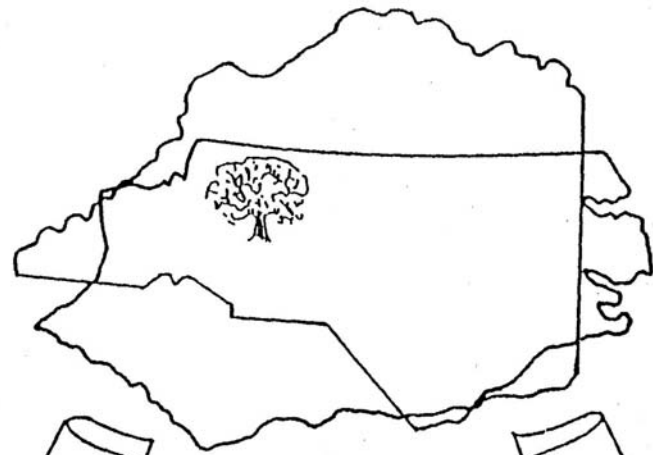


GREAT STATE OF WILKES

WILKES COUNTY
NORTH CAROLINA
1778



IMPERIUM INTRA IMPERIO

ZONING

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WILKES COUNTY, NORTH CAROLINA
ZONING ORDINANCE
ARTICLE I
AUTHORITY AND ENACTMENT CLAUSE

In pursuance of authority conferred by Article 340 of Chapter 153A of the General Statutes of North Carolina, and for the purpose of promoting the public health, safety, morals and general welfare; promoting the orderly development of the county; lessening congestion in the roads and streets; securing safety from fire, panic, and other dangers; providing adequate light and air; preventing the overcrowding of land, avoiding undue concentration of population, and facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, all in accordance with a well considered comprehensive plan,,

Now, THEREFORE, the Board of County Commissioners of Wilkes County, North Carolina, does hereby ordain and enact into law these Articles and Sections.

ARTICLE II
SHORT TITLE

This ordinance shall be known as the "Zoning Ordinance of Wilkes County, North Carolina," and the map referred to, which is identified by the title "Official Zoning Map, Wilkes County" shall be known as the "Zoning Map."

ARTICLE III
JURISDICTION

Section 30. Territorial Application

This ordinance shall apply to all lands within areas designated as "official zone areas" by the Board of County Commissioners of Wilkes County. This ordinance may also regulate territory within the zoning regulation jurisdiction of any municipality whose governing body by resolution agrees to such regulation; provided, however, that any such municipal, governing body may, upon two years written notice, withdraw from the jurisdiction of the county zoning regulations, and those regulations shall have no further effect within the municipality's jurisdiction.

Section 31. Bona Fide Farms Exempt

The provisions of this ordinance shall not apply to bonafide farms This ordinance does not exercise any controls over crop lands, timber lands, pasture lands, apple orchards, idle or other farm lands nor over any farm house, barn, poultry house, or other farm buildings including tenant or other houses for persons working on said farms, as long as such houses shall be in the same ownership as the farm and located on the farm. Such agricultural uses maintain the openness of the land and achieve the purposes of this ordinance without the need for regulation. Residences for nonfarm use or occupancy and other nonfarm uses shall be subject to the provisions of this ordinances

ARTICLE IV

DEFINITIONS

For the purpose of interpreting this ordinance certain words or terms are herein defined. The following words shall, for the purpose of this ordinance, have the meaning herein indicated.

Section 40, Interpretation of Commonly Used Terms and words

- 40.1 words used in the present tense include the future tenses
- 40.2 words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural consrruc6 on of the wording indicates otherwise,
- 40.3 The word "Person" includes a firm, association, corporation, trust, and company, as well as an individual,
- 40.4 The words "used for" shall include the meaning "designed for."
- 40.5 The word "structure" shall include the word "building."
- 40.6 The word "lot" shall include the words "plot," "parcel," or "tract,"

40.7 The word "shall" is always mandatory and not merely directory,

Section 41 Definitions of Specific Terms and Words

Accessory Use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building,

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

Alteration. The word "alteration" shall include the following:

- a. Any addition to the height or depth of a building or structure;
- b. Any change in the location of any of the exterior walls of a building or structure;
- c. Any increase in the interior accommodations of a building or structure,

Buffer. A planted strip at least ten (10) feet in width, composed of deciduous or evergreen trees or a mixture of each, spaced not more than twenty (20) feet apart and not less than one (1) row of dense shrubs, spaced not more than five (5) feet apart planted in between the row of trees.

Building. Any structure having a roof supported by columns or by walls, and intended for housing or enclosure of persons, animals, or chattels.

Building, Accessory. A building subordinate to the main building on a lot used for purposes customarily incidental to those of the main building.

Building, Height, The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, kip. or gambrel roofs.

Building Principal. A building in which is conducted the main or principal use of the lot on which said building is situated.

Building, Setback Line. A line determining the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as

otherwise provided. If the property line extends into a roadway or highway itself, then the setback 'dyne. shall be measured from the edge of the traveled way (which is the, edge of the road or the actual area that vehicles travel upon) when computing setback requirements or! lots abutting highways.

Certificate of Zoning Compliance A statement, signed by the zoning ordinance administrative officer, stating that the plans for a building, structure or use of land complies with the requirements of the zoning ordinance of Wilkes County, North Carolina, The Wilkes County Hea.14th Department, and the North Carolina Department of Human Resources, Division of Health Services.

Customary. Home Occupations. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof, and in connection with which there is no display, nor commodity sold upon the premises except as may be produced by the occupants, and no person not a resident on the premises is employed specifically in connection with the activity, except that not more than one (1) assistant may be employed by the following home occupations: Lawyer, physician, optometrist, dentist, osteopath, and chiropractor. Provided further that no mechanical equipment is installed or used except such as is normally used for domestic or professional purposes and that not over twenty-five (25) percent of the total floor space of any structure is used for home occupations.

Certificate of Occupancy. A statement, signed by the zoning enforcement officer, setting forth that the building, structure, or use of land complies with the zoning ordinance of Wilkes County, North Carolina Department of Human Resources, Division of Health Services.

Conditional Use. A development that would not be generally appropriate without restriction throughout the zoning district, but which if controlled as to number, area, location or relation to the neighborhood would promote the health, safety, morals, general welfare, order, comfort, convenience, appearance or prosperity. Such uses may be permitted in a zoning district by the Board of County Commissioners as a conditional use if specific provision for such is made in the zoning ordinance.

Drive-in Restaurant. Any restaurant designed to permit or facilitate the serving of meals, sandwiches, beverages, served directly to, or permitted to be consumed by, patrons in automobiles or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site, outside of the main building.

Dwelling, Unit. A house or other structures or a portion of any structure designed, arranged or used for living quarters for one or more persons, living as a single house-keeping unit with cooking facilities, but not including units in hotels, other structures designed for transient residence, or mobile homes.

Dwelling, Single-Family. A detached building designed for or occupied exclusively by one (1) family.

Dwelling, Two-Family. A building arranged or designed to be occupied by two (2) families living independently of each other.

Dwelling, Multi-Family. A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other, including apartments and group housing projects.

Family. Any number of individuals living together as a single housekeeping unit, who are legally related to one another.

Flood, 100 Year. A flood which is representative of a large flood known to have occurred generally in the area and reasonably characteristic of what can be expected to occur on a waterway. The 100 year flood has an average recurrence interval of 100 years, determined from an analysis of floods on a particular stream and other streams in the same general region.

Flood Way. The channel of a stream and adjacent land which is required to carry, and discharge the 100 year flood water or flood. flow of any river-or stream.

Flood Fringe. The relatively flat area or low land adjacent to..... the channel or a rivet, stream or water course, lake, or other body of standing water, which has been or may be covered by flood water.

Flood Proofing. A combination of structural provisions, changes,..... or adjustments-to properties and/or structures. Subject to flooding.. .. primarily for the reduction or elimination of flood damage to property, water and sanitary facilities, structures, and contents, of buildings.

Flood Protection Elevation The elevation to which structures and uses regulated by this ordinance are required to be elevated or flood proofed.

Obstruction, Flood Plain. Any dam, wall embankment, levee, dike, pile, abutment, spoil material, bridge conduit, culvert, building, wire, fence, refuse, fill, structure, or matter in, along, across or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where flow of water might carry the same downstream to the damage of life or property. There are two types of

obstructions. Artificial--those made by*man; and natural--those located in the flood way by a nonhuman cause.

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

Group Camp. A camp providing camping facilities for ten (10) or more persons.

Group Development. A group of two (2) or more principal structures built on a single lot, tract or parcel of land not subdivided into the customary blocks and lots and which will not be subdivided. and designed for occupancy by separate. families, businesses or other enterprises. Such developments shall be fully subject to applicable provisions of county subdivision regulations. Examples would be a cluster type subdivisions, row houses, apartment courts, housing projects, school and hospital campuses, shopping centers, and industrial parks,

Junk Yard. The use of more than six-hundred (600) square feet-of any lot or tract for the outdoor storage and/or sale of waste paper, rags, scrap metal or other junk, including the storage of automobiles or other vehicles or dismantling of such vehicles or machinery or parts thereof.

