P	
Grocery, food, produce, fruit, and meat stores	-	-	-	-	P	P	P	
<u>Gun store</u>	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Gunsmith	-	-	-	-	P	P	P	
Gymnasium	-	-	-	-	-	P	P	
Hardware store	-	-	-	-	P	P	P	
Hatcheries	-	-	-	-	-	-	P	
Hobby and crafts store	-	-	-	-	P	P	P	
Home Occupation, Customary	P	P	P	-	-	-	-	

Use	R-20	RA-20	R-15	O-I	N-B	H-B	G-M	SR
Home Occupation, other than customary	-	S	S	-	-	-	-	
Horses	P	P	-	-	-	-	-	\$153.074
Horticultural nursery	-	S	S	-	-	P	P	
Hosiery manufacturing	-	-	-	-	-	-	P	
Hospital	-	-	-	-	-	-	-	
Hotel	-	-	-	-	-	P	P	
Household appliance manufacturing	-	-	-	-	-	-	P	
Household appliance store	-	-	-	-	P	P	P	
Ice cream manufacturing for only on-site retail sales	-	-	-	-	P	P	P	
Ice manufacturing	-	-	-	-	-	-	P	
Inn	-	-	-	-	-	P	P	
Jail	-	-	-	-	-	-	-	
Jewelry store repair shop	-	-	-	-	P	P	P	
Junk/savage yard	-	-	-	-	-	S	-	
Kennel, commercial	-	-	-	P	P	P	P	
Kennel, noncommercial	-	-	-	P	P	P	P	
Kindergarten	-	-	-	-	P	P	P	\$153.076
Lakes, Parks, and similar facilities operated on a non-profit basis	C	C	C ⁺	-	-	-	-	
Laundromats and similar automatic laundries, pick up station or not	-	-	-	-	P	P	P	
Laundry pick up stations	-	-	-	-	P	P	P	
Leather goods manufacturing, not including processing or storage of raw hides	-	-	-	-	-	-	P	

Use	R-20	RA-20	R-15	O-I	N-B	H-B	G-M	SR
Library	-	-	-	P	P	P	P	
<u>Life care center</u>	-	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Livestock	P	P	P	P	P	P	P	\$ 153.082
Loan offices and agencies	-	-	-	P	P	P	P	
Locksmith	-	-	-	-	P	P	P	
Machine tool manufacturing	-	-	-	-	-	-	P	
Magazine store	-	-	-	-	P	P	P	
Manufactured home, on individual lot	-	P	P	-	-	-	-	\$153.075
Manufactured Home Park	-	-	P	-	-	-	-	
Manufactured home, temporary	-	S	S	-	-	-	-	\$153.080
Manufacturing uses not otherwise named	-	-	-	-	-	-	S	
Medical clinic	-	-	-	P	P	P	P	
Medical laboratory	-	-	-	-	P	P	P	
Metal and metal products manufacturing	-	-	-	-	-	-	P	
Metal Fabrication shop (10 or fewer employees)	-	-	-	-	-	P	P	
Millinery shop	-	-	-	-	-	P	P	
Miniature Golf courses	-	-	-	-	-	S	-	
Motel	-	-	-	-	-	P	P	
Museum	-	-	-	P	P	P	P	
Music store	-	-	-	-	P	P	P	
Newspaper office	-	-	-	<u>P</u>	P	P	P	
Office; business, professional and public	-	-	-	<u>P</u>	P	P	P	

