

TOWN OF SEAGROVE ZONING ORDINANCE



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ARTICLE 1 PURPOSE AND AUTHORITY

1-1 SHORT TITLE

This ordinance shall be known and may be cited as the “Town of Seagrove Zoning Ordinance,” except as referred to herein, where it shall be known as “this Ordinance.”

1-2 REPEAL AND ENACTMENT

1-2.1 REPEAL ON INCONSISTENCY

All ordinances, or portions thereof, of the Town of Seagrove, which relate to zoning, subdivision, and land use which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

1-2.2 ENACTMENT

This Ordinance is hereby enacted and shall be the Zoning Ordinance for the Town of Seagrove.

1-2.3 EFFECTIVE DATE

This Ordinance shall be effective on July 1, 2021.

1-3 PURPOSE

1-3.1 GENERAL PURPOSE

It is the purpose of this Ordinance to promote the health, safety, morals, and general welfare of the residents of the Town of Seagrove through the regulations of this Ordinance as per North Carolina General Statute 160D-107, -109, -406, -702, -704, -705, -903, and -908.

1-3.2 PURPOSE OF ZONING REGULATIONS

The zoning regulations, adopted and prescribed in this Ordinance, are found by the Town of Seagrove Board of Commissioners to be necessary and appropriate to:

1. Preserve and enhance visual attractiveness and economic vitality of the Town,
2. Require appropriate setbacks for buildings and other structures to facilitate the safe movement of vehicular and pedestrian traffic, provide adequate fire lanes and ensure adequate distance from dust, noise, and fumes created by vehicular traffic,
3. Provide adequate light and air,
4. Prevent overcrowding of land,
5. Lessen congestion on streets,
6. Secure safety from fire, panic, and other dangers,
7. Protect water quality within watershed areas,
8. Establish zoning vested rights upon approval of a site specific plan pursuant to NCGS 160D-102, -108, -108.1.

1-3.3 PURPOSE OF SIGN REGULATIONS

1. To promote positive community appearance for the enjoyment of others.
2. To maintain and enhance the aesthetic environment of the Town of Seagrove.
3. To protect the public from damage or injury attributable to distractions or obstructions caused by improperly designed or located signs.

1-3.4 PURPOSE OF LANDSCAPE REGULATIONS

1. To promote positive community appearance for the enjoyment of others.
2. To maintain and enhance the aesthetic environment of Seagrove.
3. To protect and enhance tourism characteristics.
4. To protect the water quality, reduce water runoff, and reduce potential flooding of built upon areas.

1-4 JURISDICTION

This Ordinance shall apply to areas within the corporate limits of the Town of Seagrove and any extraterritorial planning and zoning jurisdiction that is claimed by the Town, agreed upon by the Town and the County, and shown on the official Zoning Map. This Ordinance shall govern the use and development of land and structures therein.

1-5 AUTHORITY

The provisions of this ordinance are adopted under authority granted by the General Assembly of North Carolina in the General Statutes 160D, Article 2 and by the Charter of the Town of Seagrove. This Ordinance may, from time to time, be amended as required or allowed by subsequent legislative actions.

1-6 ABROGATION

This Ordinance is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued in pursuant of law.

1-7 INTERPRETATION

1-7.1 INTERPRETATION OF THIS ORDINANCE

1-7.1.1 Minimum Requirements

In the interpretation and application of this Ordinance, all provisions shall be considered minimum requirements and deemed neither to limit or repeal any other powers granted under state statutes.

1-7.1.2 Greater Restrictions Govern

These regulations shall be the minimum requirements for administration, enforcement, procedures, restrictions, standards, uses, variances, and all other areas addressed by this Ordinance. If any federal or state law or any other existing ordinance or regulation is less restrictive than this Ordinance, this Ordinance shall govern. Whenever a regulation of this Ordinance is less restrictive than another governing body, the more restrictive regulation shall govern.

1-7.1.3 Rounding Numbers

In any case where a calculation is required and a part of the result is a fractional number, the result shall be rounded to the next highest whole number.

1-7.1.4 Figures

Figures, if any, provided in this Ordinance are designed to provide an illustrative explanation to selected sections. In all cases, the text shall govern.

1-7.1.5 Interpretation of Meaning

Unless defined in this Ordinance, all words shall be given their customary dictionary definition. Words used in present tense include the future tense. Words used in the singular include the plural and, conversely, words used in the plural include the singular. All words "shall," "will," and "must" are mandatory words implying an obligation or duty to comply with the particular provision. All words used in the male gender include the female gender. Any reference to an Article or Section refers to this Ordinance.

1-7.2 INTERPRETATION OF ZONING DISTRICT LINES

1-7.2.1 Boundary Interpretation

Where uncertainty exists on the Official Zoning Map the following shall apply:

1. Centerline: Where a boundary line lies within and follows a street, alley, railroad, or utility easement right-of-way, the boundary shall be construed to be the centerline of such right-of-way.
2. Edge Line: If the boundary line follows the edge of a street, alley, railroad, or utility easement right-of-way, the boundary shall be construed to be the edge of such right-of-way.
3. Lot Line: If the zoning district boundary line follows a property line boundary, the property line boundary shall be construed to be the zoning district boundary.
4. Watercourses: If the boundary line follows the centerline or edge of a stream or drainage way, the boundary shall be construed to be the edge or centerline of such watercourse.

1-8 ESTABLISHMENT OF AN OFFICIAL ZONING MAP

The Jurisdiction is hereby divided into zones, or districts, as established in [Article IV](#) (Zoning).

1-8.1 MAP CERTIFICATION

The Official Zoning Map shall be identified by the signature of the Mayor of the Town of Seagrove, attested by the Town Clerk, and bear the seal of the Jurisdiction, together with the effective date of this Ordinance.

1-8.2 UNAUTHORIZED CHANGES

No changes in zoning district boundaries shall be made on the Official Zoning Map, except in conformance with the procedures set forth in this Ordinance. Any unauthorized change shall be considered a violation of this Ordinance.

1-8.3 MAP LOCATION

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the Town Hall, shall be the final authority as to the current zoning of property within the Jurisdiction. Pursuant to NCGS 160D-105, current and prior Zoning Maps shall be maintained in paper or digital format in the Town Hall for public inspection. Any state or federal maps incorporated by reference into the Zoning Map shall also be maintained.

1-9 COMPLIANCE

1-9.1 COMPLIANCE

No building, premises, or structure shall be constructed, erected, modified, converted, placed, maintained, or moved, and no land use shall be commenced, maintained, or modified, except as authorized by this Ordinance.

1-9.2 VOLUNTARY COMPLIANCE

Nothing in this Section shall be deemed to preclude voluntary compliance with the provisions of this Ordinance.

1-9.3 CONFORMANCE WITH REQUIREMENTS

Except as herein provided, no applicable zoning compliance certificate, sign certificate, or special-use permit shall be issued or granted that does not conform to the requirements of this Ordinance. Developments which have a building permit prior to the effective date of this Ordinance, may proceed in accordance with such approval or permit while such approval or permit remains in effect.

1-10 SEVERABILITY

1-10.1 INVALIDATION

Should any Article, Section, sentence, clause, phrase, or word of this Ordinance be held invalid or unconstitutional by a Court of competent jurisdiction of either the State of North Carolina or the United States, such decision shall not affect, impair, or invalidate the validity of the remaining parts of this Ordinance which can be given effect without the invalid provision.

1-10.2 PREJUDICIAL APPLICATION

If any Article, Section, sentence, clause, phrase, or word of this Ordinance be held invalid or unconstitutional in its application to a particular case, such decision shall not affect or prejudice its application to other cases.

1-10.3 LAWFUL PRESUMPTION

There shall be a conclusive presumption when a Zoning Enforcement Officer, or board authorizes regulatory action, that such officer, board, or board member would not have authorized such action except in the belief that such action was lawful.

ARTICLE 2 DEFINITIONS

Abutting Property: This term shall mean properties that are contiguous or abutting with the assumption that railroads, roads, and other rights-of-way do not exist.

Abandoned: The intentional or unintentional cessation of use, or maintenance of a building, structure, or lot.

Accessory Dwelling: A dwelling that exists as part of a principal dwelling or on the same lot as the principal dwelling and is subordinate to the principal dwelling.

Accessory Structure: A structure that exists on the same lot with the principal use or structure and is customarily subordinate to or incidental to the principal use.

Adjacent: Property abutting directly on the boundary of, touching, or sharing a common point.

Administrative decision: Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in NCGS Chapter 160D or local government development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.

Administrative hearing: A proceeding to gather facts needed to make an administrative decision.

Adult Entertainment Establishment: A business as defined in North Carolina General Statute (NCGS) 14-202.10(2). This definition includes adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult live entertainment businesses or massage businesses. These uses are further defined in NCGS 14-202.10, and the definitions are adopted by reference. However, those massage businesses where all employees associated with massage meet the ethical and educational requirements specified by the American Massage Therapy Association, or equivalent national or state standards, are exempt from this definition.

Agricultural Production (Crops): Land used as pasture or in the commercial production of crops.

Agricultural Production (Livestock): Land used in the keeping of livestock for commercial or noncommercial purposes. Livestock includes but is not limited to poultry and hoofed animals such as cattle, horses, swine, goats, and sheep. Also included in this definition are agricultural accessory buildings, and sales of agricultural products grown or raised on the premises. Not included in this definition are the commercial slaughtering of animals for marketing and farm tenant dwellings.

Animated Sign: Any sign which uses movement or change of lighting to depict action or to create a special effect or scene.

Applicant: A person seeking an action or approval for a permit under provisions of this ordinance.

Attached Sign: Any sign attached to a wall, suspended from a porch, entryway, or any support structure, including canopies, awnings, and marquee signs.

Automobile Repair Shops: Buildings and premises where mechanical work, servicing, and repair of motor vehicles is conducted as the primary activity. Included in this definition are tire sales and oil change establishments. Excluded from this definition are

dwellings where not more than 2 vehicles owned by the lawful residents of the dwelling are repaired on-site.

Awning: A shelter protecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

Bed And Breakfast/Inn: A building or group of buildings containing one or more guest rooms for an overnight stay which are rented at a daily rate and where breakfast is the only meal served to guests.

Billboard: See “Off--Premises Sign”

Board of Adjustment: Town of Seagrove Board of Adjustment.

Board of Commissioners: Town of Seagrove governing body.

Boarding House: A building, other than a hotel, rooming house, or bed and breakfast inn, containing not more than 9 guest rooms. At least one meal is provided to guests. Individual guest rooms may not contain kitchens.

Buffer: A portion of property designated to mitigate impacts between land uses or transportation routes, or to protect water features from pollutants.

Building: Any structure used or intended for supporting or sheltering any use or occupancy. A roofed structure enclosed by exterior walls and used for business, industry, or shelter for persons, animals or goods.

Building Front: The side of the building closest to and most nearly parallel with the street which provides access to the lot. In the case of a corner lot or through lot, either side abutting a street may be considered to be the front, provided the building is situated so that it meets all front, side and rear yard requirements.

Building Height: The vertical distance from the average of the finished ground level to the highest finished roof surface of a flat roof, or to a point at the average height of the highest roof of a roof having a pitch.

Building Line: The edge of a building closest to the street.

Building Permit: A permit issued by the Randolph County Inspections Department in conformance with the State Building Code.

Campground: Land used or intended to be used, let, or rented for occupancy by vacationing transient campers traveling by automobile or otherwise, or for occupancy by tents, or other movable or temporary sleeping quarters of any kind, together with automobile parking spaces and incidental utility structures and facilities required and provided in connection with the use. This definition shall not include trailer sales lots where unoccupied trailers are parked for inspection and sale.

Car Wash, Automatic: A commercial facility where vehicles are mechanically washed.

Car Wash, Self Service: A structure housing equipment used by individuals for spray washing vehicles.

Cemetery: A place used or to be used and dedicated or designated for earth interments of human remains or pet animal remains.

Center Line of Street: The center line of a right of way, as defined or surveyed by the North Carolina Department of Transportation or the Randolph County Engineering Department.

Ceramics: Items made using a pre-set mold.

Church: A building primarily used by a non-profit organization for organized religious services and supporting uses.

Comprehensive plan: A comprehensive plan that has been officially adopted by the Board of Commissioners pursuant to NCGS 160D-501.

Condominium: A form of property ownership whereby the owner gains ownership of an interior space within a building. The building structure, the land under the building, and all of the surrounding land is commonly owned by all the inhabitants on a proportional basis.

Convenience Store: A retail store with a floor area of less than 2,500 square feet that sells groceries and may also sell gasoline but not including automotive service stations, or vehicle repair shops.

Correctional Facilities: Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

Day Care Center: A place other than an occupied dwelling, which provides for the care of children or adults; or a large care home as defined by 10 NCAC 3U.0102 (14). Those receiving care are not all related to each other by blood or marriage and are not legal wards or foster children of the attendant adults, and for which care a payment, fee, or grant is made. Of those receiving care, only dependents of a large care home operator may reside on the site.

Day Care Home: A dwelling in which a permanent occupant of the dwelling provides for the care of children or adults. Those receiving care are not all related to the occupant or to each other by blood or marriage and are not the legal wards or foster children of the attendant adults. Those receiving care and not dependents of the occupant, do not reside on the site. For the purpose of this ordinance, such activities shall meet all requirements for home occupations.

If children are the primary clients of the use the following standards must be met:

- A. The home meets all state standards for registration and inspections.
- B. The number of children does not exceed five (5) preschool children including the caregiver's children and three (3) school aged children not including the caregiver's children.

Driveway: A private roadway located on a parcel or lot used for vehicle access.

Dwelling: Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. This term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

Dwelling, Duplex (Or Twin Home): A building containing two (2) individual dwellings. This definition does not include a single-family dwelling with an accessory dwelling unit.

Dwelling, Multi-Family: A building containing four (4) or more individual dwellings with separate cooking facilities and toilet facilities for each dwelling.

Dwelling, Single Family: A building designed for, or occupied exclusively by, one (1) family. Not to include manufactured housing. Site-built and modular housing as defined elsewhere is included in this definition.

Dwelling Unit: Rooms used for human habitation containing independent cooking, sleeping, and toilet facilities but excluding boarding houses, hotels, and dormitories. Included in this definition are "stick-built" and/or modular construction. Manufactured housing is defined elsewhere in this Section.

Edge Line: The edge of a right of way, as defined or surveyed by the North Carolina Department of Transportation or the Randolph County Engineering Department

Evidentiary Hearing: A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development ordinance or regulation adopted under NCGS 160D. (NCGS106G-120(16))

Extraterritorial Jurisdiction (ETJ): A defined area extending beyond the current Town limits where the Town may exercise all the powers currently exercised within its corporate limits. (In Towns with a population less than ten thousand (10,000), the ETJ cannot extend more than one (1) mile beyond the current Town limits.)

Family: One or more individuals residing in a dwelling unit, living as a single housekeeping unit, and complying with the following rules:

- A Any number of individuals related by blood, marriage, or adoption may occupy a dwelling unit;
- B Where some or all of the occupants are unrelated by blood, marriage, or adoption, the total number of occupants that are unrelated, shall not exceed three (3). In applying this provision, children who are under the age of twenty-three (23) and who are children of the owner or a person renting an entire dwelling unit from the owner shall be counted as a single occupant. In addition, in all cases, the limitation set out in subsection C. below shall apply.
- C The presence of household employees or children in foster care shall not disqualify any premises otherwise satisfying the above rules.

Family Care Facility: A dwelling that provides room and board for not more than six (6) persons who because of age, illness, handicap, or specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort. All family care home facilities shall be regulated by the State of North Carolina.

Farm: See: "Agricultural Uses"

Financial Institutions: A use where some or all of the following business services are provided to the public: banking, savings and loans, credit unions, security exchanges, safe deposit vaults, and investment services.

Floor Area: The area within the inside perimeter of the exterior walls with no deduction for corridors, stairs, closets, thickness of walls, columns, or other features, exclusive of areas open and unobstructed to the sky.

Forestry: A woodland area used for growing trees, harvesting timber or replanting trees in accordance with a management plan endorsed by the NC Division of Forest Resources.

Foster Care Home: A dwelling where a person performs the duties of a parent to the child of another by rearing the child and acting as a guardian.

Freestanding Sign: Any sign that is not attached to a wall, building, or any other support structure.

Frontage: The dimension of a property or portion of a property that is adjacent to a street; side yards of corner lots are excluded.

Funeral Home: A building used in the preparation of the dead for burial or cremation. Also, a facility where funeral services are held, funeral vehicles are stored, and caskets and other funeral supplies are sold.

Golf Course: An area laid out for playing golf, which may include some or all of the following accessory facilities: clubhouses, putting greens, swimming and tennis facilities, concessions for food and supplies. Driving ranges may also be included, unless specifically excluded by provisions of this ordinance. This definition does not include Par 3 or miniature golf.

Governing Board: The Board of Commissioners.

Government Sign: Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

Grandfather Clause: Clause that permits continuance of nonconforming uses under certain conditions (see Art. 9)

Group Home: A dwelling operated under state regulations that provides room and board for more than six (6) individuals who as a result of age, illness, handicap or some specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort. All group home facilities shall be regulated by the State of North Carolina. Additional requirements may be imposed by the North Carolina Building Code.

Hazardous Material or Hazardous Waste: Materials, or mixtures containing those materials, which pose a physical, environmental or health hazard by virtue of their carcinogenic, corrosive, highly toxic, irritant, sensitizing or toxic properties as defined in 29 CFR 1910.1200. Included in this definition are materials included in EPA's most recent Priority Pollutants List and substances which are regulated, or caused to be regulated, under provisions of the Resource Conservation and Recovery Act (RCRA); the Comprehensive Emergency Response, Compensation and Liability Act (CERCLA); the Superfund Amendments and Reauthorization Act (SARA); or any subsequent amendments of these Acts. For the purposes of this Section, hazardous materials shall include hazardous wastes, which are the byproducts resulting from the use of hazardous materials, materials which have been used to clean up spills of hazardous materials, and hazardous materials which have reached their shelf-life or have been used or contaminated. Also included in this definition are hazardous wastes regulated, or caused to be regulated by the Resource Conservation and Recovery Act (40 CFR 261, Subpart C and Subpart B).

Home Occupation: Any occupation conducted by the inhabitants of the dwelling, which is secondary to the main use as a dwelling, and causes no change in the exterior of the dwelling.

Horticulture: Land that is used for the commercial production or growing of fruits or vegetables or nursery or floral products in accordance with a management plan.

Hospital: An institution providing human health services primarily for in-patient medical and surgical care for the physically or mentally sick and injured and including related support facilities such as laboratories, out-patient departments, staff offices, food services, and gift shop.