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

Lot Corner. A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than forty five (45) degrees and less than one hundred thirty-five (135) with each other.

Lot Depth The depth of a lot is the mean distance of the side lines of the lot measured from the midpoint of the front line to the midpoint of the rear lot line,

Lot of Record A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Wilkes County or a lot described by metes and bounds, the description of which has been so recorded.

Lot width The distance between side lot lines measured at the building setback line,.

Mobile Home. A structure designed or used for residential occupancy built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels, or is jacked up or skirted.

Mobile Home. Park. Any place or tract of land maintained, offered, or used for the parking of two (2) or more mobile homes used or intended to be used for laving or sleeping purposes. This definition shall not include trailer sales. lots on which unoccupied mobile homes are parked for the purpose of inspection and sale,

Non-Conforming Use or Structure. Any use of a building or land which does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance, or as a result of subsequent amendments which may be a incorporated into this ordinance.

Official Zoning Map. The originally adopted zoning map with any amendments approved by the wilkes County Board of Commissioners. As the official zoning map It shall be maintained by the county planner and utilized in all zoning district boundary determinations.

Open Storage. Unroofed storage area, whether fenced or not.

Parking Space. A storage ;pace of not less than ten (10) feet by twenty (20) feed for-one (1) automobile plus the necessary. access space.

Plan Unit: Development. A planned unit development is a group development designed to provide for developments incorporating a single type or a variety of residential and related uses which are planned and developed as a unit. Such development -may consist of individual lots or common building sites. Common land must be an element of the plan related to effecting the long-term value of the entire development.

Public Water Supply System. An approved water supply system serving ten (10) or more residences or business or a combination of such uses, including municipal and sanitary district water systems as well as water systems designed to serve particular subdivisions at full development and constructed to specifications approved by the Sanitary Engineering Section, Division of Health Services, North Carolina Department of Human Resources.

Restaurant. A lot upon which food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises.

Setback Lines. The line on the front, rear, and sides of a lot which delineates the area within which a structure may be built and maintained, according to the, district regulations.

Sewage Disposal System. A sanitary sewage system with more than a 3,000 gallon per day design capacity and/or whose effluent is discharged to surface water regardless of design capacity, shall be approved under the Rules and Regulations promulgated by the North Carolina Department of Natural and Economic Resources, Division of Environmental Management. Systems with lesser capacity or no discharge into surface waters shall be regulated by the county health department.

Shopping Center. Two (2) or more commercial establishments planned, and constructed, as a single unit with off-street parking and loading facilities provided on the property and related in location, size, and type of shops to the trade area which the unit serves,

Sign. An advertising or announcement device used to attract attention or to disseminate information. Types of signs include:

- a. **Business Signs.** An advertising device used to disseminate information concerning a person, place, thing, business commodity, service, entertainment, or other activity conducted, sold, or offered exclusively on the premises upon which said sign is located.
- b. **Outdoor Advertising Signs:** One (1) advertising device used to disseminate information concerning a person, place, or thing, not pertaining to the use of land upon which it is located.

Sign Area. The entire face of a sign and all wall work including illuminating tubing incidental to its decoration. in the case of an open sign made up of individual letters, figures, or designs, they shall be included as part of the sign area. A "V" type back to back or double face sign shall be considered as the area of a single face.

Street. A dedicated and accepted public right-of-way for vehicular traffic. The following classifications shall apply:

- a. **Principal Arterial.** A rural link in a network of continuous routes serving corridor movements having

trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of Interstate routes and other routes designed as principal arterials. "

- b. **Minor Arterial.** A rural link in a network joining cities and larger towns and providing intrastate and intercounty service at relatively high (55mph) overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.
- c. **Major Arterial.** A road which serves major intracounty travel corridors and traffic generators and provides access to the arterial system.
- d. **Minor Collector.** A road which provides service to small local communities and links with locally important traffic generators with their rural hinterland.
- e. **Local Road.** A local road which serves primarily to provide access to adjacent land and for travel over relatively short distances.

Trailer, Camper, (Recreational Vehicle). A vehicle with or without its own motive power, equipped or used for temporary living purposes and mounted on wheels or designed to be so mounted and transported.

Use. The purpose or activity for which the land or building or, structure is arranged, designed or intended, or for which either land or a building or structure is, or may be occupied or maintained.

Variance. A modification of the existing zoning ordinance by the Wilkes County Board of Adjustment when strict enforcement of this ordinance would cause undue hardship owing to the circumstances unique to the individual property on which the variance is granted.

Watershed. A watershed is an area in which natural ridge lines form the outer perimeter of a basin which diverts rainfall and natural drainage into streams or rivers which in turn drain to lower elevations. When such watersheds contain Class I and II reservoirs, then such area is regulated by the Rules and Regulations for the Protection of Public Water Supplies as adopted by the North Carolina State Board of Health.

Yard. An open space on the same lot with a principal building. unoccupied and unobstructed from the ground upward except as otherwise provided herein.

Yard, Front. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street or highway right-of-way line and the

front line of the building, projected to the side lines of the lot.

Yard, Rear An open, unoccupied space on the same lot with the principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

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

ARTICLE V

Section 50. Use Districts Named

For the purpose of this ordinance the County of Wilkes is hereby divided into use districts, with the designations and purposes as listed below:

| | |
|-------|--|
| R-20A | Residential-Agricultural District |
| R-20 | Residential District |
| R-15 | Residential District |
| R-15R | Residential-Resort District |
| R-8 | Residential District |
| H-B | Highway Business District |
| C-S | Community Shopping District |
| L-I | Light Industrial District |
| H-P | Heavy Industrial District |
| FW-FF | Floodway and Floodway Fringe Districts |

Section 51. District Boundaries Shown on Zoning Map

The boundaries of the districts as shown on the map accompanying this ordinance and made a part hereof entitled "Official Zoning Map, Wilkes County, North Carolina." The zoning map and all the notations, references and amendments thereto, other information shown thereon are hereby made a part of this ordinance the same as if such information set forth on the map were all fully described as set out herein. The zoning map properly attested is posted at the Wilkes County Administration Building and is available for inspection by the public.

Section 52. Due Consideration given to District Boundaries

In the creation, by this ordinance, of the respective districts, careful consideration is given to the peculiar suitability of each and every district for the particular uses and regulations applied thereto, densities of population in accordance with a well-considered comprehensive plan for the physical development of the

county. Only those uses listed as permitted, or conditional shall be allowed. If a particular use of the land is not listed that use is prohibited, unless added, by amendment.

Section 53. Rules Governing Interpretation of District Boundaries

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

- 53.1 where such district boundaries are indicated as approximately following street, alley, or highway lines, such lines shall be constructed to be such boundaries.
- 53.2 where district boundaries are so indicated that they approximately follow lot lines such lot lines shall be constructed to be said boundaries.
- 53.3 where district boundaries are so indicated that they are approximately parallel to the center lines of streets, alleys, or highways, or the rights-of-way of same, such district boundaries shall be constructed as being parallel thereto and at such distance therefrom as indicated on the zoning map.
- 53.4 where a district boundary line divides a lot or tract in single ownership, the district requirements for the least restricted portion of such lot or tract shall be deemed to apply to the whole, provided such extensions shall not exceed 50% of the second lot or tract. The term "Least restricted" shall refer to use restrictions, not lot or tract size.
- 53.5 In the absence of specified distances on the map, dimensions or distances shall be determined by the scale of the map.
- 53.6 when the street or property layout existing on the ground is at variance with that shown on the official zoning map, the Board-of-Adjustment shall interpret the district boundaries of this ordinance

ARTICLE VI
APPLICATION OF REGULATIONS

Section 60. Zoning Affects Every Building and Use

"No building or land shall hereafter be used and no building.. or part thereof shall be erected, move or altered except in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided in this ordinance.

Section 61. Reduction of Lot and Yard Areas Prohibited

No yard or-lot existing at the time of passage of this ordinance shall be reduced in size or area. below the minimum requirements set forth herein, except for street widening. No part of a lot, yard, off-street parking area shall be used to satisfy the requirements of another building or use. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

Section 62. Relationship of Building to Lot

Every building hereafter erected, moved or structurally altered. shall be located on a lot and in no case shall there be more than one (1) principal building and its customary accessory buildings on the lot, except in the case of a specially designed group development of institutional residential, commercial or industrial buildings in an appropriate zoning district, i.e. school campus, cluster housing, shopping center, industrial park, and so forth.

ARTICLE VII
General Provisions

Section 70. Non-Conforming Uses

Any building, structure, or use of land, existing at the time of the enactment of this ordinance or any amendment thereto, not permitted in the zoning district in which it is located shall be considered a non-conforming use. However:

- 70.1** An existing non-conforming use. may be changed to another non-conforming use of the same or higher classification. For the purpose of this ordinance, the

rank order of uses from higher to lower shall be:
residential, public, commercial and industrial.

70.2 When a non-conforming use has been changed to a conforming use it shall not thereafter be used for any non-conforming use.