Use	R-20	RA-20	R-15	O-I	N-B	H-B	G-M	SR
Office: supplies and equipment, sales and services	-	-	-	<u>P</u>	P	P	P	
Open Storage	-	-	-	-	-	-	P	
Optician	-	-	-	-	P	P	P	
Paint manufacturing	-	-	-	-	-	-	P	
Paint store	-	-	-	-	P	P	P	
Paper processing or manufacturing	-	-	-	-	-	-	<u>P</u>	
Paper product manufacturing	-	-	-	-	-	-	P	
Parks, and similar facilities operated on a non-profit basis	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Pet store	-	-	-	-	P	P	P	
Photographic studio	-	-	-	-	P	P	P	
Pillow manufacturing	-	-	-	-	-	-	P	
Plastic and rubber products manufacturing	-	-	-	-	-	-	P	
Plumbing shop, without open storage	-	-	-	-	-	P	P	
Porcelain manufacturing	-	-	-	-	-	-	P	
Pottery manufacturing	-	-	-	-	-	-	P	
Prepared foods and miscellaneous food product manufacturing	-	-	-	-	-	P	P	
Printing, publishing, and reproducing establishments	-	-	-	-	-	P	P	
Produce stands for sale of products grown on site	-	S	S	-	<u>P</u>	<u>P</u>	<u>P</u>	
Public Service facility	-	P	P	P	P	P	P	\$153.077
Publicly owned institutions	-	-	-	P	-	-	-	
Radio and TV repair shop	-	-	-	-	P	P	P	

Use	R-20	RA-20	R-15	O-I	N-B	H-B	G-M	SR
Railroad station	-	-	-	-	P	P	P	
Recreational and community centers	S	-	-	P	-		-	
Recreational facilities, public commercial	-	-	-	P	P	P	-	
Recreational facilities, private	S	S	S	P	P	P	-	
Recreation vehicle park	-	-	-	-	-	-	-	
Religious institutions	S	S	S	P	P	P	P	
Repair uses not otherwise named	-	-	-	-	S	S	P	
Rest home	-	-	-	-	-	P	P	
Restaurant, with drive thru	-	-	-	-	-	S	-	
Restaurant, without drive thru	-	-	-	-	P	P	P	
Retail establishments not otherwise named	-	-	-	-	S	S	P	
Riding stables	P	P	-	-	-	S	-	
Rooming House	-	-	S	-	-		-	
Rubber processing and manufacturing	-	-	-	-	-	-	-	
Rubber products manufacturing	-	-	-	-	-	-	P	
School, Art	-	-	-	P	P	P	P	
School, Barber and beauty	-	-	-	P	P	P	P	
School, Business	-	-	-	-	P	P	P	
School, College/university	S	S	S	P	P	P	P	
School, Elementary and high school	S	S	S	P	P	P	P	
School, Music or dance	-	-	-	P	P	P	P	
School, Nursery	-	-	-	-	P	P	P	§153.076

Use	R-20	RA-20	R-15	O-I	N-B	H-B	G-M	SR
Service or storage tanks	-	-	-	S	-		P	
Service stations, automobile	-	-	-	-	P	P	P	\$153.078
Shoe repair and shine shop	-	-	-	-	P	P	P	
Sign painting and fabricating shop	-	-	-	-	-	P	P	
Skating rinks	-	-	-	-	-	S	-	
Soap manufacturing	-	-	-	-	-	-	P	
Sporting goods store	-	-	-	-	P	P	P	
Stationary store	-	-	-	-	P	P	P	
Stone crushing, cutting and polishing	-	-	-	-	-	-	P	
Storage of materials and equipment outdoors	-	-	-	-	-	-	P	
Storage units	-	-	-	<u>S</u>	<u>S</u>	<u>P</u>	<u>S</u>	
Tailor and dressmaking shop	-	-	-	-	P	P	P	
Telecommunication towers and antennas	-	-	-	-	-	S	S ¹	\$153.079
Telephone and telegraphic office	-	-	-	-	P	P	P	
Textile Fabrication shop (10 or fewer employees)	-	-	-	-	-	P	P	
Textile manufacturing	-	-	-	-	-	-	P	
Tobacco store	-	-	-	-	P	-	-	
Tourist House	-	-	S	-	P	P	P	
Toy store	-	-	-	-	P	P	P	
Treatment intuitions (rehabilitation center) for mental illness, alcoholism, or narcotics	-	-	-	-	-	-	-	
Trucking terminal	-	-	-	-	-	P	P	