Hotel, Motel: A building or group of buildings containing ten (10) or more guest rooms, for transient guests, and containing registration facilities, on-site management, cleaning services and combined utilities.

Industry: A use engaged in the processing of raw materials or the manufacture of materials or products.

Junk Yard: A place, structure, or lot where scrap, dismantled, or discarded materials are bought, sold, exchanged, or stored.

Kennel: A commercial establishment engaged in boarding, breeding, buying, selling, grooming, or training of pet animals.

Landfill, Sanitary: A facility where waste material or refuse is placed in the ground in layers and covered with earth or some other suitable material each work day. Sanitary landfills shall also conform to requirements of 15A NCAC 13B regarding solid waste management.

Landfill, Demolition: A sanitary landfill facility for stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth, and other solid wastes resulting from construction, demolition, or land clearing.

Landscape Plan: A portion of a site plan that graphically illustrates the locations of landscape features including materials and specifications of plant materials, fencing, screening, and ground form. This includes spot elevations, details, plant material quantity, common and botanical names, and minimum sizes.

Laundromat: A commercial establishment where self-service washing machines and clothes dryers are available for public use.

Legislative Decision: The adoption, amendment, or repeal of a regulation under NCGS Chapter 160D or an applicable local act. The term also includes decisions to approve, amend, or rescind a development agreement consistent with the provisions of NCGS Chapter 160D, Article 10.

Legislative Hearing: A hearing to solicit public comment on a proposed legislative decision.

Loading Area: A space used to transfer goods and material between vehicles and a building or lot.

Lot: For the purpose of this ordinance, a parcel of land that is to be used, developed or built upon and a unit under single ownership.

Lot Line: Boundary of a lot.

Manufactured Home (Class A, B, C): A residential unit that is not constructed in accordance with the standards set forth in the North Carolina State Building Code and is composed of one (1) or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to a site on its own chassis. Such manufactured homes are distinguished from modular homes because a modular home meets the standards set forth in the North Carolina Building Code. Within the text of this ordinance, when the term single family dwelling is used it shall not include a manufactured home.

Manufactured Home (Class A): A double-wide or multi-sectioned manufactured housing unit which meets the US Department of Housing and Urban Development's

manufactured home construction standards and also meets the Town's appearance criteria listed [Section 4-5](#).

Manufactured Home (Class B): A single-wide manufactured housing unit which meets the US Department of Housing and Urban Development's manufactured home construction standards and also meets the Town's appearance criteria listed [Section 4-5](#).

Manufactured Home (Class C): Manufactured housing units which do not meet the US Department of Housing and Urban Development's manufactured home construction standards or do not meet the Town's appearance criteria listed in [Section 4-5](#).

Marquee: A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.

Medical Office/Clinic: Establishments where humans receive treatment of illnesses or pregnancy, or examinations by a doctor, dentist, optician, psychologist, or other similar medical professional on an out-patient basis.

Modular Unit or Modular Home: A factory-fabricated, transportable building or dwelling, that is designed to be used by itself or to be incorporated with other units into a structure that will be a finished building on a permanent location on a permanent foundation. A modular unit shall not be considered a manufactured unit or manufactured home for the purpose of this ordinance. The unit is approved by the North Carolina Building Code.

Multi-family Unit: See: Dwelling, Multi-family.

Museums: Establishments of a noncommercial nature used for the display of art, historic, or science objects for the purpose of education and research. For the purposes of this definition, noncommercial shall mean that the establishment is open to the general public and either receives some governmental funding for its operations or is operated by a community organization for the public welfare.

NCGS: North Carolina General Statutes.

New Construction: Structures for which the "start of construction" commenced on or after the effective date of this ordinance.

Non-Conforming Building or Structure: A building or structure that is not in conformance with the provisions of the zone in which it is located.

Non-Conforming Use: Use of a building or of land that does not conform to the regulations for the district in which it is situated.

Nursing Home or Convalescent Center: A facility that provides nursing services and custodial care on a 24- hour basis for three (3) or more unrelated individuals who for reasons of illness, physical infirmity, or advanced age require such services.

Occupant: A person, persons, business, or organization that uses, resides, or is located in a building or open land use.

Office: A room, group of rooms, or building whose primary use is the conduct of a business, professional service, or governmental activity of a non-retail nature; including administration, record keeping, clerical work, and similar functions. This definition is not meant to include manufacturing, processing, repair, or storage of materials or products.

Off-Site Sign: A sign structure advertising an establishment, merchandise, service, or entertainment, which is **not** sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., “billboard”.

Open Space: Areas of a development that allow for light, air, wildlife habitat, and for scenic and recreational use. Also included are areas designed to enhance the privacy or general appearance of a development. Private open space is open space that is owned by a corporation, individual, or homeowners association. Public open space is open space owned by a governmental jurisdiction.

Owner: The holder of the title in fee simple. Absent any evidence to the contrary, the Town may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase as his or her agent or representative for the purpose of making applications for development approval.

Parking Lot: An area of land where vehicles are kept on a daily, overnight, or temporary basis; not to include the storage of wrecked or abandoned vehicles, vehicle parts, or the repair of vehicles.

Parking Space: A designated off-street area designed to accommodate the parking of one vehicle.

Person: Any individual, partnership, unincorporated association, joint venture, or corporation owning, keeping, or having charge of any real or personal property subject to this ordinance including any other legal entity recognized by State or Federal Law, as having legal existence in the State of North Carolina.

Permitted Use: See “Use, Permitted”

Petitioner: A person (or persons) who requests an amendment to the Zoning Text, the Zoning Map, or any other portion of the Zoning Ordinance from the governing body.

Planning Board: The Town of Seagrove Planning Board.

Planning Department: The Randolph County Planning Department.

Portable Sign: Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

Pottery: Items that are made using clay and molded by human hands.

Premises: A lot and the structure or structures located on it.

Principal Use or Structure: The main use of land or buildings as opposed to a secondary or accessory use.

Prohibited Use: Any use specifically prohibited by this ordinance in a particular zoning district.

Public Facility: A building or area owned or used by any department or branch of the Seagrove Town Government, Randolph County Government, the State of North Carolina, or the Federal Government.

Public Park or Playground: A park or playground available to the general public.

Public Utility: A business or service that provides the public with electricity, gas, water and sewer service, telephone or cable television service.

Quasi-judicial decision: A decision made after an evidentiary hearing to gather competent, material, and substantial evidence in order to make findings of facts regarding a specific application of a development regulation. A quasi-judicial decision requires the exercise of discretion when applying the standards of the regulation. Quasi-judicial decisions include but are not limited to variances, special use permits, certificates of appropriateness, and appeals of administrative determinations as provided in G.S.160D-102(28).

Recycling Center: A building or an area where the primary activity is the separation of materials prior to shipment for remanufacture into new materials. This shall not include junk yards or wrecking yards.

Recycling Drop Off Site: A site providing containers for the collection of recyclable materials, typically an accessory use. Recyclable materials are transported from the drop off site to another location for processing.

Reservoir Watershed: The entire drainage basin which contributes to a reservoir intended to be a source of public drinking water.

Restaurant: An establishment where food and drink are served as a principal activity. Included in this definition are cafeterias and lunch counters.

Restaurant with Drive Thru or Drive- Up Window: Any restaurant that dispenses products or services to patrons who remain in vehicles.

Retail, Fabrication Business: Establishments in which products may be manufactured, processed, or assembled on-site, for on-site retail sale; including: metal work, sign painting, and cabinet making. There is no outside storage or operations.

Retail Stores and Shops: Establishments selling goods to the public for consumption but not for resale, usually in small quantities, as well as services incidental to the sale of these goods. This shall not include vehicle or heavy equipment sales but shall include video rentals.

Retirement Center: A development for six (6) or more persons. The facility provides housing and some degree of food service and may also provide individual assistance with some medical needs or housekeeping. The facility may also provide recreational facilities and some personal service shops such as a bank or barber shop.

Rezoning: The act of changing the official zoning classification of a particular district as defined in this Ordinance.

Rooming House: A building other than a motel, hotel, bed and breakfast inn or boarding house, containing not more than 9 guest rooms. A rooming house may not contain kitchen facilities within the guest rooms, and no meals are served to guests.

School, Public or Private: A public or private institution offering a curriculum of education authorized by the State of North Carolina giving regular instruction at the primary, secondary level, or a school for the mentally or physically handicapped. Included in this definition are preschool programs. However, this definition does not include day care facilities, individual instruction, or classes in a specialized subject.

School, Technical, Trade, Vocational or Business: An institution offering instruction beyond high school level with a course of study in vocational, technical, or other special subjects; or a facility offering instruction at any level in martial arts, art, drama, dance, speech, music, or similar personal skills.

Screen: Plant materials and other landscape or architectural elements used separately or in combination to obscure views.

Service Station: Facilities used for the retail sale of gasoline, oil, or other fuels for the propulsion of motor vehicles and incidental services, including facilities for lubrication, and repairs, but excluding convenience stores.

Setback: The distance between a property line (right of way where applicable) and a building or structure. Unless specifically noted in the text, ground level parking and security gate houses may be located within the setback area.

Setback, Required: The minimum distance between the property line (right of way where applicable) and the building required by the zoning district and measured from the property line (or right of way).

Shopping Center: A group of retail businesses developed under a uniform development and served by common off-street parking facilities.

Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, structures, designs, trade names, or trade marks by which anything is made known such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or products, which are visible from any public street or adjacent property and used to attract attention. For the purposes of this ordinance, this definition shall not include "trade dress" as a sign, i.e., architectural features identified with a product or business.

Sign Certificate: A statement, signed by an administrative officer, setting forth that a sign complies with the Zoning Ordinance and Building Codes and that the same may be used for the purposes stated on the permit.

Site-Built Home: Any building (home) constructed on the site where it will remain, from raw construction materials, contrast to a home built off-site and reassembled on-site.

Site Plan: A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site-plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review.

Site Plan for consideration of Vested Rights: A plan which meets all requirements of a site plan that is submitted for consideration at a Vested Rights evidentiary hearing as specified under the Vested Rights provisions of this ordinance.

Sleeping Unit: A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a *dwelling unit* are not sleeping units.

Special Use Permit: A required permit for certain uses listed in the table of permitted uses that is issued following a hearing by the Town Commissioners for certain uses.

Start of Construction: The date the building permit is issued, provided that the actual start of construction, repair, reconstruction, or improvement is within 6 months of the permit date. The actual start means 1) the first placement of permanent construction of a structure or manufactured home on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of

excavation, or 2) the placement of a manufactured home on a foundation. The permanent construction does not include 1) land preparation, such as clearing, grading, and filling, 2) the installation of streets and/or walkways, 3) excavation for basement, footings, piers or foundations or the erection of temporary forms, or 4) the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Storage, Mini-Storage, Self-Storage: A building divided into units that are leased individually for storage. Storage shall be limited to dead storage. For the purpose of this ordinance, dead storage excludes on site retail, manufacturing, or service operations. Dead storage also excludes operations with employees on-site or operations with material handling on site. A single caretaker's residence may be included.

Street Frontage: The boundary of a property adjacent to one side of a street.

Street, Private: An area intended for local vehicular traffic, owned, and maintained by a private corporation, individual, or group of individuals.

Street, Public: An area for vehicular traffic that is dedicated to or maintained by a public agency.

Street Width: The horizontal distance between the side lines of a street, measured at right angles to the side lines.

Structure: A walled and roofed building that is principally above ground or a manufactured home. For purposes of floodplain management, this term shall also include gas or liquid storage tanks, or other man -made facilities or infrastructures.

Subdivision: The divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets as specified in NCGS 160D-802.

Suspended Sign: Any sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

Telecommunication Towers: Structures whose principal function is to support communication antenna(s).

Theater (Movie): A building or structure which contains an assembly hall for the performing arts and/or for the showing of motion pictures.

Townhouses: A group or more attached dwellings which each have separate entrances to the outside and are entirely separated from each other by walls that meet North Carolina Building Standards.

Tract: Contiguous land under one ownership or under multiple ownership either developed as a single unit or recorded as a single unit.

Trailer: A portable enclosure designed to be towed by a vehicle and used for carrying objects, animals, or for temporary occupancy by traveling or vacationing individuals. Trailers are not to be defined as Manufactured Housing for zoning purposes.

Transfer Station: A facility where waste materials from residences, commercial and industrial establishments are transferred to vehicles which will take the materials to a landfill or other disposal site.

Utility: See: "Public Utility"

Use: The purpose for which a building, structure, or area of land may be arranged or occupied, or the activity conducted or proposed in a building, structure, or on an area of land.

Use, Permitted: Any use specifically permitted by this ordinance in a particular zoning district.

Variance: A grant of relief to a person from the requirements of this ordinance which permits construction or use in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

Vested Rights: A right pursuant to §NCGS 160D-102, -108, and -108.1, to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan.

Wall Sign: A sign attached parallel to the wall of a building.

Warehouse Facilities: The storage of goods and materials for a specific commercial establishment or a group of establishments in a particular type of industry or commercial activity.

Watershed: A region of land that is bounded by physical barriers, such as topography, that cause water to drain into a particular body of water. Water quality can be affected by activities occurring within a watershed. For example, pollutants such as fertilizers and pesticides can be washed into a water body from its watershed during rain storms. Development within water supply watersheds is regulated by State in an effort to maintain healthy drinking water. Seagrove's watershed regulations are administered by the County.

Watercourse: Any stream, creek, drainage way, or other, linear water body that has been defined or mapped by the Randolph County Engineering Department.

Yard: An open space on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward. Ground level parking may be located in the yard unless specifically regulated elsewhere in this ordinance.

Yard, Front: A yard extending across the full width of the lot and lying between the street frontage of the lot and the nearest line of the building front.

Yard, Rear: A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building. The depth of a rear yard shall be measured at right angles to the rear line of the lot.

Yard, Side: A yard between the side- line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of either of such yards, to the front street line and the rear lot line. In residential districts, except RD and R-20, the main entrance to individual dwelling units may not be located on the side yard side of a dwelling unless the side yard has been increased to the same depth as the front yard requirements. In the RD and R-20 zones, the main entrance may not be located on the side yard unless the side yard has a depth of at least 20 feet.

Yard, Interior: Any side lot line that does not form a right-of-way.

Zoning Compliance Certificate: A statement, signed by an administrative officer, setting forth that a building, structure, or use complies with the Zoning Ordinance and Building Codes and that the same may be used for the purposes stated on the permit.

Zoning Lot: A parcel or contiguous parcels of land under single ownership containing sufficient land area for the proposed development including well and septic tank repair area.

ARTICLE 3 CERTIFICATES, PERMITS, AND PROCEDURES

3-1 ZONING COMPLIANCE CERTIFICATE REQUIRED

No person shall undertake any development activity or use of land subject to this Ordinance without first obtaining a zoning compliance certificate from the Town of Seagrove. Special-use permits shall be obtained prior to a zoning compliance certificate. No building permit shall be issued by Randolph County without a zoning compliance certificate from the Town of Seagrove. Any building permit issued without a zoning compliance certificate through error or false pretenses is not valid and is subject to the Enforcement and Procedures section of this Ordinance. A zoning compliance certificate shall not overrule the water supply watershed ordinance administered and enforced by Randolph County.

3-2 EXEMPTIONS

3-2.1 EXEMPTIONS

1. Federal or State-owned buildings and facilities.
2. Facilities of a public utility or an electric or telephone membership corporation (except buildings).

3-3 SITE PLAN REQUIRED

3-3.1 RESIDENTIAL SITE PLAN

No zoning compliance certificate shall be issued for a residential structure on a lot until a site plan meeting the requirements of this section is approved by the Zoning Enforcement Officer. No new site plan is required if an adequate existing site plan is on file. Existing site plans may be amended to show any addition, demolition, alteration, or change.

3-3.1.1 Residential Site Plan Requirements

The following requirements are the minimum information required on a residential site plan.

1. Scaled property boundary map of no less than 1" = 200'. Maps may be obtained from the Randolph County Geographic Information Systems Department.
2. Approximate location of existing structures.
3. Accurate drawing of proposed dwelling, driveway, and accessory buildings.
4. Measured distances from front, rear, and side property lines to proposed buildings and structures.
5. List of pertinent information including the property owner, tax map, address, and zoning district.

3-3.1.2 Submission of Residential Site Plans and Review Process

1. A residential site plan with a completed application and required fees shall be submitted to the Zoning Enforcement Officer for review.
2. Upon receipt of the site plan, the Zoning Enforcement Officer shall review the site plan for compliance with this Ordinance.
3. If the site plan meets or exceeds the requirements of this Ordinance, then the site plan shall be approved by the Zoning Enforcement Officer.
4. If the site plan does not meet the requirements of this Ordinance, then the site plan shall not be approved.

3-3.1.3 Apartments, Townhouses, and Condominiums

Apartments, townhouses, and condominiums are considered residential land uses but shall comply with [SECTION 3-3.2 NONRESIDENTIAL](#) requirements.

3-3.1.4 Residential Zoning Compliance Certificate

A zoning compliance certificate does not constitute a building permit, or any other required permit or certificate required for site improvements. It is the responsibility of the applicant and property owner to obtain all necessary permits and certificates.

3-3.1.5 Changes in Approved Site Plan

If the approved site plan is altered or changed because of conflicts with other regulations including Randolph County Building Code, Randolph County Health Department, or any other regulation or agency, or because of a desired change in plans, the zoning compliance certificate shall be invalid. The site plan must be resubmitted for approval.

3-3.2 NON-RESIDENTIAL SITE PLAN

No zoning compliance certificate shall be issued for a non-residential structure on a lot until a site plan meeting the requirements of this section is approved by the Zoning Enforcement Officer. No new site plan is required if an adequate existing site plan is on file. Existing site plans may be amended to show any addition, demolition, alteration, or change.

3-3.2.1 Non-Residential Site Plan Requirements

The following list includes the minimum information required on a non-residential site plan.

1. Scaled property boundary map of no less than 1" = 200'.
2. Approximate location of existing structures.
3. Accurate drawing of proposed structures, drives, detached accessory buildings, parking areas, and any significant appurtenances.
4. Measured distances from front, rear, and side property lines to proposed buildings and structures.
5. List title of project, name of occupant(s), and land-use(s) from the Permitted Use Schedule.
6. If applicable, show space, indicate location, or describe any accessory use and state on the site plan that any individual or sum of accessory use(s) may not exceed twenty-five percent (25%) of the principal use and include appropriate measurement(s) and calculations. (See [SECTION 4-4.2 ACCESSORY LAND USE](#))
7. Show parking areas and indicate size, number, type of parking spaces.