70.3 A non-conforming use may not be extended or enlarged, nor shall a non-conforming structure be altered except as follows:

- a. Structural alteration's as required by law or ordinance or as ordered by the Zoning Enforcement Officer to secure the safety of the structure are permissible.
- b. Maintenance and repair necessary to keep a non-conforming structure in sound condition are permissible.
- c. Existing single-family residential structures in business or industrial districts may be enlarged, extended or structurally altered, provided that no additional dwelling units result therefrom. However, any such enlargement, extension, or alteration shall comply with the dimensional requirements of the R-8 Residential District,,
- d. Any existing building which is situated on a lot which at the time of adoption of this ordinance is non-conforming in area, width, setback or side yard requirements may be enlarged as long as the non-conformity of such building is not increased.

70.4 A non-conforming use may not be re-established after discontinuance, for a period of three-hundred and sixty-five (365) days.

70.5 Non-conforming use may not be rebuilt, altered or repaired after damage exceeding sixty percent (600) of their fair market value immediately prior to damage, as determined by the Zoning Board of Adjustment.

Section 71 Signs and Structures

71.1 Permit Required

with the exception of those signs specifically authorized in Section 71.12 below, no sign shall be erected without a permit from the Zoning Enforcement Officer,

71.2 Permit Application

Application for permits shall be submitted on forms obtained at the Office of the Zoning Enforcement Officer. Each application shall be accompanied by plans which shall:

- a. indicate the proposed site by identifying the property by ownership, location and use;
- b. show the location of the sign on the lot in relation to property lines and building, zoning district boundaries, right-of-way lines, and existing signs; and
- c. show size, character, complete structural specifications and methods of anchoring and support.

If conditions warrant, the Zoning Enforcement Officer may require such additional information as will enable him to determine if such sign is to be erected in conformance with the ordinance.

71.3 Structural Requirements

Structural requirements for signs shall be those required in the North Carolina State Building Code..

71.4 Sign Area Computation

Sign area shall be computed by the smallest square, triangle, rectangle, circle or combination thereof which will encompass the entire sign, including lattice work, wall work, frame or supports, incidental to its decoration. In computing the area, only one (1) side of a double face sign structure shall be considered.

71.5 Fees

No permit shall be issued until the exact dimensions and area of the sign have been filed with the Zoning Enforcement Officer.

71.6 Maintenance

All signs together with all their supports and braces, shall be kept in good repair and in a neat and clean condition. No sign shall be continued which becomes, in the opinion of the Zoning Enforcement Officer, structurally unsafe and endangers the safety of the public or property. The Zoning Enforcement Officer may order the removal of any sign that is not maintained in accordance with the provisions of this section. Such removal shall be at the expense of the owner or lessee and shall occur within ten days (10) after written notification has been issued. If such order is not complied with in thirty (30) days the Zoning

Enforcement Officer shall remove the sign at the expense of the owner or lessee.

71.7 Location

No sign shall be erected or constructed so as to interfere with visual clearance along any street or at any intersection of two (2) or more streets or highways. No sign or sign structure shall be located in a street right-of-way, nor shall any sign structure be located within one hundred (100) feet of any residential district.

71.8 Traffic Safety

No sign shall be erected or continued that:

- a. Obstructs the sight distance along a public right-of-way or at intersections;
- b. Would tend by its location, color, or nature to be confused with or obstruct the view of traffic signs or signals, or would tend to be confused with a flashing light of an emergency vehicle;
or
- c. Uses admonitions such as "stop", "go", "slow", "danger", etc. which might be confused with traffic directional signals.

71.9 Illumination

Except for time or temperature units, no flashing or intermittent illumination shall be permitted on any permanent sign or structure. Flashing lights may, however, be permitted on temporary signs. Illumination devices such as, but not limited to, flood or spot lights shall be so placed and so shielded as to prevent the rays of illumination being cast upon neighboring buildings and/or vehicles approaching from either direction.

71.10 Non-conforming Signs

Non-conforming signs shall be allowed to remain, in good repair, for an indefinite period.* However, under the following conditions, non-conforming signs shall comply with the regulations of this ordinance:

- a. Any alteration of a non-conforming sign shall make that sign conform to the regulations of this ordinance.
- b. Any non-conforming sign on a building which is vacant for a

period of 365 days shall be altered to conform to the regulations of the ordinance.

- c. Any non-conforming sign damaged over sixty percent (60%) by any means, either shall be removed or repaired in a manner to conform with the regulations of this ordinance. This does not include signs that have deteriorated over an extended period of time. Although the cost of repairing these signs may exceed sixty percent (60%) of their original value, they may be repaired without conforming to the requirements of this ordinance.
- d. Non-conforming signs, when removed for other than normal maintenance may not be erected again, nor may such signs be replaced with another non-conforming sign.

71.11 Signs not Requiring a Permit

The signs listed below shall not require a permit from the Zoning Enforcement Officer and may be located in any district, unless specified otherwise. However, all signs using electrical wiring and connections shall require an electrical permit.

- a. **Occupant and House Number** Signs not exceeding one (1) square foot in area and bearing only property numbers, names of occupants, or other identification not having commercial connotations;
- b. **Directional and Information** Signs erected and maintained by public agencies and government.
- c. **Professional and Home Occupation** One (1), professional home occupation sign per dwelling not to exceed three (3) square feet in area, which must be mounted flat against a wall or door or hung from a mailbox or lamppost. No such sign may be illuminated in a residential district.
- d. **Church and Public Bulletin Boards** These signs shall not exceed fifteen (15) square feet in area. Such signs may be indirectly illuminated.
- e. **Temporary lease, rent, or sale** One (1) temporary real estate sign not exceeding five (5) square feet in area may be placed on property that is for sale, lease, rent, or barter. When the property fronts on more than one (1) street, one (1) sign shall be allowed on each street frontage.
- f. **Construction** During the construction, repair or alteration of a structure, temporary signs which denote builder, or other participants in the project, or its occupants to be, may be placed within the required yard setbacks as ground, wall,

or roof sign. The total area of such signs shall not exceed fifty (50) square feet.

- g. **Parking Signs** Signs directing to off-street parking shall be permitted in any business and industrial district provided not more than two (2) such signs per lot provided further the aggregate sign area shall not exceed eight (8) square feet.

71.12 **Signs Requiring a Permit by Districts**

- a. **All Districts** One (1) identification sign not to exceed twelve (12) square feet in area or two (2) signs not to exceed nine (9) square feet per sign on matching entrance pillars may be constructed at each entrance to a subdivision, neighborhood, school, club, golf course or other similar uses permitted on each lot. Such signs may be indirectly illuminated.
- b. **R-15R Residential-Resort District**
Business-signs are permitted, and the total area shall not exceed fifty (50) square feet for conditional uses approved by the Board of County Commissioners.
- c. **C-S Community Shopping Center**
All business signs mounted flat on a wall shall not project more than eighteen (18) inches from the wall. Any sign attached perpendicular to a building wall shall not hang lower than eight (8) feet from the ground or sidewalk. The aggregate area of all business signs shall be limited to three (3) square feet per linear foot of each building abutting a street or alley.
An additional identification sign that names the shopping center shall be permitted. The total area of such signs shall not exceed one hundred (100) square feet. The sign area shall not be calculated as part of the sign area allowed for each business.
- d. **H-B Highway - Business District; L-I Light Industrial; and H-I Heavy - Industrial**
All business signs are permitted. The total area of such signs shall not exceed one (1) square foot for each linear foot of lot frontage. Outdoor advertising signs shall also be permitted. Outdoor advertising signs shall comply with specifications set out in the Outdoor Advertising Manual, North Carolina Department of Transportation, Division of

Highways, Raleigh, North Carolina with the following exceptions:

1. **Size of Signs.** (See attachment No. 3 in the Outdoor Advertising Manual).

The maximum area for any one sign shall be 800 square feet with a maximum height of thirty (30) feet and maximum length of sixty (60) inclusive or any border and trim but excluding the base of apron, supports and other structural-members. If an advertising message appears on the base or apron, it will not be excluded from the maximum dimensions

2. **Spacing of Signs**

a. Interstate Highways and Freeways on the Federal and-primary System:

1. No two structures shall be spaced less than seven hundred (700) feet apart. 2. Outside of incorporated towns and cities, no structure may be located adjacent to or within seven hundred (700) feet of an interchange, intersection at-grade, being measured along the Interstate or Freeway from the beginning or ending of pavement widening at the exit from or entrance to the main traveled way.

b. Non-freeway Federal Aid Primary Highways Outside of incorporated towns and cities no two structures shall be spaced less than six hundred (600) feet apart.

Section 72 Off-Street Parking and Storage

Off-street automobile parking or storage shall be provided on every lot on which any of the following uses are hereafter established. At the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, or before conversion from one type of use to another, permanent off-street parking space in the amount specified by this section shall be provided. Such parking space may be provided in a parking garage or properly graded open space.

72.1 Certification of Minimum Parking Requirements

Each application for a certificate of zoning compliance or certificate of occupancy submitted to the Zoning Enforcement Officer as provided for in Article X shall include information as to the location and dimensions of off street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Zoning Enforcement

Officer to determine whether the requirements of this section are met.

