



TOWN OF RICHLANDS ZONING ORDINANCE

The Rhett Company
P.O. Box 7512
Wilmington, NC
(910) 458-9557

Acknowledgement

The preparation of this document was financed, in part, through a grant provided by the North Carolina Coastal Management Program, through funds provided by the Coastal Zone Management Act of 1972, as amended, which is administered by the Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration

Public Hearing Held on May 11, 1999
Adopted October 12, 1999
Amended May 9, 2000
Amended August 8, 2000
Amended March 13, 2001
Amended April 8, 2003
Amended June 8, 2004
Amended December 14, 2004
Amended May 10, 2005
Amended October 10, 2006
Amended June 12, 2007

TABLE OF CONTENTS

Page No.

ARTICLE I.	<u>PURPOSE, AUTHORITY, AND DEFINITIONS</u>	1
A.	Purpose	1
B.	Authority	1
C.	Definitions	1
ARTICLE II.	<u>ESTABLISHMENT OF DISTRICTS</u>	15
A.	Number and Titles	15
B.	Zoning District Map	15
C.	Interpretation of District Boundaries	16
D.	Interpretation of District Regulations	17
ARTICLE III.	<u>ZONING DISTRICT REGULATIONS</u>	18
A.	Medium Density Residential District, R-6	18
B.	Medium Density/Manufactured Home Residential District, R-6MH	19
C.	Light Medium Density Residential District, R-8	20
D.	Moderate Density Residential District, R-10	22
E.	Moderate/Light Density Residential District, R-15	23
F.	Light Density Residential Agricultural District, RA-20	24
G.	Mobile Home Residential Agricultural District, RA-20MH	26
H.	Central Business District, CB	27
I.	Highway Business District, HB	29
J.	Industrial District, I	31
K.	Open Area/Recreation District, OAR	34
L.	Planned Unit Development Overlay District, PUD	35
ARTICLE IV.	<u>ADMINISTRATION</u>	43
A.	Added Requirements	43
B.	Special Gameroom Requirements	46
C.	Buffers	49
D.	Conditional Uses	50
E.	Non-Conforming Uses	52
F.	Manufactured Home Park Approval Process	57
G.	Temporary Uses	59
H.	Dwellings as Accessory Uses	59
I.	Retail Sales and Service as Accessory Uses	60

J.	Fences and Walls	60
K.	Satellite Dish Antennas	60
L.	Certification of Occupancy	62
M.	Plats	63
N.	Interpretation, Purpose and Conflict	63
O.	Changes and Amendments	63
P.	Validity	66
Q.	Enforcement	66
R.	Zoning Permits	67
S.	Building Permits Prior to Effective Date	68
T.	Penalty	68
ARTICLE V.	<u>PROVISIONS OF N.C. THE GENERAL STATUTES</u>	69
	<u>(160A-385.1) ESTABLISHMENT OF THE VESTED RIGHT</u>	
	Legislative/Intent/Purpose	69
A.	Definitions	69
B.	Establishment of a Vested Right	70
C.	Approval Procedures and Approval Authority	70
D.	Duration of Vested Rights	71
E.	Termination of Vested Rights	71
F.	Miscellaneous Provisions	72
G.	Voluntary Annexation	72
H.	Limitations	73
I.	Repealer	73
J.	Effective Date	73
ARTICLE VI.	<u>SIGNS</u>	74
A.	Statement of Purpose	74
B.	General Requirements	74
C.	Exemptions	74
D.	Signs Permitted in Residential Districts	75
E.	Signs Permitted in Central Business District	76
F.	Signs Permitted in Highway Business District	77
G.	Signs Permitted in Industrial District	78
H.	Shopping Center Signs	78
I.	Temporary Signs	79
J.	Signs Permitted in Conjunction with Nonconforming Uses	80
K.	Nonconforming Signs	80
L.	Prohibited Signs	81
M.	Institutional Signs	81
N.	Illumination	82
O.	Maintenance and Removal of Unsafe Signs	82
P.	Outdoor Advertising Signs	83

ARTICLE VII. <u>OFF STREET PARKING REQUIREMENTS</u>	84
A. Off Street Parking	84
B. Minimum Loading Requirements	86
C. Additional Parking Requirements	86
ARTICLE VIII. <u>HANDICAPPED PARKING REQUIREMENTS</u>	88
ARTICLE IX. <u>BYLAWS FOR THE OPERATION OF THE TOWN OF RICHLANDS PLANNING BOARD</u>	89
A. General Rules	89
B. Members and Terms of Office	89
C. Officers and Duties	89
D. Meetings	90
E. Records	91
ARTICLE X. <u>TOWN OF RICHLANDS BOARD OF ADJUSTMENT</u>	92
A. Board of Adjustment	92
B. General Rules	94
C. Officers and Duties	94
D. Alternate Members	95
E. Rules of Conduct for Members	95
F. Meetings	96
G. Appeals and Applications	96
H. Amendments	99
APPENDIX	
Vested Right Application Form	

TOWN OF RICHLANDS

ZONING ORDINANCE

Article I. Purpose, Authority, and Definitions

A. Purpose

The purpose of this ordinance is to guide the development of Richlands, North Carolina, and to facilitate the adequate provision of transportation, sewerage and water systems, parks and other public improvements, to regulate the location and use of land and buildings, the erection, reconstruction and alteration of buildings, the height and size of buildings, and the density of population, to divide the Town into districts of such number, shape and size as may be best suited to carry out said purposes; and to encourage the appropriate use of land throughout the Town utilizing the recommendations of the Land Use Plan to promote the health, safety, and general welfare of the Town of Richlands.

B. Authority

This ordinance is adopted pursuant to the authority vested in the Town of Richlands by its charter, Chapter 160A of the General Statutes of North Carolina, and other local legislation.

C. Definitions

For the purpose of this ordinance, the following words, phrases, terms and their derivations shall have the meaning given herein.

Unless the context clearly indicates to the contrary, words used in the present tense include the future; words used in the plural context will include the singular, and words used in the singular will include the plural; the word "herein" means in this ordinance; the words "shall" or "must" are mandatory and not directory; the word "may" is permissive; the word "building" includes the word "structure", and the words "structure" and "building" shall include any part thereof; the words "used" or "occupied" shall be construed to include the words "intended", "arranged", or "designed" to be used or "occupied".

A person shall include a corporation, a partnership and an unincorporated association such as a club; the word "development" shall be construed so as to include development by cooperative or collective or other similar means of development through common ownership or through the use of lease-hold estates; and the words "immediately adjacent" shall be construed to mean all land abutting the subject property and extending two hundred (200) feet therefrom or, when said property so defined includes right-of-way, it

shall mean all land abutting the right-of-way and extending two hundred (200) feet therefrom.

Abutting: Lots having property or zoning district lines in common. Lots are considered abutting if they are directly opposite each other and separated by a street or alley.

Access: A way of approaching or entering a property. Access included ingress, the right to enter, and egress, the right to leave.

Accessory Use: An activity or structure incidental or secondary to the principal use on the same site. Accessory uses are subordinate in area and purpose to the principal use. Home occupations, swimming pools, dwellings (such as garage apartments), or fences and walls may be considered an accessory use.

Agriculture: The following definitions apply to the appropriate zoning districts:

Agriculture-vegetative: The activity of cultivating the soil and/or producing crops.

Agriculture-livestock: The activity of raising livestock. Minimum lot size for livestock activities:

Fowl Averaging Under Five Pounds in Weight: The number of such fowl shall not exceed twenty-five (25) per acre or a maximum of four hundred (400). All housing structures, outdoor pens and feeding areas shall be set back (1) foot per fowl from all property lines. All fowl must be confined or fenced together.

Fowl Averaging Over Five Pounds in Weight: The number of such fowl shall not exceed three (3) per acre or a maximum of thirty-five (35). All housing structures, outdoor pens and feeding areas shall be set back ten feet per fowl from all property lines. All fowl must be confined or fenced together.

Animals, Other Than Fowl, Averaging Over Thirty Pounds In Weight: The number of such animals shall not exceed three (3) per acre or a maximum of thirty-five (35). All housing structures, outdoor pens and feeding areas for such animals shall be set back ten feet per animal from all property lines. Such animals shall not be confined together. Offspring less than thirty (30) days old shall not be included in the number per acre.

The agriculture-livestock definition does not apply to animals ordinarily considered pets such as dogs, cats and birds. (amended 4/8/03)

Airport (Private): A facility intended and used as the place where one or more fixed wing or rotary wing aircraft are regularly stored, maintained, or repaired while not in flight, including any area of land designed and set aside for the landing and take-off of aircraft.

Alley: A roadway which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Apartment: A suite of rooms or a room in a multi-family dwelling arranged and intended as a place of residence for a single family. Such a dwelling may be located in an apartment house, duplex, or as an accessory use in a single family home or a commercial building.

Apartment House: A building containing three (3) or more dwelling units, except where permitted as an accessory use. This is multi-family housing.

Arcade: Any establishment that maintains more than three (3) automatic amusement machines. Automatic amusement machine includes any machine or device activated by a coin or token, and which when operated is used as a game of skill, test, contest or entertainment (not to include pool tables or music machines). This definition does not include establishments which sell alcoholic beverages or have pool tables.

Block: A tract of land or a lot or a group of lots bounded by streets, public parks, golf courses, railroad rights-of-way, water courses, lakes, unsubdivided land, or a boundary line or lines of the County or its Towns or any combination of the above.

Block Frontage: That portion of a block which abuts a single street.

Bona Fide Farm: Any tract of land containing at least three (3) acres which is used for dairying or for the raising of agricultural products, forest products (including facilities for the sale of such products on the premises where produced), provided that, a farm shall not include agricultural-livestock type uses (commercial poultry or swine production, cattle feed lots, etc.) or facilities for raising fur bearing animals.

Board of Aldermen: The governing body of the Town of Richlands.

Buffer: A fence, wall, hedge, or other planted area or device used to enclose, screen, or separate.

Buffer Zone: A strip of land created to separate and protect one type of land use from another.

Building Area: The total area of a lot covered by a structure measured on a horizontal plane at mean grade level exclusive of uncovered patios, terraces and steps.

Building Height: The vertical distance from the average sidewalk grade, street grade or finished grade at the building line, whichever is highest, to the highest point of the building.

Building, Principal (Main): A building in which is conducted the principal use of the plot on which it is situated.

Campers: See Travel Trailers.

Canopy, Marquee, or Awning: Any roof-like structure extended over a sidewalk or walkway.

Certificate of Occupancy: An official certification that a structure conforms to the provisions of the Zoning Ordinance and the NC Uniform Building Code and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures or for a change in use. Unless such a certificate is issued a building cannot be legally occupied.

Church or House of Worship: Any permanent structure designed or adapted for use by members of a church, temple, synagogue, mosque, or the like for the purpose of prayer, religious service or other rite showing reverence or devotion for a deity. Where permitted by right or condition in this Ordinance activities at such facilities shall be limited to those associated with worship or fellowship by its members or congregation. Prohibited without further approval are such activities as education for preschool, primary, secondary and post secondary students, dormitory facilities, and ongoing commercial enterprise.

Club or Lodge (Private Non-profit, Civic or Fraternal): A non-profit association of persons who are bonafide members paying dues, and which own, hire, or lease a building or a portion thereof; the use of such building being restricted to members and their guests.

Conditional Use: A use that may locate in certain zoning districts provided it will not be detrimental to the public health and general welfare and will not of itself impair the integrity and character of the district as determined by the Aldermen.

Convalescent Home (Nursing Home): An institution which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for persons unrelated to the licensee. A convalescent home is a home for chronic or nursing patients who, on admission, are not as a rule acutely ill or who do not require special facilities, such as an operating room, x-ray facilities, laboratory facilities, or obstetrical facilities.

Conversion: The alteration of the use of an existing building to another type of use permitted under this ordinance.

Day Care Facilities: Any child or adult care arrangement which provides care on a regular basis for more than four (4) hours per day for more than five (5) persons. Day care facilities may be either non-profit or for profit enterprises. The concept of Day Care Facilities as defined here does not include: public schools or other schools, summer

camp, or group living quarters (see Family Care Home, Home Care Unit, or Halfway House).

Dimensional Nonconformity: A nonconformity situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or lot line does not conform to the regulations applicable to the district in which the property is located.

Dish Antenna: A dish antenna, or earth station, is any accessory structure capable of receiving, for the sole benefit of the principal use, radio or television signals from a transmitter or a transmitter relay located in planetary orbit.

- a. **Dish Antenna Height:** The height of the antenna or dish shall be that distance as measured vertically from the highest point of the antenna or dish, when positioned for its lowest angle for operation, to ground level at the bottom of the base which supports the antenna.
- b. **Dish Antenna Setback:** The setback of a dish antenna shall be measured from the center mounting post supporting the antenna.

Dwelling, Single-Family: A building designed to be occupied by one (1) family.

Dwelling, Duplex: A building containing two (2) dwelling units where the building is designed to be occupied by two (2) families living independently from each other.

Dwelling, Multi-Family: A building designed to be occupied by three (3) or more families living independently of each other.

Easement: Authorization by a property owner for the use of another party, for a specific purpose, of any designated part of said property without conferring exclusive possession.

Extra-Territorial Jurisdiction (ETJ): A defined area extended one mile beyond the Town limits.

Family: One or more persons living together that are related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons living and cooking together as a single housekeeping unit though not related by blood, adoption, or marriage shall be deemed to constitute a family.

Family Care Home: A home with support and supervisory personnel that provides room and board, personal care and habitation services in a family environment for not more than six (6) resident handicapped persons. (GS 168-21, GS 168-22)

Floor Area (for determining off-street parking and loading requirements): The sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working

space as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. "Floor area" for the purposes of measurement for off- street parking spaces shall not include: floor area devoted to primarily storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

Floor Area, Gross: The total square footage on all floors within a building.

Frontage: The property abutting one side of a street or public way, measured along the right-of-way line.

Garage Apartment: An accessory building, not a part of the principal building, containing living space for not more than one (1) family.

Garage, Private: A building used as an accessory to the main building permitted in any district, and providing for the storage of a motor vehicle and in which no business, occupation, or service is conducted.

Garage, Public: Any building, except those described as a private garage, used for storage or care of motor vehicles.

Guest House (Tourist Home, Boarding House): Any dwelling occupied by owner or operator in which five rooms or less are rented for lodging of transients and travelers for compensation.

Halfway House: Therapeutic residences that provide a sheltered and transitional environment for persons emerging from mental or penal institutions or drug treatment centers.

Handicapped Person: A person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing or sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in GS 122C-3(11)b.

Home Care Unit: A facility meeting all of the requirements of the State of North Carolina for boarding and care of not more than five (5) persons who are not critically ill and do not need professional medical attention or meets the definition of 42 U.S.C. 3602(h). Home care units, by definition, must be on lots of at least one acre in size.

Home Occupation: An occupation for gain or support customarily conducted on the premises by a person or family residing thereon provided:

- (a) Only one (1) person other than members of the family residing on the premises shall be engaged in such occupation;
- (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purpose by its occupants, and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- (c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation;
- (d) 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 street and other than in any required yard. Vehicles used primarily as passenger vehicles including pickup trucks and step-type vans only shall be permitted in connection with the conduct of the customary home occupation;
- (e) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family housing unit, or outside the housing unit if conducted in other than a single family housing unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises; or causes fluctuations in line voltage off the premises;
- (f) No display of products shall be visible from the street, and the selling of merchandise or the manufacture of merchandise for sale except baking, sewing and/or home crafts normally made in the home cannot be the primary function of the home occupation;
- (g) Instruction in music, dancing or tutoring of academic subjects shall be limited to four (4) students at a time;
- (h) All persons now operating a Home Occupation shall be grand fathered but they must declare their home occupation within 60 days of adoption of this ordinance. Also, proof must be shown that occupation was in existence prior to ordinance adoption.
- (i) Signs shall be fixed to the main building. Signs shall not exceed 18"h X 30"w. Signs shall not be illuminated.

Housekeeping Unit: Any part of a living area used to prepare food in any manner for human consumption, the existence of two or more of such areas shall create a conclusive

presumption that the dwelling unit was designed for or is being used by two or more families.

Hotel: A building occupied or used as a more or less temporary abiding place of individuals or groups who are lodgers and in which there are sleeping accommodations supplied for pay to transients or permanent guests or tenants. Hotels may have one or more dining rooms, restaurants, or cafes where meals are served. (See Motel)

Indoor Pet Boarding Establishment: Any lot or premises on which no more than ten (10) domesticated animals more than four (4) months of age are temporarily housed, groomed, or boarded indoors. This activity does not include the breeding, sale, trading or exchanging of domestic animals. (Adopted 9/14/2004)

Junk Yard: An area where scrap metal or other waste is bought, sold, exchanged, or handled on an on-going basis, including automobile salvage and wrecking yards. A junk yard does not include uses established entirely within enclosed buildings.

Land Use Plan: The adopted Land Use Plan or “Land Use Plan Update” of the Town of Richlands. (“Land Use Plan” may also refer to the PUD requirement.)

Lot: A parcel of land occupied or designated to be occupied by a main building or group of buildings and accessory buildings, together with such yards, open spaces, lot width and minimum lot area including road frontage as required by this ordinance. Each separate lot must be either shown on a plat of record or described by metes and bounds in a deed or other document of record in the Onslow County Register of Deeds. A lot may be comprised of any number of contiguous lots of record provided a recorded or recordable map shows the combination and the combined lots of records are occupied by a main building or group of buildings or are being developed for the purpose of containing a main building or group of buildings.

Lot Area: The total horizontal area enclosed with lot lines.

Lot, Corner: A lot which has at least two (2) adjoining sides which abut a street or other public right-of-way, provided that the angle of intersection of the two lines is less than 135 degrees.

Lot, Depth of: The average horizontal distance between front and rear lot lines.

Lot, Front of: The portion of a lot nearest the street. For corner and through lots, all sides adjacent to street rights-of way shall be considered fronts.

Lot, Interior: A lot other than a corner lot.

Lot Lines: The lines bounding a lot as defined herein.

Lot Line, Front: The lines separating said lot from the street right-of-way.

Lot, Through: A interior lot having frontage on two streets.

Lot, Width of: The mean horizontal distance between side lot lines.

Manufactured Home: A dwelling that (i) is not constructed in accordance with the standards set forth in the North Carolina State Building Code, and (ii) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (iii) exceeds forty feet in length and eight feet in width.

Manufactured Home, Class A: A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

- (a) The manufactured home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis;
- (b) The manufactured home has a minimum of 1,344 square feet of enclosed and heated living area;
- (c) The pitch of the roof of the manufactured home has a minimum vertical rise of two and two tenths feet for each twelve feet of horizontal run (2.2 feet and 12 feet) and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- (d) All roof structures shall provide eaves projection of no less than six inches, which may include a gutter;
- (e) The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood or hardboard comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
- (f) The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous brick wall, non-pierced except for required ventilation and access, must be installed under the perimeter of the manufactured home within sixty (60) days;
- (g) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance, attached firmly to the primary structure and anchored securely to the ground; and
- (h) The moving hitch, wheels and axles, and transporting lights have been removed.
- (i) The manufactured home must be at least fourteen feet wide.

It is the intent of these criteria to insure that a Class A manufactured homes, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling.

Manufactured Home, Class B: A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of

Housing and Urban Development that were in effect at the time of construction, and that meet or exceed criteria (g), (h), and (i) for Class A homes above. The manufactured home must be set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous wall, consisting of brick, masonry, or vinyl, and non-pierced except for required ventilation, must be installed under the perimeter of the manufactured home within sixty (60) days.

Manufactured Home, Class C: Any manufactured home that does not meet the definition of a Class A or Class B manufactured home.

Manufactured Home Park: Any site or tract of land, of contiguous ownership upon which manufactured home spaces are provided for manufactured home occupancy whether or not a charge is made for such service. This does not include manufactured home sales lots on which unoccupied manufactured homes are parked for the purpose of sales.