Use	R-20	RA-20	R-15	O-I	N-B	H-B	G-M	SR
Variety store	-	-	-	-	P	P	P	
Vitreous china manufacturing	-	-	-	-	-	-	P	
Washing compound manufacturing	-	-	-	-	-	-	P	
Wholesale and warehousing establishments (except for uncured hides, explosives, oil products, gas storage, and the like)	-	-	-	-	-	P	P	
Wholesale establishments not otherwise named	-	-	-	-	-	S	P	
Wholesale storage of gasoline and oil products, including bottled gas and oxygen	-	-	-	-	-	S	P	
Wood Fabrication shop (10 or fewer employees)	-	-	-	-	-	P	P	
S – Special Use Permit P – Permitted Use								

¹ Must be reviewed by the Planning Board prior to a quasi-judicial public hearing by the Board of Adjustment

AGENDA ITEM 9B

MEMO

DATE:

September 21, 2021

SUBJECT:

Planning Matters:
Re-Appoint
Planning Board/BOA
Members

Discussion:

The term of appointment for the following Planning Board/BOA Members expires on October 1, 2021:

- Adam Wilson
- Jack Keller
- Walter Moore

Town Planner Dustin Millsaps has contacted the members and both are willing to serve another term.

Recommendation:

Staff recommends Council re-appoint the three (3) members to the Planning Board/BOA for a term of three (3) years.

AGENDA ITEM 11A

MEMO

DATE:

September 21, 2021

SUBJECT:

Updates:
Code Enforcement
Monthly Report

Discussion:

The attached report shows the progress that Planner Dustin Millsaps continues to make throughout the town.

Recommendation:

No Council action required.

Code Enforcement Report			
Property Address	Property Owner	Issue	Notes
2228 HORSESHOE ACRES DR	THOMAS CHARLES MANN	RUBBISH	8/31/2021 Letter was sent because from observation the property has very large tree clippings and two different trailers located within the right of way.
4486 SAWMILLS SCHOOL RD	TERESA ANNAS COMPTON	Abandoned Mobile Home/Garbage and Rubbish	Complaint Received 1/13/20. Letter was sent on 1/16. Deadline of 1/28. Trailer is not finished and located on the same property of the Compton house that was abated in 2018. Staff will investigate and work with attorney for possible courses of abatement. One of the sons of Ms. Compton is scheduled to meet with staff in February to work towards getting the property in his name and get the property cleaned up. Staff has yet to speak with any representative of this property. Dustin-9/10 Went by the house, still in same condition with extremely tall grass. Abatement is still recommended. 11/30/20 Have been in contact with Terry Taylor to get all evidence for this property done with the previous planner. 2/19/21 Have started the title search process with Terry Taylor. 3/11/2021 From the title search we were able to find the location on the three heirs. 5/11/2021 Fines have started to occur. 6/10/2021 All information has been handed over to Terry Taylor to explore next steps.
2699 MISSION RD	WAYNE A. & MELISSA AUSTIN	RUBBISH	8/31/2021 Letter was sent because of the massive three school buses located on the property. These are unsightly and untagged.
2570 Baker Circle	Carolyn Bray/ Robyn Brittan	Abandoned Mobile Home/Garbage and Rubbish	Working with attorney to abate. Will treat as Junk and Debris and not minimum housing. If so the town can proceed to abate after 30 days of notice. Got a Quote that will demo Empire trailer and how off all debris including our equipment labor and fees. Total:\$4,100.00) Dustin-9/10 House is still in same condition, need to discuss abatement. 11/30/20 Have been in contact with Terry Taylor to get all evidence for this property done with the previous planner. 2/12/2021 Hold off till May meeting to see where this property ends up. 5/7/2021 Talked with Vanderbloomen (Estates Lawyer) today, says the house has had all its paperwork done to be pushed for a tax sale. 7/2/2021 Vanderbloomen has assumed rights over the property. 7/9/2021 Looks to be vacant. 8/4/2021 Received two new complaints on this property. 8/31/2021 Property has been cleaned up from debris and mowed, property is clear.
	Open Violation		
	Open Violation (Older Than 60 Day)		
	Open Violation (in Limbo)		
	Successfully Closed Violation		