72.2 Combination of Required Parking Space

The required parking space. for any number of separate uses may be combined in one (1) lot, but the required space assigned to one use may not be assigned to another use, except that. one-half (1/2) of the parking space required for churches theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night: or on Sunday.

72.3 Remote Parking Spaces

If the off-street parking space required by this ordinance cannot reasonably be provided on the same lot on which the principal use is located, such space may be provided on any land within five-hundred (500) feet of the main entrance to such principal use, provided such land is in the same ownership as the principal use.. said land shall be used for no other purpose so long as no other adequate provision for parking space: meeting the requirements. of this ordinance has been made for the principal use,

72.4 Minimum Size

One(1) off-street parking space shall be. a minimum of ten (10) feet in width, twenty (20) feet in depth, and such space shall not be. used for any other purpose.

72.5 Interference with Right-of-way

No public right-of-way shall be used.in determining or providing the required off-street parking area.

72.6 Requirements for Parking Lots in Residential Districts

where parking lots for more than five (5 automobiles are permitted or required in residential districts, the following provisions shall be met:

- a. The lot may be used only for parking and not for any type of loading, sales, repair work, dismantling or servicing
- b. All entrances, exits, barricades at sidewalks, and drainage works shall be approved by the

Zoning Enforcement Officer prior to constructions

- c. A buffer strip as defined shall be required along all side and rear lot lines.
- d. Only one (1) entrance and one (1) exit sign not larger than four (4) square feet in area prescribing parking regulations may be erected at each entrance or exits No other signs shall be permitted.

72.7 Minimum Parking Requirements

The required number of off-street parking spaces specified below for each use shall be provided,

| LAND USE | REQUIRED PARKING SPACE |
|--|--|
| Automobile sales and repair garages | One (1) space for each two (2). Garages employees at maximum employment on a single shift, plus two (2) spaces for each 300 square feet of repair or maintenance space. |
| Automobile washeterias | One (1) space for each two (2) employees at maximum employment on a single shift. Reserve spaces equal to five (5) times the capacity of the facility at the location of ingress and egress. |
| Bowling alleys | Two (2) spaces for each .lane, plus one (1) additional space for each two. (2) employees. |
| Churches and funeral homes | One (1) space for each four (4) seats in the main chapel. |
| Elementary schools and Junior High schools, both public and private | One (1) space for each class Room and administrative office, plus one (1) bus space for each forty (40) pupils. |
| Hospitals | One (1) space for each four (4) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space for each four (4) employees. |
| Hotels | One (1) space for each room plus one (1) additional space for each two (2) employees. |
| Kindergartens or nurseries | One (1) space for each employee and four (4) spaces for off-street Drop-off and pick-up. |
| Libraries | One (1) space for each four hundred (400) square feet of floor space. |

| | |
|--|--|
| Medical offices and clients | Four (4) spaces for each doctor practicing at the clinic, plus one (1) space for each employee. |
| Mobile homes | Two (2) spaces for each mobile home. |
| Motels, tourist homes and tourist courts | One (1) space for each accommodation plus one (1) additional space. |
| Offices, business, professional or public, including banks | One (1) space for each 200 square feet of gross floor space. |
| Places of public assembly including private clubs and lodges, auditorium, dance halls, pool rooms, halls, pool rooms, theaters, stadiums, gymnasiums, amusement parks, community centers, and all similar places of public assembly | One (1) space for each four (4) seats provided for patron use, plus one (1) space for each 100 square feet of floor or ground area used for amusement or assembly but not containing fixed seat. |
| Rescue squads and armories | Parking space equivalent to three (3) times the floor space in the main building. |
| Residential dwellings single family and two family | Two (2) spaces for each dwelling unit. |
| Residential dwellings, multi-family | One and one-half (1 1/2) spaces for each dwelling unit. |
| Restaurants, in-door | One (1) space for each three (3) seats or stools plus one (1) space for each two (2) employees on the shift of largest employment. |
| Retail business and consumer service outlets | One (1) space for each 200 square feet of gross floor area. |
| Sanitariums, rest and convalescent homes for the aged, and similar institutions | One (1) space for each six (6) patient beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each four (4) employees. |
| Senior High schools, and colleges, both public and private | One (1) space for each ten (10) students for whom the school was designed, plus one (1) space for each classroom and administrative office. |
| Service stations | Two (2) spaces for each gas pump plus three (3) spaces for each grease rack or similar facility. |
| Shopping centers | Three (3) square feet of parking space for each square foot of gross floor area. |
| Wholesaling and industrial uses | One (1) space for each two (2) employees at maximum employment on a single shift. |
| Restaurant, Drive-In | One (1) parking space for each two hundred (200) square feet of floor space plus two (2) spaces for each three (3) employees plus one (1) space for each vehicle used in operation. |

Section 73. Off-Street Loading and Unloading Space

Every building or structure used for business, trade or industry hereafter erected shall provide space as indicated herein for the loading and unloading of vehicles off the street or public alley. Such space shall have access to an alley or, if there is no alley, to a street. For the purposes of this section an off-street loading space shall have a minimum dimension of twelve (12) feet by forty (40).feet and an overhead clearance of fourteen (14) feet in height above the alley or street grade.

| LAND USE | REQUIRED PARKING SPACE |
|--|---|
| Retail Operations | One (1) loading space for each . twenty-thousand- (20,000) square feet of gross floor area or fraction thereof. |
| Industrial and wholesale operations | One (1) loading space for each . fifty-thousand (50,000) square feet of gross floor area or fraction thereof. |

ARTICLE VIII
USE REQUIREMENT BY DISTRICTS

within the districts indicated on the zoning map no building or . land shall be used, and no building shall be erected or altered which is intended or designed .to be used in whole or in part, for any use other than those listed as permitted for that district in this Article.

Section 80, R-20A Residential - Agricultural District

The R-20A Residential-Agricultural District is established as a district in which the principal use of the land is for low-density residential and agricultural purposes. These districts are intended. to insure that residential development not having access to public. water supplies and dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide a healthful environment.

80.1 Permitted Uses:

single-family dwellings.

Mobile homes which may be situated on individual lots, provided they meet the same lot size and yard requirements as immobile homes.

Any form of agriculture or horticulture, including the sale of products at a retail stand on the property where produced.

Customary home-occupations, including dressmaking, cooking, . and baking, hairdressing, music instruction the renting of... not more than one (1.) room, the practice of such professions. as insurance and accounting, shall be permitted as accessory. uses in a residence. The Board of Adjustment shall decide whether other home occupations not listed here are within the spirit of this category as defined in this ordinance.

Backyard workshops for building tradesmen, and small appliance repair shops, but excluding open storage.

Kindergartens and day nurseries, provided that not less than one-hind-ed (100) square feet of play area is provided for each child and provided further said aggregate play space is surrounded by a sturdy fence at least six (6) feet in height.

Rest and convalescent homes not used primarily for the treatment of contagious diseases, alcoholics, drug addicts or psychotics.

Churches and their customary related uses including cemeteries, provided that all buildings and graves shall be set back at least twenty (20) feet from any property line.

Public elementary and secondary schools, colleges, and universities, and private schools having curricula approximately the same as ordinarily given in public schools.

Public or private parks, playgrounds, community centers, clubs and lodges golf courses, swimming pools, fishing lakes, family camp grounds, and similar recreation uses.

Public safety facilities such as fire and police stations and rescue squad headquarters provided that all vehicles and equipment shall be stored indoors; provided further, that all buildings shall be set back at least twenty (20) feet from all property lines and shall be designed and landscaped in such a way as to blend in with the surrounding areas

Public works and public utility facilities such as transformer stations, pumping stations, water towers, and telephone exchanges, provided:

- a, such facilities are essential to the service of the community and no vehicles or materials shall be stored on the premises;
- b, all buildings and apparatus shall be set back at least twenty (20) feet from all property lines and shall be designed and landscaped in such a way as to blend in with the surrounding area.

Customary accessory uses and structures including private garages, swimming pools and other accessory structures in the rear yard where they shall not cover more than thirty percent (30%) of said rear yard.

Signs in compliance with Section 71.

80.2 Conditional Uses. (Board of County Commissioners)

PUD (Planned Unit Development) subject to Section 135
Mobile home parks subject to Section 135_e.

Temporary sawmills, provided they shall not be in operation for more than one (1) year; provided further, all sawmill structures shall be leveled and the premises cleaned up within six (6) months after discontinuance.

80.3 Dimensional Requirements.

- a. Twenty-thousand (20,000) square feet minimum required lot area per dwelling unit.
- b. One hundred (100) feet minimum required mean lot width per dwelling unit.
- c. Forty (40) feet minimum required front yard.
- d. Minimum required side yards for the principal building shall be at least fifteen (15) feet.
- e. Minimum required rear yard shall be twenty percent (20%) of the mean lot depth, provided that such rear yard need not exceed thirty (30) feet..
- f. Height of buildings shall not exceed thirty-five (35).feet unless the depth of the front and total width of the side yards required herein shall be increased by one (1) foot for each two (2) feet, or fraction thereof, of building height in excess of thirty-five (35) feet.
- g. Accessory buildings shall not be erected in any required front or side yard or within twenty (20) feet of any street or highway lone or within ten (10) feet of any lot line not a street or a highway line. An accessory building or use maybe located not less than ten (10) feet from any property line.
- h. Off-street parking shall be provided as required in Section 72. of this ordinance.