Mobile Home: A trailer type home on wheels, usually meant for short term occupancy. Such a unit may be readily hooked to the trailer hitch of a pull vehicle and may be moved on short notice. Mobile homes are not self propelled. Mobile homes are distinguished from manufactured homes by their size. Since they are small they do not therefore meet the standards for Class A or Class B manufactured homes (as defined herein). Mobile Homes will not be approved for permanent occupancy in any zoning district in Richlands. (See Travel Trailer)

Modular Home: A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two or more sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the North Carolina State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site.

Motel: Land developed for a single structure or a group of structures of permanent construction that contains guest rooms with vehicle parking space and utility structures provided to allow sleeping accommodations for pay to transient guests or tenants.

Neighborhood: A residential area whose residents have public facilities and social institutions in common and generally within walking distance of their homes.

Non-conforming Lot: A lot existing at the effective date of this ordinance or any amendment to it that cannot meet the lot requirements of the district in which the lot is located.

Non-conforming Project: Any structure, development, or undertaking that is incomplete at the effective date of this ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as planned.

Non-conforming Situation: A situation that occurs when, on the effective date of this ordinance or any amendment to it, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located.

Non-conforming Use: A non-conforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located.

Nursing Home: See Convalescent Home.

Park, Public: An area for recreation and/or parking which is owned by a public entity.

Parking Lot: An area or plot of land used for the storage or parking of vehicles.

Planned Unit Development (PUD): A PUD is a land development project planned as a single entity by means of a unitary site plan which permits flexibility on building, siting, mixtures of housing types and land uses, usable open space, and the preservation of significant natural features.

Parking Space: A storage space of not less than one hundred and sixty (160) square feet for one automobile, plus the necessary access space.

Plat: A map showing the location, boundaries, and ownership of individual properties.

Premises: A singular piece of property as conveyed in a deed or a lot or a number of adjacent lots on which is situated a land use, a building, or a group of buildings designed as a unit or on which a building or group of buildings or a lot upon which some land use is being considered.

Residence: A building designed to be used as permanent living quarters for one or more families.

Right-of-Way: Land occupied or intended to be occupied by a street, crosswalk, railroad, utility line, or other special purpose and held exclusive from abutting properties.

Septic Tank: A tank used in combination with leaching fields or trenches in which sewage is purified by bacterial action. It is distinct from a cesspool which retains solids and must be periodically pumped out.

Service Station: A building or a lot where mechanical services, gasoline, oil, greases, and accessories are dispensed to the motor vehicle trade.

Setback Line: A line specifically established upon a plat or established by the zoning ordinance which identifies an area into which no part of a building shall project except as provided by these regulations. For example, the front setback line is a line measured parallel to the front property line (or right-of-way) in front of which no structure shall be erected.

Shopping Center: A group of commercial establishments planned, developed and managed as a unit, with off-street parking on the property.

Sewage System: A facility designed for the collection, removal, treatment and disposal of waterborne sewage generated within a given service area.

Sign: Any words, lettering, figures, numerals, emblems, devices, trademarks, or trade names, or any combination thereof, by which anything is made known and which is designed to attract attention and to convey a message. A structure that is arranged, intended, designed or used as an advertisement, announcement or direction; and includes a sign, sign screen, billboard, poster panel and advertising devices of every kind which are displayed out-of-doors.

Sign Area: The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of forms comprising the total display area of the sign. When calculating sign area, only one side of a double-faced sign shall be considered.

Stable, Private: A stable with a capacity of not more than one (1) horse for 3,500 square feet of lot area whereon such stables are located and where such horses are owned by the owners or occupants of the premises and are not kept for remuneration of any kind.

Stable, Public: Any stable other than a private stable.

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is not floor above it, then the space between such floor and the ceiling above it.

Street: A thoroughfare which affords principal access to abutting property.

Structure: Anything constructed or erected, the use of which requires location upon the land (or attachment to something) and having a permanent location on the land.

Structural Alterations: Any change except for repair or replacement in the supporting members of a building, including bearing walls, columns, beams and girders.

Trailer Camp: Any lot or parcel of land set aside and offered by any person to the transient public for the parking and accommodation of two (2) or more travel trailers or mobile homes which are to be occupied for sleeping or eating.

Travel Trailer: Any vehicle designed to be transported and intended for human occupancy as a dwelling for short periods of time, such vehicles containing limited or no kitchen or bathroom facilities. Travel trailers are self propelled. (See Mobile Home.)

Use, Permitted: A use which is permitted outright in a district for which a Zoning Permit may be issued by the Zoning Administrator.

Use, Conditional: A use which is permitted in a district under certain conditions only if a permit is expressly authorized by the Board of Aldermen.

Variance: A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of a structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district. A variance may only be granted by the Board of Adjustment.

Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery, or as otherwise provide herein.

Yard, Front: An open space across the full width of the lot measured between the building line of the main building and the street right-of-way line.

Yard, Rear: An open space extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

Yard, Side: An open space extending from the front building line of the main building to the rear building line of the main building.

Zoning Administrator: The Zoning Administrator is the official charged with handling the official duties of the Town relative to Zoning and Zoning Ordinance administration. The Zoning Administrator will make final decisions on proposals received from developers and citizens as to the consistency of such proposals with the regulations in this Ordinance. The Town Administrator is the Zoning Administrator in the Town of Richlands.

Zoning Amendment: A change in the zoning ordinance text or map.

Article II. Establishment of Districts

A. Number and Titles

In order to implement the intent of this ordinance, the Town of Richlands, North Carolina, and its extra-territorial jurisdiction are hereby divided into the following zoning districts:

R-6	Medium Density Residential District
R-6MH	Medium Density/Mobile Home Residential District
R-8	Light/ Medium Density Residential District
R-10	Moderate Density Residential District
R-15	Moderate/Light Density Residential District
RA-20	Light Density Residential/Agricultural District
RA-20MH	Mobile Home Residential/Agricultural District
CB	Central Business District
HB	Highway Business District
I	Industrial District
OAR	Open Area/Recreation District
PUD	Planned Unit Development Overlay District

B. Zoning District Map

The boundaries of the zoning districts are shown upon the map accompanying this ordinance and made apart hereof, entitled "Zoning Map, Richlands, North Carolina". The Zoning Map and all the notations, references and all amendments thereto, and other information shown thereon is hereby made a part of this ordinance the same as if such information were all fully described and set out herein. The Zoning Map is on file in the office of the Town Clerk and is available for inspection by the public.

- 1. Creation:** In the creation, by this ordinance of the respective zones, the Board of Aldermen has given due and careful consideration to the peculiar suitability of each and every zone for the particular regulations applied thereto, and the necessary, proper and comprehensive groupings and arrangements of the various uses and densities of population in accordance with a well considered Land Use Plan for the development of the Town.
- 2. Zoning District Map Legitimacy and Location:** Regardless of the existence of purported copies of the Zoning District Map which may from time to time be made or published, the official Zoning District Map of the Town of Richlands shall be located in the office of the Town Clerk. The Town Administrator is the Zoning Administrator in Richlands.
- 3. Amendments to the Zoning District Map:** No changes of any nature shall be made to the Zoning District Map except in conformity with the procedures set forth in the Ordinance.

C. Interpretation of District Boundaries

The boundaries of each district which are indicated on the Zoning Map of the Town of Richlands, together with all explanatory matter thereon, are hereby adopted by reference and declaration to be a part of this ordinance.

Where uncertainty exists as to the boundaries of districts as shown on the zoning map, the following rules shall apply:

1. **Boundaries following center lines:** Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
2. **Boundaries following lot lines:** Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
3. **Boundaries following Town limits:** Boundaries indicated as approximately following Town limits shall be construed as following Town limits.
4. **Boundaries following shore lines:** Boundaries indicated as approximately following the center lines of streams, creeks, or other bodies of water shall be construed to follow such center lines.
5. **Boundaries parallel to center lines:** Where district boundaries are so indicated that they are approximately parallel to the center line of streets, alleys or highways, or the rights-of-way of the same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map and/or within the text of the Zoning Ordinance.
6. **Boundaries dividing lots:** Where a district boundary line divides a lot or tract in single ownership, the district requirements for the least restricted portion of such lot or tract shall be deemed to apply to the whole thereof, provided such extensions shall not include any part of a lot or tract more than fifty (50) feet beyond the district boundary line. The term "least restricted" shall refer to use restrictions and not to lot size.
7. **Cases of uncertainty in boundary decisions:** In the event that uncertainty exists in the interpretation of the district boundaries, the Richlands Board of Adjustment shall interpret the intent of the zoning map as to the location of such boundaries.
8. **Street Vacation:** Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion or such street or alley abandonment. In a case where abutting property has a different zoning district designation, boundaries follow center lines.

D. Interpretation of District Regulations

1. **Uses By Right**— All listed permitted uses are permitted by right according to the terms of this ordinance. Conditional uses are permitted subject to strict compliance with additional regulations specified by the Board of Aldermen.
2. **Minimum Regulations**— Regulations set forth in this ordinance shall be minimum regulations. If the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the more restrictive rule, regulation, or ordinance shall govern.
3. **Restrictive Covenants & Deed Restrictions**— Unless restriction established by covenants and deed restrictions running with the land are prohibited by the provisions of the ordinance, the U.S. Constitution, or other State or federal law, rule, or regulation, nothing herein contained shall be construed to render such covenants or restrictions inoperative.

Article III. Zoning District Regulations

The following zoning districts are in effect in Richlands;

- | |
|--|
| A. Medium Density Residential District, R-6 |
|--|

1. **Purpose:** It is the purpose of the R-6 district to provide for medium density residential development in areas with available urban services. The purpose of the R-6 district is to allow slightly higher density than in the R-8 district.
2. **Permitted Uses:** The following uses shall be permitted in the R-6 district subject to the provisions of this article.

Single Family Site Built Residential Units

Modular homes

Permanent School Facilities (public and private)

Public utilities

Public buildings

Planned Unit Developments (PUD overlay)

Churches

Parks (Municipally owned parks, playgrounds, and recreation centers— or parks, playgrounds, and recreation centers owned and operated by nonprofit civic organizations)

Two-family dwellings or duplexes

Multi-family dwellings

Guest houses and boarding homes

Accessory Buildings: Accessory buildings must be placed five (5) feet from the rear and side property lines. Size limit of 750 square feet for accessory buildings or garages. No accessory buildings allowed in the front yard. Unless otherwise permitted by this Ordinance, accessory buildings cannot be occupied or rented.

Swimming pools (all public, commercial, or private outdoor swimming pools of three (3) feet or more in depth, either above or below ground, and of either permanent or temporary construction) are an accessory use for this district; provided, however, they must meet the following criteria: (1) The setback for an above ground swimming pool from any lot line is equal to the setback for accessory structures in the district in which it is located plus one (1) foot for each foot over five (5) feet of pool height. (2) A fence must be erected to a minimum height of six (6) feet to completely enclose all sides of the pool not bounded by a building. A gate of equal height shall be installed and securely fastened when the pool is not in use.

3. **Conditional Uses:** The following uses may be permitted in the R-6 district if the Town determines them not to be objectionable and if the landowner complies with the various controls (conditions) required by the Board of Aldermen.

Home occupations (see definitions for restrictions)

Class A manufactured homes

Garage Apartments

Cemeteries

Children’s Day Care facilities (See Article IV for restrictions)
Bed & Breakfast Establishments (See Article IV for restrictions)
Agriculture-vegetative

Mobile Classrooms (Added June 12, 2007)

4. **Lot, Yard, and Height Requirements:**

Minimum Lot Size	6,000 sq. ft.
Each Additional Lot	6,000 sq. ft.
Each Additional Dwelling Unit	3,000 sq. ft.
Minimum Lot Width	50 ft.
Each Additional Dwelling Unit	30 ft.
Front Yard	25 ft.
Side Yard	8 ft.
Rear Yard	10 ft.
Maximum Building Height	35 ft.

5. **Off Street Parking:** Please refer to Article VII of the Zoning Ordinance.

6. **Signs:** Please refer to Article VI of the Zoning Ordinance.

7. **Corner Visibility:** On a corner lot, within the area formed by a triangle twenty-five (25) feet from the intersection of right-of-way lines, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average center line grade of each street.

B. Medium Density/Manufactured Home Residential District, R-6MH

1. **Purpose:** This district is established to provide for medium density residential development in areas with available urban services. The purpose to the R-6MH district is to allow slightly higher density than in the R-8 district and to allow for manufactured homes.

2. **Permitted Uses:** The following uses shall be permitted in the R-6MH district subject to the various provisions of this article.

All uses permitted in the R-6 district.
Manufactured Homes (Class A & B— one per lot)

3. **Conditional Uses:** The following uses may be permitted in the R-6MH District if the Town determines them not to be objectionable and if the landowner complies with the various controls (conditions) required by the Board of Aldermen.

Manufactured home parks (These facilities are required to have an approved site plan.)
Garage Apartments
Cemeteries
Children’s Day Care facilities (See Article IV for restrictions)
Bed & Breakfast Establishments (See Article IV for restrictions)
Home occupations (see definitions for restrictions)
Mobile Classrooms (added June 12, 2007)

4. **Lot, Yard, and Height Requirements:**

Minimum Lot Size	6,000 sq. ft.
Each Additional Lot	6,000 sq. ft.
Each Additional Dwelling Unit	3,000 sq. ft.
Minimum Lot Width	50 ft.
Each Additional Dwelling Unit	30 ft.
Front Yard	25 ft.
Side Yard	8 ft.
Rear Yard	10 ft.
Maximum Building Height	35 ft.

5. **Off Street Parking:** Please refer to Article VII of this ordinance.

6. **Signs:** Please refer to Article VI of the Zoning Ordinance.

7. **Corner Visibility:** On a corner lot, within the area formed by a triangle twenty-five (25) feet from the intersection of right-of-way lines, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average center line grade of each street.

C. Light Medium Density Residential District, R-8

1. **Purpose:** It is the purpose of the R-8 District to provide for light/medium density residential development in areas with available urban services. The purpose of the R-8 district is to allow slightly higher density than in the R-10 district.
2. **Permitted Uses:** The following uses shall be permitted in the R-8 District subject to the various provisions of this article.

Single Family Site Built Residential Units

Accessory Buildings: Accessory buildings must be placed five (5) feet from the rear and side property lines. Size limit of 750 square feet for accessory buildings or garages. No accessory buildings allowed in the front yard. Unless otherwise permitted by this Ordinance, accessory buildings cannot be occupied or rented.

Swimming pools (all public, commercial, or private outdoor swimming pools of three (3) feet or more in depth, either above or below ground, and of either permanent or temporary construction) are an accessory use for this district; provided, however, they must meet the following criteria: (1) The setback for an above ground swimming pool from any lot line is equal to the setback for accessory structures in the district in which it is located plus one (1) foot for each foot over five (5) feet of pool height. (2) A fence must be erected to a minimum height of six (6) feet to completely enclose all sides of the pool not bounded by a building. A gate of equal height shall be installed and securely fastened when the pool is not in use.

Permanent School Facilities (public and private)

Public Utilities

Public Buildings

Planned Unit Developments (PUD overlay)

Modular Homes

Churches

Parks (Municipally owned parks, playgrounds, and recreation centers or parks, playgrounds, and recreation centers owned and operated by nonprofit civic organizations.)

3. **Conditional Uses:** The following uses may be permitted in the R-8 District if the Town determines them not to be objectionable and if the landowner complies with the various controls (conditions) required by the Board of Aldermen.

Hospitals (medical centers for the treatment of human, rather than animal, patients)

Garage Apartments

Cemeteries

Duplex

Home Occupations (See Definitions for restrictions.)

Multi-Family Housing
 Bed & Breakfast Establishments (See Article IV for restrictions)
 Day Care Facilities (See Article IV for restrictions)
 Mobile Classrooms (Added June 12, 2007)

4. **Lot, Yard, and Height Requirements:**

Minimum Lot Size	8,000 sq. ft.
Each Additional Lot	8,000 sq. ft.
Each Additional Dwelling Unit	4,000 sq. ft.
Minimum Lot Width	60 ft.
Each Additional Dwelling Unit	30 ft.
Front Yard	30 ft.
Side Yard	8 ft.
Rear Yard	15 ft.
Maximum Building Height	35 ft.

5. **Off Street Parking:** Please refer to Article VII of the Zoning Ordinance.

6. **Signs:** Please refer to Article VI of the Zoning Ordinance.

7. **Corner Visibility:** On a corner lot, within the area formed by a triangle twenty-five (25) feet from the intersection of right-of-way lines, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average center line grade of each street.

D. Moderate Density Residential District, R-10

1. **Purpose:** It is the purpose of the R-10 District to provide for moderate density residential development in areas with available urban services.

2. **Permitted Uses:** The following uses shall be permitted in the R-10 District subject to the various provisions of this article.

Single Family Site Built Residential Units

Accessory Buildings: Accessory buildings must be placed five (5) feet from the rear and side property lines. Size limit of 750 square feet for accessory buildings or garages. No accessory buildings allowed in the front yard. Unless otherwise permitted by this Ordinance, accessory buildings cannot be occupied or rented.

Swimming pools (all public, commercial, or private outdoor swimming pools of three (3) feet or more in depth, either above or below ground, and of either permanent or temporary construction) are an accessory use for this district; provided, however, they must meet the following criteria: (1) The setback for an above ground swimming pool from any lot line is equal to the

setback for accessory structures in the district in which it is located plus one (1) foot for each foot over five (5) feet of pool height. (2) A fence must be erected to a minimum height of six (6) feet to completely enclose all sides of the pool not bounded by a building. A gate of equal height shall be installed and securely fastened when the pool is not in use.

Modular Homes
Greenhouses (accessory use only)
Planned Unit Developments (PUD overlay)

3. **Conditional Uses:** The following uses may be permitted in the R-10 District if the Town determines them not to be objectionable and if the land owner complies with the various controls required by the Board of Aldermen.

Churches
Home Occupations (See Definitions for restrictions)
Parks and Playgrounds
Day Care Facilities (See Article IV for restrictions)
Public Buildings
Public Utilities
Schools (public & private)

4. **Lot, Yard, and Height Requirements:**
- | | |
|-------------------------|----------------|
| Minimum Lot Size | 10,000 sq. ft. |
| Minimum Lot Width | 80 ft. |
| Front Yard | 30 ft. |
| Side Yard | 8 ft. |
| Rear Yard | 15 ft. |
| Maximum Building Height | 35 ft. |

5. **Off Street Parking:** Please refer to Article VII of the Zoning Ordinance.
6. **Signs:** Please refer to Article VI of the Zoning Ordinance.

E. Moderate/Light Density Residential District, R-15

1. **Purpose:** It is the purpose of the R-15 District to provide for light density residential development and other uses consistent with the residential character of the district.
2. **Permitted Uses:** The following uses shall be permitted in the R-15 District subject to the various provisions of this article.

Single Family Site Built Residential Units
Accessory Building: Accessory buildings must be placed five (5) feet from the rear and side property lines. Size limit of 750 square feet for accessory

buildings or garages. No accessory buildings allowed in the front yard. Unless otherwise permitted by this Ordinance, accessory buildings cannot be occupied or rented.

Swimming pools (all public, commercial, or private outdoor swimming pools of three (3) feet or more in depth, either above or below ground, and of either permanent or temporary construction) are an accessory use for this district; provided, however, they must meet the following criteria: (1) The setback for an above ground swimming pool from any lot line is equal to the setback for accessory structures in the district in which it is located plus one (1) foot for each foot over five (5) feet of pool height. (2) A fence must be erected to a minimum height of six (6) feet to completely enclose all sides of the pool not bounded by a building. A gate of equal height shall be installed and securely fastened when the pool is not in use.

Modular Homes

Greenhouses (accessory use only)

3. **Conditional Uses:** The following uses may be permitted in the R-15 District if the Town determines them not to be objectionable and the land owner complies with the various controls required by the Board of Aldermen.

Day Care Facilities (See Article IV for requirements)

Golf Courses

Public Utilities

Home Occupations (See Definitions for restrictions)

Schools (public & private)

Churches

Parks and Playgrounds

4. **Lot, Yard, and Height Requirements:** (Amended June 8, 2004, Dec. 14, 2004)

Minimum Lot Size	15,000 sq. ft.
Minimum Lot Width	80 ft.
Front Yard	30 ft.
Side Yard	15 ft.
Rear Yard	25 ft.
Maximum Building Height	35 ft.