8. Show required landscape buffers and indicate the number of plants by type (i.e., trees and shrubs), and proposed species of required plantings. (See [SECTION 5-6: LANDSCAPING](#)).
9. List property owner, tax map, address, and zoning.

3-3.2.2 Submission of Site Plans and Review Approval

1. Non-residential site plans with a completed application shall be submitted to the Zoning Enforcement Officer for review.
2. Upon receipt of the site plan, the Zoning Enforcement Officer shall review the site plan for compliance with this Ordinance.
3. If the site plan meets or exceeds the requirements of this Ordinance, then the site plan shall be approved by the Zoning Enforcement Officer.
4. If the site plan does not meet the requirements this Ordinance, then the site plan shall not be approved.

3-3.2.3 Non-residential Zoning Compliance Certificate

A zoning compliance certificate does not constitute a building permit, or any other required permit or certificate required for site improvements. It is the responsibility of the applicant and property owner to obtain all necessary permits or certificates.

3-3.2.4 Changes in Approved Site Plan

If the approved site plan is altered or changed because of conflicts with other regulations including Randolph County Building Code, Randolph County Health Department, or any other regulation or agency, or because of a desired change in plans, the zoning compliance certificate shall be invalid. The site plan must be resubmitted for approval.

3-3.2.5 Special-Use Permit

Land uses, building, or structures that require a special-use permit shall first obtain the required permit before receiving a zoning compliance certificate. The Board of Commissioners shall hold an evidentiary hearing and review the application and site plan ([SECTION 3-7: SPECIAL USE PERMIT](#)).

3-4 SIGN CERTIFICATES

3-4.1 SIGN CERTIFICATES

No person shall erect, display, or construct a sign without first obtaining a sign certificate from the Town of Seagrove. Any required special-use permit shall be obtained prior to a obtaining a sign certificate. No building permit for a sign shall be issued by Randolph County without a sign certificate from the Town of Seagrove. Any building permit for a sign issued without a sign certificate through error or false pretenses is not valid and is subject to the Enforcement and Procedures section of this Ordinance. A sign certificate shall not overrule the water supply watershed ordinance administered and enforced by Randolph County.

3-4.2 SIGN PLAN REQUIRED

No sign certificate shall be issued until a sign plan meeting the requirements of this Ordinance is approved by the Zoning Enforcement Officer.

3-4.2.1 Sign Plan Requirements

The following list includes the minimum information required on a sign plan.

1. Drawing of signs detailing height and width of sign face and total height of sign.
2. Area calculations based on the highest point multiplied by the widest point regardless of shape.
3. Description of the sign detailing the cells and any commercial message when applicable.
4. Site plan detailing the location on the property for the detached (or freestanding) signs with a measured distance from the centerline of the nearest right-of-way.
5. Building elevation drawing with the location of an attached sign.
6. List property owner, street address, and zoning district.

3-4.2.2 Submission of Sign Plans and Review Approval

1. Sign plans with a completed application shall be submitted to the Zoning Enforcement Officer for review.
2. Upon receipt of the sign plan, the Zoning Enforcement Officer shall review the plan for compliance with [SECTION 5-1: SIGN REGULATIONS](#).
3. If the sign plan meets or exceeds the requirements of this Ordinance, then the sign plan shall be approved by the Zoning Enforcement Officer.
4. If the sign plan does not meet the requirements this Ordinance, then the sign plan shall not be approved.

3-4.2.3 Sign Certificate

A sign certificate does not constitute a building or any other required permit or certificate. It is the responsibility of the applicant and property owner to obtain all necessary permits or certificates.

3-4.2.4 Changes in Approved Sign Plan

If the approved sign plan is altered or changed because of conflicts with other regulations including Randolph County Building Code, Randolph County Health Department, North Carolina Department of Transportation, or any other regulation, or agency, or because of a desired change in plans, the sign certificate shall be invalid. The sign plan must be resubmitted for approval.

3-5 ZONING MAP AND TEXT AMENDMENTS

3-5.1 GENERAL

The Board of Commissioners may, on their own motion or upon petition, initiate the process to amend, change, modify or repeal this Ordinance including the Zoning Maps subject to the procedures and rules established by law and in this Section. Pursuant to NCGS 160D-601, no amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the local government. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:

- A. By decreasing the development density of the land to be less dense than was allowed under its previous usage.
- B. By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

3-5.2 REQUIREMENTS FOR AMENDMENT

3-5.2.1 General Requirements

- 1. Application: Any property owner or his/her agent, or citizen or his/her agent may initiate the process to amend this Ordinance including the Zoning Maps by submitting an application and a site-plan. In addition, a statement of reasonableness of the proposed request shall be prepared for each application for a rezoning.
- 2. Fee: All fees shall be due and payable when the application is submitted. All fees are set according to the Town of Seagrove Fee Schedule. Fees subsidize notification requirements, and other resources and are not subject to refunding once applications are processed.
- 3. Submission:
 - A. Time Period: An application must be submitted at least thirty (30) days prior to the regularly scheduled Planning Board meeting.
 - B. Cases: No more than **five (5) rezoning or text amendment cases** shall be accepted for each meeting of the Town Board of Commissioners. Cases are accepted on a first-come-first serve basis.
 - C. Resubmittal of a Zoning Change Request: No such proposed change in the Zoning Ordinance or map if denied by action of the Board of Commissioners may be resubmitted within a period of one (1) year from the date of such denial by the Board, unless the Board of Commissioners unanimously find that changing conditions in the area or new information concerning the property requested for rezoning warrants a resubmission for change in the Zoning Ordinance or Map.

3-5.2.2 Notification for Amendments

- 1. Notification: Upon receipt and acceptance of the application for a zoning ordinance map amendment, the Zoning Enforcement Officer shall initiate the notification process listed below or any alternative, more restrictive method as permitted by NCGS 143-318 (PUBLIC NOTICE).
 - A. Place an advertisement in the newspaper of general circulation to run once (1) a week for two (2) consecutive weeks with the first advertisement published at least ten (10) days and no more than twenty-five (25) days in advance of the scheduled legislative hearing.
 - B. Post property with a sign stating the date, time, place, and the nature of the rezoning request, not less than ten (10) days and no more than twenty-five (25) days, in advance of the scheduled legislative hearing. The sign shall be located in a conspicuous location and prominently displayed. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required but the local government shall post sufficient notices to provide reasonable notice to interested persons.
 - C. Mail notices by first class mail to the abutting property owners of the property

or properties of the proposed action as listed on the Randolph County tax listings, as well as the owners. For the purpose of this section, properties are “abutting” even if separated by a street, railroad, or other transportation corridor. This notice shall be sent by first-class postage not less than ten (10) days, but not more than twenty-five (25) days, prior to the legislative hearing. The person mailing such notice shall certify that such notices have been mailed.

3-5.2.2A Planning Board Consideration of Proposed Amendments

1. Amendments shall be submitted to the Planning Board for its consideration.
2. The Planning Board shall submit its recommendation to the Board of Commissioners within thirty (30) days of first consideration. If recommendation is not made in the time period, the Board of Commissioners may proceed to act on the application. The Board of Commissioners is not bound by the recommendation, if any, of the Planning Board.
3. The Planning Board shall be prohibited from allowing any testimony or evidence concerning the specific manner an applicant/property owner intends to use or develop the property, except in the case of a request for a Conditional Zoning District. If the applicant believes that development of his property in a specific manner will lessen adverse effects upon surrounding properties or otherwise make the rezoning more in accordance with principles underlying the Seagrove Comprehensive Plan, he shall apply for rezoning to the appropriate Conditional Zoning District specifying the nature of his proposed development. Pursuant to NCGS 160D-703(b), property may be placed in a conditional district only in response to a petition by all owners of the property to be included. Specific conditions may be proposed by the petitioner or the local government or its agencies, but only those conditions approved by the local government and consented to by the petitioner in writing may be incorporated into the zoning regulations. *Any violation of a term or condition of a Conditional Zoning District shall be treated the same as a violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation.*
4. The Planning Board shall advise and comment on whether the proposed amendment is consistent with Seagrove Comprehensive Plan. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a recommendation from the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners.

3-5.2.3 Legislative Hearing Process

1. Board of Commissioners: No amendments may be adopted to this Ordinance until a legislative hearing has been held on such an ordinance by the Board of Commissioners. The Board of Commissioners shall hold the legislative hearing. The Zoning Enforcement Officer shall present the application to the Board of Commissioners.
2. The Board of Commissioners shall be prohibited from allowing any testimony or evidence concerning the specific manner an applicant/property owner intends to

use or develop the property, except in the case of a request for a Conditional Zoning District. If the applicant believes that development of his property in a specific manner will lessen adverse effects upon surrounding properties or otherwise make the rezoning more in accordance with principles underlying the Seagrove Comprehensive Plan, he shall apply for rezoning to the appropriate Conditional Zoning District specifying the nature of his proposed development. *Any violation of a term or condition of a Conditional Zoning District shall be treated the same as a violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation.*

3. At the conclusion of the legislative hearing on a proposed amendment, the Board of Commissioners may proceed to vote on the proposed amendment, refer it for further study or take any other action consistent with its usual rules of procedure.
4. Determination of Consistency and Statement of Reasonableness. As required by NCGS 160D-605(a), prior to adopting or rejecting any zoning amendment, the Board of Commissioners shall adopt one of the following statements which shall not be subject to judicial review:
 - a) A statement approving the zoning amendment and describing its consistency with Seagrove Comprehensive Plan and explaining why the action taken is reasonable and in the public interest.
 - b) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
5. If the amendment is adopted and the action is deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending the future land use map in the approved plan and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment shall be considered concurrently.
6. The Board of Commissioners is not required to take final action on a proposed amendment within any specific period of time.
7. Application Withdrawal: An applicant may withdraw or postpone a final hearing on a rezoning request before the Board of Commissioners if such request is received in writing by the Zoning Enforcement Officer within five (5) days after action by the Planning Board. Any request to withdraw or postpone a hearing thereafter shall be determined at the sole discretion of the Board of Commissioners.

3-6 VARIANCES, APPEALS, and INTERPRETATIONS

3-6.1 VARIANCES

3-6.1.1 General Requirements

1. Application: An application for a variance shall be submitted to the Board of Adjustment by filing with the Zoning Enforcement Officer. The board shall follow quasi-judicial procedures pursuant to NCGS 160D-406.
2. Fee: All fees shall be due and payable when the application is submitted. All fees are set according to the Town of Seagrove Fee Schedule. Fees subsidize notification requirements, and other resources and are not subject to refunding once applications are processed.
3. Submission: The Board of Adjustment shall hear and decide all appeals, variance

requests and requests for interpretations as expeditiously as possible, consistent with the need to follow regularly established agenda procedures and obtain the necessary information to make sound decisions.

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

3-6.1.2 Notification for a Variance

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

3-6.1.3 Evidentiary Hearing Process

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

Pursuant to NCGS 160D-406, the Board of Adjustment through the chair or, in the chair's absence, anyone acting as chair may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, the applicant, the local government, and any person with standing under G.S. 160D-1402(c) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she

determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be immediately appealed to the full board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

3. Oaths. The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.
4. Determination. The Board of Adjustment shall only consider the application and competent, material, and substantial evidence presented at the evidentiary hearing and may grant or deny the Variance requested. In considering all proposed variances to this Ordinance, the Board of Adjustment shall, before making any finding in a specific case, first determine that the proposed variance **will not**:
 - a) allow the establishment of a use not otherwise permitted;
 - b) extend, in area, or expand a non-conformance;
 - c) change the district boundaries shown on the Zoning Map;
 - d) materially diminish or impair established property values within the surrounding area; or
 - e) in any other respect impair the public health, safety, morals, and general welfare.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

5. Findings of Fact. When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the Board of Adjustment shall vary any of the provisions of the zoning regulation upon a showing of ALL the following:
 - a) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - b) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
 - c) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
 - d) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secure and substantial justice is achieved.
6. Conditions. Before granting a variance, the Board of Adjustment may attach such conditions thereto which are necessary to further ensure the public health, safety, morals and general welfare. Such conditions may address the location, size and nature of proposed buildings, structures or uses and any other development criteria

the Board deems appropriate which are in harmony with the spirit and intent of this Ordinance.

7. Voting. The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under G.S. 160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
8. Decisions. The board shall determine contested facts and make its decision within a reasonable time. When hearing an appeal, the board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing, reflect the board's determination of contested facts and their application to the applicable standards, and be approved by the board and signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the development regulation specifies. The decision of the board shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify to the local government that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.

3-6.2 APPEALS AND INTERPRETATIONS

3-6.2.1 General Requirements

1. Any person who has standing under G.S. 160D-1402(c) or the local government may appeal an administrative decision to the board. An appeal is taken by filing a written notice of appeal with the Zoning Enforcement Officer and the Board of Adjustment which specifies the grounds for the appeal. A notice of appeal shall be considered filed when delivered to the Zoning Enforcement Officer.
2. Timing. An appeal must be taken within thirty (30) days after the date the decision or order is made.
3. Stays. An appeal stays all actions by the Zoning Enforcement Officer enforcing the requirements of this Ordinance unless the Zoning Enforcement Officer certifies to the Board reason of facts that that a stay would in their opinion cause imminent peril to life or property, or because the violation charged is transitory in nature and a stay would interfere with enforcement of the Ordinance. In such case, proceedings shall not be stayed except by a restraining order which may be granted by the Board or by a Court of Record on application, on notice to the Zoning Enforcement Officer and on due cause shown.
4. Materials. The Zoning Enforcement Officer shall transmit to the Board of Adjustment all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board

a copy is also provided to the applicant and to the landowner if that person is not the applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.

5. Fee: There is no fee for an appeal.

3-6.2.2 Notification for an Appeal or Interpretation

Notification: Upon receipt of an appeal, the Zoning Enforcement Officer shall initiate the required notification process.

- A. Mail notices by first class mail to all parties affected by the appeal at least ten (10) days and no more than twenty-five (25) days prior to the evidentiary hearing. The person mailing such notices shall certify that such notices have been mailed.
- B. Post the date, time, place, and appeal at the location of the evidentiary hearing to be viewed by the public at least ten (10) days and no more than twenty-five (25) days in advance of the scheduled evidentiary hearing.

3-6.2.3 Evidentiary Hearing Process

1. Board of Adjustment: The Board of Adjustment shall hold the evidentiary hearing. The Zoning Enforcement Officer shall present the case to the Board of Adjustment.
2. Presentation of Evidence. The applicant, the local government, and any person who would have standing to appeal the decision under G.S. 160D-1402(c) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board. Objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. The board chair shall rule on any objections, and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to G.S. 160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.
3. Appearance of Official. The official who made the decision or the person currently occupying that position, if the decision maker is no longer employed by the Town, shall be present at the evidentiary hearing as a witness.
4. Oaths. The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.
5. Subpoenas. The board making a quasi-judicial decision under this Chapter through the chair or, in the chair's absence, anyone acting as chair may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, the applicant, the local government, and any person with standing under G.S. 160D-1402(c) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be

immediately appealed to the full board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

6. Voting. The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under G.S. 160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
7. Decisions. The board shall determine contested facts and make its decision within a reasonable time. When hearing an appeal, the board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing, reflect the board's determination of contested facts and their application to the applicable standards, and be approved by the board and signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the development regulation specifies. The decision of the board shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify to the local government that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.

3-6.3 APPEALS OF THE DECISION BY THE BOARD OF ADJUSTMENT

Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402. Appeals shall be filed within the times specified in G.S. 160D-1405(d).

3-7 SPECIAL-USE PERMIT

3-7.1 GENERAL REQUIREMENTS

1. Application: An application for a special-use permit with a site-plan, must be filed with the Zoning Enforcement Officer.
2. Fee: All fees shall be due and payable when the application is submitted. All fees are set according to the Town of Seagrove Fee Schedule. Fees subsidize notification requirements, and other resources and are not subject to refunding once applications are processed.
3. Submit: An application must be submitted a minimum of **thirty (30) days** prior to the regularly scheduled Board of Commissioners meeting.
4. Materials: The Zoning Enforcement Officer shall transmit to the board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to

the hearing if at the same time they are distributed to the board a copy is also provided to the applicant and to the landowner if that person is not the applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.

3-7.2 NOTIFICATION FOR A SPECIAL-USE PERMIT

Upon receipt and accepting of the application for a special-use permit, the Zoning Enforcement Officer shall initiate the required notification process.

- A. Mail notices by first class mail to the abutting property owners of the property or properties of the proposed action as listed on the current Randolph County tax listings. Mail notice to property owner and applicant. Notices shall be mailed first class postage not less than ten (10) days, but not more than twenty-five (25) days, prior to the evidentiary hearing. The person mailing such notices shall certify that such notices have been mailed.
- B. Post the date, time, place, and the special-use request at the location of the evidentiary hearing to be viewed by the public at least ten (10) days and no more than twenty-five (25) days in advance of the scheduled evidentiary hearing.

3-7.3 EVIDENTIARY HEARING PROCESS FOR A SPECIAL-USE PERMIT

1. Board of Adjustment: The Board of Adjustment shall hold the public, quasi-judicial hearing. The Zoning Enforcement Officer shall present the application to the Board of Adjustment.
2. Presentation of Evidence. The applicant, the local government, and any person who would have standing to appeal the decision under G.S. 160D-1402(c) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board. Objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. The board chair shall rule on any objections, and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to G.S. 160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.
3. Oaths. The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.
4. Subpoenas. The board making a quasi-judicial decision under this Chapter through the chair or, in the chair's absence, anyone acting as chair may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, the applicant, the local government, and any person with standing under G.S. 160D-1402(c) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be immediately appealed to the full board. If a person fails or refuses to obey a

subpoena issued pursuant to this subsection, the board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

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

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

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

- A. that the use will not materially endanger the public health or safety if located where proposed and developed in accordance with the plan as submitted and approved;
- B. that the use meets all required conditions and specifications;
- C. that the use will not substantially injure the value of abutting property, or that the use is a public necessity; and
- D. that the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with Seagrove Comprehensive Development Plan.

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

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

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

6. Revocation of a Special Use Permit. In the event of failure to comply with the plans approved by the Board of Adjustment, or with any other conditions imposed upon the Special Use Permit, the Zoning Enforcement Officer shall issue a stop work order in accordance with NCGS 160D-404(b). In accordance with GS 160D-403(f), a Special Use Permit may be revoked by notifying the holder in writing stating the

reason for the revocation. Staff shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval. No building permits for further construction or certificates of occupancy under this Special Use Permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of this Ordinance; provided, however, that the Board of Commissioners shall not be prevented from thereafter rezoning said property for its most appropriate use.