Section 81 R-20 Residential District.

This district is intended to be a quiet, low-density neighborhood consisting of single-family residences along with limited home occupations and limited private and public community uses.

81.1 Permitted Uses.

All uses permitted in the R-20A Residential-Agricultural District except mobile homes mobile home parks, rest homes, clubs and lodges, agriculture, backyard workshops, kindergartens and. day nurseries, and

horticulture which 'involves the use of greenhouses or the sale of horticultural products unless the lot size is 40,000 square feet or greater in which case dimensional requirements and accessory building requirements shall be met.

81.2 Conditional Uses. (Board of County Commissioners).
PUD (Planned Unit Development) subject to Section.135.

81.3 Dimensional Requirements.

- a. Twenty thousand (20,000) square feet minimum lot area per dwelling unit.
- b. One hundred (100) feet minimum mean lot width.
- c. Thirty (30) feet minimum front yard..
- d. Minimum required side yards for the principal building shall be at least fifteen,(15) feet.
- e. Minimum required rear yard shall be twenty percent (20%) of the, mean lot depth, provided that such yard need not exceed thirty (30) feet,
- f. Height of buildings shall not exceed thirty-five (35) feet unless the depth of the front and total width of the side yard required herein shall be increased by one (1) foot for each two (2) feet, or fraction thereof, of building height in excess of thirty-five (35) feet.
- g. Accessory buildings shall not be erected in any required front or side yard or within twenty (20) feet of any street or highway line or within ten (10) feet of any lot line not a street or highway line. An accessory building or use may be located in a rear yard provided it is located not less than ten (10) feet from any property line.
- h. Off-street parking shall be provided as required in Section 72 of this ordinance.

Section 82. R-15 Residential District.

This district is intended to be a quiet, medium-density neighbor- hood consisting of limited home occupations and limited private and public community uses. It is expected that public water facilities will be available, to each lot, providing a healthful environment although the residential development may be dependent upon septic tanks for sewage disposal.

82.1 Permitted Uses.

All uses permitted in R-20 Residential District.

**82.2 Conditional Uses. (Board of County Commissioners)
PUD (Planned Unit Development) subject to Section 135.**

82.3 Dimensional Requirements.

- a. Fifteen-thousand (15,000) square feet minimum lot area per dwelling unit.
- b. Ninety (90) feet minimum mean lot width.
- c. Thirty (30) feet minimum front yard.
- d. Minimum required side yards for the principal building, shall be at least twelve (12) feet, except that any side yard abutting a street or highway shall be at least fifteen (15) feet.
- e. Minimum required rear yard shall be twenty percent (20%) of the mean lot depth, provided that such yard need not exceed thirty (30) feet.
- f. Height of buildings shall not exceed thirty-five (35) feet-unless the depth of the front and total width of the side yard required herein shall be increased by one (1) foot for each two (2) feet, or fraction thereof, of the building height in excess of thirty-five (35) feet.
- g. Accessory buildings shall not be erected in any required front or side yard or within twenty (20) feet of any street or highway line or within ten (10) feet of any building or use may be located in, a rear yard provided it is located not less than ten (10) feet from any property line.
- h. Off-street parking shall be provided as required in Section 72 of this ordinance.

Section 83. R-15R Residential-Resort District

The Residential-Resort District is established as a district in which the principal use of the land is for residential purposes, with the provision of commercial services and group residential areas for resort users as well as the permanent residential

83.1 Permitted Uses;

All uses permitted in the R-20 Residential District.

Two-family dwellings.

Multi-family dwellings.

Mobile homes, which may be situated on individual lots, provided they meet the same lot size, yard and sanitation requirements as immobile homes.

Tourist homes and boarding houses.

83.2 Conditional Uses. (Board of County Commissioners)

Resort lodges and cabin colonies,

Trailer camps providing spaces for the temporary location of camping trailers and residential trailers.

Group camp facilities, operated on a profit or non-profit basis, including temporary camporee sites for organizations such as the Boy Scouts of America. Stores for the sale of crafts, souvenir, fishing tackle and bait, sporting goods, refreshments and picnic supplies.

Restaurants, but not drive-in restaurants.

PUD (Planned Unit Development) subject to Section 135.

83.3 Dimensional Requirements.

- a. Fifteen-thousand (15,000) square feet minimum lot area for the first dwelling unit. Twenty-thousand (20,000) square feet minimum lot area for the first dwelling unit where water nor sewer is available.
- b. Fifteen-thousand (15,000) square feet lot area-for the second dwelling unit,
- c. Ten-thousand (10,000) square feet of area per dwelling unit for each unit in excess of two (2),
- d. Ninety (90) feet minimum mean lot width for the first dwelling unit..
- e. Twenty (20) feet additional mean lot width for the second dwelling unit, .
- f. One-hundred twenty-five (1125) feet minimum mean lot width for structures having three (3) or more dwelling units,
- g. Thirty (30) feet minimum front yard.

- h. Minimum required side yards for the principal building shall be at least twelve (12) feet, except that any side yard abutting a street or highway shall be at least fifteen (15) feet..
- i. Minimum required rear yard shall be twenty percent (20%) of the mean lot depth, provided that such rear yard need not exceed thirty (30) feet.
- j. Height of buildings shall not exceed thirty-five (35).... feet unless the depth of the front and total width of... the side yards required herein shall be increased by one (1) foot. for each two (2) feet, or fraction thereof., of building height in excess. of thirty-five (35) feet.,.
- k. Accessory buildings shall not be erected in any required. front or side yard or within twenty (20) feet of any . . street or highway line or within five (5) feet of any lot line not a street or highway line. An accessory building or use may be located in a rear yard provided it is located not less than ten (.10) feet from the rear yard line,
- l. Off-street parking shall be provided as required-in Section 72 of this ordinance.

83.4 Dimensional Requirements for Conditional Uses.

- a. Each group camp, cabin colony, or trailer camp shall provide a minimum of four thousand (4,000) square feet per cabin or trailer site, and it shall maintain open space equal to three (3) times the amount of land which is covered by buildings or other structures. Furthermore, all buildings shall be set back a minimum distance of... fifty (50) feet from any property line except along lake frontage. No cabin or trailer shall be more than two hundred and fifty (250) feet from toilet facilities, nor from a sanitary source of drinking water.
- b. For each of the uses listed under Subsection 8302, lot sizes shall be adequate to serve the needs of the facility planned including provisions for off-street parking in accordance with the standards given under subsection 72.5 of this ordinance. Provided further, each R-15R Residential-Resort District shall have a minimum frontage along a

State-maintained road of at least two hundred (200) feet.

Section 84 R-8 Residential District

The R-8 Residential District is established as a district where two-family and multi-family dwellings will be permitted along with single family dwellings it is expected that public water and sewerage facilities will be available to each lot in such districts.

84.1 Permitted Uses:

All uses permitted in the R-20A Residential-Agricultural District.

Two-family dwellings.

Multi-family dwellings.

Rooming and boarding houses and tourist homes.

Clubs and lodges, catering exclusively to members and their guests.

Offices for doctors, dentists, chiropractors, lawyers, accountants, insurance men and similar professional persons.

Rest and convalescent homes not used primarily for the treatment of contagious diseases, alcoholics, drug addicts, or psychotics.

84.2 Conditional Uses (Board of County Commissioners)

a. Mobile home parks subject to the conditions of Section 135.

b. Multi-family developments subject to the conditions listed under Section 135.

84.3 Dimensional Requirements.

a. Eight thousand (8,000) square feet minimum required lot area for the first dwelling unit; four thousand (4,000) square feet additional lot area required for the second dwelling unit; and three thousand (3,000) square feet additional lot area per dwelling unit for each unit in excess of two (2) up to a maximum of twelve (12) dwelling units per acre.

b. Seventy (70) feet minimum required mean lot width for the first dwelling unit; twenty (20) feet additional mean lot width for the second dwelling.

- c. Thirty (30) feet minimum required front yard.
- d. Minimum required side yards for the principal building shall be at least ten (10) feet, except that any side yard abutting a street shall be at least fifteen (15), feet
- e. Minimum required rear yard shall be twenty percent (20%) of the mean lot depth, provided that such rear yard need_ not exceed thirty (30) feet.
- f. Height of buildings shall not exceed thirty-five (35) feet unless the depth of the front yard and total width of the side yards required herein shall be increased by one (1) foot for each two (2) feet, or fraction thereof, of building height in excess of thirty-five (35) feet.
- g. Accessory building shall not be erected in any required front or side yard or within twenty (20) feet of any street or highway line or within five (5) feet of any lot line not a street or highway line. An accessory building or use may be located in a rear yard provided it is located not less than ten (10) feet from the rear yard line..
- h. Off-street parking shall be provided as required in Section 72 of this ordinance.