5. **Off Street Parking:** Please refer to Article VII of the Zoning Ordinance.

6. **Signs:** Please to Article VI of the Zoning Ordinance.

F. Low Density Residential Agricultural District, RA-20

1. **Purpose:** The RA-20 District is designed for low density residential and agricultural purposes, in a rural or near-rural setting, and is intended to insure that residential development without access to public water and/or sewer may take place in a manner which provides a healthful environment. This district is

designed to primarily govern land use in areas of the zoning jurisdiction least developed for urban purposes. This district also permits certain service and public uses which are common to a more rural setting, have large land area requirements, or benefit from a low density setting.

2. **Permitted Uses:** The following uses shall be permitted in the RA-20 District subject to the various provisions of this article.

Accessory Buildings: Accessory buildings must be placed five (5) feet from the rear and side property lines. Size limit of 750 square feet for accessory buildings or garages. No accessory buildings allowed in the front yard. Unless otherwise permitted by this Ordinance, accessory buildings cannot be occupied or rented.

Swimming pools (all public, commercial, or private outdoor swimming pools of three (3) feet or more in depth, either above or below ground, and of either permanent or temporary construction) are an accessory use for this district; provided, however, they must meet the following criteria: (1) The setback for an above ground swimming pool from any lot line is equal to the setback for accessory structures in the district in which it is located plus one (1) foot for each foot over five (5) feet of pool height. (2) A fence must be erected to a minimum height of six (6) feet to completely enclose all sides of the pool not bounded by a building. A gate of equal height shall be installed and securely fastened when the pool is not in use.

Agriculture-Vegetative

Private Horse Stables (See Article IV for restrictions) amended 4/8/03

Parks and Playgrounds

Single Family Site Built Residential Units

Modular Homes

Duplexes

Greenhouses (accessory use only)

Planned Unit Development (PUD overlay)

3. **Conditional Uses:** The following uses may be permitted in the R20 District if the Town determines them not to be objectionable and the land owner complies with the various controls required by the Board of Aldermen.

Public Horse Stables (See Article IV for restrictions)

Churches

Day Care Facilities (See Article IV for restrictions)

Bed and Breakfast Establishments (See Article IV for restrictions)

Golf Courses

Home Occupations (See Definitions for restrictions)

Public Utilities

Public Buildings

Tennis Courts

Private Swimming Pools

Play field or Athletic Field
Agriculture-Livestock
Schools (public & private)

4. **Lot, Yard, and Height Requirements:**

Minimum Lot Size	20,000 sq. ft
Each Additional Lot	20,000 sq. ft
Each Additional Dwelling Unit	10,000 sq. ft.
Minimum Lot Width	100 ft.
Each Additional Dwelling Unit	50 ft.
Front Yard	30 ft.
Side Yard	15 ft.
Rear Yard	25 ft.
Maximum Building Height	35 ft.

5. **Off Street Parking:** Please refer to Article VII of the Zoning Ordinance.

6. **Signs:** Please refer to Article VI of the Zoning Ordinance.

G. Mobile Home Residential Agricultural District, RA-20MH

1. **Purpose:** The RA-20MH District is designed for low density residential and agricultural purposes, in a rural or near-rural setting, and is intended to insure that residential development without access to public water and/or sewer may take place in a manner which provides a healthful environment. This district is designed to primarily govern land use in areas of the zoning jurisdiction least developed for urban purposes. This district also permits certain service and public uses, as well as Class A manufactured homes, which are common to a more rural setting, have large land area requirements, or benefit from a low density setting.

2. **Permitted Uses:** The following use shall be permitted in the RA-20MH district subject to the various provisions of this article.
All uses permitted in the RA-20 district.
Manufactured Homes (Class A — one per lot)
Permanent School Facilities (10/10/2006)

4. **Conditional Uses:** The following uses may be permitted in the RA-20MH district if the Town determines them not to be objectionable and if the landowner complies with the various controls (conditions) required by the Board of Aldermen.

All conditional uses listed in the RA-20 district.
Manufactured Home Parks (Class A only)
Mobile Classrooms (10/10/2006)

4. **Lot, Yard, and Height Requirements:**

Minimum Lot Size	20,000 sq. ft
Each Additional Lot	20,000 sq. ft
Each Additional Dwelling Unit	10,000 sq. ft.
Minimum Lot Width	100 ft.
Each Additional Dwelling Unit	50 ft.
Front Yard	30 ft.
Side Yard	15 ft.
Rear Yard	25 ft.
Maximum Building Height	35 ft.

5. **Off Street Parking:** Please refer to Article VII of the Zoning Ordinance.

6. **Signs:** Please refer to Article VI of the Zoning Ordinance.

H. Central Business District, CB

1. **Purpose:** The CB or Central Business district is established as a zone in which the use of land is for commercial and service uses for an urban and rural market area. In promoting the general purposes of this ordinance, the intent of this district is:
 - A) To encourage the construction of and the continued use of the land for downtown commercial and service uses;
 - B) To provide for the orderly expansion of such uses within the CB as designated on the Zoning Map;
 - C) To prohibit heavy industry and other non-permitted or non-allowed commercial activity into the CB district which would substantially interfere with the continuation of the uses presently in the district or with the orderly growth of the district to meet the needs of an increasing population in the market area;
 - D) To encourage the discontinuation of existing uses which are in non-conformance with the provisions of the district;
 - E) To permit a concentrated and intensive development of permitted uses while maintaining a substantial relationship between the intensity of land use and the capacity of utilities and streets to serve the CB district.

2. **Permitted Uses:** The following uses shall be permitted in the CB district subject to the provisions of this article.
 - Off street automobile parking
 - Banks or financial institutions
 - Professional and business offices
 - Retail sales establishments

- Parks
- Dry cleaning and laundry pick-up stations
- Publishing and printing establishments
- Restaurants
- Motels and hotels
- Florist shops
- Food stores
- Indoor theaters
- Laboratories
- Churches (except store-front churches defined as a church using a former commercial building as their primary place of worship)
- Automobile service stations
- Repair shops (for radio, TV, small appliances, shoes, and the like)
- Beauty shops
- Barber shops
- Health clubs
- Public buildings
- Antique shops
- Radio and TV offices, studios, and broadcast areas
- Funeral homes
- Upholstery shops
- Single Family Site Built Residential Units
- Day Care facilities (See Article IV for restrictions)
- Accessory uses which are clearly incidental to a permitted use and which will not create a nuisance or a hazard.

3. **Conditional Uses:** The following uses shall be permitted in the CB district if the Town determines them not to be objectionable and if the landowner complies with the various controls (conditions) required by the Board of Aldermen.

- Laundry and dry cleaning establishments
- Bed and Breakfast establishments (See Article IV for restrictions)
- Guest houses
- Taxi stands
- Structures housing civic, charitable, political, fraternal, social and religious organizations
- Incineration facilities for funeral homes
- Dwelling units contained within a business

Uses requiring out door lighting

4. **Lot, Yard, and Height Requirements:**

Minimum Lot Size	None
Front Yard	None
Side Yard	8 ft.

(Mandatory only if structure does not meet NC State Building Code Section 716).

Rear Yard None
Maximum Building Height 35 ft

Where the rear of a lot abuts a residential district, there shall be a fifteen (15) foot rear yard and where a lot abuts upon the side of a lot zoned residential there shall be side yard of not less than ten (10) feet in width.

5. **Off Street Parking:** No off street parking is required in the CB district. No off street loading space is required in the CB district.

6. **Signs:** Please refer to Article VI of the Zoning Ordinance.

7. **Additional CB District Requirements:**

A) **Trash screening:** An opaque buffer will be constructed around at least three sides of all trash receptacles located in the CB District. The side not enclosed must face away from pedestrians and neighboring property. Acceptable material for a buffer placed around trash receptacles: solid wooden fence, metal fence with vinyl slats woven through the metal mesh or other material approved by the Board of Aldermen.

B) **Lighting:** The lighting in the CB District shall be as follows: Lighting must be designed in such a way that it will have minimal effect on adjoining property. Beams of light or light rays shall shine only upon the premises or property intended to be lighted and shall not spill over the property lines in any direction except by indirect reflection. This is to be accomplished by the proper selection, placement and height of the fixtures. A lighting plan for commercial uses in the CB district will be submitted to the Planning Board for review and recommendation and final approval will be by the Board of Aldermen. Intensive lighting plans will be considered as a conditional use review requirement independent of the proposed use of the lot. Municipal street lights may be installed as approved by the Board of Aldermen.

C) **Buffers required:** (See Article IV for requirements)

I. Highway Business District, HB

1. **Purpose:** It is the purpose of the HB district to provide areas for the retailing of durable goods, the provision of commercial services to developed areas, and the provision of miscellaneous goods and services to transients. The specific intent of this district is as follows:

- A) To encourage the continued use of land for commercial establishments which provide services to developed areas and transients;
- B) To promote highway commercial activity in an appropriate location;
- C) To allow for the provision of public services in an effective and economically efficient manner.

2. **Permitted Uses:** The following uses shall be permitted in the HB district subject to the provisions of this article.

All uses permitted in the CB district
Permanent School Facilities (10/10/2006)
Restaurants
Drive-in restaurants
Drive-in theaters
Greenhouses (commercial)
Warehouses
Wholesale merchants
Public utility storage or service yards
Building materials (sales & storage)
Radio and TV transmitting stations and towers
Animal Hospitals
Indoor pet boarding establishments
Hospitals
Motor freight terminals
Bus stations
Automobile sales, services, and body repair garages
Manufactured home, mobile home, and trailers sales and service establishments
Travel trailer campgrounds
Motorcycle sales and service establishments
Golf courses (miniature, driving ranges, par 3, etc.)
Single Family Site Built Residential Units
Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard.

3. **Conditional Uses:** The following uses may be permitted in the HB district if the Town determines them not to be objectionable and if the landowner complies with the various controls (conditions) required by the Board of Aldermen.

Bars (any establishment serving alcoholic beverages)
Billiard parlors or pool halls
Bowling alleys
Dance halls
Public amusements
Shopping Centers
Mobile Classrooms (10/10/2006)

4. **Lot, Yard, and Height Requirements:**

Minimum Lot Size	10,000 sq. ft.
Minimum Lot Width	60 ft.
Front Yard	25 ft.

(Within the first five (5) feet of any street, road, highway right-of-way there shall be no signs, parking or any other object over a height of two

(2) feet which may provide an obstruction to visibility from driveways or parking lots).

Side Yard 10 ft.

(Where the side yard abuts a residential district, the side yard shall be at least fifteen (15) feet).

Rear Yard 20 ft.

Maximum Building Height 35 ft.

5. **Off Street Parking:** Please refer to Article VII of the Zoning Ordinance.

6. **Signs:** Please refer to Article VI of the Zoning Ordinance

7. **Additional HB District Requirements:**

A) **Trash screen:** An opaque buffer will be constructed around at the sides of all trash receptacles located in the HB District. The barrier will obscure all trash from off site properties. Acceptable material for a buffer placed around trash receptacles includes: solid wooden fence, metal fence with vinyl slats woven through the metal mesh or other material approved by the Board of Aldermen.

B) **Lighting:** The lighting in the HB District shall be as follows:
Lighting must be designed in such a way that it will have minimal effect on adjoining property. Beams of light or light rays shall shine only upon the premises or property intended to be lighted and shall not spill over the property lines in any direction except by indirect reflection. This is to be accomplished by the proper selection, placement and height of the fixtures. A lighting plan for commercial uses in the HB district will be submitted to the Planning Board for review and recommendation and final approval will be by the Board of Aldermen. Intensive lighting plans will be considered as a conditional use review requirement independent of the proposed use of the lot. Municipal street lights may be installed as approved by the Board of Aldermen.

C) **Buffers required:** (See Article IV for requirements)

J. Industrial District, I

1. **Purpose:** It is the purpose of the Heavy Industrial District to provide for the orderly separation of intense industrial uses from commercial and residential development. This separation will help to avoid having people unnecessarily exposed to nuisance and pollution factors.

2. **Permitted Uses:** The following uses shall be permitted in the I district subject to the various provisions of this article.

Accessory uses incidental to the permitted use
Greenhouses
Public utilities (including substations)
Electronic data processing establishments
Manufacturing (textiles, clothing, scientific instruments and small machinery)
Retail landscaping supplies and ancillary services (August 12, 2003)

3. **Conditional Uses:** The following uses are permitted uses if the Town determines them not to be objectionable and if the land owner complies with the various controls (conditions) required by the Board of Aldermen.

Accessory Building Uses: Clearly incidental to a conditional use, which will not create a hazard and cannot be occupied or rented and must meet the requirements of this district.

Agricultural Processing (fruit, tobacco, grains, vegetables)
Apparel and Drapery Manufacturing
Automobile repair and service
Auto parts manufacturing
Wholesale Businesses
Beverage Manufacturing
Boat Building and Repair
Bottling and canning
Brick and Clay Tile, Brick and Block Manufacturing
Communications, Electronic, Electrical Equipment Manufacturing
Heavy Equipment Manufacturing
Tools and Hardware Manufacturing
Electric Generating Plants
Electronic assembly, storage, and repair

Storage facilities
 Storage yard for building materials
 Off street parking facilities
 Carpenter & cabinetry shops
 Service stations
 Engines and Turbine Manufacturing
 Fabrication of Metal Products and Manufacturing
 Farm Products Warehousing and Storage
 Rugs, Carpet Manufacturing
 Gum and Wood Chemicals Manufacturing
 Sewage treatment plants
 House and Office Furnishings and Equipment Manufacturing
 Ice and Cold Storage Plants
 Automobile junkyards
 Kennels
 Light Manufacturing (not otherwise named herein, provided no operations are carried on or are likely to be carried on, which will be detrimental to the health, safety, or general welfare of the community)
 Motor Freight Garaging and Equipment Maintenance
 Petroleum Bulk Stations and Terminals - Wholesale
 Sawmills and Planning Mills
 Textile Mills
 Single Family Site Built Residential Units

4. **Lot, Yard, and Height Requirements:**

Minimum Lot Size	50,000 sq. ft.
Minimum Lot Width	100 ft.
Front Yard	40 ft.
Side Yard	20 ft.
Rear Yard	20 ft.
Maximum Building Height	3 stories

5. **Off Street Parking:** Conditional use permit requirements will include stipulations on parking. If these stipulations are not included on a conditional use, or if the use is permitted, then the provisions of this ordinance at Article VII must be followed.

6. **Signs:** Please refer to Article VI of the Zoning Ordinance.

9. **Additional I District Requirements:**

A) An opaque buffer will be constructed around at least three sides of all trash receptacles located in the I district. The side not enclosed must face away from highways, pedestrians and neighboring property. Acceptable material for a buffer placed around trash receptacles is as follows: solid wooden fence, metal fence with vinyl slats woven through the metal mesh or other material approved by the Board of Aldermen.

- B) **Lighting:** The lighting in the I district shall be as follows:
Lighting must be designed in such a way that it will have minimal effect on adjoining property. The light rays shall shine only upon the premises and shall not spill over the property lines in any direction except by indirect reflection. This is to be accomplished by the proper selection, placement and height of the fixtures. The lighting plan will be approved through the conditional use permit process and will be approved by the Board of Aldermen.
- C) **Buffers required:** (See Article IV for requirements)

K. Open Area/Recreation District, OAR

- 1. **Purpose:** It is the purpose of this district to protect wetlands and to prevent development in areas of potential flood hazard, where such development would be detrimental to both the natural and economic environment of the community. It is also the purpose of this district to provide (public and private) passive and active recreational opportunities to the public.
- 2. **Permitted Uses:** The following uses shall be permitted in the OAR District subject to the various provisions of this article.

Accessory Uses to Permitted Uses (Cannot be occupied or rented, must meet the requirements of the district.)

Accessory buildings 10' X 12' or smaller may be placed 6' from the rear and side property line(s). Accessory buildings larger than 10' X 12' must be placed 15' from the rear and side property lines.

Swimming pools (all public, commercial, or private outdoor swimming pools of three (3) feet or more in depth, either above or below ground, and of either permanent or temporary construction) are an accessory use for this district; provided, however, they must meet the following criteria: (1) The setback for an above ground swimming pool from any lot line is equal to the setback for accessory structures in the district in which it is located plus one (1) foot for each foot over five (5) feet of pool height. (2) A fence must be erected to a minimum height of six (6) feet tp completely enclose all sides of the pool not bounded by a building. A gate of equal height shall be installed and securely fastened when the pool is not in use.

Camping and Picnic Areas (no paving, no water or sewer attachments, no permanent homes)

Historic Sites and Monuments

Nature Exhibits

Parks (provided there is no paving)

Playgrounds

Fish Hatcheries and Fish Farms (Aquaculture operations)

3. **Conditional Uses:** The following uses may be permitted in an OAR District if the Town determines them not to be objectionable and if the land owner complies with the various controls required by the Board of Aldermen.

Golf Courses, Golf Driving Ranges
Private Clubs

4. **Lot, Yard and Height Requirements:**

Minimum Lot Size	20,000 sq. ft.
Front Yard	30 ft.
Side Yard	12 ft.
Rear Yard	30 ft.
Maximum Building Height	35 ft.
5. **Off Street Parking:** Not Applicable
6. **Signs:** Please refer to Article VI of the Zoning Ordinance.

L. Planned Unit Development Overlay District, PUD
--

1. **Purpose:** The PUD District is established for the purpose of permitting greater flexibility than would normally be allowed in a particular Residential District, in the area, yard, space, height and density requirements for construction and development of residential areas; and, therefore, to promote and encourage more creative and imaginative site planning and design than would be possible if such construction and development were in strict compliance; with the requirements for the particular district. It is further the purpose of this district to promote more economical and efficient use of land while providing a harmonious variety of housing choices, a higher level of urban amenities, and preservation of the natural scenic qualities of open space.
2. **Permitted Uses:** The PUD District may contain any use permitted in the OAR, R-20, R-15, R-10, R-8, and R-6 districts subject to location and construction being on strict compliance with required plans and permits.
3. **Conditional Uses:** None
4. **Lot, Yard, and Height Requirements:** See Design Standards
5. **Design Standards:**
 - a. **Area Requirements** - a gross land area of ten acres or more shall be required for all PUD Districts.

- b. **Density Limitation** - The maximum residential density allowed shall be based on the conventional lot area requirements of the zoning district in which the development is located (5/10/2005). Subject to this limitation, average development density shall be chosen prior to application for re-zoning and shall be designated on a Master Land Use Plan for the project.
- c. **Setback and Height** - No building erected in any PUD District shall exceed 35 feet in height. No building shall be erected, reconstructed, altered, or moved within thirty-five feet of the property line such building faces. No building shall encroach upon the right-of-way of a publicly maintained street, a proposed thoroughfare shown in an officially adopted thoroughfare plan, or a private vehicular or pedestrian way in common ownership.
- d. **Building Separation** - Within a PUD District the minimum required separation between buildings shall be determined by the relationship between the height of adjacent buildings and the horizontal distance between vertical projections of such adjacent buildings.

For the purpose of this section a vertical projection is any part of any exterior wall of a principal or accessory building, extending outward from such exterior wall at an angle of less than 180 degrees, the horizontal distance is equal to the distance, measured anywhere, between imaginary lines drawn perpendicular to the ground and tangent to the outermost points of vertical projections of adjacent buildings. The minimum required separation between adjacent buildings is set out in the following table.

**MINIMUM REQUIRED SEPARATION
BETWEEN ADJACENT BUILDINGS**

**Minimum horizontal distance
Height of taller building between vertical projections**

20 feet or less 8 feet
 between 20.1 and 25.0 feet 10 feet
 between 25.1 and 30.0 feet 12 feet
 between 30.1 and 35.0 feet 15 feet

- e. **Open Space** - In any PUD District, a minimum of twenty percent of the total land area shall be reserved as open space. Any area or segment of land less than eight feet in width may not be included in calculating the minimum open space reservation unless such land is clearly a part of an open space system, such as a pedestrian walkway.

A minimum of twenty-five percent of the required open space shall be developed for active recreational purposes, such as tennis courts, ball fields, or playgrounds.