7. Modifying a Special Use Permit. Modifications of the original plans required to be submitted and approved, as part of the application for a Special Use Permit, may be authorized by the Board of Adjustment.
8. Appeals. Appeals may be taken from the action of the Board of Adjustment in granting or denying a Special Use Permit through the Rockingham County Superior Court.
9. Application Withdrawal: An applicant may withdraw or postpone a evidentiary hearing on a special use permit request before the Board of Commissioners if such request is received in writing by the Zoning Enforcement Officer before submission of the public notice to the newspaper announcing the evidentiary hearing. Any request to withdraw or postpone a hearing thereafter shall be determined at the sole discretion of the Board of Adjustment. Any fees paid are not refundable upon withdrawal of an application.

ARTICLE 4 ZONING

4-1 ZONING DISTRICTS

4-1.1 ZONING DISTRICTS ESTABLISHED

The Town of Seagrove is hereby divided into zoning districts. The districts are defined in SECTION 4-1.2 DISTRICTS DEFINED.

- R - Residential
- RR - Residential Restricted
- C - Commercial
- I - Industrial
- OI - Office Institutional
- HC - Highway Commercial
- QS Overlay - Quality Signage Corridor Overlay
- HC Overlay - Highway Corridor Overlay

4-1.2 DISTRICTS DEFINED

R - Residential: This district is primarily intended for a wide range of dwellings; single-family, duplex, modular, and manufactured housing. The R district is also intended to accommodate other uses such as agriculture, medical facilities, churches, schools, and limited retail and professional services that do not create excessive traffic, noise, light, or pollution.

RR - Residential Restricted: This district is strictly intended for single-family residential dwellings including stick-built homes, modular homes, and Class A manufactured homes. The RR district is also intended to accommodate incidental uses that are traditionally accepted in residential areas.

C - Commercial: This district is primarily intended to accommodate a wide range of retail business and other commercial, office, and professional uses.

I - Industrial: This district is intended for manufacturing, warehousing, assembly, packaging, and any other industrial uses.

OI - Office-Institutional: This district is primarily intended to accommodate professional services, banks, educational buildings, and other similar uses not intended for the Commercial or Industrial districts. It also is intended to accommodate limited low impact retail, professional, and residential uses.

HC - Highway Commercial: This district is primarily intended to accommodate a wide range of retail business and commercial uses along major highways/bypasses.

QSO - Quality Signage Corridor Overlay: The purpose of the QS District is to preserve and enhance the streetscape along the major roadways which provide access to Seagrove potteries. A QS District may exist along any roadway or along any identifiable segment of a roadway within the planning and zoning jurisdiction of the Town of Seagrove.

HCO - Highway Corridor Overlay: The purpose of the HCOD District is to preserve and enhance the Seagrove heritage streetscape along the NC Highway 705 Corridor while pursuing well-structured planned growth by establishing commercial and business development standards. The HCOD shall apply to all new non-residential development along the Little River Road/ NC Highway 705 corridor within the Town of Seagrove's planning and zoning jurisdiction.

4-1.3 CONDITIONAL DISTRICTS

It is noted that a Conditional District (bearing the designation CD) corresponds to each of the other districts authorized in this Zoning Ordinance. It is recognized by the Town of Seagrove that certain types of zoning districts would be inappropriate at particular locations in the absence of clearly defined conditions. Such districts may include, general use districts and conditional zoning districts, in which site plans and individualized development conditions are imposed.

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

The procedure for granting Conditional Zoning Districts shall be the same legislative process required of the Board of Commissioners in [Section 3.5 Zoning Map and Text Amendments](#) and as authorized by Article 18 in Chapter 160D of the North Carolina General Statutes.

4-1.4 OVERLAY DISTRICTS

4-1.4.1 Quality Signage Corridor Overlay Zone Specifications

Purpose

The purpose of the QS District is to preserve and enhance the streetscape along the major roadways which provide access to Seagrove potteries. A QS District may exist along any roadway or along any identifiable segment of a roadway within the planning and zoning jurisdiction of the Town of Seagrove.

Although such roads may vary in land use, they raise common concerns and can be managed in a consistent way in order to preserve and enhance the small-town character of the Town's streetscape. The QS Overlay District shall consist of all lots adjacent to designated corridors as defined by the Town of Seagrove Board of Commissioners. The

Corridor shall have a width of one hundred (100) feet as measured parallel and perpendicular from the centerline of the designated Corridor Street. No lots will be split by the overlay district. As an overlay, the QS District supplements the standards established elsewhere in this Ordinance for development in the underlying zoning district. Any use permitted in the underlying zoning district shall be permitted in the QS District, but only if it meets the requirements established herein as well as any other requirements pertaining to such use found in this Ordinance.

Permitted Uses

Any permitted use allowed in the underlying general zoning district shall be permitted in the QS District. All such permitted uses shall also meet all requirements of the QS District. Where the requirements of the QS District are more restrictive than in the underlying district, the regulations of the QS District shall prevail. Wherever the provisions of the Ordinance and this Section (4-1.2.1) conflict, the more stringent provisions shall prevail.

Signage

See [Article 5: SIGNS, OFF-PREMISES SIGNS, NON-CONFORMING SIGNS, PARKING, AND LANDSCAPE BUFFERS](#)

4-1.4.2 Highway Corridor Overlay District (HCOD)

Purpose

The purpose of the HCOD District is to preserve and enhance the Seagrove heritage streetscape along the NC Highway 705 Corridor while pursuing well-structured planned growth by establishing commercial and business development standards. The HCOD shall apply to all new non-residential development along the Little River Road/ NC Highway 705 corridor within the Town of Seagrove's planning and zoning jurisdiction. The overlay district shall apply to all lots lying partially or completely within the corridor. The HCOD is designed to strengthen the value of the corridor as an entryway to the Seagrove area's unique heritage assets by increasing standards in all commercial development within the corridor.

Highway Corridor Overlay District (HCOD) Requirements

- A Property located within the HCOD shall be subject to the regulations of the underlying district and the regulations of the HCOD. To the extent that these ordinances conflict, the regulations of the HCOD shall govern.
- B Application. The HCOD shall be applied to those properties or portions thereof that are located within 300 feet of the centerline of the pavement (as it existed at the passage date of this ordinance) of N.C. 705 Highway (hereafter the "Highway") within the Town's planning and zoning jurisdiction.
- C Exemption from standards. The standards set forth in subsection (D) below shall not apply to single family or two family (duplex) residential structures. It shall apply to multifamily residential structures and developments.
- D Standards. Subject to the other requirements of this section, the following requirements shall apply to all property developed within the HCOD.
 - (1) Building setback areas prescribed under each zoning district shall not be used for the parking of motor vehicles.
 - (2) Driveway entrances onto the Highway shall be minimized to the extent consistent with public safety requirements. Unless otherwise prescribed by the North Carolina Department of Transportation, driveway widths shall not exceed thirty-six

- feet (36) at the right of way line, except where medians or entrance/ exit islands are located.
- (3) Landscape Screen & Buffers
- (a) A landscape screen shall be required to screen all parking and loading that would otherwise be plainly visible from the street and from abutting residential properties on the side and rear. Such screens shall include plantings (which may be planted on an earthen berm) that create a screen that is opaque from the ground to a minimum height of four and one-half feet (4.5) feet within twenty-four months of the initial planting(s), with a height of twelve (12) feet at maturity (In no case greater than eight (8) years after planting)
 - (b) The building side and rear setback areas as prescribed by the applicable zoning district shall be appropriately landscaped as provided herein. The total square footage of the setback area required to be landscaped shall be determined by multiplying the frontage of the property along the Highway times twenty (20).
 - (c) A twenty (20) foot landscaped front setback shall be required as a buffer between adjacent buildings and streets. This setback shall allow for grassed and landscaped areas and a sidewalk for pedestrian traffic.
 - (d) Landscaping used to buffer noise and views shall be evergreen for adequate year-round screening.
 - (e) Refuse enclosures shall be screened from view on all sides with an opaque screen of coordinated building materials or landscaping.
 - (f) Side and rear yard areas abutting a residence must maintain a minimum buffer of two (2) alternating rows of high growing evergreen trees, interspersed with a single row of medium to high growing evergreen shrubbery to the edge of the building
 - (g) There shall be a natural flow of landscaping from one commercial lot to another.
 - (h) Required Plantings. The landscape screen within the setback shall include the following:
 - 1. One (1) canopy or large evergreen tree (unless subject to overhead power lines) with minimum 3-inch caliper and minimum eight (3) feet height, shall be required per 500 square feet. At least thirty (30) percent of such trees shall be deciduous and at least forty (40) percent shall be evergreen.
 - 2. One (1) understory tree with a minimum height of eight (3) feet shall be required per 200 square feet. At least thirty (30) percent of such trees must be deciduous and at least (40) percent of such trees must be evergreen.
 - 3. One shrub with a minimum height of eighteen (18) inches and of a variety that can be expected to reach three (3) feet in height within five (5) years shall be required per 200 square feet. Not more than thirty (30) percent of such shrubs may be deciduous.
 - 4. Trees and shrubs can be spaced along the entire frontage of the property (with appropriate breaks to provide breaks for ingress and egress and sight distances for driveway intersections) so that the development on the property is partially screened from the Highway.
 - 5. The requirements of this subsection may be satisfied by preexisting trees and shrubs, newly planted trees and shrubs or a combination of both.

6. The owner of any property where landscaping is required shall be responsible for the maintenance of all required vegetation and the replacement of any required tree or shrub that dies. Landscaped areas shall be kept in a neat and orderly manner, free from refuse and debris.

(4) Signage Standards. Notwithstanding the sign standards set down in Zoning Ordinance Article 5, "Signs, Off Premise Signs, Non-Conforming Signs," the following standards apply to lots or properties in the HCOD:

- (a) One (1) freestanding sign per lot shall be permitted.
- (b) Sign lighting shall be of low amperage directed to the immediate signage area. External light fixtures shall be screened by landscaping. Flashing and moving lights shall not be permitted. Light fixtures and poles they are mounted on must be black or a dark color and may not exceed twenty (20) feet in height. The light source must be white light. Luminaries shall be shielded or configured to cast light downward to the ground, so as to prevent light from shining or reflecting beyond the lot line into the neighboring property or onto the street or road so as to impair the vision of the driver of any vehicle upon such street or road. A luminary must have a cutoff of light at an angle of ninety degrees (90) or less.
- (c) The display area of a freestanding sign shall not exceed twenty-six (26) square feet per side for signs for all lots fronting on a road, street, or the Highway. Signs shall have words, display, and other forms of advertising limited to two sides.
- (d) No freestanding sign shall be greater than six (6) feet from ground to top of sign.
- (e) Wall signs shall be no greater than 10% of any wall area. No exterior wall shall be used for off premise advertising.
- (f) All signs shall be set back a minimum of five (5) feet from the street right-of-way.
- (g) All signs shall be removed within ten (10) days of business closing.
- (h) Design and construction of signs by use of traditional materials such as wood, stucco, stone, and old-style brick shall be encouraged. Signage design and character should blend with the community and be consistent with architectural surroundings.

(5) Parking

On-site parking shall be located to the side or rear of new development, except where unique topographical conditions of the site prohibit practical implementation of this standard. No parking may be closer to the street than the front of the building.

(6) Site Development

- (a) Placement of onsite utilities underground is encouraged;
- (b) Chain link fencing, razor wire, and barbed wire shall not be permitted;
- (c) All dumpsters and solid waste containers shall be located internal to an architectural wall or enclosed by screening to reduce visibility;
- (d) Commercial and business service areas shall be located at the rear of buildings and shall be screened with landscaping and architectural elements. Loading areas, dumpsters, outdoor storage, utility meters, utility cabinet areas, and satellite equipment shall be screened and located to rear of building or commercial site;

- (e) HVAC systems shall be located to the rear or the side of structures, with screening by landscape and architectural elements.

(7) Exterior Property Lighting Standards

The following standards are required of all exterior lighting located on a property in the HCOD, except for outdoor recreational uses specifically exempted below and as needed to illuminate state or municipal streets or roads

- (f) Light fixtures and the poles they are mounted on must be black or a dark color and may not exceed twenty (20) feet in height. The light source must be white light. Luminaries shall be shielded or configured to cast light toward the ground, so as to prevent light from shining or reflecting beyond the lot line into neighboring property or onto any street or road so as to impair the vision of the driver of any vehicle upon such street or road. The luminary must have a cutoff of light at an angle of ninety degrees or less.
- (g) Exemption for Outdoor Recreation, Festivals, and Entertainment Uses.
 - 1. Because of their unique requirements for nighttime visibility and their limited hours of operation, ball fields, playing fields, tennis courts, festivals, and concerts are exempt from above exterior lighting standards.
 - 2. The lighting fixtures for outdoor uses specified above shall not exceed a maximum permitted height of eighty (80) feet above the ground.
 - 3. The outdoor recreational uses specified above may exceed a total cutoff angle of ninety degrees if the luminary is shielded to prevent light and glare spillover to adjacent roadway corridor or adjacent properties.

E Prohibited Uses (#8 – 16 were added as part of the Zoning Ordinances, March 7, 2017)

- 1. Carwashes
- 2. Adult establishments
- 3. Mini-warehouse Storage Facilities
- 4. Motor Vehicle Wrecker Service
- 5. Inert Debris Landfills
- 6. Motor Vehicle Repair, Sales, or Storage
- 7. Internet Sweepstakes Type Business
- 8. Motor Vehicle Paint and Body Shops
- 9. Junkyards
- 10. Outdoor Flea Markets
- 11. Outdoor Storage
- 12. Laundromats
- 13. Accessory Structures in front yard area
- 14. Off-Premises Signs (Billboards)
- 15. Manufactured Home, Camper, Marine, or RV Sales
- 16. Solar collector facilities
- 17. Any use not listed must be reviewed and approved by the Seagrove Planning and Zoning Board and the Seagrove Board of Commissioners.

F Review Requirements

- (1) Prior to the construction of any new non-residential building, structure, or parking area or substantial renovation of such, a site plan must be completed according to the requirements of the Town of Seagrove Zoning Ordinance, [Article 3-3.2](#), Non-Residential Site Plan Requirements. A Seagrove zoning compliance certificate is required by Randolph County prior to issuing a building permit for construction. No zoning compliance certificate shall be issued for a non-residential structure on a lot until a site plan meeting the requirements of Article 3-3.2 is approved by the Zoning Enforcement Officer. No new site plan is required if an adequate existing site plan is on file. Existing site plans may be amended to show any addition, demolition, alteration, or change.
- (2) Site Plan Submission, Review, and Approval, Zoning Compliance Certificate, Building Permits
 - a. Non-residential site plans with a completed application shall be submitted to the Zoning Enforcement Officer for review
 - b. Upon receipt of the site plan, the Zoning Enforcement Officer shall review the site plan for compliance with ordinance requirements
 - c. If the site plan meets or exceeds the requirements of this ordinance, then the site plan shall be approved by the Zoning Enforcement Officer
 - d. Upon site plan approval, the Zoning Enforcement Officer shall then review the Zoning Ordinance for the proposed project's overall zoning code compliance
 - e. Upon site plan approval and zoning compliance review and approval a Zoning Compliance Certificate (Zoning Permit) is then issued.
 - f. Upon receipt of Zoning Compliance Certificate, the applicant/ builder shall then apply for the required building permits with Randolph County prior to beginning construction.

TABLE 4-2.1 PERMITTED USE SCHEDULE

Permitted Uses			R	RR	C	I	OI	HC
Accessory Uses and Structures								
Accessory Uses and Structures (customary)			P	P	P	P	P	P
Home Occupation			D	D				
Satellite Dish			P	P	P	P	P	P
Yard Sales (see temporary uses)			P	P				
Agriculture Uses								
Agriculture Production (Crops)			P					
Agriculture Production (Livestock)			P					
Horticulture (including nursery operations) and Forestry					P	P		
Educational/Institutional								
Cemeteries			P	P	P	P	P	P
Churches			P	P	P	P	P	P
Day Care Homes, Adult (5 or less)			D	D			P	
Day Care Centers, Adult (6 or more)					P		P	P
Day Care Homes, Children (5 or less)			D	D			P	
Day Care Centers, Children (6 or more)					P		P	P
Fire Station			P	P	P	P	P	P
Government Offices					P	P	P	P
Hospital					P	P	P	P
Library/Museum			P	P	P	P	P	
Nursing/Convalescent Center			P	P	P		P	P
Post Office					P	P	P	
School, Vocational/Specialty					P	P	P	P
School, Public/Private			P	P	P	P	P	P
Sheriff's Administrative Offices/Jail					P	P	P	P
Manufacturing								
Contractors - General (see retail sales and services)					P	P	P	P
Fuel Dealers (wholesale)					P	P		P
Furniture Manufacturing						P		P
Pottery Manufacturing (see home occupations)			D	D	P	P	P	P
Recreation Uses								
Campgrounds			S	S	P	P	P	
Day camps							P	
Public Parks (town, county)			P	P	P	P	P	
Golf, miniature					D	D	D	D
Golf course			D	D	D	D	D	D
Golf, driving range					D	D	D	D
Residential								
Bed and Breakfast Dwellings			P	P	P		P	
Boarding and Rooming Houses			D	D	D		D	

Permitted Uses			R	RR	C	I	OI	HC
Dwellings, Single Family Detached (site-built and modular units only)			P	P	P	P		
Dwellings, Single-Family, Manufactured Home, Class A (see definition of Class A, B, and C manufactured dwelling units in Article 2)			P	P	P	P		
Dwellings, Single-Family, Manufactured Home, Class B			P		P	P		
Dwellings, Two Family, Attached (Duplex)			P		P	P		
Dwellings, Multi-Family			P		P	P		
Family Care Facilities			P	P				
Home Occupations			S	S				
Retirement Centers			P	P	P	P		P
Retail Sales/Services								
Accounting and Bookkeeping (see home occupations)			D	D	P	P	P	P
Apparel and Accessory Stores					P	P		P
Art Galleries					P	P		P
Antique Stores					P	P		P
Auto Repair Shops (see home occupations)			D	D	P	P		P
Auto Towing Shops					P	P		P
Bakeries					P	P		P
Banks, Financial, Change Banks					P	P	P	P
Beauty shops/Barber Shops/Stylists, including tanning salons licensed by the State of North Carolina (see home occupations)			D	D	P	P	P	P
Bookstores					P	P	P	P
Cabinet, Woodworking, and Upholstery Shops (non-manufacturing)					P	P		P
Car Washes					P	P		P
Ceramic Retail Sales								
Craft /Curio Shops (see home occupations)			D	D	P	P		P
Convenience Stores					P	P		P
Dentist (see home occupations)			D	D	P	P	P	P
Drug Stores					P	P		P
Fuel or Gasoline Stations with or without Convenience Stores					P	P		P
Florist (but no commercial greenhouses)					P	P		P
Funeral Home			D	D	P	P	P	P
Furniture Stores					P	P		P
Gift Shops					P	P		P
Hotel/Motel					P	P	P	P
Insurance Agencies					P	P	P	P
Pottery Retail Sales (with pottery manufactured on-site) (see home occupations)			D	D	P	P	P	P
Pottery Retail Sales					P	P	P	P
Restaurants with drive-thru					P	P		P
Restaurants without drive-thru					P	P		P
Medical offices and Clinics (see home occupations)			D	D	P	P	P	P
Movie Rental Stores					P	P	P	P
Movie Theater/Theater					P			P