Section 85.H-B Highway Business District

The H-B Highway Business, District is established as a district in which the principal use of land is for outlying retail trade establishments and the provisions of services to the traveling public.

85.1 Permitted Uses:

Automobile service stations, provided all gasoline pumps and other stationary equipment are located at least twenty (20) feet behind the front property line.

Apple packaging sheds.

Barber and beauty shops.

Boat, motor, and boat trailer sales and service establishments.

Churches and their customary accessory uses.

Craft, curio and sporting goods stores.

Fruit stands and produce markets.

Groceries and sundries stores.

Greenhouses and horticultural nurseries.

Motels and tourist cottages.

Repair shops for household appliances and fabricating shops for building trades.

Restaurants, including drive-in restaurants.

Commercial recreation facilities, whether conducted in a building or in the open.

Single-family residences as accessory uses.

Essential public safety or public utility facilities., including offices and storage of vehicles and apparatus on the premises, provided all structures shall be set back at least thirty (30) feet from any property line and all exposed apparatus shall be enclosed by a woven wire fence at least eight (8) feet in height.

Customary accessory uses and structures, excluding, however, open storage.

Signs in compliance. with Section 71.

85.2 Conditional Use. (Board of County Commissioners)

Sale of new and used cars and trucks excluding the open storage of spare parts or the open storage of any vehicles for spare parts.

Sale of mobile homes.

where necessary for the operation of new and used car sales, automobile repair garages and service stations doing mayor repair work, an amount of land may be set aside for the storage of vehicles waiting for repair or vehicles pending insurance settlements. The amount of land that may be set aside for storage; will be the amount of land available in, the operation of business purposes. This land will be calculated as one tenth

(1/10) of the land available for the erection of buildings as defined by the Wilkes County Zoning Ordinance in the Conditional Use Section of the appropriate district and/or may have a maximum of 10,000 sq. ft in all cases regardless of the size of property. The storage should be enclosed in a manner to obscure vehicles from the public. Topography of the property should also be taken into account. And if extreme difficulty is going to be involved in screening them, it may be that the particular plot of ground is unsuitable for the use. The type screening may be left to the discretion of the Zoning Enforcement Officer to include solid fencing or evergreen trees or both.

85.3 Special Use.

Mobile homes may be permitted in a Highway Business District where there is a principal building used for business purposes, Mobile homes may be used for office space and other appropriate uses supportive of business, as well as a single family residence for security purposes.

Standards are:

- a) The mobile home shall be placed in the side or rear yard and may be attached to the principal structure with outward appearance conforming to the rest of the building.
- b) Stand alone mobile homes shall be placed in the side or rear yard of the property and shall meet the dimensional requirements in the R-15R District.
- c) There shall be no exposed cinder blocks. Blocks shall be concealed by underpinning with blocks or brick. The mobile home shall meet the anchorage requirements of N.C. Building Code.
- d) Minimum lot size for business with mobile home shall be 25000 sq. ft. meeting dimensional requirements addressed in (b) above,
- e) Entrance and exit to the mobile home shall be the same as that used by the business..
- f) Adjoining property owners shall be notified of the request in order that they may call for a hearing as appropriate.
- g) The Planning Board or the Zoning Enforcement Officer may revoke a Special Use Permit upon violation of the requirements. The business may be given thirty (30) days to rectify the violation.

85.4 Dimensional Requirements

- a. Minimum lot area and yard requirements shall be:
 1. Twenty thousand (20,000) square feet lot area.
 2. One hundred (100) feet minimum mean lot width.
 3. Thirty (30) feet minimum front yard.
 4. Ten (10) feet minimum side yard setback and twenty (20) feet minimum.
- b. The total ground area covered by the principal building and all accessory buildings shall not exceed fifty percent (50%) of the total lot area.
- c. No building shall exceed thirty-five (35) feet in height unless the depth of the front and total width of the side yards required herein shall be increased by one (1) foot for each two (2) feet, or fraction thereof, of building height in excess of thirty-five (35) feet.
- d. Buildings constructed or converted to uses permitted in this district shall provide off-street loading and unloading space as required in Section 73 of this ordinance.
- e. Off-street parking space shall be provided as required in Section 72 of this ordinance.

Section 86. Community Shopping District

The C-S Community Shopping District is established as the district in which retail trade and consumer-service uses will expand as the community's and the region's population increases.

86.1 Permitted Uses:

Alcoholic beverages, packaged retail sales.

Animal hospitals, provided-no pens or kennels are located closer than twenty (20) feet to any property line.

Apple packaging sheds.

Automobile parking lots and structures.

Automobile repair garages, but excluding the open storage of wrecked or abandoned cars.

Automobile parts and supplies, new.

Automobile sales,. new and used.

Assembly halls, coliseums, armories, ballrooms
and similar structures.
Bakeries, retails

Banks and other financial institutions
including loan finance companies.
Barber and beauty shops

Boat and trailer sales.

Billiard or pool halls.

Bus stations.

Business colleges, barber and beauty colleges,
art schools, music and dance studios and similar
uses, but excluding industrial trade schools.
Catalogue sales.

Cabinet, .woodworking and upholstery shops.
Contractors' offices and storage yards, provided the
latter are fenced by a solid fence. not less than
six (6) feet in heights

Churches and their customary accessory uses, but
excluding cemeteries.

Clubs and lodges, fraternities, sororities and
social, civic an other similar organizations
operating on a non profit basis.

Dairy bars and. ace cream manufacturing for retail
sales on the premises only.

Dry cleaning and laundry pickup stations and dry
cleaning plants having not more than two-thousand
(2,000) square feet.

Electric repair shops.

Exterminators.

Farm machinery, sales and repairs, provided all open
storage areas are screened from view by a solid
fence not less than six (6) feet in height.

Fire and police stations.

Floral shops, but not commercial greenhouses.

Food stores and meat markets, retail only, but excluding the killing or dressing of any flesh or fowl.

Funeral homes and mortuaries.

Furriers and fur storage.

Hotels, inns and motels.

Industrial supplies and equipment, sales and service, provided all open storage is fenced by a solid fence not less than six (6) feet in height.

Jewelry repair and pawn shops

Launderettes and Laundromats;

Libraries, museums and art galleries.

Locksmiths and gunsmiths.

Medical and dental clinics and laboratories.

Newspaper offices and printing plants incidental to such offices.

Offices, business, professional and public. Office supplies and equipment, sales and service.

Opticians and optical goods stores.

Photographic studios and camera supply stores.

Physical culture and reducing salons.

Printing, publishing and reproduction establishments.

Public works and utility facilities, but excluding service and storage yards.

Radio and television repair shops.

Radio and television stations.

Railroad stations and yards..

Restaurants, including drive-in restaurants, provided such . restaurants are fenced on all sides which abut residential districts except that side which abuts a public street. Such fences shall be solid from the ground to a height of six.(6) feet.

Retail establishments such as department, . clothing, fabric, . shoe, variety, notion, drug, hardware, furniture, appliance., . floor covering, paint, antique, art goods, jewelry, gift, music, toy, sporting goods, book and stationery, magazine, candy, tobacco, pet and hobby and craft stores, but not excluding similar retail outlets.

Service stations, provided that all gasoline pumps and other.. stationary equipment shall be located at least twelve (12) feet behind the property line, provided further that on all.. sides where such stations abut residential districts, a six foot high fence and suitable landscaping shall be provided. No such fence ,however, is required upon any yard which abuts a public street.

Shoe repair and shine shops.

Signs in compliance with Section 71.

Stamp redemption stores.

Tailor, dressmaking and millinery shops.

Taxi cab. stands.

Telephone and telegraph offices.

Theaters, indoor.

Customary accessory uses and structures when located on the same block as the principal structures, excluding, however, open storage.

86.2 Conditional Uses. (Board of County Commissioners)

Mixed uses, i.e., buildings erected for both dwelling and business purposes, provided such buildings shall be furnished with side yards on each side of the building measuring not less than eight (8) feet in width, provided, however, that this regulation shall not apply to the street ride of a corner lot.

Where necessary for the operation of new and used car sales, automobile. repair garages and service stations doing major repair work, an amount of. land may. beset aside for the storage of vehicles waiting for repair or vehicles pending insurance settlements The amount of land that may be set aside for storage; will be the amount of land available in the operation of business purposes. This land will be calculated as one-tenth (1/10) of...the land available for the erection of buildings as defined by. the wilkes County Zoning

Ordinance "n the Conditional Use Section of the appropriate district and/or may have a maximum of 10,000 sq. ft. in-all cases regardless of the size of property.. The storage area should be enclosed in a manner to obscure vehicles from the public. Topography of the property should be also be taken into account. And if extreme difficulty is going to be involved in screening them, it may be that the particular plot of ground is unsuitable for the use. The type screening may be left to the discretion of the Zoning Enforcement Officer to include solid fencing or evergreen trees or both.