Provisions for continuous maintenance of open space, specifically including that developed for active recreational purposes, shall be made by the developer either through proposed dedication to the Town of Richlands, if acceptable, or through the establishment of a private homeowners association.

- f. **Transitional Use Area** - In order to insure compatibility with adjoining land uses and districts, a transitional use area, fifty feet in depth, shall be established along with exterior property lines of any PUD District. Where the exterior property lines of a PUD District are adjacent to Residential uses, only residential uses may be permitted within the transitional use area. Where the exterior property lines of a PUD District are adjacent to CB, HB, or an I District, the transitional use area shall be a buffer zone and shall meet the standards for buffer zones as defined by this ordinance.

6. **Off street Parking:** Please refer to Article VII of the Zoning Ordinance.

7. **Signs:** Please refer to Article VI of the Zoning Ordinance.

8. **Master Land Use Plan Requirement:**

- a. **Purpose** - The PUD's Master Land Use Plan (LUP, herein) is intended to be the primary supporting proof, and shall demonstrate, when considered in its entirety or by its separate components (if the proposed PUD District is established and developed), that the purposes of this Ordinance and the purposes of this Section are met.
- b. **Criteria for Review by the Planning Board and the Board of Aldermen** - In reviewing the PUD's LUP and making recommendations thereon, the Planning Board and Board of Aldermen shall consider and be guided by the following criteria:
 - 1) the compatibility of the proposed project with the surrounding districts and land uses;
 - 2) the effectiveness of the proposed project in providing more economical and efficient use of land;
 - 3) the effect of the proposed project on the ability of the Town and county to provide public facilities or services;
 - 4) the effectiveness of the proposed project in providing and preserving open space, the scenic quality of the site, and recreational opportunities;

5) the degree to which the project will provide a more desirable development and living environment than would be possible under conventional District requirements.

c. **Contents** - In addition to the information required in the application for re-zoning, the PUD's LUP shall include the following:

1) a map, drawn to a scale no less than one inch to 40 feet, showing the approximate location, size, and arrangement of existing and proposed:

- open space areas, active and passive recreational areas;
- buffer zones and transitional use areas;
- neighboring land uses and zoning districts;
- systems and easements for water, sewers, and drainage;
- streets, sidewalks, and parking lots;
- vehicular and pedestrian circulation systems;
- access for emergency vehicles and refuse collection equipment;
- structures, building, roads, easements, and land uses;
- order of development of areas to be developed in sequential order;
- vegetation, including wetlands;
- nonresidential land uses, buildings, and structures;
- all single and/or multi-family dwelling units.

2) a copy of any declarations to be recorded under the "Unit Ownership Act";

3) any covenants creating a homeowner's association;

4) plans for the construction and location of water distribution and sewage disposal systems and certification, as may be required, from appropriate governmental agencies that such plans comply with applicable Federal, State, County, or Town statutes and regulations.

9. **Procedural Requirements for Establishment of PUD Districts and Development of PUD Projects:**

a. **Approval of Master Land Use Plan (LUP) and Re-zoning Application**
A PUD District may be established only after amendment to the Official Zoning Map under the same procedural requirements and standards of review as any other re-zoning application; provided, however, that the following additional standards and procedures shall apply to PUD District applications:

- 1) Twelve (12) copies of a Master Land Use Plan, as described above shall be submitted to the Planning Board with the re-zoning application;
- 2) The Planning Board, after review of the LUP and application, shall submit its recommendation to the Board of Aldermen;
- 3) The Board of Aldermen shall, after consideration of the application, the LUP, the recommendations of the Planning Board, and the criteria set out in the Sections above either approve or disapprove the plan and application.

b. **Approval of Site Plan and Issuance of Building Permits** - No construction, excavation, or clearing shall be commenced, or any Building Permit issued within any PUD District which does not conform to an approved Site Plan. The procedures for approval of a Site Plan are as follows:

- 1) The Site Plan shall be submitted to the Planning Board for its review and recommendation within 90 days after the Board of Aldermen's approval of the LUP and amendment to the Official Zoning Map;
- 2) The Planning Board, after review of the Site Plan in accord with the purposes and standards shall submit its recommendation to the Board of Aldermen.
- 3) The Board of Aldermen, after consideration of the Site Plan, the recommendations of the Planning Board, and the purposes and standards of this Ordinance shall either approve or disapprove the Site Plan.

c. **Authority to Impose Conditions and Modify LUP or Site Plan-** In order to promote the purposes of this Ordinance and Section, the Board of Aldermen is authorized to impose such reasonable conditions, make reasonable modifications, or require additional information that it may reasonably need, prior to approval of any LUP or Site Plan.

10. **Site Plan:**

a. **Purpose** - A Site Plan is intended to insure that a proposed PUD development is actually constructed and developed in accordance with the approved LUP.

b. **Criteria for Review by Planning Board and Board of Aldermen-** In reviewing a Site Plan, the Planning Board and Town shall consider and be guided by the following criteria:

- 1) The degree to which the proposed Site Plan actually implements the LUP;

- 2) The effectiveness of the proposed Site Plan in meeting the established criteria;
- 3) The effectiveness of the proposed Site Plan in promoting the purposes of this ordinance and section.

c. **Contents and Forms** - Site Plans, or any portion thereof, shall be;

- 1) drawn to a scale no less than one inch equals 40 feet;
- 2) prepared and certified by a registered architect, landscape architect, engineer, or land surveyor;
- 3) drawn accurately enough to permit any point on the plan to be readily identified on the ground. Eight copies of a Site Plan shall be submitted to the Planning Board, each of which shall show the following;

11. **General Requirements:**

The boundary of the property by courses and distances, area, and present zoning of the tract.

The names and abutting recorded subdivisions, and owner and present use of all abutting property.

Widths and names of abutting streets and alleys.

All dimensions, both linear and angular, for locating boundaries of the tract, lots, streets, alleys, public easements, and private easements.

Date, north arrow, scale, number of sheets.

Name and address of the owner or owners of the tract and the name of the applicant.

All building restriction lines, highway setback lines, easements, covenants, reservations, and rights-of-way.

Existing topography with a maximum of two-foot contour intervals.

Wetlands areas delineation.

Soil types and geology of the site.

Name, address, signature, and registration number of the professional preparing the plan.

12. **Existing Improvements and Features:**

Sidewalks, streets, alleys, and easements.

Buildings and structures.

Driveways, entrances, exits, parking areas, and loading spaces.

Sanitary sewer systems.
Water mains and fire hydrants.
Gas, power, cable TV and telephone lines.
Recreation areas.
Storm drainage systems to include natural and artificial water courses.
Limits of flood plains.

13. Proposed Improvements:

All proposed streets and alleys and the boundaries of all other portions intended to be dedicated to public use.

Buildings and structures to include:

- a. distance between buildings (to scale)
- b. number of stories
- c. number of dwelling units
- d. height of buildings

Driveways, entrances, exits, parking areas, and loading spaces including the total number of parking and loading spaces.

Sanitary sewer systems.

Water mains and fire hydrants.

Gas, power, cable TV, and telephone lines.

Landscaping.

Recreation and open space areas.

Plans for collecting and depositing storm water and the method of treatment of natural and artificial water courses including the delineation of any proposed limits of flood plains.

Proposed grading schedule, including time of the year when grading will be in progress.

Finish grading with a maximum of two-foot contour intervals.

Location of refuse disposal facilities and type.

14. Required Improvements:

Designation of pedestrian walkways.

Construction of vehicular traffic lanes or driveways which will permit vehicular travel on the site and to and from adjacent parking areas and adjacent property.

Connection wherever possible of all walkways, travel lanes, and driveways with similar facilities in adjacent developments.

Screening, fences, wall, curbs and gutters, buffer zones, as required by the Town or by the State Highway Commission.

Easements of rights-of-way for all facilities to be publicly maintained, provided that each easement shall be clearly defined for the intended purpose.

Extension or construction of service roads and access thereto on site bordering a state primary highway.

Dedication or reservation of land for streets and service roads and the construction thereon.

Article IV. Administration

A. Added Requirements: The following requirements qualify or supplement, as the case may be, the zone regulations or requirements appearing elsewhere in this ordinance:

1. Class C manufactured homes are not allowed in any zoning district for any use.
2. Public or semi-public buildings, hospitals, sanatoriums, schools and churches or temples, where permitted in a zone, may be erected to a height not exceeding 3 stories (35 feet).
3. Chimneys, water tanks or towers, penthouses, scenery lofts, elevator bulkheads, stacks, ornamental towers or spires, wireless or broadcasting towers, or monuments, cupolas, domes, false mansards, parapet walls, similar structures, and necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted ordinances.
4. Every part of a required yard shall be open from its lowest point to the sky unobstructed.
5. There shall be erected only one principle building and its accessory buildings on one lot except in the following:
 - i. Any bona-fide farm;
 - ii. Manufactured home parks (in R-6MH and RA-20MH districts) are a conditional use and must have an approved site plan.
 - iii. Planned Unit Development projects.
6. No building, structure or use of land other than agriculture purposes shall be established on a lot which does not abut a dedicated public street or have a dedicated and recorded easement for ingress and egress.
7. **Special Conditions for Children’s Day Care Facilities:** The following specific provisions shall be met as minimum standards prior to the approval of any children’s day care facility as a conditional use in a residentially zoned area:

The minimum lot size for the facility shall be fourteen thousand (14,000) square feet.

Building setback (minimum) from any public or private street shall be thirty (30) feet.

Rear yard setback (minimum) shall be thirty-five (35) feet.

Side yard setback (minimum) shall be twenty (20) feet.

Corner lot setback (minimum) from interior lot lines shall be twenty (20) feet.

Minimum distance to another children's day care facility, whether conforming or non-conforming, shall be five hundred (500) feet.

The minimum number of paved off-street parking spaces shall be two (2) with one (1) additional space added for each employee.

There shall be a paved off-street loading and unloading area for use at the child care facility. This space shall be in addition to the minimum paved off-street parking areas. Each facility must have sufficient paved driveway to accommodate at least two (2) autos at one time for the purpose of loading and unloading passengers.

All children's outside play areas shall be enclosed with a fence. The fence must be at least six (6) feet high.

8. Standards for Bed and Breakfast Establishments:

- i. Dwelling cannot provide more than three bedrooms for overnight guests.
- ii. One parking space per guest room be provided off the street in addition to two off street parking spaces for the principal occupants. The parking area must not encroach beyond the side, and rear set back lines of the zoning district.
- iii. The use shall conform to the sign ordinance.
- iv. No pulsating, flashing, oscillating, or other types of attention getting devices shall be permitted.
- v. No outdoor activities other than those associated with the normal activities of a single family home are permitted.
- vi. The use must annually meet the health standards of the State and County Government and proof will be presented to the Zoning Administrator.
- vii. The dwelling must be the primary residence of the owner.
- viii. A buffer of vegetation which will grow to a height of four feet must surround the parking area on three sides.

9. Provisions for Horse Stables.

- i. Private horse stables shall be permitted by right in the Residential/Agricultural 20 (RA-20) and Residential/Agricultural Home (R-20MH) zones. Public horse stables shall be permitted by conditional use in the RA-20 and R-20MH zones. 20 Mobile

ii. Storage areas for manure, feed and tack supplies shall be provided for each stable according to the following schedule:

- 1 to 3 horses 500 square feet
- 4 to 8 horses 1,000 square feet
- 9 to 12 horses 2,000 square feet
- 13 to 16 horses 3,000 square feet
- 17 to 20 horses 4,000 square feet
- 21 plus horses 6,000 square feet

*The storage areas for manure shall be maintained away from the stalls and enclosed pasture area.

iii. A minimum stall size of 120 square feet must be provided for each horse on site.

iv. Area Requirements: Stables, private and public

lot size: five (5) acres

pasture area: four (4) acres for one to seven horses and an additional 1.25 acre for each horse after seven

setbacks: pasture areas 100 feet from dwellings and 20 feet from property lines

stalls 200 feet from dwellings and 50 feet from property lines

manure and storage 400 feet from dwellings and 100 feet from property lines feed

10. Special Conditions for Bars, Billiard or Pool Rooms, Bowling Alleys, Dance Halls, and other Public Amusement Facilities: The following specific provisions shall be met as minimum standards prior to the approval of any bar, billiard or pool room, bowling alley, dance hall, or other form of public amusement facility as a conditional use.

The minimum lot size for the facility shall be fourteen thousand (14,000) square feet.

Building setback (minimum) from any public or private street shall be thirty (30) feet.

Rear yard setback (minimum) shall be thirty-five (35) feet.

Side yard setback (minimum) shall be twenty (20) feet.

Corner lot setback (minimum) from interior lot lines shall be twenty (20) feet.

Minimum distance to another bar, billiard or pool room, bowling alley, dance hall, and other form of public amusement facility, whether conforming or non-conforming, shall be one thousand (1,000) feet.

Minimum distance to any church or kindergarten, primary or secondary school, whether public or private, and whether conforming or non-conforming, shall be one thousand (1,000) feet.

Minimum distance to any residential zoning district shall be one hundred (100) feet.

Minimum paved off-street parking spaces for public amusement type conditional use applications, as described in this section, will use the section of this ordinance at ARTICLE VII., as guidance. More stringent requirements may be required on conditional use applications as deemed necessary.

Minimum paved off-street loading and unloading spaces for public amusement types conditional use applications, as described in this section, will use the section of this ordinance at ARTICLE VII., as guidance. More stringent requirements may be required on conditional use applications as deemed necessary.

B. Special Gameroom Requirements

Definitions:

- a) A Game Room - For the purpose of this article shall be any place of business that principally operates mechanical game or pay devices or tables for which charge is made either directly or indirectly.
- b) Examples of Game Rooms - by way of illustration and not limitation, game rooms are poolrooms, bowling alleys, billiard halls, amusement centers and the like. Businesses other than those which principally employ mechanical games or pay devices or table for which a charge is made, may be subject to the provisions of this application, if it is determined by the Board of Aldermen that pay devices, tables and/or games are on the premises, and that the establishment has an equal potential to game rooms to become disruptive and that the actual disruption caused by the business establishment can only be controlled through the applications of the provisions of this Ordinance.

- c) Mechanical, electronic or other play-for money tables or machines shall include, but not be limited to, pool tables, video games, pin ball machines and arcades of all types.
- d) Operate or Offer for Operation - Shall mean a table or machine placed in a business establishment for use by the general public or any subgroup of the general public greater than the ownership of the establishment and for which a charge is generally made or collected.

2. Licenses Required

- a) In addition, every operator of a game room shall apply for and obtain a license from the Town Board to operate a game room. Application for such a license shall be made upon forms provided by the Town Clerk. Every license issued pursuant to this Ordinance shall specify the premises for which it is issued, the number of tables or alleys to be operated thereunder, the name of the owner or operator, and the dates upon which the license begins and shall expire. Such license shall be posted in a prominent place on the premises at all times.
- b) It shall be unlawful to operate a game room within the Town without a license as required by Subsection (a).

3. Restrictions

The Town Board shall not issue a license to any applicant who:

- a) Has been convicted of unlawfully selling intoxicating liquors or narcotic drugs; or
- b) Is not a resident of North Carolina; or
- c) Is a habitual user of alcoholic beverages or narcotic drugs.

4. Prohibited Conduct

Licenses under this Section shall not, and neither shall their employees:

- a) Suffer or permit any gambling on the licensed premises at any time; nor the sale or use of racing, football, or other parlay cards or gambling boards or devised;
- b) Suffer or permit the license premises to become disorderly; or permit any profane, obscene, or indecent language thereon;
- c) Employ in carrying on the business any person who has been convicted of unlawfully selling alcoholic beverages or narcotic drugs;

- d) Suffer or permit any narcotic drugs to be sold or kept or consumed on the license premises;
- e) Suffer or permit any keeley board, keno board, or any other such board or device to be attached to, or placed on any tables.

5. Rules for Operation of Game Rooms

All operators of game rooms within the Town shall observe the following rules:

- a) All game rooms shall close at 2:30 AM each morning, Monday through Saturday, and no person other than the owner, operator, or employees shall be permitted on the premises from that hour until 7:00 AM of that morning. All game rooms shall close at 2:30 AM each Sunday morning and no person other than the owner, operator or employees shall be permitted on the premises from that hour until 12:00 Noon on Sunday.
- b) No play shall be allowed on any game during the hours a game room is closed pursuant to Subsection (a) above;
- c) All game rooms shall be operated only on the ground floor of a building, and plate glass windows shall be in those parts of the building facing any street, so that a clear view inside may be easily had from the street. Total area of plate glass window shall be at least 20 square feet;
- d) No screens, curtains, blinds, partitions, or other obstructions shall be placed between the entrance to the room where games are played and the rear wall of such room so that a clear view of the interior may be had from the street;
- e) No loud noises, as prescribed by Title 8, Chapter 8 of the Richlands Code of Ordinances, shall be allowed to emanate beyond the licenses premises;
- f) There must be an adult (18 years of age or older) managing the business on the premises during hours of operation at all times;
- g) No partitions forming rooms, stalls, or other enclosures where the public congregates shall be permitted, provided, this shall not be construed so as to prohibit the maintenance of closets used exclusively for storage purposes, or of toilets;
- h) There shall not be permitted or maintained any open or secret connections through doors, windows, trap doors, hidden doors, panels, stairways, or other devices with any place where gambling is conducted or where persons meet or congregate for immoral purposes.

6. Revocation of License

After giving the operator of a game room adequate notice and an opportunity to be heard, the Town Board may revoke the license of any game room operator who

- a) Violates the provisions of Section 4 or Section 5; or
- b) Is convicted of unlawfully selling alcoholic beverages or narcotic drugs.

7. Penalties

In the event of a violation of any section of this Ordinance, one or more of the following procedures shall be followed:

- a) The individual or individuals in violation of this Ordinance shall be given a citation by Town law enforcement officers. The civil penalty shall be \$25.00.
- b) The establishment owner shall be given a citation if the operator of any game room is in violation of this Ordinance. The civil penalty shall be \$50.00 per violation cited hereunder.
- c) Any individual obstructing or attempting to prevent the enforcement of this Ordinance shall be cited as for any other interference with a law enforcement officer in the performance of his duties.
- d) Repeated violations of this Ordinance shall invoke the provisions of this Ordinance to the effect that the business establishment may be closed simultaneously with the revocation of the license to operate within the Town limits.

C. Buffers Where a commercial and/or industrial district, lot or use abuts a lot in a residential district or land occupied by a pre-existing residential use permitted by this ordinance a continuous unbroken visual buffer is required. Once erected, a buffer shall be properly maintained. The construction and maintenance of a buffer shall be the responsibility of the landowner. Buffers required by this ordinance shall meet the following minimum criteria:

A buffer shall be a six (6) foot high attractive blind barrier which shall not permit the passage of light from one side to the other and which will also damper noise where needed. The barrier may be decorative masonry wall, wooden fence, a fence with evergreen vegetation planted facing the adjoining property, or the like. A compact evergreen hedge or other type of evergreen foliage screening can be used in lieu of a fence. Evergreen hedge or foliage must be of a thickness and variety to provide a visual block of commercial operations from the residential property.

D. Conditional Uses

1. **Purpose:** The development and execution of this ordinance is based upon the division of the community into districts within which districts the use of land and buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use in the particular location. Such conditional uses fall into two (2) categories:
 - i. Uses publicly operated or traditionally affected with a public interest.
 - ii. Uses entirely private in character, but of such a nature that their existence or operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
2. **Initiation of Conditional Uses:** Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the conditional uses provided for in this Ordinance in the zoning district in which land is located.
3. **Application for Conditional Use:** An application for a conditional use shall be filed with the Zoning Administrator on a form prescribed by the Zoning Administrator. The application shall be accompanied by such plans and/or data prescribed by the Planning Board and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth below hereinafter. Such application shall be forwarded from the Zoning Administrator to the Planning Board with a request for review of said application and accompanying data and submission of a written recommendation thereon to the Board of Aldermen.
4. **Hearing on Application:** Upon receipt in proper form of the written recommendations referred to above, the Board of Aldermen shall hold at least one public hearing on the proposed conditional use.
5. **Authorization:** For each application for a conditional use, the Planning Board shall report to the Aldermen its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. If an applicant for a proposed conditional use is not approved by the Board of Aldermen within ninety (90) days of the date upon which such application is received by the Board of Aldermen, it shall be deemed to have been denied.