Permitted Uses			R	RR	C	I	OI	HC
Night Club					S			S
Newspaper Offices					P	P	P	P
Laundromat/Cleaners					P	P	P	P
Office Supply, Sales and Service					P	P	P	P
Personal Services (shoe repair, barber shop, beauty shop, nail salon)					P		P	P
Professional Offices - attorneys, surveyors, architects, engineers, etc. (see home occupations)			D	D	P	P	P	P
Real estate, Sales and Rental Offices					P	P	P	P
Shopping Center					S	S		S
Temporary Uses/Events								
Temporary Retail Sales (flea markets, special events, etc.)					D			
Temporary Construction Office			P	P	P	P	P	P
Temporary Office					P	P	P	P
Temporary Storage					P	P		P
Yard Sales			D	D				
Transportation, Utilities, Warehouse								
Drop site, Recycling					P	P	P	P
Recycling Center						P		P
Storage buildings, mini-storage, Self-storage						P		P
Treatment Plant, Sewage						S		S
Treatment Plant, Water			P	P	P	P	P	P
Transfer Station (solid waste)						S		S
Trucking or Freight Terminal						P		P
Utility Lines and Appurtenances			P	P	P	P	P	P
Utility Substation			P	P	P	P	P	P
Warehouse Facilities						P		P
OTHER								
Adult Entertainment (see definition)								S
Pawn Shops								S
Landfill						S		
Landfill, Inert Debris (stump dump)			S	S	S	S	S	S
Swimming Pool			D	D	D	D	D	D
Telecommunication Tower						D		D

4-2 PERMITTED USES

4-2.1 PERMITTED USE SCHEDULE

1. Within each zoning district indicated on the Official Zoning Map and subject to the requirements and conditions specified in this Ordinance, all land, buildings, and structures shall only be used, and buildings and structures shall only be erected which are intended or designed to be used for uses listed in the TABLE 4-2.1 PERMITTED USE SCHEDULE.
2. In the appropriate columns of TABLE 4-2.1 PERMITTED USE SCHEDULE a “P” indicates use is permitted by right, a “D” indicates the use is permitted but subject to additional development standards in [SECTION 6-1: DEVELOPMENT STANDARDS](#), an “S” indicates a Special-Use Permit is required to be issued by the Board of Commissioners and may also require additional development standards as agreed upon in writing by the property owner and a blank or shaded block means the use is not permitted.

4-2.2 MIXED USES

1. Non-residential: Two (2) or more non-residential permitted uses may occupy the same principal building on the same zone-lot.
2. Residential: A residential use in a residential district may include one (1) accessory dwelling or one (1) other non-residential use listed in TABLE 4-2.1 PERMITTED USE SCHEDULE in the same principal building or zone-lot (providing the non-residential use is permitted in the residential district).
3. Residential and Non-residential: Residential and non-residential uses may be mixed in districts where permitted.

4-2.3 CLASSIFICATION OF NEW OR UNLISTED USES

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

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

10) The nature and location of indoor or outdoor storage or display of merchandise (such as business vehicles, work-in-process inventory and merchandise, construction materials, scrap/junk, and raw materials, etc.);

11) The amount and nature of any nuisances generated, included but not limited to, noise, smoke, odor, glare, vibration, dust, fumes, toxic material or other emissions which may be deemed objectionable;

12) Any special requirements for serving the proposed use, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, any signification power structures, communications towers;

13) Any applicable Watershed, Floodplain or Subdivision requirements;
and

14) The possible effect the proposed use type may have on adjacent and neighboring properties, which should not be greater than that of other use types permitted in the zoning district.

- B. Standards for new and unlisted uses may be interpreted as those of a similar use. Uses that are not part of or substantially like an existing use type are prohibited.
- C. Appeal of the Zoning Enforcement Officer's decision shall be made to the Board of Adjustment following the procedures in [Article 3-6](#).
- D. Nothing shall limit the Zoning Enforcement Officer from requiring approval from the Board or a text amendment to this Ordinance, in accordance with Article 3.5 Map and Text Amendments, prior to accepting an application for a land use not listed in this [Article 4-2.1](#) Table of Permitted Uses and not defined in Article 2 Definitions.

4-3 BUILDING SETBACK AND HEIGHT REQUIREMENTS

4-3.1 APPLICABLE

All buildings and building additions shall meet the requirements of TABLE 4-3.1: SETBACK AND HEIGHT REQUIREMENTS for setback and height requirements.

4-3.1.1 Exception for Prevailing Setbacks - (Revised August 6, 2019- Square Footage on Lot Size)

In a case where the required setback is greater than the prevailing setback, the prevailing setback may be used. The prevailing setback is determined by the nearest principal building(s) on either side of the proposed structure on the same side of the street.

TABLE 4-3.1 SETBACK AND HEIGHT REQUIREMENTS

ZONING DISTRICT	R	RR	C	I	OI	HC
Street Setback	25	25	25	25	25	25
Side Yard Setback	10	10	15 ⁽¹⁾	15 ⁽¹⁾	15 ⁽¹⁾	15 ⁽¹⁾
Rear Yard Setback	15	15	15 ⁽¹⁾	15 ⁽¹⁾	15 ⁽¹⁾	15 ⁽¹⁾
Height	35	35	45	45	45	45
Minimum Lot Size with building attached on Seagrove/Ulah Water & Sewer	15,000 sq. feet or ¼ Acre Lot	15,000 sq. feet or ¼ Acre Lot	15,000 sq. feet or ¼ Acre Lot	15,000 sq. feet or ¼ Acre Lot	15,000 sq. feet or ¼ Acre Lot	15,000 sq. feet or ¼ Acre Lot
Minimum Lot Size with building attached on Seagrove/Ulah Water or Sewer	25,000 sq. feet	25,000 sq. feet	25,000 sq. feet	25,000 sq. feet	25,000 sq. feet	25,000 sq. feet
Minimum Lot Size with building not attached to Seagrove/Ulah Water & Sewer	30,000 sq. feet	30,000 sq. feet	30,000 sq. feet	30,000 sq. feet	30,000 sq. feet	30,000 sq. feet

****NOTE:** ⁽¹⁾ Where abutting residentially zoned property, increase setbacks to thirty (30) feet.

4-4 ACCESSORY USES, BUILDINGS, AND STRUCTURES

4-4.1 ACCESSORY BUILDINGS AND STRUCTURES

The following requirements are for customary accessory buildings and structures. Other accessory structures containing specific accessory uses listed in TABLE 4-2.1 PERMITTED USE SCHEDULE may have additional requirements.

4-4.1.1 Location of Accessory Structures

1. Residential (R) and Residential Restricted (RR): All accessory structures and buildings must be located behind the front building line of the principal dwelling. Existing accessory structures are exempt.
2. Manufactured homes shall be permitted as a temporary use in any zone for a period not to exceed six (6) months. Such temporary use of a mobile home shall be for the purpose of providing a residence for the owner of the lot while either constructing a new house on the same lot or repairing a lot damaged by fire or an act of God. The permit may be renewed by the Zoning Enforcement Officer, upon finding of fact that additional time is needed by the owner for completion of the project.
3. All Districts: No accessory structure or building except for utility substations shall be erected or located in any easements or right-of-way.

4-4.2 ACCESSORY LAND USE

1. Non-Residential Principal Use: Any accessory use not listed in TABLE 4-2.1 PERMITTED USE SCHEDULE under the same zoning district as the principal use shall not exceed fifty (50%) percent of the gross floor area, land area, building volume, gross sales, or any other appropriate measure of the permitted principal use. (For example: if a business builds a storage building, the building shall be no more than half the size of the business' principal building)
2. Residential Principal Use (including Agricultural Uses): Accessory uses shall be limited to those uses permitted in the residential district unless meeting the requirements of a home occupation or permitted agricultural use. Accessory uses such as a barn or shed shall not be required to meet a minimum size limitation. Accessory uses that involve retail sales shall not exceed fifty (50%) of the gross floor area or height of the principal residential building.

4-5 APPEARANCE CRITERIA FOR MANUFACTURED HOMES

4-5.1 CLASS A MANUFACTURED HOME APPEARANCE CRITERIA

All doublewide and multi-sectioned (Class A) manufactured homes shall meet the following appearance criteria:

- A. Length-width ratio. The main portion of the building shall have a length not exceeding four times the building width.
- B. Underskirting. All doublewide and multi-sectioned manufactured homes shall be permanently placed on a brick, concrete block, or other masonry foundation. The foundation shall be contiguous and unpierced except for ventilation as required by the State of North Carolina Regulations for Manufactured/Mobile Homes.
- C. Steps. All Class A manufactured homes shall have either a deck or porch with steps. This structure shall be located in front of the home. The minimum square footage shall measure at least 36 square feet. Steps and decks must meet the NC State Building Code.

- D. Chassis and tongue removal. The towing tongue shall be removed upon final placement of the unit, under skirted or screened with shrubbery. Such shrubbery shall be of a height to ensure a total visual barrier of the towing apparatus. All manufactured homes shall comply with NC building code and applicable federal standards.

4-5.2 CLASS B MANUFACTURED HOME APPEARANCE CRITERIA

All single-wide (Class B) manufactured homes shall meet the following appearance criteria:

- A. Underskirting. All single-wide manufactured homes shall have the entire perimeter of the home enclosed from the ground to the bottom of the structure with material manufactured for this purpose in accordance with standards set by the State of North Carolina Regulations for Manufactured/Mobile Homes.

Examples of commonly recognized building materials suitable for use as underpinning shall include, but not be limited to, the following list: brick masonry, concrete block masonry, natural or synthetic stone masonry, Masonite siding, or vinyl sidings.

The underskirting shall be vented in accordance with the State of North Carolina Regulations for Manufactured/Mobile Homes.

- B. Steps. All Class B manufactured homes shall have either a deck or porch with steps. This structure shall be located in front of the home. The minimum square footage shall measure at least 36 square feet. Steps and decks must meet the NC State Building Code.
- C. Chassis and tongue removal. The towing tongue shall be removed upon final placement of the unit, under skirted or screened with shrubbery. Such shrubbery shall be of a height to ensure a total visual barrier of the towing apparatus. All manufactured homes shall comply with NC building code and applicable federal standards.

ARTICLE 5 SIGNS, OFF-PREMISES SIGNS, NON-CONFORMING SIGNS, PARKING, AND LANDSCAPE BUFFERS

5-1 SIGN REGULATIONS

5-1.1 GENERAL

The regulations in this section specify the number, types, sizes, heights, and locations of signs which are permitted within the jurisdiction and identify those signs requiring a permit. All signs located in the jurisdiction are subject to the provisions of this section.

5-1.2 SIGN AREA MEASUREMENT

In measuring the area of signs permitted under these regulations, the entire face of the sign (one side only) shall be included. Structural parts which are not intended for advertising purposes shall not be included as part of this measurement. Where both sides of a sign contain lettering or other allowable display, one side only shall be used to compute the allowable area of the sign. Where the sign consists of individual raised letters or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle that can encompass the letters or sign face (not including poles for pole signs). (Refer to TABLE 5-1.10 REGULATION OF ON-PREMISES SIGNS and TABLE 5-2.1 REGULATION OF OFF-PREMISES SIGNS.)

5-1.3 SIGN HEIGHT MEASUREMENT

The height of a sign shall be the distance from the grade level where the sign is erected to the top of the sign or sign structure, whichever is greater. (Refer to TABLE 5-1.10 REGULATION OF ON-PREMISES SIGNS BY ZONE and TABLE 5-2.1 REGULATION OF OFF-PREMISES SIGNS BY ZONE.)

5-1.4 SIGNS PROHIBITED

The following types of signs are prohibited in all districts:

1. Abandoned signs.
2. Animated signs.
3. Searchlights.
4. Signs located in such a position that obstructs or obscures the view of vehicular or pedestrian traffic in such a manner as to endanger the safe movement thereof.
5. Signs imitating or resembling official traffic or government signs or signals.
6. Signs placed on any public property, public right-of-way, or public easement.
7. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign. (This does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business.)
8. Roof signs.
9. Portable signs.

5-1.5 SIGN CERTIFICATE REQUIRED

Unless otherwise provided by this Ordinance, all signs shall require a Sign Certificate as described in SECTION 5-1.5.1 SIGNS REGULATED. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.

5-1.5.1 Signs Regulated

A sign certificate shall be required for signs meeting the description of an on-premises sign or an off-premises sign as defined in this section.

1. On-premises sign including:
 - A. Freestanding signs meeting the Definition of Freestanding Sign in ARTICLE 2: DEFINITIONS but not described in SECTION 5-1.6 SIGNS NOT REQUIRING PERMITS
 - B. Attached signs meeting the Definition of Attached Sign in ARTICLE 2: DEFINITIONS but not described in SECTION 5-1.6 SIGNS NOT REQUIRING PERMITS.
2. Off-premises signs not described in SECTION 5-1.6 SIGNS NOT REQUIRING A PERMIT.

5-1.5.2 Plan Approval Required

A sign plan shall be submitted to the Zoning Enforcement Officer meeting the requirements set forth in [SECTION 3-4: SIGN CERTIFICATE](#).

5-1.6 SIGNS NOT REQUIRING PERMITS

The following types of signs are exempted from sign certificate requirements but must be in conformance with all other requirements of this Ordinance. Appropriate building permits must be obtained from Randolph County Building Inspections.

1. Government Signs.
2. Non-advertising parking or directional signs.
3. Temporary signs including political signs, construction signs, real estate signs, holiday or special events decorations displayed on traditionally adopted civic, patriotic, or religious holidays, public signs or notices related to an emergency.
4. Hand carried signs.
5. Interior signs of buildings, courts, lobbies, or other structure which are not visible from public view and not intended to be seen from exterior.
6. Window signs.
7. Signs affixed to vehicles and trailers and not intended for stationary display.
8. Flags of the United States, North Carolina, local government jurisdictions, foreign nations having diplomatic relations with the United States, and any other flags adopted or sanctioned by the Jurisdiction, subject to U.S. congressional protocol.
9. Commercial emblems, markers, and building cornerstones.
10. Historic Markers not containing a commercial message.
11. Address numbers and name plates.
12. Signs that identify schools and churches (up to thirty-two (32) square feet).

5-1.7 REQUIRED MAINTENANCE

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The Zoning Enforcement Officer shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.

5-1.8 LIGHTING

Unless otherwise specified by this Ordinance, all signs may be illuminated. However, no sign shall:

1. Be so illuminated that it interferes with or obscures an official traffic sign, device, or signal, or adversely affects the safe vision of pedestrians or operators of vehicles moving on public or private roads, highways, or in parking areas.
2. Utilize any flashing, revolving, rotating, animated, or any other form of moving light or lights.
Use any exposed tubes, bulbs, strobe, or incandescent lamps, or floodlights without a sunscreen or comparable diffusion.
3. Use any reflective device, including reflective paint.
4. Use neon, colored, or any other decorative lighting.

5-1.9 SIGN CONSTRUCTION STANDARDS

5-1.9.1 Compliance with Building Code

All signs shall be constructed in accordance with the requirements of the NC Building Code.

5-1.9.2 Anchoring

All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations.

5-1.9.3 Additional Construction Specifications

1. No signs shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.
2. No sign shall be attached in any form, shape, or manner that will interfere with any opening required for ventilation.
3. Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors.
4. **No part of a sign shall be located closer than five (5) feet from a street right of way.**

5.2 ON-PREMISES SIGNS

5-2.1 REGULATION OF ON-PREMISES SIGNS BY ZONE

5-2.1.1 Signs Permitted in All Zones

The following signs are permitted in all zones:

1. All signs not requiring permits. (SECTION 5-1.6 SIGNS NOT REQUIRING PERMITS.)
2. Two (2) construction signs for each street frontage of a construction project. Signs shall be removed thirty (30) days following completion of construction.
3. Two (2) non-illuminated real estate signs per lot or premise. Signs shall be removed thirty (30) days following sale, rental, or lease.
4. Political signs. Signs shall not be erected more than sixty (60) days prior to the election or referendum and shall be removed thirty (30) days following each election

or referendum. Political signs may be placed only on private property and only with the permission of the property owner.

5. Temporary special events signs and decoration as permitted by the Zoning Enforcement Officer for special events, grand openings, or holidays. For grand openings, such signs may be used for no more than thirty (30) days.

5-2.1.2 Signs Permitted in Residential Zones

Signs are permitted as follows in residential zones Residential (R) and Residential Restricted (RR):

1. All signs permitted in SECTION 5-2.1.1 SIGNS PERMITTED IN ALL ZONES.
2. Two (2) monument identification signs per neighborhood, subdivision, or other residential development entrance, not to exceed twenty-six (26) square feet in sign area and six (6) feet in height.
3. For permitted non-residential uses, one (1) freestanding sign per lot (ground or pole), not to exceed twenty-six (26) square feet in sign area and ten (10) feet in height for ground signs and not to exceed twenty-six (26) square feet in sign area and fifteen (15) feet in height for pole signs.
4. For permitted non-residential uses, one (1) wall and one (1) suspended sign per street frontage wall face. Each wall sign should not exceed ten (10) percent of area, shall not project above the top of the wall on which it is placed, and shall be located on a wall facing the street. Each suspended sign shall not exceed eighteen (18) square feet and shall not project above the top of the wall on which it is placed and shall be located on a wall facing the street.

5-2.1.3 Special Regulations for Residential Zones

All permitted freestanding signs (ground or pole) shall not be located in any public right-of-way or easement.

5-2.1.4 Signs Permitted in Commercial, Industrial, and Office-Institutional Zones

Signs are permitted as follows in industrial and office zones Industrial (I) and Office-Institutional (OI).