86.3 Dimensional Requirements.

- a. No other yards are required except that where a lot abuts any residential district there shall be a side or rear yard clearance-of at least ten (10) feet. Furthermore, upon any side or rear lot line which abuts a residential district there shall be a-densely planted and maintained buffer strip. No such buffer shall, however, extend nearer to a street right-of-way line than the established building line of the adjoining residential lots, and no buffer shall be required upon any yard which abuts a public street.
- b. Height Regulations. In the C-S Community Shopping District every building hereafter erected or structurally altered to exceed fifty (50) feet in height, shall be set back from the front lot line on the ratio of one (1) foot for each two (2) feet rise above said fifty (50) feet, but in no case shall the required setback exceed ten (10) feet.
- c. Off-Street Loading and Unloading. Buildings constructed or converted to commercial use after the effective date of this ordinance shall provide off-street loading and unloading berths as required 'in Section 73 of this ordinance.
- d. Off-Street Parking Requirement, Off-street parking space shall be provided as required by Section 72 of this ordinance.

Section 87. L-1 Light Industrial District

The L-I Light Industrial District is established as a district in which the principal use of land is for light industrial and warehousing uses which normally seek locations on large tracts of land where the operations involved do not detract from the development potential of nearby undeveloped properties.

87.1 Permitted Uses:

Air conditioning and heating equipment manufacturing.

Aircraft and missiles manufacturing.

Alcohol and alcohol beverages manufacturing.

Amusement, recreational and sporting goods manufacturing.

Apparel and clothing manufacturing, including hosiery.

Assembly halls, armories, coliseums, ballrooms and similar structures.

Auction sales, except livestock.

Automobile parking lots and structures.

Automobile parts and accessories manufacturing.

Bakeries and other establishments manufacturing prepared food products. for wholesale distribution.

Banks and other financial institutions, including loan and finance companies.

Barber and beauty shops.

Bedding and carpet manufacturing and cleaning establishments.

Belting and brake linings, manufacturing.

Boat and trailer works and sales.

Bookbinding.

Bottling works.

Bowling alleys and skating rinks.

Building materials storage and sales yards, provided all open storage is fenced by a solid fence not less than six (6) feet in height.

Business machines manufacturing.

Cabinet, casket, woodworking and upholstery shops.

Cafeterias and snack bars to serve employees of the industrial concern in which they are employed.

Candy and confectioneries manufacturing.

Carbon and battery products manufacturing.

Coffee, tea and spices processing.

Contractors' offices and storage yards, provided all open storage is fenced by a solid fence not less than six (6) feet in height.

Dairy products processing and distributing facilities.

Drugs, medicines and cosmetics manufacturing.

Dry cleaning and laundry plants

Electrical appliances and electronic equipment manufacturing.

Electrical supply houses and repair shops.

Exterminators.

Felt and sandpaper manufacturing.

Flour and-feed mills.

Food stores, fruit stands and produce markets.

Freezer lockers and ice plants.

Furniture manufacturing.

Glass, ceramic and tile manufacturing.

Greenhouses and horticultural nurseries.

Hardware and housewares manufacturing.

Industrial supplies and equipment, sales and service, provided all open storage is fenced by a solid fence not less than six (6) feet in height.

Insulation materials and wallboard manufacturing.

Industrial trade schools and research laboratories.

Laboratories for researching and testing of products, the manufacturing or processing of which is permitted in this district.

Leather products, including luggage and shoe manufacturing. Light machine tool manufacturing.

Machine and welding shops.

Monument works and sales.

Musical Instruments manufacturing.

Offices pertaining to any permitted use.

Oilcloth and linoleum manufacturing. Paper products manufacturing.

Pickle processing.

Plastics products manufacturing.

Plumbing and heating supply houses, provided all open storage is fenced by a solid fence not less than six (6) feet in height.

Pottery, porcelain or vitreous china manufacturing.

Precision instruments and jewelry manufacturing.

Printing, engraving and publishing establishments.

Public safety facilities such as fire and police stations and rescue squads.

Public works and public utility facilities, including service and storage yards, provided they are fenced by a solid fence not less than six (6) feet in height.

Radio and television stations, studios and towers.

Restaurants, including drive-in restaurants.

Rodenticides, insecticides and pesticides manufacturing.

Service stations, including major repair work, provided that all gasoline pumps shall be located at least twelve (12) feet behind the property line.

Signs in compliance with Section 71.

Sign painting and fabricating shops.

Soap, detergent and washing compounds.

Textile and cordage manufacturing.

Tire recapping shops.

Trailer manufacturing.

Trucking terminals.

Vinegar and yeast manufacturing.,

wholesale and warehousing establishments, except for the storage of dangerous or offensive items such as uncured hides and explosives.

wholesale storage of gasoline and oil products, including bottled gas and oxygen.

Windows and doors manufacturing.

Customary accessory uses and structures, including open storage, provided the area devoted to open storage is enclosed by a fence at least six (6) feet in height.

87.2 Conditional Uses. (Board of County Commissioners)

Industrial Parks subject to Section 135.

Manufacturing uses not otherwise named herein which come within the spirit or intent of this zoning ordinance.

Mobile home parks subject to Section 135.0.

Where necessary for the operation of new and used car sales, automobile repair garages and service stations doing major repair work, an amount of land may be set aside for the storage of vehicles waiting for repair, or vehicles pending insurance settlements. The amount of land that may be set aside for storage; -will be the amount of land available in the operation of business purposes. This land will be calculated as one-tenth (1/10) of the land available for the erection of buildings as defined by the Wilkes County Zoning Ordinance in the Conditional Use Section of the appropriate district and/or may have a maximum of 10,000 sq. ft. in all cases regardless of the size of property. The storage area should be enclosed in a manner to obscure vehicles from the public. Topography.... of the property should also be taken into account. And if extreme difficulty is going to be involved in screening them, it may be that the particular plot of ground is unsuitable for the use. The type screening may be left to the discretion of the Zoning Enforcement

Officer to include solid fencing or evergreen trees or both.

87.3 Dimensional Requirements.

- a. Minimum lot area. and yard requirements shall be:
 1. One (1) acre. minimum lot area.
 2. Two-hundred (200) feet minimum mean lot width.
 3. Fifty (50) feet minimum front yard.
 4. Fifteen (15) feet minimum side yard on each side of every principal building.
 5. Twenty (20) feet minimum required rear yard.
- b. The total ground area cornered by the principal building and all accessory buildings shall not exceed forty percent (40%) of the total lot area.
- c. No building shall exceed fifty (50) feet in height unless the depth. Of the front and total width of the side yards herein shall be increased by one (1) foot for each two (2) feet, or fraction thereof, of building height in excess of fifty (50) feet.
- d. Buildings constructed or converted to uses permitted in this district shall provide off-street loading and unloading. space as required In Section 73 of this ordinance.
- e. Off-street parking space shall be provided as required in Section 72 of this ordinance.

Section 88. H-I Heavy Industrial District

The H-I Heavy Industrial District is designed to accommodate all but the most obnoxious industries... However,. It is expected that industries permitted here by sight, as well as those permitted conditionally, will minimize their emission of smoke, dust, fumes, glare, noise, and vibrations.

88.1 Permitted Uses:

All uses permitted in the L-I Light Industrial District.

Airports.

Animal hospitals.

Automobile repair garages, including body works, but excluding storage of wrecked cars unless they are enclosed by a solid fence at least six (6) feet in height.

Brick, tile and pottery yards.

Building materials and specialties manufacturing.

Chemical manufacturing, household or industrial.

Circuses, carnivals and fairs.

Coal and wood yards, pole treating plants.

Concrete and asphalt products plants.

Customary accessory uses and structures including open storage.

Farm machinery assembly, sales and repairs.

Feed and seed stores and hatcheries.

Fertilizer manufacturing and sales.

Foundries producing iron, copper, steel, brass and aluminum products.

Ink manufacturing.

Livestock sale barns.

Machine tool manufacturing.

Meat packing and poultry processing plants.

Metal fabricating plants including boiler and tank works.

Mobile home display areas.

Motorcycle, lawnmowers, and power saw sales and service.

Outdoor recreation uses such as miniature and par-3 golf courses, go-cart tracks, and riding stables.

Plating works.

Plumbing and heating supply houses,.

Public works and public facilities, including services and storage yards.

Rubber products manufacturing.

Sawmills, planing mills, pallet and basket factories

Second-hand stores and swap shops.

Sheet metal, roofing, plumbing, heating and refrigeration shops.

88.2 Conditional Uses. (Board of County Commissioners)

Automobile race tracks.

Automobile wrecking yards or junk yards and similar types of used material industries when conducted within a structure or on a lot, enclosed by a solid fence at least six (6) feet in height, and provided further that the Board of Adjustment finds that such wrecking yard or used material industry will have no injurious effect on the public interest or welfare.

Industrial parks.

Mining and quarrying operations, provided:

- a. Buffer strips shall be provided as defined under Section 41 of this ordinance. Furthermore, all mine openings and quarries shall be enclosed by a cyclone-type fence not less than eight (8) feet in height and located not less than ten (10) feet from the excavation edge wherever in the judgment of the Zoning Enforcement Officer they shall be necessary for safety.
- b. Blasting operations shall be conducted only between the hours of 8 A.M. and 6 P.M. Furthermore, all blasting, drilling, and other sources of noise, vibrations, flying debris, and dust shall be conducted in such a way as to cause the minimum nuisance or

hazard to adjacent or neighboring properties at any time.