6. **Standards:** No conditional use shall be recommended by the Planning Board unless such Board shall find:
 - i. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
 - ii. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
 - iii. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - iv. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.
 - v. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
 - vi. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets, and
 - vii. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Aldermen pursuant to the recommendations of the Planning Board.
7. **Conditions and Guarantees:** Prior to the granting of any conditional use, the Planning Board may recommend, and the Board of Aldermen may stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified above. In all cases in which conditional uses are granted, the Board of Aldermen shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

E. Non-Conforming Uses

1. Definitions:

i. Nonconforming Situation

A situation that occurs when, on the effective date of this ordinance or any amendment to it, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures do not satisfy maximum height or minimum floor-space limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with the ordinance, or because land or buildings are used for purposes made unlawful by the ordinance.

ii. Nonconforming Use

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

iii. Dimensional Nonconformity

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

iv. Nonconforming Lot

A lot existing at the effective date of this ordinance or any amendment to it (and not created for the purpose of evading the restrictions of this ordinance) that cannot meet the minimum area or lot-width requirements of the district in which the lot is located.

v. Nonconforming Project

Any structure, development, or undertaking that is incomplete at the effective date of this ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

vi. Expenditure

A sum of money paid out in return for some benefit or to fulfill some obligation. Whenever the term is used hereafter, it also includes binding,

contractual commitments to make future expenditures, as well as any other substantial changes in position.

2. Substandard Lots of Record and Structures

Any lot of record or structure existing at the time of the adoption of this ordinance, which has dimensions which do not meet the requirements of this ordinance, shall be subject to the following exceptions and modifications:

- i. **Adjoining Lots**
When two or more adjoining lots with continuous frontage are in one ownership at any time after the adoption of this ordinance, and such lots individually are less than the minimum width required in the district in which they are located, then such group of lots shall be considered as a single lot or several lots of minimum permitted area and width for the district in which located.
- ii. **Lot Not Meeting Minimum Lot Size Requirements**
Except as set forth in (i) above, in any district in which single family dwellings are permitted, an lot of record existing at the time of the adoption of these regulations which has dimensions which are less than required by these regulations may be used as a building site for a single family dwelling providing the lot area and width are not less than eighty (80) percent of the requirements in the district. If the lot is smaller or narrower, a variance may be requested of the Board of Adjustment.
- iii. **Yard Requirements Modified**
Except as set forth in (i) above, where a lot has width or depth less than required in the district to which it is located, the Zoning Enforcement Officer shall be authorized to reduce the yard requirements for such lot by not more than twenty (20) percent. Additional or other forms of yard modification may be permitted with a variance granted by the Board of Adjustment.

3. Extension or Enlargement of Nonconforming Situations

- i. Except as specifically provided in this subsection, it shall be unlawful for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation.
- ii. Subject to paragraph (iv) of this subsection, a nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this ordinance, was manifestly designed or arranged to accommodate such use. However, subject to subsection 4 of this section a nonconforming use may not be extended to additional buildings or to land outside the original building.

- iii. A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except a use that involves the removal of natural materials from the lot (e.g., a quarry) may be expanded to the boundaries of the lot where the use was established at the time it became nonconforming, if 10 percent or more of the earth products had already been removed at the effective date of this ordinance.
- iv. The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and equipment and processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this subsection occur.
- v. Physical alteration of structures or the placement of new structures on open land are unlawful if they result in:
 - a. An increase in the total amount of space devoted to a nonconforming use;
 - b. Greater nonconformity with respect to dimensional restrictions such as yard requirements, height limitations, or density requirements; or
 - c. The enclosure of previously unenclosed area, when those areas were previously used in connection with the nonconforming activity. An area is unenclosed unless at least 75 percent of the perimeter of the area is marked by a permanently constructed wall or fence.
- vi. Minor repairs to a routine maintenance of property where nonconforming situations exist are permitted and encouraged.

Subject to paragraph (vii) of this section, the following conditional use is permitted when authorized by the Board of Aldermen after the Board holds a public hearing. Each request must be reviewed by the Planning Board and the Board's recommendations and comments will be presented in writing at the public hearing and included in the minutes of the meeting.

- (a) A structure within which a nonconforming use is conducted to be enlarged; or
- (b) Additional structures to be built on the lot where the nonconforming use is located, within which structures the nonconforming use can be enlarged; or

- (c) A nonconforming use of land to be extended beyond geographical bounds in which it has been conducted.
- vii. Any sick built house, when used for residential purposes in any zone, and maintained as a nonconforming use, may be enlarged, repaired, improved or replaced with a similar structure of a larger size, so long as the replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to yard size and setback requirements.

With the following exceptions, manufactured homes on single lots used as residences in any zone may be replaced by Class A or B manufactured homes of a larger size than the original, or by a stick built structure, as long as the replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to yard size and setback requirements. These exceptions are:

- a. Manufactured homes on individual lots in the central business district (CB) may not be replaced by another manufactured home of any class.
- b. Manufactured homes on individual lots in the R10 district may only be replaced by Class A manufactured homes on permanent foundations with brick or masonry underpinning (or by a stick built structure).

The Board of Aldermen may issue the permit described in paragraph (vi) only if it finds that:

- (a) The action authorized would not adversely affect the health or safety of persons residing or working in the neighborhood of the nonconforming use; and
 - (b) The action authorized would not substantially impair the value of nearby properties; and
 - (c) No useful purpose would be served by the strict application of the provisions or requirements of this chapter to which the use does not conform.
- viii. The lawful use of a "building" existing at the time of the passage of this ordinance or an amendment to this ordinance shall not be affected by this ordinance, although such use does not conform to the provisions of this ordinance; and such use may be extended throughout the building, provided no structural alterations, except those required by law or ordinance or ordered by an authorized officer to secure the safety of the building, are made therein, but no such use shall be extended to occupy any land outside such building. If such non-conforming building is

removed or the non-conforming use of such building is discontinued for a continuous period of not less than one hundred and twenty (120) days, every subsequent use of such premises shall be in conformity with the provisions of this ordinance.

- ix. The lawful use of "land" existing at the time of the passage of this ordinance, although such use does not conform to the provisions of this ordinance, shall not be affected by this ordinance; provided, however, that no such non-conforming use shall be enlarged or increased, nor shall any non-conforming use be extended to occupy a greater area of land than that occupied by such use at the time of the passage of this ordinance. If such non-conforming use is discontinued for a continuous period of not less than one hundred and twenty (120) days, any future use of said land shall be in conformity with the provisions of this ordinance.

4. Change in kind of non-conforming use:

- i. A non-conforming use may be changed to a conforming use. Thereafter, the property may not revert to a non-conforming use.
- ii. A non-conforming use may be changed to another non-conforming use only in accordance with a use permit issued by the Board of Adjustment. The Board shall issue such a permit if it finds that the proposed use will be more compatible with the surrounding neighborhood than the use or combination of uses in operation at the time the permit is applied for.

In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this ordinance.

- 5. Minimum Single Lot Requirements: Where the owner of a lot at the time of the adoption of this ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this ordinance, such lot may be used as a building site for a single-family residence in a district in which residences are permitted; provided, that the yard dimensions and requirements other than those applying to area or width or both shall not be reduced below the minimum specified in this ordinance and further provided if a septic tank is used that the Onslow County Health Department has approved the dimensional requirements reduction. Variance from dimensional requirements other than those related to lot width and area shall only be granted by the Board of Adjustment in consideration of appeals from the decision of the Zoning Enforcement Officer and, when applicable, if the Onslow County Health Department submits a letter of approval.

7. **Minimum Multi-Lot Requirements:** If two or more adjoining and vacant lots on record are in a single ownership at any time after the adoption of this ordinance, such lots shall be considered as a single lot or several lots which meet the minimum requirements of this ordinance for the district in which such lots are located. No portion of said parcel shall be used or sold which does not meet the area and width requirements established by this ordinance nor shall any division of the parcel be made which leaves any lot remaining with width or area below the requirements of this ordinance.
8. Any non-conforming structure or any structure containing a non-conforming use is damaged, destroyed or becomes deteriorated to an extent greater than fifty (50) percent of its replacement cost at the time of damage or discovery of deterioration, the structure may not be repaired for or to a nonconforming use. The only exception to the fifty (50) percent damage clause will be single family dwelling units, including manufactured homes, except Class C manufactured homes, on lots of record at the time of the adoption of this ordinance. Manufactured homes, except Class C manufactured homes, may be replaced if damaged to any degree within certain time requirements, as described herein.

F. Manufactured Home Park Approval Process

Manufactured home park regulations are established to encourage well planned attractive land development in the Town of Richlands by providing fair standards and beneficial requirements for the sitting, operation, and maintenance of manufactured homes.

1. Application to construct a manufactured home park

Manufactured home parks must follow the conditional use permit process for approval. This process is in Article IV, Section B.

- i. Application:** Prior to the construction of a manufactured home park, the builder shall make application to the Zoning Administrator for a permit to construct such a park. The application shall include a plan of the proposed park, which shall be reviewed by the Planning Board for compliance with the requirements of this Ordinance before making a written recommendation to the Board of Aldermen.
- ii. Required Information:** The following information shall be submitted with the application for a permit to construct a manufactured home park:
 - 1) A complete site plan of the park, showing streets, driveways, walkways, recreation areas, manufactured home spaces, vehicular parking spaces, buildings, street lighting, and the location and types of screening, fences, hedges, or buffers.

- 2) Plans of proposed layouts and connections for sewers, water, storm drainage, and other utilities.
- 3) Where public water or public sewage is not available, a written statement from the Onslow County Health Department indicating that the park has sufficient land area and adequate soil conditions to accommodate the proposed water supply and sewage disposal systems.
- 4) The name of the park, names and addresses of the owner or owners, and the designer of the park.
- 5) A vicinity map showing the location of the manufactured home park in relation to other existing land uses within the general area.

2. **Manufactured home park site requirements**

Manufactured home parks are a conditional use in Richlands. Special conditions or site requirements therefore may be added for manufactured home parks.

- i. **Manufactured home park site:** All manufactured home parks shall be located on a site of not less than four (4) acres.
- ii. **Manufactured home space:** The minimum manufactured home space in a manufactured home park shall be 4,000 square feet. Manufactured homes shall be placed on these spaces so that there shall be at least twenty (20) feet side clearance and twenty (20) feet end clearance between units. Furthermore, no manufactured home or building used in conjunction with a manufactured home park shall be located closer than twenty-five (25) feet to any adjoining property line. Not more than one manufactured home per lot is allowed.
- iii. **Access:** All manufactured home spaces shall abut upon a driveway of not less than forty (40) feet in right-of-way width. Such driveways shall have unobstructed access to a public street or highway. All driveways shall be hard surfaces and the minimum width of such driveways shall be well marked and lighted in the manufactured home parks. All manufactured home lots must enter and exit the park through the use of the interior road network of the park. No direct access to public roads from a lot shall be allowed.
- iv. **Off-street parking:** At least two (2) off-street parking spaces shall be constructed and maintained for each manufactured home space and shall be located so as not to interfere with the movement of vehicles on streets or access drives. Each parking space shall be at least ten (10) feet by twenty (20) feet in dimensions and may be included within the 4,000 square feet required for each space.

- v. **Recreation space:** At least two hundred (200) square feet of usable land per manufactured home space shall be reserved by the manufactured home park owner for play or recreation usage and aggregated in suitable locations.
- vi. **Curtaining:** All manufactured homes shall be curtained around their base and this shall extend around their entire circumference. This curtain wall shall be either brick, masonry or vinyl siding material.

3. **Utility and garbage disposal requirements**

- i. **Water supply:** Every manufactured home shall be provided with a supply of water for domestic purposes from a source approved by the Onslow County Health Department.
- ii. **Sewage disposal:** Every manufactured home shall be provided with an adequate sewage disposal system by connection to a public sewage system or a septic tank system constructed in compliance with State regulations and approved by the Onslow County Health Department.
- iii. **Garbage disposal:** All garbage and refuse in every manufactured home park, after removal from the manufactured home, shall be stored in suitable watertight and flytight metal or heavy duty plastic receptacles which shall be covered with fitted lids and enclosed in an animal proof rack. The manufactured home park owners or operators shall be responsible for the sanitary disposal of all refuse.
- iii. **Buffer zone:** An evergreen vegetation and fence buffer at least six (6) feet high and three (3) feet wide shall be constructed and maintained around the entire perimeter of the manufactured home park with the exception of the points of ingress and egress.

G. **Temporary Uses**

- 1. **Mobile Offices:** Mobile offices may be used on a temporary basis for such purposes as construction offices, blood mobiles, book mobiles, and traveling museums. However, such uses must obtain a temporary occupancy permit from the Zoning Administrator if the use is to last more than forty-eight (48) hours at one site.

Mobile offices may also be used for other office or business purposes in cases where the permanent structure has been destroyed through no fault of the owner or tenant. A temporary occupancy permit must be obtained before the use of the mobile office is initiated. This occupancy permit shall be valid for a specified

period of time while reconstruction takes place. Temporary permits of this type will not exceed six (6) months and may be renewed no more than once.

2. **Mobile Homes:** Temporary use of a mobile home as a residence shall be permitted in any residential district in cases where the permanent home has been destroyed through no fault of the owner or tenant. A temporary occupancy permit must be obtained from the Zoning Administrator before the use of the mobile home is initiated. This occupancy permit shall be valid for a specified period of time not to exceed six (6) months while reconstruction takes place and may be renewed no more than once.

H. Dwellings as Accessory Uses

Dwellings may be accessory uses in residential districts if located inside the principal home or if detached as a garage apartment and only if used as a residence by household service staff or relatives and no rent is charged. Manufactured homes shall not be used as accessory residences in any residential district.

Dwellings may be accessory uses in the Central Business District if located inside the principal building.

I. Retail Sales and Services as Accessory Uses

Retail sales and services are permitted as accessory uses when clearly incidental to the principal use. With the exception of restaurants in conjunction with a motel, such uses shall be conducted wholly within the principal building, without access thereto other than from within the building, and without exterior advertising or display. These activities shall be conducted solely for the convenience of the employees, patients, patrons, students, or visitors and not for the general retail public. In hospitals and clinics these accessory uses may include drug stores, florists, gift and book shops, and cafeterias. In institutional settings, office buildings, hotels, country club houses, and airports, such activities may include gift and book shops, restaurants, cafeterias and coffee shops, lounges, pro shops, and beauty and barber shops.

J. Fences and Walls

Ornamental fences and walls not over four (4) feet high may project into or may enclose any front or side yard, and fences or walls enclosing rear yards may be a maximum of six (6) feet high. An open fence or wall through which clear vision is possible from one side to the other on a horizontal plane and such openings occupy fifty percent (50%) or more of the area of the fence or wall, may be erected in the rear yard to a maximum height of ten (10) feet in nonresidential districts.

K. Satellite Dish Antennas

1. **General Requirements:**

- i. A building permit is required when installing, moving, or substantially constructing or reconstructing a dish antenna over four (4) feet in diameter.
- ii. A dish antenna must be installed in compliance with the manufacturers specifications at a minimum.
- iii. In all residential districts dish antennas which exceed four feet in diameter must be permanently installed on the ground in the rear yard, and shall not exceed twelve (12) feet in diameter.
- iv. In business and industrial districts, dish antennas may either be installed on the ground or on the roof of the building. If installed on the roof, the dish shall not be larger than twelve (12) feet in diameter, shall not project higher than ten (10) feet above the maximum building height of the zoning district or more than one-third (1/3) the actual height above the roof, whichever is less, shall be setback from the front and sides of the building at least eighteen (18) feet and shall not be used for any advertising purposes. A dish antenna may be installed on the top of another part of the building which is lower than the roof, and such as a balcony or parking deck only if such location is at the rear or side of the building and all other requirements are met.
- v. Digital dish antenna twenty-four (24) inches in diameter or less may be attached to the principal building in any residential district.
- vi. A dish antenna may be attached to an accessory building which is permanently secured to the ground, but may not be attached to the principal building except as provided in 1., iv., above.
- vii. If a dish antenna is repainted, the only permissible colors are the original color used by the manufacturer, off-white, pastel beige, grey, or pastel grey-green. The paint must have a dull (non-glossy) finish and no patterns, lettering, or numerals shall be permitted on either side of the dish surface.
- viii. No dish antenna shall be installed in any public right-of-way or in any drainage or utility easement.

2. Location in Yards

- i. A dish antenna shall be installed in the rear yard only, in all districts except as provided for in 2., ii., below.
- ii. In business and industrial districts, a dealer selling dish antennas may have a maximum of one (1) such antenna installed in the front or side yard for display purposes providing all other requirements are met. If a dealer displays a dish antenna in a front or side yard, his permissible sign area shall be reduced by one-half (1/2). In residential districts, a digital dish antenna twenty-four (24) inches or less in diameter may be placed in the front yard only if such placement is necessary to acquire a sufficient satellite signal.

3. Setback Requirements

- i. The minimum required setback for dish antennas, from the side lot line, shall be the same as the principal building setback. On corner lots, on the side abutting the street, the minimum required setback shall be the same as the required front yard setback.
- ii. The minimum required setback for dish antennas, from the rear lot line, shall be six (6) feet or the same as accessory buildings, whichever is greater, but in no case shall any part of the antenna come closer than one (1) foot to the property line.
- iii. In districts where there are no side or rear yard requirements, a minimum setback of six (6) feet from the side and rear lot lines shall be required of dish antennas, but in no case shall any part of the antenna come closer than one (1) foot to the property line.
- iv. In all cases no dish antenna shall be located within fifteen (15) feet of any street right-of-way.

4. Maximum Height Requirement

- i. In all residential districts the maximum height of dish antennas shall be fifteen (15) feet or the height of the principal building, whichever is less.
- ii. In business and industrial districts, the maximum height of dish antennas installed on the ground shall be twenty (20) feet. Dish antennas mounted on the roof of a building shall not project higher than ten (10) feet above the maximum building height of the district or more than one-third (1/3) the actual building height above the ground, whichever is less.

5. Buffering Requirements

- i. In all residential districts dish antennas shall be surrounded on all sides with any one or a combination of evergreen vegetation, topography, landscaped earthen berm, or architectural features such as fences or building so that the view of the dish area is restricted from all public streets and six (6) feet above ground level around the antenna is required to be shielded from abutting residential property. If evergreen vegetation is used, a species and size must be planted which will be expected to screen the required area within two (2) years of normal growth. Any screening vegetation which dies must be replaced.
- ii. In business and industrial districts, dish antennas must be screened from view from abutting residential property and residential streets. The screening requirements as to materials and height are the same as in 5., 1., above.

L. Certification of Occupancy

No land shall be used or occupied, except for agricultural purposes, and no building hereafter structurally altered or erected shall be used or changed in use until a certificate of occupancy shall have been issued by Onslow County Building Inspections Office. In no case shall a certificate of occupancy be issued unless the building and/or the proposed use therefor has been found in compliance with the provisions of this ordinance. A like certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a non-conforming use. A certificate of occupancy, either for the whole or a part of a building shall be applied for coincident with the application for a building permit and shall be issued within 10 days after the erection or structural alterations of such building, or part, shall have been completed in conformity with the provisions of this ordinance. A record of all certificates shall be kept on file in the office of the Zoning Administrator and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building erected. No permit for excavation, or erection of, any building or part of a building, or for repairs to, or alteration of, a building shall be issued until after a zoning permit application has been filed by the applicant and found to be consistent with this ordinance.

M. Plats

Each application for a Zoning Permit shall, if required by the Board of Aldermen, be accompanied by a plat in duplicate, drawn to scale, showing accurate dimensions of the lot to be built upon, accurate dimensions of the building to be erected, the location on the lot, and such other information as may be necessary to provide for the enforcement of this ordinance. A careful record of such applications and plats shall be kept in the office of the Zoning Administrator.

N. Interpretation, Purpose and Conflict

In the interpretation and application of the provisions of this ordinance applicants shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants or agreements, the provisions of this ordinance shall govern.