1. All signs as permitted in SECTION 5-2.1.1 SIGNS PERMITTED IN ALL ZONES.
2. One (1) freestanding sign (ground or pole) per street frontage wall, with one additional freestanding sign (ground or pole) per 100 feet of street frontage. Freestanding ground signs should not exceed six (6) feet in height. Freestanding pole signs should not exceed fifteen (15) feet in height. For properties with multiple tenants: sign restrictions are same as above except each tenant is permitted to have a separate sign as long as signs are located on the same pole or on the same ground sign as the other tenant signs. Each multiple tenant sign should not exceed twenty-six (26) square feet in area.
Any building on Business 220 that is 10,000 square feet or over can have one freestanding sign not more than 96 square feet. Any building under 10,000 square feet and more than 5,000 square feet can have a proportionally smaller sign, approximately 1/100th of the square footage. Any building that is less than 5,000 square feet can have a maximum sign of 32 square feet. (This does not include any buildings within the corridor limits.) *(amended at a Town Board special meeting on March 4, 2014.)*
3. One (1) wall and one (1) suspended sign per occupant (or tenant), per street frontage wall. Wall signs should not exceed ten (10) percent of occupant's street frontage wall

area and suspended signs should not exceed eighteen (18) square feet in area. Wall and suspended signs should not project higher than the top of the wall on which they are placed.

4. Awnings and marquee signs can be used in place of a wall sign anywhere a wall sign is permitted. Awnings signs should not exceed eighty (80) percent of the awning surface area and marquee signs should not exceed twenty-six (26) square feet in area. Awning and marquee signs should not project higher than the awning or marquee on which they are placed.

5-2.1.5 Regulations for Commercial, Industrial and Office-Institutional Zones

1. Where a lot has in excess of two hundred (200) feet of street frontage, one (1) additional freestanding sign (ground or pole) shall be permitted for each additional one hundred (100) feet of street frontage. Such signs shall be subject to the size restrictions in the zone and placed no closer than one hundred (100) feet from any other freestanding sign on the same premises. No one lot shall have more than two (2) freestanding signs per street frontage.
2. Where an occupant has more than one wall that is considered a street frontage wall, one (1) additional wall sign and one (1) additional suspended sign shall be permitted on the additional front, not to exceed the size limitations required in the zone.
3. Awning and marquee signs may be used in the place of a wall sign anywhere that a wall sign is permitted.
4. All freestanding, suspended, awning, and marquee signs shall not be placed in any public right-of-way or easement. Suspended and marquee signs shall maintain a minimum clearance of fourteen (14) feet over any vehicular use area and eight (8) feet over any pedestrian use area as measured from the ground.

5-2.1.6 Signs Permitted in Highway Commercial Zones

Signs are permitted as follows in commercial zone Highway Commercial (HC).

1. All signs as permitted in SECTION 5-2.1.1 SIGNS PERMITTED IN ALL ZONES.
2. One (1) freestanding sign (ground or pole) per street frontage wall, with one additional freestanding sign (ground or pole) per 200 feet of street frontage. Freestanding signs (ground or pole) should not exceed thirty-six (36) square feet in area and twenty (20) feet in height. For properties with multiple tenants, sign restrictions are same as above except, each tenant is permitted to have separate signs as long as signs are located on the same pole or the same ground sign as the other tenants. Each multiple tenant sign should not exceed 36 square feet in area and 20 feet in height. One (1) additional freestanding pole sign with a maximum of sixty-four (64) square feet in area and one hundred (100) feet in height may be allowed with the issuance of a special use permit from the Board of Commissioners.
3. One (1) wall and one (1) suspended sign per occupant, per street frontage wall. Wall signs should not exceed ten (10) percent of occupant's wall area and suspended signs should not exceed eighteen (18) square feet in area. Wall and suspended signs should not project higher than the top of the wall on which they are placed.
4. Awnings and marquee signs can be used in place of a wall sign anywhere a wall sign is permitted. Awnings signs should not exceed eighty (80) percent of the awning surface area and marquee signs should not exceed twenty-six (26) square feet in area. Awning and marquee signs should not project higher than the awning or marquee on which they are placed.

5-2.1.7 Regulations for Highway Commercial Zones

1. Where a lot has in excess of two hundred (200) feet of street frontage, one (1) additional freestanding sign (ground or pole) shall be permitted for each additional one hundred (100) feet of frontage. Such signs shall be subject to the size restrictions in the zone and placed no closer than one hundred (100) feet from any other freestanding sign on the same premises. No one lot shall have more than two (2) freestanding signs per street frontage.
2. Where an occupant has more than one wall that is considered a street frontage wall, one (1) additional wall sign and one (1) additional suspended sign shall be permitted on the additional front, not to exceed the size limitations required in the zone.
3. Awning and marquee signs may be used in the place of a wall sign anywhere that a wall sign is permitted.
4. All freestanding, suspended, awning, and marquee signs shall not be placed in any public right-of-way or easement. Suspended and marquee signs shall maintain a minimum clearance of fourteen (14) feet over any vehicular use area and eight (8) feet over any pedestrian use area as measured from the ground.

5-2.1.8 Signs Permitted and Regulations in the Quality Signage Corridor

On-premises signs shall be in accordance with the sign regulations for the underlying zoning district with the following exceptions:

1. No on-premises sign shall be over fifteen (15) feet in height and the maximum area of any sign shall be twenty-six (26) square feet unless a lower sign height and/or a smaller sign area is required for the underlying zoning district. In such case, the more stringent height and/or size requirements shall apply.

**TABLE 5-2.1
Regulation of On-Premises Signs by Zone**

Type of Zone	Type of Sign	Number of Signs Permitted	Maximum Area (Sq. Ft.)	Maximum Height (Ft.)	Location of Sign
Residential and Residential Restricted (R) (RR)					
	Freestanding (ground)	2 Per Residential Development Entrance	26	6	Outside Public ROW or Easement
	Freestanding (ground or pole)	1 Freestanding Sign Per Lot (ground or pole)	26 (pole) 26 (ground)	15 (pole) 10 (ground)	Outside Public ROW or Easement
	Suspended	1 Per Street frontage Wall	18	Top of Wall	Wall Facing Street
	Wall	1 Per Street frontage Wall	10 % of occupant's wall area	Top of Wall	Wall(s) Facing Street
Commercial, Industrial, and Office-Institutional (C) (I) (OI)					
	Freestanding (ground) Within the Corridor	1 Freestanding Sign Per Street frontage Wall (ground or pole); 1 Additional Freestanding Sign (ground or pole) Per 100 ft. of Street Frontage (max. 2 per lot on one street frontage)	26	10	Outside Public ROW or Easement
	Freestanding (pole) Within the Corridor	1 Freestanding Sign Per Street frontage Wall (ground or pole); 1 Additional Freestanding Sign (ground or pole) Per 100 ft. of Street Frontage (max. 2 per lot on one street frontage)	26	15	Outside Public ROW or Easement
	Freestanding (Pole) Building over 10,000 sq. ft.	1 Freestanding Sign Per Street frontage Wall (Pole); Building must be over 10,000 square feet or over. (Only on Business 220 not in Corridor)	96	15	Outside Public ROW or Easement
	Freestanding (Pole) Building 5,000 to 10,000 sq. ft.	1 Freestanding Pole Sign Per Street frontage Wall (Pole) Building must be 5,000 square feet to less than 10,000 square feet (Only on Business 220 not in Corridor)	1/100 th of the square footage	15	Outside Public ROW or Easement
	Freestanding (Pole) Building < 5,000 sq. ft.	1 Freestanding Pole Sign Per Street frontage Wall (Pole) Building is less than 5,000 square feet. (Only on Business 220 not in Corridor)	32	15	Outside Public ROW or Easement
	Wall	1 Per Occupant Per Street frontage Wall	10% of Occupant's Wall Area	Top of Wall	Street frontage Wall

	Suspended	1 Per Occupant Per Street frontage Wall	18	Top of Wall	Street frontage Wall
	Awning	May Be Used in Place of Wall Sign	80% of Awning Surface Area	Top of Awning	Front Face of Awning
	Marquee	May Be Used in Place of Wall Sign	26	Top of Marquee	Front Face of Marquee
Highway Commercial (HC)					
	Freestanding (ground or pole)	1 Freestanding Sign Per Lot (ground or pole) 1 additional freestanding sign (ground or pole) if lot has excess of 200 feet street frontage.	36	20	Outside Public ROW or Easement
	Freestanding (pole)	1 Additional Freestanding Sign (pole). (With the issuance of a special use permit)	64	100	Outside Public ROW or Easement
	Wall	1 Per Occupant Per Street frontage Wall	10% of Occupant's Wall Area	Top of Wall	Street frontage Wall
	Suspended	1 Per Occupant Per Street frontage Wall	18	Top of Wall	Street frontage Wall
	Awning	May Be Used in Place of Wall Sign	80% of Awning Surface Area	Top of Awning	Front Face of Awning
	Marquee	May Be Used in Place of Wall Sign	26	Top of Marquee	Front Face of Marquee

5.3 OFF-PREMISES SIGNS

Definition. Any sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located is considered an off-premises sign.

5-3.1 REGULATION OF OFF-PREMISES SIGNS BY ZONE

5-3.1.1 Signs Permitted in Residential, Commercial, Industrial, Office/Institutional, and Highway Commercial Zones

5-3.1.2 Signs Permitted in the Quality Signage Corridor

Off- premises signs are only permitted within the Quality Signage Corridor.

5-3.1.3 General Standards for All Off-Premises Signs

The following applies to all off-premises signs:

1. No business shall have more than two off-premises signs.

2. No off-premises sign shall be placed in any public right-of-way or public easement.
3. No part of an off-premises sign shall project or be located (including foundations, anchors, guy wires, footing, and poles) on, in, or over any private property without the written consent of the property owner.
4. No off-premises sign shall be internally lit.
5. No more than two off premise signs shall be located on any one lot.
6. When two permitted off premise signs are placed on a single lot, the signs shall be separated by at least 100 feet.

There are two options that can be followed when constructing an off-premises sign

Option A

Pole or ground signs - shall not exceed fifteen (15) feet in height and ten (10) square feet for sign area; or

Option B

Cell sign: with a maximum of 15 feet in height and 48 square feet in sign area with the sign to be divided into 4 cells or more and with each cell not occupying more than 25% of the sign area. One cell is considered one off-premises sign.

**TABLE 5-3.1
Standards for Off-Premises Signs by Zone**

Type of Zone	Type of Sign	Number of Signs Permitted	Maximum Area of Sign (Sq. Ft.)	Maximum Height of Sign	Location of Sign	Notes
Quality Signage Corridor						
Option A	Off-Premises	2 per business	10 square feet	15	Outside Public ROW or Easement	Permission from property owner required; no internal lighting
Option B	Off-Premises	2 per business	48	15	Outside Public ROW or Easement	Sign must have cells; no cell > 25% of sign area; permission from property owner required; no internal lighting

5-4 NON-CONFORMING SIGNS

5-4.1 DETERMINATION OF LEGAL NON-CONFORMITY

Existing signs which do not conform to the specific provisions of the Ordinance may be eligible for the designation “legal non-conforming” provided that:

1. The Zoning Enforcement Officer determines that such signs are properly maintained and do not in any way endanger the public; and
2. The sign complied with all applicable laws on the date of adoption of this Ordinance.

5-4.2 LOSS OF LEGAL NON-CONFORMING STATUS

A legal non-conforming sign may lose this designation if:

1. The sign is relocated or replaced; or
2. The structure or size of the sign is altered in any way except towards compliance with this Ordinance. This does not refer to change of copy or normal maintenance.

5-4.3 MAINTENANCE AND REPAIR OF NON-CONFORMING SIGNS

The legal non-conforming sign is subject to all requirements of this Ordinance regarding safety, maintenance, and repair. If the sign is destroyed from fire, natural disaster, accident, and suffers deterioration of fifty percent (50%) of the appraised value of the sign, it must be brought into conformance with this Ordinance or removed.

5-5 LOADING AREA REQUIREMENTS

5-5.1 LOADING AREA STANDARDS

1. Loading bays shall be located in the rear or sides of buildings.
2. No loading bay shall have direct access from a public street.

5-6 LANDSCAPE REQUIREMENTS

5-6.1 GENERAL

Any *new* structure, building, open land-use, or parking lot, or *existing* structure, building, open land use, or parking lot with additions greater than fifty (50) percent of the original structure, are subject to the requirements of this Section of the Ordinance. (Single family residential uses are exempt from this Section.)

5-6.2 PLANTING BUFFERS

5-6.2.1 Street Buffer

1. Purpose: Street buffer plantings are required to reduce visual impact from traffic and maintain the rural character of the Town of Seagrove.
2. Requirements: A street buffer is a continuous landscaped buffer along the street front. Buffers shall consist of a natural or grassed area that is a minimum of five (5) feet wide.
3. Maintenance: It shall be the responsibility of the property owner to maintain grass or mulching used in the street buffer.

5-6.2.2 Interior Buffer

1. Purpose: Required plantings separate incompatible land-uses along the interior property lines of the lot and enhance the visual attractiveness of the town. New development in Commercial (C) or Industrial (I) zones that directly abuts a lot zoned for Residential (R) or Residential Restricted (RR) shall abide by the Interior Buffer standards as set forth in this Section.
2. Requirements: An interior buffer is a continuous landscaped buffer along the interior property line(s). The interior buffer shall comply with table 5-6.2.

3. Plant Material: Plants shall be of a species indigenous to the region.
4. Plant Material Size: Trees shall be a minimum of two (2) inches in circumference at planting.
5. Plant Maintenance: It shall be the responsibility of the property owner to maintain plants and replace dead plants.
6. Spacing: Trees and shrubs shall be spaced evenly apart to create a continuous planting along the property lines.

TABLE 5-6.2

Proposed Use	Required Buffer Width					
Single-Family	-	-	-	-	-	-
Two-Family	5'	-	-	-	-	-
Office	10'	5'	-	-	-	-
Commercial	15'	10'	5'	-	-	-
Multi-Family	15'	10'	5'	-	-	-
Industrial	20'	15'	10'	10'	10'	0
Adjacent Use	Single-Family	Two-Family	Office	Commercial	Multi-Family	Industrial

Buffer Requirements Defined

5 foot buffer – Shall be a minimum of five (5) feet wide. A minimum of 2 trees and 10 shrubs per 100 linear feet.

10 foot buffers – Shall be a minimum of ten (10) feet wide. A minimum of 4 trees and 15 shrubs per 100 linear feet.

15 foot buffer – Shall be a minimum of fifteen (15) feet wide. A minimum of 6 trees and 20 shrubs per 100 linear feet.

20 foot buffer – Shall be a minimum of twenty (20) feet wide and contain two (2) canopy trees, four (4) understory trees, and thirty shrubs every one-hundred (100) linear feet.

ARTICLE 6 DEVELOPMENT STANDARDS, OUTDOOR LIGHTING, FENCES, and WALLS

6-1 DEVELOPMENT STANDARDS

The standards listed herein are in addition to other requirements of this Ordinance. These development standards are to be used when a use is designated with a “D” (Development Standards) in the permitted use schedule or in some cases an “S” (Special-Use Permit). Other sections of this Article shall apply in addition to these standards.

6-1.1 ADULT ENTERTAINMENT ESTABLISHMENTS

1. Where required: HC with a Special-Use Permit
2. Requirements:
 - A. No adult entertainment establishment shall be located within one thousand (1,000) feet of a Church, School, Day Care, After-School Care, or residentially zoned property.
 - B. Parking shall be located to the rear of the property.
 - C. A continuous seven (7) foot wooden slat fence shall conceal the property from abutting properties along all interior lot lines.
 - D. Landscape buffers are required on all non-interior property lines.
 - E. For corner properties, a five-foot fence shall be located along the public right-of-way.

6-1.1.1 SWEEPSTAKES TYPE BUSINESS (Revised Feb 2, 2021)

- A. No Sweepstakes-type business operating with slot machines, video gaming machines, electronic sweepstakes machines, eight liner machines, pot-of-gold machines, whether internet or not, whether legal or illegal as defined in the North Carolina General Statutes, shall not be permitted to operate within the city limits of the Town of Seagrove. This ban applies whether the business uses entertaining displays or non-entertaining displays, actual game play or simulated game play.
- B. Definitions used in this ordinance of legal or illegal gaming machines can be referenced in the North Carolina General Statutes 14-306 (a), G.S. 14-306 (b), G.S. 14-306.1A (b), and G.S. 14-306.4.
- C. Any gaming machine currently in operation within the city limits of the Town of Seagrove is considered Grandfathered in as of the date this ordinance is passed by the Commissioner of the Town of Seagrove but if said Grandfathered machines become in need of repair or replacement, said machines would therefore be prohibited.

6-1.2 BOARDING AND ROOMING HOUSES

1. Where required: R, RR, C, and OI
2. Requirements:
 - A. There shall be no more than six (6) unrelated persons living in the same dwelling.
 - B. Adequate parking areas shall be provided on the side or rear of the property.
 - C. Landscape buffers shall be provided in the interior property lines.

6-1.3 GOLF, MINIATURE

1. Where Required: C, I, and O
2. Requirements:
 - A. Parking: Parking shall be located to the rear of the facility.
 - B. Landscaping: Planted landscape buffers shall be provided for all interior lot lines.
 - C. Operation: Hours of operation shall be limited to 8 AM to 10 PM.

6-1.4 GOLF, DRIVING RANGE

1. Where required: C, I, OI, and HC
2. Requirements:
 - A. Parking: Parking shall be screened from view of public right-of-way with landscaping, fencing, earth berm, or a combination of all or any of the three.
 - B. Landscaping: Planted landscape buffer shall be provided on interior lot lines.
 - C. Operation: Fencing, netting, or earth berming, or natural vegetation shall be required to stop balls from leaving the driving range and going on to abutting property or right-of-way.

6-1.5 GOLF COURSE

1. Where required: R, RR, C, I, OI, and HC
2. Requirements:
 - A. Driving ranges shall meet all the requirements of Section 6-1.4 Golf, Driving Range except for parking.

6-1.6 HOME OCCUPATION

1. Where required: R and RR with a Special-Use Permit
2. Home Occupations Permitted: Auto mechanic, professional offices (see permitted use table), day-care, adult-care, barber/beauty shops, crafts, pottery manufacturing, pottery retail, dentist/medical doctor, or similar, non-distracting use.
3. Requirements:
 - A. Where: Home occupations shall be limited to an accessory building behind the front building line of the principal building.
 - B. Parking: No parking in the front yard, parking on the side yard shall be limited to five (5) spaces.
 - C. Screening: All parking areas shall be screened from view by abutting properties.
 - D. Landscaping: If the home occupation is in an accessory building, a planted landscape buffer shall be provided around the area of the accessory building.
 - E. Storage: No outside storage. Vehicles and small engines shall be enclosed during off business hours.
 - F. Employees: No more than two (2) employees not living on the site of the home occupation may be employed for on-site work at any one time.