O. Changes and Amendments

The Board of Aldermen may amend, supplement or change the text regulations and zoning map according to the following procedures.

1. Action by the Applicant

The following action shall be taken by the applicant:

- i. **Initiation of amendments:** Proposed changes or amendments may be initiated by the Board of Aldermen, Planning Board, Board of Adjustment, the owner or his agent, or by one or more interested parties.
- ii. **Application:** An applicant for any change or amendment shall contain a description and/or statement of the present and proposed zoning regulation or district boundary to be applied, and the names and addresses of the property owner. Such application shall be filed with the Zoning Administrator not later than ten (10) working days prior to the Planning Board meeting at which the application is to be considered.

Any application for a zoning ordinance amendment, which has been submitted in accordance with the provisions of this ordinance, may be withdrawn at any time.

- iii. **Fee:** When a proposed amendment is initiated by individuals or parties other than the Board of Aldermen, Planning Board, or Board of Adjustment, a fee shall be paid to the Town of Richlands, North Carolina, for each application for an amendment to cover the costs of advertising and other administrative expenses involved. The fee is fifty dollars (\$50.00). A receipt of this fee shall be issued by the Town. The fee is non-refundable.

2. **Action by the Planning Board**

The following action shall be taken by the Planning Board:

- i. **Planning Board consideration:** The Planning Board shall consider and make recommendations to the Board of Aldermen concerning each proposed Zoning Amendment. The Zoning Administrator shall receive the request for amendment. Requests for an amendment must be received ten (10) days prior to the Planning Board meeting where the request will be considered. The Planning Board may hold separate hearings or may sit concurrently with the public hearing held by the Board of Aldermen. Previously denied zoning amendments may be requested to be heard again after the passage of six (6) months. A Planning Board recommendation is expected within sixty (60) days of receipt of a request for an amendment.

For text and zoning district amendments the Planning Board shall consider the following factors:

The proposed amendment to the ordinance will place all property similarly situated in the area in the same category, or in appropriate complimentary categories.

There is a convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change.

There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and would not merely serve the interests of an individual or small group.

There is a convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

Proposed changes must be consistent with the Land Use Plan and sound planning principles.

3. **Action by the Board of Aldermen**

- i. **Notice and public hearings:** No amendment to the Zoning Ordinance text or map shall be adopted by the Board of Aldermen until after public notice and hearing. Public notice shall strictly adhere to the requirements of the North Carolina General Statutes in effect at the time of the change and as may be altered from time to time. Newspaper notice of a public hearing shall be published once a week for two (2) successive calendar weeks in a local newspaper of general circulation in the municipality. Such notice must be more than ten (10) but less than twenty-five (25) days prior to the hearing. Notice of change to zoning district boundaries will also include a posting of a notice on the property concerned and/or by mailing a notice, by first class mail, to the owners of the surrounding property. Previously denied zoning amendments may be requested to be heard again only after six (6) months has passed.
- ii. **Board of Aldermen:** Before taking such lawful action as it may deem advisable, the Board of Aldermen shall consider the Planning Board's recommendation on each proposed Zoning Amendment. If no recommendation is received from the Planning Board within sixty (60) days from the date when submitted to the Planning Board, the petitioner may take the proposal to the Board of Aldermen without a recommendation from the Planning Board. The Board of Aldermen, at the close of the properly advertised public hearing, may defer taking lawful action on the proposed amendment until it has sufficient time to consider any new evidence or suggestions presented at the public hearing.
- iii. **Protests:** In case of protest against any such change signed by the owners of twenty (20) percent or more either of the area of lots included in such proposed change, or of those immediately adjacent thereto in the rear thereof or on either side thereof extending one hundred (100) feet therefrom, or of those directly opposite thereto extending one hundred

(100) feet from the street frontage of such opposite lots, such amendment shall not become effective except by favorable vote of three fourths (3/4) of all the members of the Board of Aldermen. No protest petition shall be valid unless it is: a) written, b) bears the actual signature of the requisite number of property owners and states that they protest the proposed amendment, and c) is received by the municipal clerk in time to allow at least two (2) normal working days (excluding weekends and legal holidays) prior to the public hearing on the amendment, so as to allow time for municipal personnel to check the accuracy and sufficiency of the petition.

4. Repeal of Amendment

In any case where a change of boundary lines of the zoning district map has been granted, and where no development has taken place within one (1) year, the Planning Board may recommend and the Board of Aldermen after notice and public hearing thereon, may affirm, or repeal such ordinance, and re-zone the property to the most appropriate district classification.

P. Validity

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

Q. Enforcement

The Zoning Administrator is hereby authorized to enforce the provisions of this ordinance. The Zoning Administrator in Richlands is the Town Administrator. This official shall have the right to enter upon the premises at any reasonable time necessary to carry out his or her duties as described within this ordinance. It is the intention of this ordinance that all questions arising in the interpretation and enforcement of this ordinance will be first presented to the Zoning Administrator. Appeal from the decision of the Zoning Administrator may be made to the Board of Adjustment.

In administering the Zoning Ordinance the Zoning Administrator shall:

- A. Make and maintain records of all applications for zoning compliance, and records of all statements of compliance issued or denied, with notation of all special conditions or modifications as necessary.

- B. File and safely keep copies of all plans submitted. These files will serve as a record for the office of Zoning Administrator and will be available for inspection by interested parties.
- C. Transmit to the appropriate Board (Board of Aldermen, Planning Board, Board of Adjustment) all requests and plans for their review and approval as necessary.
- D. Conduct inspections of projects in the Richlands planning area. Upon finding of violation, the Zoning Administrator will notify the violator in writing of the violation and order the action necessary to remedy such violation.

R. Zoning Permits

- A. A valid Zoning Permit shall be presented with any application for a building permit. No building permit shall be issued for any activity in a zoned area until such Zoning Permit is presented.

It shall be unlawful to commence excavation for or the construction of any building or other structure or the use of any land or building including accessory structures, until the Zoning Administrator has issued a Zoning Permit for such work including a statement that the plans, specifications and intended use of such land, or structure, conforms in all respects with the provisions of this Zoning Ordinance. Application for a Zoning Permit shall be made in writing to the Zoning Administrator on forms provided for that purpose.

Zoning Permits will be void after six (6) months from the date of issue unless substantial progress on the project has been made by that time.

- B. It shall be unlawful for the Zoning Administrator to approve any plans or issue a Zoning Permit for any purpose regulated by this Ordinance until he has inspected such plans in detail and found them to be in conformity with this Ordinance. The Zoning Administrator shall require every application for a Zoning Permit to be accompanied by a plan or plat drawn to scale and showing the following in sufficient detail to enable the Zoning Administrator to ascertain whether the proposed activity is in conformance with the Ordinance.
 - i. The actual shape, location, and dimensions of the lot.
 - ii. The shape, size, and location of all buildings or other structures to be erected, altered or moved and any of the building or other structures already on the lot.
 - iii. The existing and intended use of all such buildings or other structures.

- iv. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being followed.
 - v. All applicants are expected to complete the Zoning Permit form or the Conditional Use Permit form, as necessary.
- C. If the proposal is in conformity with the provisions of the Zoning Ordinance, the Zoning Administrator will issue a Zoning Permit. If an application for a Zoning Permit is not approved, the Zoning Administrator shall state in writing on the application the reason the request was not approved. Issuance of the Zoning Permit shall not be construed as waiving the provisions of this or any other Ordinance or regulations of the Town of Richlands.

S. Building Permits Prior to Effective Date

No section of this ordinance shall in any way prohibit, restrict or affect in any manner or form any person, firm or corporation who has secured a building permit prior to the effective date of this ordinance.

T. Penalty

The Town of Richlands may choose to enforce this ordinance by any one, all, or combination of the below described penalty procedures.

- A. Criminal Penalties: Any person, firm or corporation who violates the provisions of this ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding fifty dollars (\$50.00) or imprisoned not exceeding thirty (30) days. Each day that violation continues to exist shall be considered a separate offense.
- B. Civil Penalties: If a building or structure is erected, constructed, reconstructed, or altered, repaired, converted, or maintained, or any building, structure or land is occupied or used in violation of the North Carolina General Statutes, this Ordinance, or other regulations made under authority conferred thereby, the Town of Richlands may apply to the District Court, Civil Division, or any other court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property.

In addition to an injunction, the court may enter an order of abatement as a part of the judgement in the case. An order of abatement may direct that buildings or other structures on the property be closed, and demolished, or removed; that fixtures, furniture, or other moveable property be removed from buildings on the

property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this Ordinance. If the defendant (or owner) fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the Town may execute the order of abatement. The Town shall have a lien on the property for the cost of executing the abatement.

The Town of Richlands may apply to District Court, Civil Division, or other Court of competent jurisdiction for an appropriate equitable remedy. It shall not be a defense of the Town's application for equitable relief that there is an adequate remedy at law.

**Article V. Provisions of N.C. General Statutes 160A-385.1
Establishment of the Vested Right**

Legislative/Intent/Purpose:

The North Carolina General Assembly on July 20, 1990, ratified Senate Bill 766 as Chapter 996 of the 1989 Session Laws (1990 Regular Session), to be effective October 1, 1991. This legislation has been codified as N.C. General Statute 160A-385.1. The law provides for the establishment of vested rights with respect to site specific development plans that are reviewed and approved in accordance with certain procedures.

The Town of Richlands is authorized and required by N.C. General Statute 160A-385.1 to identify the specific types of zoning or land use approvals that constitute a site specific development plan within the meaning of N.C. General Statute 160A-385.1. The purpose of this section of the zoning ordinance is to implement the provision of N.C. General Statute 160A-385.1 pursuant to which a vested right is established upon the approval of a site specific development plan.

A. Definitions

For the purposes of this ordinance, the words and phrases defined in this subsection shall have the meaning indicated unless otherwise specifically provided, or unless otherwise clearly required by the context:

1. Owner - Any owner of a legal or equitable interest in real property, including heirs, devisees, successors and assigns, having a vested estate, and the agent or personal representative of such owner. For purposes of this Article, owner shall include a person holding a valid and recorded option to purchase the real property with respect to which he seeks to establish a vested right.
2. Site specific development plan - A plan that has been submitted to the Town by an owner, describing with reasonable specificity the type and intensity of use for a specific parcel or parcels of property. At a minimum, such plan must include the

approximate boundaries of the site; significant topographic and other natural features affecting development of the site; approximate location on the site of proposed buildings, structures and other improvements; approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. Included within this definition are plans submitted pursuant to the following specific provisions of the Town Code, and meeting the requirements specified therein: (1) Preliminary subdivision plans as defined in the subdivision ordinance and (2) Conditional Use Permit (Article IV, IIC) and Planned Unit Developments (Article III, J). 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 of and intensity of use for a specified parcel or parcels of property may constitute a site specific development plan.

3. Vested right - The right of an owner of property to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or phased development plan.
4. Approval Authority - The approval authority for the establishment of vested rights shall be the Richlands Board of Aldermen.

B. Establishment of a Vested Right

1. A vested right shall be deemed established upon the valid approval or conditional approval, by the Richlands Board of Aldermen, as applicable, of a site specific development plan following notice and public hearing as provided for by the law.
2. The approval authority may approve a site specific development plan upon such terms and conditions as may be reasonably necessary to protect the public health, safety and welfare. Such conditional approval shall result in a vested right being established; provided, that failure to satisfy any of the terms and conditions so imposed will result in a forfeiture of vested rights.
3. A site specific development plan shall be deemed approved as of the effective date of the approval authority's final action or adoption of an ordinance relating thereto. In the event that applicable ordinance procedures require a site specific development plan to be approved under the Richlands Zoning Ordinance, such a plan shall not be deemed approved until all required approvals have been obtained from the appropriate approval authority.

C. Approval Procedures and Approval Authority

1. Except as otherwise provided in this Article, an application for site specific development plan approval shall be processed in accordance with the procedures

established by ordinance and shall be considered by the designated approval authority for the specific type of zoning or land use permit or approval for which application is made.

2. Notwithstanding the provisions of subsection 1., if the authority to issue a particular zoning or land use permit or approval has been delegated by ordinance to a board, committee or administrative official other than the Richlands Board of Aldermen, in order to obtain a zoning vested right, the applicant must request in writing at the time of application that the application be considered and acted on by the Richlands Board of Aldermen following notice and a public hearing as provided in G.S. 160A-364, in accordance with the procedures set forth in Article IV, B, of this Chapter for consideration of Conditional Use Permit requests.
3. In order for a zoning vested right to be established upon approval of a site specific development plan, the applicant must indicate at the time of application, on a form to be provided by the Town, that a zoning vested right is being sought.
4. Each map, plat, site plan or other document evidencing a site specific development plan shall contain the following notation: "Approval of this plan established a zoning vested right under GS 160A-385.1. Unless terminated at an earlier date, the zoning vested right shall be valid until (date)."

D. Duration of Vested Rights

1. A vested right established pursuant to this Article shall remain vested for a period of two years from the effective date thereof.
2. Nothing in this Article shall be construed to exempt a site specific development plan with respect to which a vested right has been established from subsequent review and approvals by the Town to ensure compliance with the terms and conditions of the original approval as provided for in the original approval or by applicable Town Code provisions.
3. The establishment of a vested right pursuant to this Article shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land use regulation by the Town, including but not limited to: building, fire, plumbing, electrical and mechanical codes. New and amended zoning regulations that would be applicable to certain property but for the establishment of a vested right with respect thereto shall become effective upon the expiration or termination of the vested right in accordance with this Article.
4. Upon issuance of a building permit, the expiration provisions of GS 160A-418 and the revocation provisions of GS 160A-422 shall apply, except that a building

permit shall not expire or be revoked because of the running time while a zoning vested right under this section is outstanding.

E. Termination of Vested Rights

A zoning right that have been vested as provided in this Article shall terminate:

1. At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed;
2. Upon written request or with the written consent of the affected landowner;
3. Upon findings by the Board of Aldermen, by ordinance after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan;
4. Upon payment of the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning marketing, legal, and other consultant's fees incurred after approval by the Town, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action;
5. Upon findings by the Board of Aldermen, by ordinance after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approval authority of the site specific development plan; or
6. Upon the enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the site specific development plan, in which case the approval authority may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, by ordinance after notice and a hearing.

F. Miscellaneous Provisions

1. A vested right, once established as provided for in this Article, precludes any zoning action by the Town which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site specific development plan.
2. Nothing in this Article shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or the zoning ordinance.

3. A vested right is not a personal right, but shall attach to and run with the land with respect to the affected property. All successors in title and interest of the owner who obtained the vested right shall be entitled to exercise the right.

G. Voluntary Annexation

A petition for annexation filed with the Town under GS 160A-31 or GS 160A-58.1 shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to the petition has been established under GS 160A-385.1 or GS 153A-344.1, or the failure to sign a statement declaring whether or not a zoning vested right has been established, shall be binding on the landowner and any such zoning vested right shall be terminated.

H. Limitations

Nothing in this Article is intended or shall be deemed to create any vested right other than those established pursuant to GS 160A-385.1.

I. Repealer

In the event that GS 160A-385.1 is repealed, this Article shall be deemed repealed and the provisions hereof no longer effective.

J. Effective Date

1. This Article will be implemented upon the date of adoption of the Richlands Zoning Ordinance.
2. A violation of any provisions of this ordinance shall subject the offender to the penalties set forth in Article IV, Subsection M, Penalty, of this zoning ordinance.
3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.
4. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.
5. This ordinance shall be effective immediately upon its adoption.

Article VI. Signs

A. Statement of Purpose

Sign regulations are established to restrict private signs and lights which overload the public's capacity to receive information, which violate privacy, or which increase the probability of accidents by distracting attention or obstructing vision. Such regulations are also designed to encourage signing and lighting and other private communications which aid orientation and identify activities, and to reduce conflict among private signs and lighting and between the private and public environmental information systems.

B. General Requirements

No sign of any type or any part thereof shall be erected, painted, repainted, posted, reposted, placed, replaced or hung in any zoning district except in compliance with these regulations.

No permit is required to erect most signs; however, the Zoning Administrator shall have the authority to order the removal or modification of any new sign which does not meet these requirements according to the following procedures:

1. The owner of the sign, the occupant of the premises on which the sign or structure is located, or the person or firm maintaining the same shall, upon written notice by registered or certified mail from the Zoning Administrator or his designated agent, within thirty (30) days, remove or modify the sign or structure in a manner approved by the Zoning Administrator or his designated agent.
2. If such order is not complied with within thirty (30) days, the Zoning Administrator his designated agent shall issue a second written notice in person or by registered or certified mail indicating that if the appropriate action has not taken within fifteen (15) days, the Town will remove the sign at the cost of the owner or lessor of the sign.

3. If the sign is not removed or modified within the fifteen (15) days granted by the second notice, the Zoning Administrator shall order the removal of the sign by the Town.

Therefore, it is the interest of the sign owner to consult with the Zoning Administrator prior to the purpose and installation of a sign. The sign user should bring the Town Hall a drawing approximately to scale showing the design of the sign, including dimensions, method of attachment or support, source of illumination and showing the relationship to any building or structure to which it is or is proposed to be installed or affixed and a plot plan approximately to scale indicating the location of the sign relative to property lines, easements, streets, sidewalks, and other signs.

C. Exemptions

The following types of signs are exempted from the application of the regulations herein:

1. Signs unlighted, not exceeding two (2) square feet in area and bearing only property numbers, mail box numbers, and the name of the owner or occupant of the premises. Such signs shall not exceed two (2) square feet in area per occupant. If more than one (1) sign or nameplate is required, the total allowable sign area shall not exceed eight (8) square feet.
2. Flags and insignia of any government except when displayed in connection with commercial promotion.
3. Holiday decorations in season.
4. Legal notices and warnings, regulatory, informational, or directional signs erected by any public agency or utility.
5. Integral decorative or architectural features of buildings, including signs which denote only the building name, date of erection or street number. Such signs shall be permitted as exemptions when cut into any masonry surface or implanted with a metal plate.
6. Signs directing and guiding traffic and parking on private property.
7. Signs which cannot be seen from a public street or right-of-way.
8. The act of changing advertising copy of messages on any sign designated for the use of replaceable copy such as a ready board or product price sign or on a sign having time-and-temperature.
9. Price signs at automobile service stations or other establishments engaged in the retail sale of gasoline. One (1) such sign is permitted for each frontage on a public street, provided it does not exceed eight (8) square feet in area. Any such sign shall be affixed to a permitted freestanding identification sign, to a canopy supported in the vicinity of the gasoline pumps, or flat-mounted against the wall of a building.
10. Signs announcing the location of self-service or full service gasoline pump at any establishment engaged in the retail sale of gasoline. Such signs shall be located in the vicinity of the gasoline pumps and shall not exceed eight (8) square feet in area.

D. Signs Permitted in Residential Districts

1. Permanent identification signs for subdivisions and residential developments not exceeding twenty (20) square feet in area. One (1) sign may be erected at each major entrance to the subdivision, but shall be located on private property no closer than ten (10) feet to any property line. No sign shall exceed six (6) feet in height above ground level, and illumination shall be restricted to indirect white lighting.
2. Permanent identification signs for manufactured home or mobile home parks and campgrounds not exceeding six (6) square feet in area. One (1) sign may be erected at each major entrance to the manufactured home or mobile home park or campground but shall be located on private property no closer than ten (10) feet to any property line. No sign shall exceed six (6) feet in height above ground level. Illumination shall be limited to indirect white lighting.
3. One (1) permanent identification sign for multi-family residential developments may be erected at each major entrance to the property. Such signs shall not exceed twenty (20) square feet in area and may be flat-mounted against the wall of an apartment building or freestanding. If freestanding, such signs shall be set back a minimum of ten (10) feet from any public right-of-way or property line and shall not exceed six (6) feet in height above ground level. Illumination shall be limited to indirect white lighting.
4. One permanent identification sign for nonresidential use permitted as matter of right may be erected on the premises, provided such signs do not exceed twenty (20) square feet in area. If freestanding, no sign shall be located closer than ten (10) feet to any property line nor exceed six (6) feet in height above ground level. Illumination shall be limited to indirect white lighting.
5. One (1) identification sign for each home occupation is permitted, but shall not be closer than ten (10) feet to any property line, or street right-of-way, shall not project higher than two (2) feet above ground level, and shall not exceed one (1) square foot in area.
6. Temporary signs are permitted in accordance with the regulations herein (Article VI., I).
7. No other signs are permitted

E. Signs Permitted in the Central Business District

Within the Central Business District as shown on the Zoning Map, only the following types of signs shall be permitted:

1. Permanent wall signs shall be permitted for each separate business establishment, provided the total allowable sign area for all such signs shall not exceed one-half (1/2) square foot for each lineal foot of building wall facing a public street. The location and number of wall signs is at the option of the owner or tenant; however, where more than four (4) signs are located on any lot, the fifth such sign and each succeeding sign, respectively, shall reduce the total allowable sign area by twenty (20) percent. Wall signs shall not project higher than the building eave

of thirty (30) feet, whichever is lower. Street number numerals shall not count in this requirement.