6-1.7 PAWN SHOP

1. Where Required: C with a Special-Use Permit

2. Requirements:
 - A. No pawnshop establishment shall be located within one-thousand feet of a Church, School, Day Care, After-School Care, or residentially zoned property.
 - B. Parking shall be located to the rear of the property.
 - C. Landscape buffers are required on all property lines.

6-1.8 SHOPPING CENTER

1. Where required: C
2. Requirements:
 - A. Design: The building(s) shall be designed to resemble in appearance smaller buildings with pitched roofs.

6-1.9 SWIMMING POOLS

1. Where required: All Districts
2. Requirements:
 - A. Fence: A minimum four (4) feet high with a locking gate shall enclose the pool.
 - B. Use: Only accessory, noncommercial pools are permitted in the RR zoning district.
 - C. Location: If the pool is an accessory use, the pool shall be located behind the front building line of the principal structure.
 - D. Location: If the pool is a principal use, it shall meet the same setback requirements as a building

6-1.10 TEMPORARY RETAIL SALES (Flea Markets, Special Sales, Special Events)

1. Where required: C
2. Requirements:
 - A. Location: No such operation shall occupy parking areas during the operating hours of the facility the patrons, customers, business associates, employees, etc are intended to use.
 - B. Operation shall not occupy land owned by the Town of Seagrove.
 - C. Operation shall not locate on public rights-of-way, sidewalks, entry or exit drives.
 - D. Vendors License: A Vendors License shall be obtained from the Town of Seagrove.

6-1.11 YARD SALES

1. Where required: R and RR and other Zones where permission from the property owner is obtained
2. Requirements:
 - A. Number: Only two-yard sales per year permitted per dwelling.
 - B. Location: Yard sales shall be conducted on residential property or other property where permission from the owner(s) or custodian(s) is obtained.

6-1.12 TELECOMMUNICATION TOWERS (CELLULAR, PCS, RADIO, TV, etc.)

1. Where required: HC and I with a Special-Use Permit
2. Requirements:
 - A. Location: The minimum distance from the base of the tower to the nearest property line shall be equal to or greater than the height of the tower. The Board of Commissioners shall have the option to waive the provision upon receiving documentation from the petitioner that the tower is engineered such that in the

- event of a collapse, the tower will fall upon itself within the property boundaries upon which it is located. This option may require the establishment of a setback equivalent to a fall zone easement certified by a professional engineer registered in North Carolina. In any case, the minimum setback for a tower and all appurtenant structures shall be 25 feet from the nearest non-residential property line and 75 feet from residential property lines. Monopoles shall be separated a minimum of 2,500 feet from any existing tower.
- B. Height and type: Such towers are limited to stand alone monopoles with a maximum height of 150 feet. An exception for the height and type requirement is provided for in section C.
 - C. Appurtenant Structures for Tower Operation: An appurtenant structure constructed for the purpose of housing equipment related to tower operations may accompany each tower. Such structures shall be unmanned and be limited to 240 square feet of gross floor space for each tower and co-locator (e.g., 3 users on a tower equals three times 240 square feet for accessory structures). Setback for these structures shall be at least 15 feet from any property line.
 - D. Alternate Wireless Telecommunication Antenna: Communication facilities may be integrated into existing or newly developed structures. Examples of Alternate facilities are ball field lights, high-tension power lines, light poles, shopping center signs, flag poles, water tanks, clock towers, historical monuments, etc. All such designs and multiple structures shall be disguised, hidden, and designed to detract attention from the antennas. Plans for Alternate facilities must be presented to the Town Board and should be accompanied by an impact analysis study that details visual and environmental impacts on the surrounding area. The Board will use the impact analysis along with other applicable information to assist in their review of the alternate site
 - E. Co-Location: Co-location of telecommunication operations is encouraged in order to maximize the use of towers and minimize the number of towers needed to serve the area. Co-location on a previously approved tower is permitted without a special use permit as long as all conditions on the previously approved permit are complied with. All towers shall be designed to support at least one additional user. All applicants for new towers shall submit evidence that they have investigated the possibilities for locating the proposed facility on an existing tower or other suitable structure. Also, evidence shall be presented that shows the applicant has investigated the possibility of disguising or hiding (via stealth technology) the proposed structure.
 - F. Letters from Permitting Regulatory Agencies: The applicant shall provide letters from all applicable governmental permitting and regulatory agencies such as the FCC, FAA and any other applicable agencies or authorities.
 - G. Cessation of use: If the wireless telecommunication tower(s) ceases to be used for the intended purpose, then the tower owner shall dismantle and remove the tower and appurtenant structures from the site, within 1 year from the date the tower is taken out of service. The tower owner shall notify the Town Zoning Enforcement Officer when any transmission tower is placed out of service. The special use permit expires 1 year after the date that any transmission tower is taken out of service.
 - H. Outside storage is not permitted on the tower site.
 - I. Fencing and Screening:
 - 1.) The base of the tower, including but not limited to equipment and/or storage structures shall be enclosed by a commercial grade chain link fence (fence of equal or greater quality) a minimum of eight feet in height,

2.) A vegetative screen shall be planted around the security fencing consisting of at least two staggered rows of evergreen shrubs on five foot centers, at least five feet tall at the time of planting, unless existing vegetation or topography is determined to provide screening at least as effective as the planted screens.

- J. Site Development Plan: The applicant shall present a site plan prepared by a North Carolina registered surveyor, registered landscape architect, or registered professional engineer, showing:
1. Siting and size of existing and proposed structures and descriptions of the color and nature of all exterior materials.
 2. Existing trees and plantings as well as new plantings required for fencing and screening.
 3. Existing and proposed topography at a contour interval of five feet.
 4. Any officially of designated floodways and floodplains.
 5. Location of access easements and parking areas.

6-1.13 SOLAR COLLECTION FACILITIES

The requirements for solar collection facilities are set out in Article 11.

6-2 OUTDOOR LIGHTING

Standards of this Section shall apply to all new development, expansions, replacement light fixtures, and new light fixtures.

All light fixtures shall be angled, directed, shielded, or placed so that light does not shine on adjacent properties. The intensity of the light shall be limited as to not shine on abutting property.

6-3 FENCES AND WALLS

All new fences and walls shall meet the requirements of this Section.

6-3.1 FENCES

6-3.1.1 Prohibited Fences and Exceptions

The following fencing or wiring are prohibited:

1. Barbed wire, Razor wire, Concertina wire.
 - A. Exception: Unless required for a county, state, or federal correctional facility.
 - B. Exception: Unless goods or merchandise and is not visible from the public right-of-way.
 - C. Exception: Barbed wire may be used to contain animals for agricultural purposes.
2. Chicken, pig, or similar wire.
 - A. Exception: Unless enclosing livestock for agricultural purposes.

6-3.1.2 Fence Maintenance

Fences shall be maintained. It shall be a violation of this Ordinance if a fence is in poor repair or is dangerous to the public.

6-3.1.3 Construction Standards

1. Height Limitations. Height is calculated from grade to the top of the fence. If the fence is located on top of a wall, the height is calculated from grade.
 - A. No fence shall be greater than four (4) feet in height where in front of the front-building line of the principal structure.
 - B. No fence shall be greater than seven (7) feet in height on the side or rear property lines.
 - C. Fences enclosing recreational uses such as tennis courts or baseball backs are exempt from the height limitations.
2. Location. Fences shall be located no less than five (5) feet from any interior property line and no closer than twenty (20) feet from any street right-of-way.

6-3.2 WALLS

6-3.2.1 Construction Standards

1. Height Limitations. Height is calculated from grade to the top of the wall.
 - A. No wall shall be greater than three (3) feet where in front of the front-building line of the principal structure.
 - B. No wall shall be greater than five (5) feet where on the side or rear property lines.
 - C. Walls used for recreational uses shall be exempt.
2. Location. Walls shall be located no less than five (5) feet from any interior property line and no closer than twenty (20) feet from any street right-of-way.

ARTICLE 7 ENFORCEMENT AND PROCEDURES

7-1 ZONING ENFORCEMENT OFFICER

(1) At the first Board of Commissioner meeting following each municipal election, the Board of Commissioners shall vote and designate a Commissioner as the Zoning Commissioner, and said Zoning Commissioner is hereby authorized to serve as the Zoning Enforcement Officer. It shall be his or her duty to enforce and administer the provisions of this Ordinance.

(2) Pursuant to NCGS 160D-403, the Zoning Commissioner and town staff are authorized to enter any premises within the Town's jurisdiction at all reasonable hours for the purposes of enforcement action, upon presentation of proper credentials, provided the appropriate consent has been given for inspection of areas not opened to the public or that any appropriate inspection warrant has been secured.

(3) If the ruling of the Zoning Enforcement Officer is questioned, the aggrieved party or parties may appeal such ruling to the Board of Adjustment.

7-2 VIOLATIONS

7-2.1 DEVELOPMENT WITHOUT A ZONING COMPLIANCE OR SIGN CERTIFICATE, OR CONDITIONAL-USE OR SPECIAL-USE PERMIT

It shall be considered a violation to engage in any development, land use, construction, remodeling, or any other activity of any nature upon the land or improvements thereon subject to the jurisdiction of this Ordinance without all required certificates, permits, or other forms of authorization as set forth in this Ordinance.

7-2.2 DEVELOPMENT INCONSISTENT WITH A CERTIFICATE OR PERMIT

It shall be a violation of this Ordinance to engage in any development, use, construction, improvement inconsistent with any approved plan, permit, certificate, or other forms of authorization granted for such activity.

7-2.3 VIOLATION BY ACT OR OMISSION

It shall be a violation of this Ordinance to violate (by act or omission) any term, variance, condition, or qualification placed by the governing body or the Board of Adjustment on any required certificate, permit, or other authorization, for the use, development, or other activity upon the land or improvements thereon.

7-2.4 USE IN VIOLATION

It shall be a violation of this Ordinance to erect, construct, reconstruct, alter, convert, maintain, or use a building or structure or to use any land in violation or contravention of this Ordinance.

7-2.5 CONTINUE A VIOLATION

Each day's violation of any provision of this Ordinance is a separate and distinct offense. the occupancy of such structure or piece of land to prevent any illegal act, conduct, business, or use in or about such premises.

7-3 (Reserved for future codification)

7-4 APPEALS STAY ALL PROCEEDINGS

An appeal to a violation of this ordinance stays all proceedings in furtherance of the action appealed from, unless the enforcement officer from whom the appeal has been filed with believes that because of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property or that because the violation charged is transitory in nature or a stay would seriously interfere with the enforcement of this ordinance.

7-5 REMEDIES AND PENALTIES

7-5.1 NOTICE OF VIOLATION

No civil penalties shall be assessed until the person alleged to be in violation(s) has been notified of the violation(s). If after notification of the violation of this Ordinance, the person alleged fails to take corrective action within two weeks, a civil penalty shall be imposed beginning the first day after the two-week period.

7-5.1.1 Notice

The notice of violation shall include a description of the violation and its location, the measures necessary to correct the violation, the time period allowed to correct the violation, notice of the possibility of civil penalties and judicial enforcement action, and notice of right of appeal to the Board of Adjustment. The person providing the notice of violation shall certify to the local government that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud.

The Zoning Enforcement Officer shall determine the time period allowed to correct the violation. No time period allowed to correct a violation shall exceed thirty (30) days after the date of receipt of the notice of violation.

When Notice of Violation Not Required. The Town may pursue remedies set forth in this Section without a notice of violation when a notice of violation of the same violation has been issued to the same violator at the same property within the previous two (2) years.

7-5.1.2 Service

Pursuant to NCGS 160D-404, The notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property.

The Zoning Enforcement Officer providing the notice of violation shall certify to the Town that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud.

7-5.1.3 Non-compliance

Failure to complete the corrective measures set out in the notice of violation, from which no appeal has been taken, or failure to comply with a judgment of the Board of Adjustment after an appeal has been taken, shall subject the violator to one or more of the remedies or enforcement actions set out in this Section.

7-5.2 REMEDIES AND ENFORCEMENT

Enforcement may be by one, all, or a combination of the remedies described below or in other sections of this Ordinance or by any other remedy authorized by common law or statute, including but not limited to NCGS § 160A- 175, 160D-404, -807.

7-5-3 INJUNCTIVE RELIEF

The Town may pursue any appropriate equitable remedy, a mandatory or prohibitory injunction, or an order of abatement as authorized by NCGS 160A-175. The Town may execute an order of abatement and the costs of execution shall be billed to the property owner.

7-5.4 CIVIL PENALTIES

The Town may pursue civil penalties through the issuance of citations for violations as provided below.

- A. Citation. The Zoning Enforcement Officer or designated Code Enforcement Officer may issue a citation for a violation after the time period set out in the notice of violation for taking corrective measures has expired.
- B. Service. The citation shall be delivered to the violator by:
 - 1. Hand delivery or certified mail to the violator's last known address; or
 - 2. Hand delivery or certified mail to the property in violation; or
 - 3. Posting of the Notice of Violation (NOV), in a conspicuous location, at the property in violation.

The person providing the citation shall certify to the Town that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud. When service is made by certified mail, a copy of the citation may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is unclaimed or refused, but the regular mail is not returned by the Post Office within ten (10) days after mailing.

- C. Contents. The citation shall include the nature of the violation, the amount of the civil penalty, information about where to pay the civil penalty, the deadline for payment, notification of daily penalties for continuing violations, and the notification of possible civil and criminal enforcement.
- D. Penalty Amount. The Zoning Enforcement Officer shall assess a civil penalty of up to five-hundred dollars (\$500.00).
- E. Deadline for Paying Civil Penalties. All civil penalties shall be paid on or before thirty (30) days after receipt of the citation. Failure to pay civil penalties within said deadline may subject the violator to a civil action.
- F. Continuing Violation. The citation shall also include notice that a daily penalty of up to five-hundred dollars (\$500.00) shall be assessed for each day of continued violation and that the penalty shall be cumulative. If the violation continues for more than thirty (30) days after receipt of the

- citation, payment of subsequent daily civil penalties must be made within twenty-four (24) hours for every day of violation past the thirtieth (30th) day.
- G. Settlement of Violations. Once a violation has been corrected, the Zoning Enforcement Officer or designated Code Enforcement Officer may waive payment of a single civil penalty or, in the case of a continuing violation, reduce the amount to a single-day civil penalty, if one or more of the following factors are present:
1. The violator has not previously received a citation for a violation;
 2. The violation does not directly impact the public health and safety of the community;
 3. The violation was difficult to correct in an expeditious manner; or
 4. The degree of noncompliance was not substantial.

If the violation has not been corrected, payment shall not release a violator from potential civil enforcement, criminal prosecution, injunctive relief, or an order of abatement.

- H. Appeals. All appeals of citations must be brought to the Board of Adjustment within thirty (30) days after the date of receipt of the citation.
- I. Judicial Action to Collect Civil Penalty. The Town may file a civil action in the nature of a debt in any court of competent jurisdiction to collect an unpaid civil penalty after the thirty (30) day deadline for paying the civil penalty, set out in the notice of violation, has expired. Additional civil actions in the nature of a debt may be filed to collect an unpaid civil penalty for a continuing violation lasting more than thirty (30) days after receipt of the citation.

7-5.5 CRIMINAL PENALTIES

A violation of this ordinance shall constitute a Class 3 misdemeanor, as provided by NCGS 14-4, and shall be subject to maximum fine of five hundred (\$500.00) per violation. Each day of continued violation shall constitute a separate and distinct offense for purposes of criminal prosecution.

7-5.6 PERMIT DENIAL OR CONDITIONS

Permit Denial or Conditions. Any permit, certificate, or other authorization that has been issued for property on which there is an uncorrected violation may be withheld or may be conditioned on the correction of the violation and/or payment of a civil penalty, and/or posting of a performance bond.

7-5.7 PERMIT REVOCATION OR VOIDING

Any permit, certificate or other authorization may be revoked or voided upon a written determination by the Zoning Enforcement Officer that the violation is substantial. Any permit or certificate mistakenly issued in violation of State law or local ordinance or issued based on misrepresentations by the applicant, owner, or owner's agent may be revoked or voided without written determination. In accordance with GS 160D-403(f), staff shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval.

ARTICLE 8 ADMINISTRATION

8-1 BOARD OF ADJUSTMENT

8-1.1 CREATION

A Board of Adjustment is hereby created as provided in Section 160D of the General Statutes of North Carolina. The Board of Commissioners and appointed members shall hereby fulfill the role of the Board of Adjustment.

8-1.2 MEMBERSHIP

All members of the Board of Commissioners shall be members of the Board of Adjustment. The Board of Commissioners may appoint one (1) alternate member to serve on the Board of Adjustment. The alternate member shall not fill or act as an elected member of the Town of Seagrove Board of Commissioners.

8-1.3 TERMS

The term of office for appointed members shall be for two (2) years. Terms for the members of the Town of Seagrove Board of Commissioners shall be the same as the term for the elected office. All members shall have equal rights and privileges in all matters concerning Board of Adjustment activities.

Vacancies for appointed membership shall be filled for the unexpired term only. Appointed members may be removed for cause by the Town of Seagrove Board of Commissioners upon written charges after a public hearing.

8-1.4 POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT

The Seagrove Board of Adjustment shall have certain powers and duties to be carried out in accordance with this Ordinance which include the following:

- A. to hear and decide appeals from any specific order, requirement, decision or determination made under this Ordinance by the Zoning Enforcement Officer;
- B. to hear and decide petitions for variances from the regulations of this Ordinance;
- C. to hear, decide, and authorize the issuance of Special Use Permits;
- D. to adopt such rules of procedure necessary for the administration of its responsibilities consistent with this Ordinance.

8-1.5 OATH OF OFFICE

Pursuant to NCGS 160D-309 all members appointed to the Board of Adjustment shall, before entering their duties, qualify by taking an oath of office as required by NCGS 160A-61.

8-1.6 MINUTES

Pursuant to NCGS 160D-308, the Board of Adjustment shall keep minutes of its proceedings.

8-1.7 CONFLICT OF INTEREST

A Board of Adjustment member when exercising any quasi-judicial function shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. "Close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild, the step, half and in-law relationships. (NCGS 160D-109)

8.2 BOARD OF COMMISSIONERS

8-2.1 POWERS AND DUTIES

The Seagrove Board of Commissioners shall have certain powers and duties to be carried out in accordance with this Ordinance which include, but are not limited to, the following:

- A. to initiate and make amendments to the text of this Ordinance and to the Zoning Map;
- B. to hear, review and adopt or reject amendments to the text of this Ordinance and to the Zoning Maps;
- C. to take such other action not delegated to the Planning Board or Board of Adjustment as Board of Commissioners may deem desirable and necessary to implement the provisions of this Ordinance.

8-2.2 OATH OF OFFICE

All members appointed to boards shall, before entering their duties, qualify by taking an oath of office as required by G.S. 153A-26 and G.S. 160A-61.