2. One (1) identification sign per business establishment may be suspended from or attached to the underside of a canopy or marquee, provided such sign does not exceed six (6) square feet in area and maintains a clear distance of at least seven and one-half (7-1/2) feet between the sidewalk and the bottom of the sign.
4. Identification signs shall bear thereon no lettering other than to indicate the name and kind of business conducted in the building or structure, such as “men’s clothing,” “drugs,” “jeweler,” and the like, and the year the business was established and the street number thereof. Other permanent signs may advertise articles of merchandise sold on the premises.
4. Restaurants and automobile service stations shall be permitted one (1) freestanding sign if the business is located on a corner lot or has at least one hundred (100) feet of street frontage. Such freestanding sign shall not exceed twenty (20) feet in height or twenty (20) square feet in sign area per side and shall be located on private property such that no part of the sign shall project over any public right-of-way or another lot.
5. Where there is a front yard of at least fifty (50) feet, one (1) freestanding identification sign shall be permitted in the front yard. Such sign must be setback a minimum of ten (10) feet from any public right-of-way or any other property line, shall not exceed six (6) feet in height above ground level, and shall not exceed thirty-two square feet in area. Illumination shall be limited to indirect white lighting.
6. Temporary signs are permitted in accordance with the regulations herein (Article VI., I).

F. Signs Permitted in the Highway Business District

Within the Highway Business District as shown on the Zoning Map, only the following types of signs shall be permitted.

1. One (1) permanent, freestanding identification sign is permitted for each premise. Any such freestanding sign shall not exceed thirty (30) feet in height or seventy (70) square feet in sign area per side. For developments that have more than 300 linear feet of frontage along a single right-of-way boundary, a second freestanding sign may be established. Multiple freestanding signs established in the same development must be separated by a minimum of 100 feet. (Amended 2/14/2006).
2. Permanent wall signs shall be permitted for each separate business establishment provided the total allowable sign area for all signs shall not exceed one (1) square foot for each lineal foot of building wall facing a public street. The location and number of wall signs is at the option of the owner or tenant; however, where more than four (4) signs are located on any lot, the fifth such sign and each succeeding sign, respectively, shall reduce the total allowable sign area by twenty (20) percent. Street number numerals shall not count in this requirement. Wall signs

shall in no case project higher than the eave of the building or thirty (30) feet, whichever is lower.

3. The total allowable sign area for all signs, including all wall and freestanding signs, shall not exceed one (1) square foot for each lineal foot of building wall facing a public street. Sizes of each sign are at the option of the owner or tenant, but in no case shall a freestanding sign be more than thirty (30) square feet except as provided for a shopping center.
4. One (1) identification sign per business establishment may be suspended from or attached to the underside of a canopy or marquee, provided such sign does not exceed six (6) square feet in area and maintains a clear distance of at least seven and one-half (7-1/2) feet between the sidewalk and the bottom of the sign.
5. No freestanding sign shall be closer than ten (10) feet from a street right-of-way or fifteen (15) feet from any other property line.
6. Temporary signs are permitted in accordance with the regulations herein (Article VI., I).

G. Signs Permitted in the Industrial District

Within the Industrial District as shown on the Zoning Map, only the following types of signs shall be permitted:

1. One (1) freestanding identification sign is permitted for each premises. The area of the sign shall not exceed the total allowable sign area, but in no case exceed eighty (80) square feet in area, and shall not project more than twenty-five (25) feet above ground level.
Businesses fronting on more than one (1) public street shall be permitted one (1) freestanding sign for each frontage; provided, however, the combined area of all such signs shall not exceed the allowable sign area and, in no case, eighty (80) square feet.
2. Permanent wall signs are permitted for each business provided they do not project higher than the building eave or thirty (30) feet, whichever is lower. The location and number of wall signs is at the option of the owner or tenant; however, where more than four (4) signs are located on any lot, the fifth such sign and each succeeding sign, respectively, shall reduce the total allowable sign area by twenty (20) percent.
3. The total allowable sign area shall not be more than one (1) square foot per lineal foot of building wall facing a public street.
4. Identification signs may be suspended from or attached to the underside of a canopy or marquee, provided that the total sign area of such signs does not exceed six (6) square feet in area and a clear distance of at least seven and one-half (7-1/2) feet between the sidewalk and the bottom of such signs is maintained.
5. Temporary signs are permitted in accordance with the regulations herein (Article VI., I).
6. Off-premises advertising signs may be permitted in which case the sign shall be setback from any street right-of-way or property line by at least fifty (50) feet, shall not be closer than one hundred (100) feet to any property zoned residential,

shall not project higher than twenty-five (25) feet above ground level, and shall not exceed two hundred (200) square feet in area.

H. Shopping Center Signs

For shopping centers in single ownership or under unified control, one (1) additional sign on each street frontage, other than those regulated above, shall be permitted, subject to the following:

1. **Content**~~Such sign shall advertise only the name and location of such center and/or name and type of business on each occupant of the center.
2. **Area**~~The gross area in square feet permitted for the additional sign on a zoning lot shall not exceed one (1) square foot per lineal foot of building facing a public street.
3. **Location**~~The additional sign shall not be closer than twenty (20) feet to any property line or street right-of-way and shall not project higher than thirty (30) feet above the ground level.

I. Temporary Signs

The following signs of a temporary nature including portable or mobile signs on wheels are permitted in all Zoning Districts:

1. One non-illuminated sign per street frontage pertaining only to the lease, rent or sale of the property upon which it is displayed. The maximum size of such signs shall be as follows:
 - a. In all residential districts, ten (10) square feet.
 - b. In all other districts, such signs shall be limited to one (1) square foot of area for each five (5) lineal feet of advertised property which abuts a public street; provided, however, no such sign shall exceed one hundred (100) square feet in area.
2. One (1) construction sign may be erected on a site during the period of construction or reconstruction of a building or other similar project. The sign may identify the owner and/or developer, architect, engineer, contractor and other individuals or firms, and the character or purpose for which the structure or item is intended. The sign shall be non-illuminated and removed within to (2) days after the construction work has been completed. The maximum size of a construction sign shall be as follows:
 - a. In residential zones, ten (10) square feet.
 - b. In all other districts, sixty (60) square feet or one (1) square foot of sign area for each five (5) lineal feet of property abutting a public street, which ever is greater. In no instance, however, shall any such sign exceed one hundred (100) square feet in area.

3. Signs for promotional purposes by an individual business may be displayed on the premises for a period not to exceed twenty-eight (28) days during each calendar year.
4. Banners, pennants, ribbons, posters, streamers, strings of light bulbs, spinners or other similar devices may be displayed for a period of not more than twenty-one (21) days in any one calendar year on the occasion of the opening of a new business.
5. Temporary signs painted or displayed on the interior or exterior of commercial building windows, provided, however, such signs shall not exceed twenty-five (25) percent of the total window area.
6. Directional signs advertising a public event and located off premises may be displayed on private property not more than one (1) week in advance of the event and not more than two (2) days after the completion of the event. No such sign shall exceed six (6) square feet in area.
7. Political campaign signs may be posted on private property only after the official campaign period has begun and must be removed within one (1) week after elections. Such signs shall not exceed six (6) square feet in area.

J. Signs Permitted in Conjunction with Nonconforming Uses

Any nonconforming use in any district may maintain such business signs as would be allowed for such use in the most restrictive district in which the use would be permitted, or such signs as are existing at the time the use becomes nonconforming, whichever is the more restrictive with regards to sign size and number of signs. A period of one (1) year from the effective date of this ordinance shall be allowed in order to bring all such signs into conformity with this Article.

K. Nonconforming Signs

Any nonconforming signs except those discussed in Section J of this Article, existing on the effective date of this ordinance may remain in place and be maintained for five (5) years after said effective date, subject to the following requirements:

1. No nonconforming sign shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for periodic change of message.
2. No nonconforming sign shall be structurally altered as to change the shape, size, type or design of the sign, nor shall any nonconforming sign be relocated.
3. No nonconforming sign shall be allowed to remain after the activity, business or use to which it relates has been discontinued.
4. If a nonconforming sign is damaged in such a manner that the estimated expense of repairs exceeds fifty percent (50%) of its replacement value, the sign shall not be allowed to remain or be repaired and must be removed.
Within five (5) years after the effective date of this ordinance, all nonconforming signs shall be removed or brought into compliance, unless such time is extended pursuant to the following requirements.

5. The owner of any nonconforming sign shall have the right, within five (5) years from and after the effective date of this ordinance to make application to the Board of Adjustment for an extension of the time within which such sign may be permitted to remain.
 - a. If such sign is nonconforming as to its size, then the time may be extended by the Board of Adjustment for one (1) calendar month for each one hundred dollars (\$100) of the owner's unused investments in the sign. The term "unused investment" shall mean the unamortized portion of the original actual dollar cost for federal income tax purposes, all as certified in writing at the request of the owner by a certified public accountant.
6. Any nonconforming sign created as a result of an amendment to this ordinance or as a result of the extension of the zoned area shall have five (5) years from the date of such amendment or extension to conform to the requirements of this Article.

Upon failure to comply with any of the above requirements, the Zoning Administrator shall cause the removal of any nonconforming signs as hereafter provided:

7. The Zoning Administrator or his designated agent shall give the owner of the nonconforming sign notice of the violation by registered or certified mail. Notice to the owner or the occupant of the premises on which the sign is located shall be sufficient. The notice shall contain a brief statement of the particulars in which this Article is violated and the manner in which such violation is to be remedied.
8. Failure to correct such violation within thirty (30) days shall constitute a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00), or by imprisonment for not more than thirty (30) days. Each day of a continuing violation shall be a separate and distinct offense.
9. In addition to or instead of the above penalties, the Town may apply to a court of justice for a mandatory or prohibitory injunction and order of abatement directing the owner, occupant or permittee to correct the violation in accordance with GS 160A-175.

L. Prohibited Signs

Unless otherwise permitted, the following signs are prohibited:

1. Banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices, except as permitted in Section I of this Article.
2. Signs advertising an activity, business, product, or service no longer conducted on the premises upon which the sign is located.
3. Mobile signs, except as permitted in Section I of this Article.
4. Off-premises advertising structures or billboards, except as a conditional use allowed in an appropriate zoning district.
5. Roof signs.

6. Projecting signs and freestanding signs located within a public right-of-way except when erected by a governmental agency.
7. No flag of the United States or the State of North Carolina shall be displayed as part of a commercial promotion. When displayed, the flags shall be allowed to hang free and never draped or tied back.

M. Institutional Signs (Amended March 18, 2003)

Signs erected by schools, churches, hospitals, governmental buildings, and other institutions are permitted in all districts, but the size of any such signs shall not be in excess of seventy (70) square feet. If such sign is freestanding, it shall not be closer than ten (10) feet from any property line and shall not project higher than thirty feet (30) feet above ground level. If the sign is a wall sign, it shall not project higher than twenty (20) feet above ground level or the maximum height permitted in the district, whichever is greater.

N. Illumination

Where illuminated signs are permitted, they shall conform to the following requirements:

1. All signs illuminated under the provisions of this Section shall be constructed to meet the requirements of the National Electric Code.
2. Signs which contain, include, or are lighted by any flashing, intermittent or moving lights are prohibited, except those giving public information such as time, temperature, and date.
3. Illuminated signs shall be limited to those lighted internally with glass or plastic faces bearing the advertisements; provided, however, that exposed neon tubing and exposed incandescent or other bulbs not exceeding fifteen (15) watts each shall be permitted.
4. Flood and display lighting shall be shielded so as to prevent direct rays of light from being cast into a residential area or district and/or vehicles approaching on a public right-of-way from any direction. Such lighting shall also be shielded so as to prevent view of the light source from a residence or residential district and/or vehicles approaching on a public right-of-way from any direction.
5. Flame as a source of light is prohibited.

O. Maintenance & Removal of Unsafe Signs

All signs of any nature shall be maintained in a state of good repair. No sign shall be allowed to remain which becomes structurally unsafe, hazardous or endangers the safety of the public or property. Upon determining that a sign is structurally unsafe, hazardous or endangers the safety of the public or property, the Zoning Administrator or his designated agent shall order the sign to be made safe or removed subject to the following provisions:

1. The owner of the sign, the occupant of the premises on which the sign or structure is located, or the persons or firm maintaining the same shall, upon written notice by registered or certified mail from the Zoning Administrator or his designated

agent, forthwith in the case of immediate danger and in any case within ten (10) days, secure or repair the sign or structure in a manner approved by the Zoning Administrator or his designated agent or remove it.

2. If such order is not complied with within ten (10) days, the Zoning Administrator or his designated agent shall remove the sign at the expense of the owner or lessee thereof. No sign shall be erected or maintained in such a manner that any portion of its surface or its supports will interfere in any way with the free use of access to any fire escape, exit or standpipe, or so as to obstruct any window so that light or ventilation is reduced below standards required by any applicable law or building code.
3. Whenever a sign has been abandoned, advertises an activity, business, product or service no longer conducted on the premises or is erected in violation of the provisions of this Article, the Zoning Administrator or his designated agent shall cause such sign to be removed or brought into compliance with the method prescribed for nonconforming signs in Section K of this Article.

P. Outdoor Advertising Signs (Amended 5/10/2005)

1. Outdoor advertising signs shall be permitted in the Highway Business District, subject to the following conditions. No outdoor advertising sign shall be placed within five hundred (500) feet of any residential district. The following signs shall not be permitted:
 - a. Signs which are illegal under State or federal law.
 - b. Signs that are not in good repair.
 - c. Signs not securely affixed to a substantial structure (when required).
 - d. Signs which attempt or appear to attempt to regulate, warn or direct movement of traffic or which interfere with, imitate or resemble any official traffic sign, signal or device.
 - e. Signs which are painted on buildings which conduct a use not advertised by said sign.
 - f. Signs which are erected or maintained upon trees or painted or drawn upon rock or other natural features.
 - g. Signs which move or have animated moving parts.
 - h. Signs which are not consistent with the standards described in this Article.
2. Sign area — Outdoor Advertising Signs — No outdoor advertising signs shall exceed the following dimensions:
 - a. Signs located one hundred and fifty (150) feet or more from the right-of-way shall not exceed a height of twenty (20) feet and a width of forty (40) feet.
 - b. No signs shall be located closer than one hundred and fifty (150) feet from the right-of-way.

Article VII. Off Street Parking Requirements

A. Off Street Parking:

The following off-street parking space shall be required and maintained:

<u>Uses</u>	<u>Required Off-Street Parking</u>
Residential use consisting of one or more dwelling units	Two (2) parking spaces on the same lot for each dwelling unit.
Auditorium or Theater	One (1) space for each four (4) seats in the largest assembly area.
Churches	One (1) parking space for each four (4) seats in the sanctuary
Clinics, Medical	Four (4) parking spaces for each doctor plus one (1) parking space for each employee.
Elementary Schools and Junior High School	Two (2) parking spaces for each classroom and two (2) spaces for each administrative office, plus ten (10) additional parking spaces.
General or Professional Offices	One (1) parking space for each two hundred and fifty (250) square feet of gross floor space.
Golf Course, Par 3 or Miniature Golf Course	Three (3) spaces for each hole plus requirements for any other use associated with the golf course, restaurant, etc.
Home Occupations	Two (2) parking spaces in addition to the residential parking requirements.
Hotel	One (1) space for each guest room, suite, or unit plus one (1) space for each two employees.
Industrial or Manufacturing Establishment or Warehouse	One and one-half (1-1/2) spaces for each two (2) employees on shift of greatest employment, one

	(1) space for each managerial personnel, one (1) visitor parking space for each ten (10) managerial personnel and one (1) space for each vehicle used directly in conduct of the business.
Kindergarten or Nursery	One (1) space for each employee and four (4) spaces for drive-in off-street drop off and pickup.
Motel	One (1) space for each unit plus one (1) space for each two (2) employees plus requirements for any other use associated with the establishment.
Nursing Homes	One (1) parking space for each four (4) beds intended for patient use, plus one (1) per employee on largest shift.
Public or Private Clubs	One (1) parking space for each one hundred (100) square feet of gross floor space.
Restaurant or Place Dispensing Food, Drink or Refreshments	One (1) space for each three (3) seats plus one (1) space for each two (2) employees.
Religious Conferences or Assembly Uses	One (1) space for each five (5) seats plus one (1) space for each two (2) beds.
Restaurant, Drive-In	One (1) space for each three (3) seats plus a minimum of fifteen (15) spaces for drive-in service plus one (1) space for each two (2) employees.
Retail Use Not Otherwise Listed	One (1) parking space for each four hundred (400) square feet of gross floor area
Senior High School	One (1) parking space for each five (5) students for which the building was designed, two (2) parking spaces for each classroom and two (2) spaces for each administrative office, plus ten (10) additional parking spaces.

If the required parking space cannot be reasonably provided on the same lot or premises, such required space may be provided on another lot or premises separated therefrom by not more than five hundred (500) feet, provided, such lot is located in a zone in which such use is permitted.

In accordance with the foregoing provisions, off-street parking space shall be provided as set out above, and a required parking space shall be an area not less than nine (9) feet by twenty (20) feet.

The parking requirements listed previously are to be considered minimums. Development activity not specifically addressed herein (for permitted uses) shall be as required by the zoning

administrator, upon recommendation, as necessary, by the Planning Board. Conditional use permitting situations will refer to this list as guidance. Additional parking may be required at the discretion of the Board of Aldermen.

B. Minimum Loading Requirements

Off-street loading shall be provided and maintained as specified in the following schedule.

1. For uses containing a gross floor area of less than 20,000 square feet, each off-street loading space shall have minimum dimensions of fifteen (15) feet in width and thirty (30) feet in length.
2. For uses containing a gross floor area of 20,000 square feet or more, each off-street loading space shall be fifteen (15) feet in width and forty-five (45) feet in length as a minimum.
3. Uses which normally handle large quantities of goods, including, but not limited to, industrial plants, wholesale establishments, storage warehouses, freight terminals, hospitals or sanitariums, and retail sales establishments shall provide off-street loading facilities in the following amounts:

Gross Floor Area (Square Feet)	Minimum Number of Spaces Required
5,000--20,000	1
20,001--50,000	2
50,001--80,000	3
80,001--125,000	4
For each additional 45,000	1 space is added

4. Uses which do not handle large quantities of goods, including, but not limited to, office buildings, restaurants, funeral homes, hotels, motels, apartment buildings, and places of public assembly, shall provide off-street loading facilities in the following amounts:

Gross Floor Area (Square Feet)	Minimum Number of Spaces Required
5,000--80,000	1
80,001--200,000	2
200,001--320,000	3
320,001--500,000	4
For each additional 180,000	1 space is added

C. Additional Parking Requirements

1. Lighting — Accessways, walkways and parking areas shall be lighted adequately by lighting fixtures which shall be so installed as to protect the street and neighboring properties from direct or hazardous interference.
2. Improvement, Design and Location Standards — All off-street parking, including entrances, exits, maneuvering area and parking shall:
 - a) Have access to a dedicated street.
 - b) Have all weather access drives or lanes which are at least ten (10) feet wide for single lane movement and eighteen (18) feet wide for double lane movement.
 - c) Be graded (to include proper drainage).
 - d) Be permanently maintained by the owner
3. Off street parking areas for more than ten (10) vehicles shall be effectively screened by a vegetive buffer, fence, or berm, or a combination of these screening devices. The height of such screening device shall be a minimum of five (5) feet. Such screening device shall be maintained in good condition. More stringent regulations may be applied or required on conditional use permit requests.
4. All parking lots that are used regularly (at least five (5) days per week) shall be graded before initial use with at least a four (4) inch stone base or other suitable base material and be permanently maintained by the owner. More stringent regulations may be applied or required on conditional use permit requests.
5. All parking facilities shall be designed so that the required access to public streets shall be by forward motion of vehicles exiting the parking facility.