8-2.3 CONFLICT OF INTEREST

A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to NCGS 160D where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. "Close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild."

8.3 PLANNING BOARD

8-3.1 POWERS AND DUTIES

The Seagrove Planning Board shall have certain powers and duties to be carried out in accordance with this Ordinance which include, but are not limited to the following:

- A. to review and make recommendations to the Board of Commissioners on all matters relating to the land use planning and zoning, including all comprehensive

- land use plans, within the jurisdiction of the Town of Seagrove, whenever such matters require the attention of the Board of Commissioners;
- B. to hear and decide applications for Limited Development Permits as authorized by this Ordinance;
 - C. to adopt such rules of procedure necessary for the administration of its responsibilities consistent with this Ordinance;
 - D. to assume any other duties assigned by the Board of Commissioners.

8-3.2 MEMBERSHIP

The Planning Board shall consist of at least three (3) regular members who shall be citizens and residents of the Town of Seagrove. The Zoning Commissioner may serve as an alternate member in the absence of a regular member. Regular members shall be appointed by the Board of Commissioners.

8-3.3 TERMS

Terms of appointment shall be for two (2) years and there shall be no limits of appointment. Any appointee may be removed at any time with cause by a majority vote of the Board of Commissioners. Vacancies that may occur for reasons other than term expiration, shall be filled by appointment of the Board of Commissioners for the period of the unexpired term.

8-3.4 OATH OF OFFICE

Terms of appointment shall be for three (3) years and there shall be no limits of appointment. Any appointee may be removed at any time with cause by a majority vote of the Board of Commissioners.

8-3.6 MINUTES

Pursuant to GS 160D-308, the Planning Board shall keep minutes of its proceedings.

8-3.7 CONFLICT OF INTEREST

A planning board member shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to NCGS 160D where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. "Close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild."

8-4 ZONING ENFORCEMENT OFFICER

8-4.1 APPOINTMENT AND POWERS

The Town of Seagrove shall appoint a Zoning Enforcement Officer. It shall be the duty of the Zoning Enforcement Officer to administer and enforce the provisions of this Ordinance, to pursue all available remedies for enforcement, and to settle all violations that involve the payment of money to the Town. Appeals from a decision of the Zoning Enforcement Officer concerning this Ordinance shall be made to the Board of Adjustment.

8-4.2 GENERAL DUTIES

In addition to any authority granted by other laws and ordinances, the Zoning Enforcement Officer shall have certain powers and duties to be carried out in accordance with this Ordinance which include, but are not limited to, the following:

- A. to serve as an advisor and provide staff support to the Planning Board, the Board of Adjustment and to the Board of Commissioners with regards to their function under this Ordinance;
- B. to inform such bodies of all known facts and information pertaining to amendments to the text and maps of this Ordinance, the preparation, adoption and updates of land plans and any other matters brought before him;
- C. to maintain and interpret the text of this Ordinance and the Zoning Maps;
- D. to maintain development review files and other public records related to the administration and enforcement of this Ordinance;
- E. to review applications for zoning permits, temporary use permits; special use permits, property rezoning applications and variances to determine compliance with the intent and provisions of this Ordinance;
- F. to authorize the issuance of certificates of compliance after determining that the provisions of this Ordinance have been met;
- G. to assist the public in its understanding of the zoning process by providing instructions regarding procedure and applications and by interpreting the Zoning Ordinance; and
- H. to establish such rules of procedure as are necessary and proper for the administration of responsibilities under this Ordinance.

8-4.3 DELEGATION

The Zoning Enforcement Officer may designate other individuals to assist with carrying out the administration of this Ordinance under his authority.

8-4.4 RECORDS

The Zoning Enforcement Officer shall ensure that appropriate records are maintained of all permit applications, site plans and permits issued. These may be made available for inspection for interested parties.

8-4.5 INSPECTION AND ENFORCEMENT

The Zoning Enforcement Officer shall conduct or authorize inspections of premises and take other lawful action to ensure compliance with the provisions of this Ordinance.

8-4.6 APPEALS

Appeals from a decision of the Zoning Enforcement Officer shall be made to the Board of Adjustment. An appeal must be taken within thirty (30) days after the date the decision or order is made. A notice of appeal shall be considered filed when delivered to the Zoning Enforcement Officer. See [Section 3-6.2](#), Appeals and Interpretations.

8-4.7 CONFLICT OF INTEREST

No staff member shall make a final decision on an administrative decision required by NCGS 160D if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under NCGS 160D unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

8-5 ZONING PERMITS

No building, sign or other structure shall be erected, enlarged, or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be started until a zoning permit has been issued in accordance with the provisions of this Ordinance. The Zoning Enforcement Officer shall not issue a zoning permit unless the plans, specifications, and intended use of such buildings, structure, land or part thereof conform in all respects to the provisions of this Ordinance. The zoning permit shall lapse and become invalid if the development for which it was issued has not started within six (6) months of the date issued or if the development is suspended or abandoned for a period of at least one (1) year.

- A. Applications, including appropriate site plans to ensure compliance with the standards of this Ordinance, shall be submitted by the property owner or his authorized agent. The Zoning Enforcement Officer may require reasonable proof of ownership or authorization from any person submitting an application for a permit.
- B. Fee: All fees shall be due and payable when the application is submitted. All fees are set according to the Town of Seagrove Fee Schedule. Fees subsidize notification requirements, and other resources and are not subject to refunding once applications are processed.
- C. The application shall be accompanied by such information as the Zoning Enforcement Officer may require, to ensure that such development conform in all respects to the provisions of this Ordinance.
- D. Application fees for all permits shall be set by a fee schedule adopted by the Board of Commissioners.
- E. The Zoning Enforcement Officer shall review the proposal for consistency with all applicable standards in this Ordinance.

8-6 ADMINISTRATIVE DEVELOPMENT APPROVALS AND DETERMINATIONS

8-6.1 DETERMINATIONS AND NOTICES OF DETERMINATION

Determinations shall be given in writing to the owner of the property that is the subject of the determination and to the party who sought the determination, if different from the

owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. The notice shall be delivered to the last address listed for the owner of the affected property on the county tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner.

8-6.2 DURATION OF DEVELOPMENT APPROVAL

A development approval issued expires one year after the date of issuance if the work authorized by the development approval has not been substantially commenced.

8-6.3 CHANGES

After a development approval has been issued, no deviations from the terms of the application or the development approval shall be made until written approval of proposed changes or deviations has been obtained.

8-6.4 INSPECTIONS

Administrative staff may inspect work undertaken pursuant to a development approval to assure that the work is being done in accordance with applicable State and local laws and of the terms of the approval. In exercising this power, staff are authorized to enter any premises within the jurisdiction of the local government at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials; provided, however, that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured.

8-6.5 REVOCATION OF DEVELOPMENT APPROVALS

In addition to initiation of enforcement actions under NCGS 160D-404, development approvals may be revoked by the local government issuing the development approval by notifying the holder in writing stating the reason for the revocation. The local government shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval. Development approvals shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to the local government for enforcement purposes in lieu of the State; or for false statements or misrepresentations made in securing the approval. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked. The revocation of a development approval by a staff member may be appealed pursuant to NCGS 160D-405.

8-6.6 APPEALS

Appeals shall be made to the Board of Adjustment. An appeal must be taken within thirty (30) days after the date the decision or order is made. A notice of appeal shall be considered filed when delivered to the Zoning Enforcement Officer. See [Section 3-6.2, Appeals and Interpretations](#).

8-7 VESTED RIGHTS

8-7.1 PROCESS TO CLAIM A VESTED RIGHT

Zoning "vested rights" as established under G.S. NCGS 160D-102, -108, and -108.1 ensure that a properly issued development approval will protect the applicant against zoning changes that will affect the allowable type and intensity of use.

A person claiming a statutory or common law vested right may submit information to substantiate that claim to the Zoning Enforcement Officer. The Zoning Enforcement Officer shall determine if a vested right exists. The Zoning Enforcement Officer's determination may be appealed to the Board of Adjustment. On appeal the existence of a vested right shall be reviewed *de novo*. In lieu of seeking such a determination, a person claiming a vested right may take an original civil action appeal to the Randolph County Superior Court.

8-7.2 DURATION AND TYPES OF STATUTORY VESTED RIGHTS

- A. Six months – Building Permits. Pursuant to GS 160D-1111, a building permit expires six months after issuance unless work under the permit has commenced. If after commencement the work is discontinued for a period of twelve (12) months, the permit shall immediately expire. No work authorized by any building permit that has expired shall thereafter be performed until a new permit has been secured.
- B. One year – Other Development Approvals. Pursuant to GS 160D-403(c), unless otherwise specified by statute or local ordinance, all other development approvals expire one year after issuance unless work has substantially commenced. Expiration of a development approval shall not affect the duration of a vested right established under this section or vested rights established under common law.
- C. Two years – Site-Specific Vesting Development Plans. A site-specific development plan shall be vested for two years after it is approved. Amendments shall not extend the vesting period unless specified at the time of approval.
- D. Seven years – Multi-Phase Developments. A multi-phase development approved containing 25 acres or more and subject to a master development plan with committed elements including a requirement to offer land for public use as a condition of its master development plan approval.
- E. Exceptions. A vested right, once established as provided for by this section, precludes any zoning action by the town that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved vested right, except those explicitly outlined in GS 160D-108(f).

8-8 PERMIT CHOICE

If an application for development approval has been made and subsequent to the date of that application, a development regulation changes or is proposed, the development permit applicant may choose the version of the regulation existing at the time of the application. The applicant may choose the existing regulation without waiting for final action on the proposed regulation change.

ARTICLE 9 NONCONFORMING USES

9-1 PURPOSE AND INTENT

(Grandfather Clause)

If within the districts established by this ordinance, or by amendments that may later be adopted, there exist lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this ordinance or amendments to it, it is the intent of this ordinance to permit these nonconformances to continue until they are removed, but not to encourage their continuance. Such nonconformances are declared by this ordinance to be incompatible with permitted uses in the districts in which they are located.

It is further the intent of this ordinance that nonconformances shall not be enlarged upon, expanded or extended, or used as ground for adding other structures, or uses prohibited elsewhere in the same district.

9-1.1 NONCONFORMING LOTS OF RECORD

In a district in which single-family dwellings are permitted, notwithstanding limitations imposed by the other provisions of this ordinance, a single-family dwelling and customary accessory building may be erected on a single lot in separate ownership which was recorded prior to the effective date of this ordinance or amendments to it. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership, are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet at least eighty percent (80%) of the required lot width and area of the district in which they are located, the land involved shall be considered to be an undivided parcel for purposes of this ordinance, and no portion of said parcel shall be used or sold which does not meet width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

9-1.2 NONCONFORMING OPEN USES OF LAND

This category of nonconformances consists of lots used for storage yards, used car lots, auto wrecking, junk yards, golf driving ranges, and other open uses where the only buildings on the lot are incidental and accessory to the open use of the lot, and where such use of the land is not permitted to be established hereafter under this ordinance in the district in which it is located.

1. When a nonconforming open use of land has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
2. Nonconforming open uses of land shall not be changed to any but conforming uses.

3. A nonconforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became non-conforming.
4. When any nonconforming open use of land is discontinued for a period in excess of one hundred eighty (180) days, any future use of the land shall be limited to those uses permitted in that district under the provisions of this ordinance. Vacancy and/or nonuse of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

9-1.3 NONCONFORMING USES OF STRUCTURES

This category of nonconformances consists of structures used, at the time of passage of this ordinance, for purposes not permitted in the district in which they are located.

1. A nonconforming use of a structure may be changed to a conforming use.
2. A nonconforming use of a structure shall not be changed to another nonconforming use.
3. When a nonconforming use of a structure has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
4. A nonconforming use of a structure shall not be extended or enlarged except into portions of the structure which at the time the use became nonconforming, were already erected and arranged or designed for such nonconforming use. No structural alterations shall be made in any structure occupied by a nonconforming use, except those required by law or ordinance or ordered by the Building Inspector to secure the safety of the structure.
5. When any nonconforming use of a structure is discontinued for a period in excess of one (1) year, any future use of the structure shall be limited to those uses permitted in that district under the provisions of the ordinance. Vacancy and/or nonuse of the building for a period of one (1) year, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

9-1.4 NONCONFORMING STRUCTURES

Where a lawful structure exists on the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on the area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its nonconformity.
2. Should such a structure be moved for any reason for any distance whatever it shall hereafter conform to the regulations for the district in which it is located after it is moved.
3. Should such a structure be destroyed by an act of God, fire or other accidental means, such structure may be rebuilt within the building footprint of the original structure. If possible, the owner of such property is encouraged, though not required, to rebuild the structure so that it conforms with the set back requirements found in Table 4-3.1.

Any non-conforming residential structure (a residential structure that is within a zone not allowing residential uses or within a zone not allowing the specific type of residential structure) that is used for residential use can be rebuilt or replaced as long as work on

the structure begins within six (6) months of destruction. Otherwise, the use provisions of this Ordinance shall apply.

9-1.5 REPAIRS AND MAINTENANCE

Normal maintenance, repair and incidental alteration of a nonconforming building is permitted as long as it does not increase the nonconformity. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any town official charged with protecting the public safety, upon order of such official.

9-1.6 NONCONFORMANCE CREATED BY CHANGES IN ZONING BOUNDARIES OR REGULATIONS

Any nonconformances created by a change in district boundaries or ordinance regulations after the effective date of this ordinance shall also be governed by the provisions of this section.

9-1.7 SPECIAL USES ARE CONFORMING

Any use for which a Special Use Permit had been issued previous to the adoption of this ordinance, shall without further action be deemed a conforming use unless otherwise provided in this ordinance. Any extension by or addition to such use shall meet all requirements of this ordinance.

ARTICLE 11 SOLAR COLLECTOR FACILITY

11-1 GENERAL

This type of use excludes any solar panels that are utilized or generating electricity for a residential property.

11-2 ACREAGE

The minimum size of a Solar Collector Facility (aka Solar Farm) shall be ten (10) acres. This will be for all lands within the Town of Seagrove (HWY Commercial and Commercial except for the Corridor. The Corridor will follow [Section 4-1.4.2.](#))

11-3 CERTIFICATE REQUIRED

Applicant shall apply for a Special Use Permit in accordance with [Article 3-7](#) of the Town of Seagrove Zoning Ordinance. A minimum building setback of fifty (50) feet where abutting residential property and sixty-five (65) feet from public right of way is required for ground-mounted systems. This excludes any proposed solar collector facility to be installed on an existing or proposed building.

11-4 SOLAR REGULATIONS

1. The photovoltaic (PV) panels are to be located and situated so glare does not create a distraction or nuisance to traffic or adjacent residential properties.
2. Solar components must have a UL listing or a listing from an alternative testing agency accepted by the local jurisdiction having authority over the project, and must be designated with anti-reflective coating(s).
3. All construction shall be in compliance with the National Electric Code and North Carolina Building Code.
4. No PV panels shall exceed a height greater than 15 feet, except for existing poles and overhead wiring. This is measured from finished grade at the base of the structure to its highest point. This would exclude any roof-mounted solar collection systems.
5. Roof-mounted panels shall not extend beyond the perimeter of the building on which the system is mounted or constructed. The total height of the solar panels shall not exceed the maximum building height of the underlying zoning district.
 - A. Pitched Roof Systems – For all roof-mounted systems, the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
 - B. Flat Roof Systems – For all flat roof applications, a drawing shall be submitted depicting the overall layout of the panels with the distance to the roof edge and any parapets on the building.
6. Power transmission lines from a ground mounted solar energy system shall be located underground, excluding existing utilities, subject to the Duke Energy guidelines regulating new utility connections.
7. Inverter(s) shall be located a minimum of one hundred and fifty (150) feet from any property line or public right of way. The maximum decibel level for inverter noise shall be 40dBA at the property line.

8. Where facility adjoins property used or zoned for residential purposes and public right of way, a vegetative screen, either planted or naturally wooded area, shall be provided in accordance with Screening Requirements of this Ordinance contained herein.

11-5 FENCING

Access to site must be controlled by a fence at least six (6) feet in height, with 24/7 emergency access. Mechanical equipment and inverter shall be fenced by one of the following:

- A. A minimum Six (6) foot fence with 3-strand barbed wire or razor wire; or
- B. An eight (8) foot fence.

11-6 ABANDONMENT/CEASE OPERATION

1. In the event a solar collector facility becomes abandoned, the applicant must provide a way of ensuring the remaining solar infrastructure does not create a hazard to the public including, but not limited to the following:
 - A. If the applicant ceases operation of the energy facility or begins, but does not complete construction of the project, the applicant shall restore the site according to a decommissioning plan approved by the Town.
 - B. The Solar Collector Facility owner is required to notify the Town of Seagrove and Randolph County immediately in writing upon abandonment or cessation of the solar operation. The property owner shall be responsible for the decommissioning of the facility within six (6) months from the date the applicant ceases use of the facility or the facility becomes obsolete. A project is decommissioned when all structures and equipment are removed, and the site is restored to its original state.
2. The electrical disconnect switch shall be clearly identified and unobstructed at all times. The property owner must file a map with the Town of Seagrove and the Randolph County Emergency Management depicting where the disconnect switch is located, and supply all emergency contact information to emergency personnel to have on file.

11-7 SCREENING

The screening guidelines of this ordinance are required of all solar farms and shall be one of the following:

- A. A seven (7) foot high attractive blind barrier that shall not permit the passage of light from one side to the other, and it must also dampen noise where needed. Such barrier may be a decorative masonry wall, a wood plank or basket weave type fence, an open type fence with evergreen vegetation (minimum 7 feet in height and 3 feet wide), or the like which is planted facing the adjoining property;
- B. A three (3) foot wide, seven (7) foot high dense evergreen planting that shall be of a species that will normally be expected to reach a height of ten (10) feet in three (3) years' time. Low limbs, etc...are not to be trimmed from the planting higher than twenty-four (24) inches from the ground; OR
- C. A minimum of twenty (20) feet wide natural vegetative or planted strip. The natural vegetative or planted strip shall be undisturbed, natural low bushes, shrubs, or trees, or a strip of plantings designed to simulate a wooded natural vegetative area. The trees planted in this screen shall be

a minimum of 7 feet in height and of such size for the trees to grow to a height of at least twelve (12) feet within three (3) years, and the shrubs to grow to a height of two (2) feet within two (2) years. The planting will include a minimum, of fifteen (15) trees, at least half evergreen, plus seven (7) shrubs per one hundred linear feet of lot boundary prorated for less than 100 foot sections. Previously existing trees and shrubs of minimum height shall count toward this requirement.