Article VIII. Handicapped Parking Requirements

In addition to the use requirements for off-street parking detailed in number 1 above, a minimum of one (1) parking space for the handicapped shall be provided at governmental buildings, public or quasi-public buildings, professional offices, clinics, short and long term care facilities, commercial facilities and any triplex residential units. An additional handicapped space shall be provided in parking areas for each additional twenty-five (25) spaces above the initial twenty-five (25) spaces. Each space must meet the State standards for handicapped accessibility and must be visibly marked.

The handicapped parking sign must meet State sign requirements. The State approved sign which can be purchased through safety equipment companies is designated R7-8 or R7-8a. As of January 1, 1991, the State of North Carolina requires each handicapped parking sign to include a statement indicating there is a \$100 penalty imposed on anyone violating handicapped parking laws.

(See illustrations in the Appendix)

Article IX. Bylaws for the Operation of the Town Of Richlands Planning Board

A. General Rules:

The Town of Richlands Planning Board created by passage of a local Ordinance by the Richlands Board of Aldermen. The Planning Board shall be governed by that Ordinance, and by Chapter 160A, Article 19 of the General Statutes of North Carolina, and these Bylaws.

B. Members and Terms of Office:

The Planning Board shall consist of seven (7) members. Five (5) members shall be citizens and residents of the Town of Richlands and shall be appointed by the Board of Aldermen. Two of the initial members shall be appointed for a term of one year; two, for two years; and one for three years. Their successors shall be appointed for terms of three years. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period for the unexpired term. Members may be removed for cause by the Richlands Board of Aldermen. Two (2) members shall be appointed from the Town's extra-territorial jurisdiction (ETJ) by the Onslow County Board of Commissioners. The ETJ membership is subject to approval, by vote, by the Town of Richlands Board of Aldermen. ETJ members are appointed for a three (3) year term.

C. Officers and Duties:

1. **Election of Officers:** The Planning Board shall organize and elect a chairman, vice-chairman, and secretary at the regular meeting in July of each year. All officers may succeed themselves.
2. **The Chairman:** The chairman shall preside at all meetings and public hearings of the Planning Board; shall decide on all matters of order and procedure; shall appoint any committees necessary to study specific matters; shall develop a meeting agenda with the assistance of the zoning administrator; and shall provide the Richlands Board of Aldermen with an annual report of Planning Board activities by May 30th of each year.
3. **The Vice-Chairman:** In the absence of the chairman, the vice-chairman shall perform all duties assigned to the chairman.
4. **The Secretary:** The secretary is charged with keeping the minutes of all regular meetings, special meetings, and public hearings called by the Planning Board. The secretary, after conferring with the chairman, shall send notices of all regular meetings, special meetings and public hearings at least four (4) days in advance of the meeting and shall notify members by phone at least twenty-four (24) hours in advance of special or emergency meetings. In addition, the secretary shall carry on routine correspondence and maintain the Planning Board's records and files. The Secretary to the Planning Board will be a member of the Planning Board.

5. **The Building Inspector:** Inspection services will be provided by Onslow County.

D. Meetings:

1. **Regular Meetings:** Regular meetings of the Planning Board shall be held on the last Monday of each month. Unless special notice is given by the chairman all meetings will begin at 7:00 p.m. and will be conducted at the Town Hall.
2. **Special Meetings:** Special meetings of the Planning Board may be called at any time by the chairman or the vice-chairman acting in the absence of the chairman, provided that a minimum of twenty-four (24) hours notice is given to members.
3. **Quorum:** A quorum shall consist of four (4) members.
4. **Conduct of Meetings:** All meetings shall be open to the public and public comment or input shall be encouraged. The order of business at regular meetings is subject to the discretion of the chairman. A generalized format for meetings shall be as follows:
 - i. Call to order
 - ii. Approval of minutes of the previous meeting
 - iii. Old business
 - iv. New business
 - v. Committee reports
 - vi. Chairman's report
 - vii. Member comments
 - viii. Public comment
 - ix. Adjournment
5. **Change of Bylaws:** No change shall be made to these bylaws without the affirmative vote of two-thirds (2/3) members of the Planning Board. Five (5) votes shall constitute a meeting of that requirement.
6. **Vote:** Except as otherwise specified herein, the vote of a majority of those members present shall be sufficient to decide matters coming before the Planning Board, provided a quorum is present. Members shall be required to vote unless excused by the chairman for reasons of financial or personal interest on the subject. An abstention shall constitute an affirmative vote. Proceeding shall be conducted according to Roberts Rules of Order.
7. **Cancellation of Meetings:** Whenever there is no business for the Planning Board, the chairman may dispense with a regular meeting by giving notice to all members.

8. **Attendance:** The Planning Board will request the Board of Aldermen to replace any member missing three (3) consecutive regular meetings or fifty percent (50%) or more of all meetings over a twelve (12) month period.
9. **Agenda Preparation for Regular Meetings:** The agenda for regular meetings shall be prepared by the chairman with the assistance of the secretary. Only those items requested by planning board members or those items properly filed with the Town according to its ordinances shall be placed on the agenda. The public and specific interests may appear for comment or input on any matter not on the agenda at any meeting regular or special, but no formal action will be taken on non-agenda items. This rule does not preclude public comment and input on regular agenda items that will be acted upon. The agenda shall be circulated to all members of the Planning Board, the Board of Aldermen, and the Town Clerk by the Thursday prior to the regular meeting date.

E. Records:

1. **Public Record:** All records of the Planning Board shall be made available to the public in accordance with state statutes.
2. **Retention:** The secretary shall maintain a file of all studies, plans, reports, recommendations, minutes, and correspondence of the Planning Board. The file should be maintained at the Town Hall. Requests for copies shall be forwarded to, or addressed to the Town Clerk.

Article X. Town of Richlands Board of Adjustment

A. Board of Adjustment

A Board of Adjustment is hereby established. (In succeeding paragraphs of this section the word "Board" shall mean the Board of Adjustment.) Said Board shall consist of five (5) regular members and two (2) ETJ members. Appointments shall be made in the following manner:

1. **Regular Members:** Five (5) regular members shall be appointed by the Board of Aldermen from within the Town's corporate limits. Two (2) members shall be appointed from the Town's extra-territorial jurisdiction (ETJ) area by the Onslow County Board of Commissioners. The ETJ membership is subject to approval, by vote, of the Town of Richlands' Board of Aldermen. All members shall be entitled to vote on all issues regardless of area of appointment. Initial appointments for regular members shall be as follows: Two (2) members shall be appointed for a term of three (3) years and two (2) members shall be appointed for a term of two (2) years. The ETJ members will be appointed initially for one (1) year. Following initial appointment all terms will be for three (3) years. All appointments to fill vacancies shall be for the unexpired term.
2. **Alternate Members:** Two (2) alternate members shall be appointed from within the Town's corporate limits. When called to serve in the place of a regular member, an alternate member shall have all the rights and responsibilities of the regular member, including a right to vote on all issues brought before the Board. Initial appointments for alternate members shall be as follows: One (1) member shall be appointed for a term of three (3) years, one (1) member shall be appointed for a term of two (2) years. All subsequent appointments shall be for a period of three (3) years. All appointments to fill vacancies shall be for the unexpired term.
3. **A Quorum:** A quorum shall consist of five (5) members.

All meetings of the Board shall be held at a regular place and be open to the public. The Board shall keep minutes of its proceedings in a file maintained for that purpose. The minutes shall show those members present, the nature of the issue, facts presented as evidence, findings of fact by the Board, and the decision of the Board (including a record by name of each member's vote). The minutes shall be considered public record. No action shall be taken on any matter unless a quorum is present.

An appeal from the decision of the Zoning Administrator may be taken to the Board of Adjustment by any person aggrieved or any officer, department, board or bureau of the Town affected by such decision. Such appeal shall be taken within a reasonable time as provided by the rules of the Board by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board that by reasons of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In

such case proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board or by State or Federal court of record on application of notice to the officer from whom the appeal is taken and on due cause shown.

The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Zoning Administrator. The concurring vote of four fifths of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator to decide in favor of the applicant any matter which it is required to pass under the zoning ordinance, or to grant any variance in such ordinance.
2. To permit a temporary building for business or industry in the residential zone, which is incidental to the residential development, such permit to be issued for a period of not more than one (1) year.
3. To permit a garage, other than a private garage, but for storage purposes only, as an accessory building to a hotel, hospital or similar institution in the residential zone where it is deemed necessary for the public convenience or welfare and where this can be done without substantially deviating from the intent and purposes of this ordinance.
4. To authorize upon appeal in specific cases variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in undue hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.

In considering all proposed variances of this ordinance, the Board shall before making any finding in a specified case, first determine that the proposed variance will not constitute any change in the zones shown on the zoning map and will not impair an adequate supply of light and air to adjacent property, or materially increase the public danger of fire, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, morals, and general welfare.

In granting a variance the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this ordinance.

Before a variance is granted, it shall be shown that special circumstances attach to the property which do not generally apply to other property in the neighborhood. A variance may be granted only when the practical difficulty of undue hardship complained of is due to the particular characteristics of the property and not to the general conditions of the neighborhood which may reflect an undue stringency of

the ordinance itself. A hardship peculiar to the applicant, as distinguished from others affected by the general rule, must be shown. The fact that property may be utilized more profitably will not be considered adequate to justify the Board in granting a variance. (Economic circumstances do not constitute grounds for a variance.)

Any person or persons, jointly or severally, aggrieved by any decisions of the Board, or any taxpayer, or any officer, department, board or bureau of the Town of Richlands may within thirty (30) days after the filing of the decision with the Town Clerk, but not thereafter, present to a court of competent jurisdiction, a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality, whereupon such decision of said Board shall be subject to review as provided by law. Decisions of the Board shall be delivered to the applicant either by personal service, by registered mail, or by certified mail (return receipt requested).

B. General Rules:

The Zoning Board of Adjustment shall be governed by the terms of Chapter 160A, Article 19, Part 3 of the North Carolina General Statutes and by the Zoning Ordinance of the Town of Richlands. All members of the Board shall thoroughly familiarize themselves with these laws. The Board of Adjustment shall consist of five (5) regular members and two (2) ETJ members. (A quorum is four (5) members.)

C. Officers And Duties:

1. **CHAIRMAN:** The Chairman shall be a regular member and be elected by the regular members of the Board of Adjustment. The Chairman's term of office shall be one (1) year beginning on July 1st. The Chairman shall be eligible for reappointment. The Chairman shall preside over the meetings and shall decide on all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board in session at the time. The Chairman shall appoint any committees found necessary to investigate any matter before the Board.
2. **VICE-CHAIRMAN:** The Vice-Chairman shall be a regular member elected by the regular members of the Board. The Vice-Chairman's term of office shall be for one (1) year beginning July 1st. The Vice-Chairman shall serve as Chairman in the absence of the Chairman and at such times shall have the same powers and duties as the Chairman. The Vice-Chairman shall be eligible for reappointment.
3. **SECRETARY/CLERK:** The Secretary/Clerk shall be a regular member elected by the regular members of the Board of Adjustment and shall serve for a period of one (1) year beginning January 1st. The Secretary/Clerk, subject to the direction of the Chairman and the Board, shall keep all records, conduct all correspondence of the Board, notify members of pending meetings and their agenda, and shall generally supervise the clerical work of the Board. The Secretary/Clerk shall keep the minutes of every Board meeting in a permanent volume. The minutes

shall show those members present, the nature of the issue, facts presented as evidence, findings of fact by the Board, and the decision of the Board, including a record, by name, of each member's vote. The Secretary/Clerk shall be eligible for reappointment. (Arranging for all required notices and notifying interested parties of the Board's decisions, shall be the responsibility of the Zoning Administrator. The Zoning Administrator will prepare the minutes of the Board of Adjustment under the supervision of the Secretary/Clerk.)

D. Alternate Members:

Two alternate members will be appointed. Alternate members of the Board shall be notified of all meetings and hearings. They will be called on for active participation by the chairman only when one or more regular members are absent or are unable to participate in hearing a case because of financial or other interest. Regular members, on receiving notice of a special meeting that they cannot attend or on learning that they will be unable to participate in a particular case, shall give prompt notice to the Board Secretary/Clerk that they are unable to attend or to participate. On receiving such notice, the Secretary/Clerk shall, by the most expeditious means, notify an alternate member to attend. Assignments shall be rotated among the alternate members. At any meeting that they are called on to attend, alternate members shall have the same powers and duties as regular members. At no time shall more than five (7) members participate officially in any meeting or hearing.

E. Rules of Conduct For Members:

1. Members of the Board may be removed for cause, including violation of the rules stated below.
2. Faithful attendance at all Board meetings and conscientious performance of the duties required of Board members shall be considered a prerequisite of continuing membership on the Board.
3. No Board member shall take part in the hearing, consideration, or determination of any case in which he is personally or financially interested.
4. No Board member shall discuss any case with any parties thereto before the public hearing on that case; provided, however, that members may receive and/or seek information pertaining to the case from any other member of the Board, its secretary, or Clerk before the hearing.
5. No Board member shall vote on any matter that decides an application or appeal unless he has attended the public hearing on that application or appeal.
6. Members of the Board shall not express individual opinions on the proper judgment of any case with any parties thereto before that case is determined. Violation of this rule shall be cause for dismissal from the Board.

F. Meetings:

1. **TIME:** The Board of Adjustment shall not hold regularly scheduled meetings. Meetings will be called as needed and each member shall be given at least 48 hours notice prior to the meeting. The meeting shall be held as soon as possible after receiving application for appeal or hearing but shall not be delayed more than 30 days. Meetings shall be held at the Town Hall at a time and date designated by the Board.
2. **QUORUM:** A quorum shall consist of four (5) members.
3. **VOTING:** All regular members may vote on any issue unless they have disqualified themselves for one or more of the reasons listed in Section IV. The required vote to decide appeals and applications shall be as provided in Section VI, D, 3, and shall not be reduced by any disqualification. In all other matters the vote of a majority of the members present and voting shall decide issues before the Board.
4. **CONDUCT OF MEETINGS:** All meetings shall be open to the public. The order of business at meetings shall be as follows: a) roll call; b) approval of minutes of the previous meetings; c) hearing of cases; d) reports of committees; e) unfinished business; f) consideration and determination of cases heard.

G. Appeals and Applications:

1. **TYPES OF APPEALS:** The Board shall hear and decide all appeals from and review any order, requirement, decision, or determination made by the Building Inspector or Zoning Administrator. It shall also hear and decide all matters referred to it or on which the Zoning Ordinance of the Town of Richlands requires it to pass. In deciding appeals, the Board may hear both those cases based upon an allegedly improper or erroneous interpretation of the ordinance and those based upon alleged hardship resulting from strict interpretation of the Ordinance.
2. **PROCEDURE FOR FILING APPEALS:** No appeal shall be heard by the Board unless notice thereof is filed within thirty (30) days after the interested party or parties receive notice of the order, requirement, decision, or determination by the Building Inspector and/or Zoning Administrator. The applicant must file his application for a hearing with the Zoning Administrator, who shall act as clerk for the Board in receiving this notice. All applications shall be made on the form furnished for that purpose, and all information required thereon shall be complete before an appeal may be considered as having been filed.
3. **HEARINGS:**

- i. **TIME:** After notice of appeal is received, the Board Chairman shall schedule a time for the hearing. The hearing shall be held as soon as possible after the notice of appeal is received but shall not be delayed more than thirty (30) days.
 - ii. **NOTICE:** The board shall give notice of the hearing in a newspaper of general circulation by advertisement published at least five (5) days before the date of the hearing. The Board shall cause to be posted notice of the hearing on the property in question at least five (5) days before the hearing. Such notice shall state the location of the building or lot, the general nature of the question involved in the appeal, and the time and place of the hearing.
 - iii. **CONDUCT OF THE HEARING:** Any party may appear in person, by agent, or by attorney at the hearing. The order of business for each hearing shall be as follows: a) the chairman, or such person as he shall direct, shall give a preliminary statement of the case; b) the applicant shall present the evidence and arguments in support of his application; c) persons opposed to granting the application shall present evidence and arguments against the application; d) both sides shall be permitted to present rebuttals to opposing evidence and arguments; e) the chairman shall summarize the evidence that has been presented, giving the parties opportunity to make objections or corrections. Witnesses may be called and factual evidence may be submitted, but the Board shall not be limited to consideration of such evidence as would be admissible in a court of law. The Board may view the premises before the hearing, but the facts indicated by such inspection shall be disclosed at the public hearing and made a part of the record. All witnesses before the Board shall be placed under oath, and the opposing party may cross-examine them.
 - iv. **REHEARINGS:** An application for a rehearing may be made in the same manner as an application for an original hearing. Evidence in support of the application shall initially be limited to what is necessary to enable the Board to determine whether there has been a substantial change in the facts, evidence, or conditions in the case. The Board shall deny the application for rehearing if, from the record, it finds that there has been no substantial change in facts, evidence, or conditions. If the Board finds that a change has occurred, it shall thereupon treat the request in the same manner as any other application.
4. **DECISIONS:** Decisions by the Board shall be made not later than thirty (30) days from the time of the hearing.
- i. **FORM:** The Board's final decision shall be shown in the record of the case as entered in the Board's minutes and signed by the Secretary/Clerk and the chairman on approval of the minutes by the Board. Such record

shall show the reasons for the determinations, with a summary of the evidence introduced and the findings of fact made by the Board. When a variance is granted, the record shall state in detail any exceptional difficulty or unnecessary hardship upon which the appeal was based and which the Board finds to exist. The decision may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from. The record shall state in detail what, if any, conditions and safeguards the Board imposes in connection with granting of a variance. A separate record of the decision of each case shall be prepared, filed in the Town Clerk's Office, and furnished to the parties as specified in subsection 5.

- ii. **EXPIRATION OF PERMITS:** Unless otherwise specified, any order or decision of the Board granting a variance shall expire if the applicant does not obtain a building permit or certificate of occupancy for such use within six (6) months from the date of the decision.
- iii. **VOTING AT HEARINGS:** The concurring vote of four-fifths of the Board members shall be necessary to reverse any order, requirement, decision, or determination of the Building Inspector and/or Zoning Administrator, to decide in favor of the applicant any matter on which the Board is required by ordinance to pass, or to grant a variance from the ordinance provisions.
- iv. **NOTICE AND PUBLIC RECORD OF DECISIONS:** The Secretary/Clerk shall give written notice of the decision in the case to the appellant and/or the applicant and to every aggrieved party who has filed a written request for such notice with the Secretary/Clerk or the Chairman of the Board when the hearing is held. A copy of the decision shall also be filed in the Town Clerk's office. The decision shall be a public record, available for inspection at all reasonable times.

H. Amendments:

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than three (3) members of the Board, provided that such amendment be presented in writing at a regular or special meeting before the meeting at which the vote is taken.

**VESTED RIGHT APPLICATION FORM
CERTIFICATION THAT A STATUTORY ZONING VESTED
RIGHT IS BEING SOUGHT PURSUANT TO GS 160A-385.1**

As applicant for (identify land use approval or permit that is being sought), I hereby certify that I am also seeking to acquire a vested right pursuant to GS 160A-385.1 and Article V of the Town Code.

If the Town Code provides that the approval authority for the type of land use approval or permit for which I am applying is a board, committee or administrative official other than the Richlands Board of Aldermen or Board of Adjustment, I understand and agree that my application will be

considered and acted on by the Richlands Board of Aldermen, following notice and a public hearing.

Date

Applicant