Manufacturing uses not otherwise named herein, provided no use shall be permitted in this district which is likely to be dangerous or detrimental to the health, safety, welfare, or general character of this zoning district or of the community.

Where necessary for the operation of new and used car sales, automobile repair garages and service stations doing major repair work, an amount of land may be set aside for the storage of vehicles waiting for repair, or vehicles pending insurance settlements. The amount of land that may be set aside for storage; will be the amount of land available in the operation of business purposes. This land will be calculated as one-tenth (1/10) of the land available for the erection of buildings as defined by the Wilkes County Zoning Ordinance in the Conditional Use Section of the appropriate district and/or may have a maximum of 10,000 sq.ft. in all cases regardless of the size of property. The storage area should be enclosed in a manner to obscure vehicles from the public. Topography of the property should also be taken into account. And if extreme difficulty is going to be involved in screening them it may be that the particular plot of ground is unsuitable for the use. The type screening may be left to the discretion of the Zoning Enforcement Officer to include solid fencing or evergreen trees or both.

88.3 Dimensional Requirements.

- a. No building shall be less than forty (40) feet from the right-of-way line of a street or highway. No other yards are required except that where the rear of a lot abuts a residential district there shall be a twenty five (25) foot rear yard clearance and where a lot abuts a side yard clearance of at least fifteen (15) feet. In cases where a side yard, not required, is provided, it shall be at least eight (8) feet in width.
- b. Buildings constructed or converted to uses permitted in this district shall provide off-street loading and unloading space as required in Section 73 of this ordinance.
- c. Off street parking space shall be provided as required in Section 72 of this ordinance.

Section 89, F-W Floodway and, F-F Floodway Fringe Districts

The Floodway-and Floodway. Fringe Districts are established: (a) to protect-the water-carrying capacity of floodways, and the water storage capacity of floodway fringe areas during floods, by preventing obstructions; (b) to protect the public health, and safety and-to prevent loss or damage to homes or other property. which might be caused by water, mud, or water-borne debris; and (c) to permit an acceptable use of land. in relation to the hazards involved by permitting the construction of buildings in floodways and floodway fringe areas under specific, protected conditions.

89.1 Creation of Floodway and-Floodway Fringe Districts

The Official Zoning Map of Wilkes County shall be amended to create a "Floodway District" and a "Floodway Fringe District". In areas presently zoned, the, two districts shall be superimposed upon other use districts. The existing use district will determine the type of Land use--residential, commercial, or industrial-- while the floodway and floodway fringe districts will specify the conditions that buildings and other structures must meet to protect the water carrying capacity of floodways and the water-storage capacity of.. floodway fringe areas during floods. In the areas unzoned, the type of land will now be regulated. However, the location of any building or structure in designated floodway and floodway fringe districts must comply with the development standards specified in the floodway and floodway fringe districts.

89.2 District Boundaries.

The boundaries of the floodway district and the floodway fringe district have been established from the most recent information for the Corps of Engineers of the U.S. Army or the Soil Conservation Service of the U.S. Department of Agriculture, or from the Federal Insurance Administration of the Department of Housing and Urban Development.

89.3 Floodway Fringe District Regulations.

a. Permitted Uses. In areas covered by zoning districts, any building permitted by the use district shall be permitted in Floodway fringe district. In areas not covered by a zoning district, any building may be permitted. However, all new structures or ones undergoing substantial improvements shall comply with one of the following conditions:

(1) Any building or accessory building, any loading or storage area., and any basement which are placed by methods approved by the Zoning Enforcement Officer shall be one foot above the elevation of the nearest outer boundary of the Floodway fringe.

distinct.. when fill is utilized, it shall extend at least fifteen feet beyond any building constructed on the site, but shall not encroach on the Floodway district. The fill shall be compacted and provided with a permanent cover; or

(2) Any buildings that are placed *by* methods approved by the Zoning.. Enforcement Officer on approved pilings or other columns, with the lowest floor elevation at Least one foot above the nearest outer boundary of the Floodway fringe district;

or

(3) Any pontoon of a non-residential building including basement; attendant utility, and sanitary facilities not elevated as provided in (1) and (2) shall be floodproofed to the required elevation. Buildings shall be floodproofed to one foot above the level of the 100-year-flood. When waterproofed, the structure shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Further a registered professional engineer or architect shall certify to the Zoning Enforcement Officer that the floodproofing methods for the building are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other forces associated with the hundred year flood. The Zoning Enforcement Officer shall maintain: a file of all such certifications including the specific elevation (in relation to mean sea level) to which such structures are floodproofed.

b. Prohibited Uses.

(1) No...building or structure not anchored to permanent foundations shall be placed or substantially improved in an unfilled Floodway fringe district.

(2) No open storage of materials subject to floating shall be.. permitted in a floodway fringe district unless said storage is placed on an approved fill at least one foot above the elevation of the nearest outer boundary of the Floodway fringe district.

(3) No storage of toxic chemicals or flammable substances, whether' liquid or gas, shall be permitted in a floodway fringe district, except if above-ground

storage complies with the provisions of Section 89.3 or if below-ground storage complies with provisions of Section 89.4 c. (5).

89.4 Floodway District Regulations.

a. **Permitted Uses.** Any use not involving a structure that would not increase flood levels during the occurrence of the one hundred year flood discharge.

b. **Existing Structures in Floodway.** Any existing structure in a floodway district may be floodproofed, but it may not - be extended or substantially improved except in compliance with section 89.3 a.

c. Prohibited Uses.

(1) No principal buildings, and accessory buildings are permitted in the floodway district.

(2) No open storage of mater-rats subject to floating are permitted in the floodway district.

(3) No fill shall be permitted in the floodway district.

(4) No storage of toxic chemicals or flammable substances whether liquid or gas, shall be permitted in the floodway district.

(5) No underground uses such as. fallout shelters,. basements,.... swimming pools, gravesites, or sewage outfalls shall be permitted in any floodway. district or unfilled floodway fringe district unless they are floodproofed and installed in a manner to prevent flotation.

89.5 Bridges, Culverts, and Other Channeling Devices.

Any proposal to bridge a stream, or to enclose or direct its channel by means of a culvert or other device must be accompanied by a written statement of a licensed engineer certifying that such structure or device is adequate for the passage of the one hundred year flood, plus one additional foot of flood elevation, without changing its velocity.

89.6 Required Exhibits.

Whenever a building "s proposed to be constructed or improved in any part of a floodway or floodway fringe district as permitted herein, it shall be the responsibility of the property owner or developer or. his agent to submit engineering plans demonstrating that the requirements of Section.89 will be met. Such plans shall include as a minimum the topography of the site at contour intervals of not less than four feet, the floodway and floodway fringe districts boundaries,

the location or proposed location of the building on the site, the ground floor elevation, the elevation of any openings on the ground floor, and any required floodproofing measures. The Zoning Enforcement Officer shall have the authority to require any additional exhibits that he deems necessary for the administration of this section and any other applicable regulations.

89.7 Planned Unit Developments.

In any case where landlies in a zoning district that permits planned unit developments and that land is part of a floodway or floodway fringe distract, such land may be designated as all or part of the open space required.

ARTICLE IX

EXCEPTIONS AND MODIFICATIONS

Section 90. Lot of Record

where the owner of a lot of official record in any residential district at the time of the adoption of this ordinance or his successor, in title thereto does not own sufficient contiguous land to enable him to conform to the minimum lot size requirements of this ordinance, such a lot may be used as a residential building site, provided, however, that the requirements of the district are complied with or a variance is obtained from the board of adjustment.

Notwithstanding the foregoing, whenever two (2) or more adjoining vacant lots of record are in single ownership at any time after the adoption of this ordinance and such lots individually have less area or width than the minimum requirements of the district in which such lots are located, such lots shall be considered as a single lot or several lots which meet the minimum requirements of this ordinance for the district in which such lots are located.

Section 91. Front Yard Setbacks for Dwellings

The front yard setback requirements of this ordinance for dwellings shall not apply to any lot where the average setback of existing buildings located wholly or partially within one-hundred (100) feet on either side of the proposed dwelling and on the same side of the street in the same block and use district as such lot is less than the minimum required front yard depth. In such case the setback on such lots may be less than the required setback but not less than the average of the existing setbacks on the aforementioned lots, or a distance

of ten (10) feet from the street right-of-way, whichever is greater.

Section 92. Height Limitations

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flag poles, radio towers, television towers, masts, aerials and similar structures, except as otherwise provided in the vicinity of airports.

Section 93, Visibility at Intersections.

On a corner lot in any residential district no planting, structure, sign, fence, wall or obstruction to vision more than three (3) feet in height measured from the center line of the street or road shall be placed or maintained within the triangular area formed by the intersection street or road right-of-way lines and a straight line connecting points on said street or road right-of-way lines each of which is thirty-five (35) feet distant from the point of intersection.

Section 94. Fences-in Residential Zones; Retaining Walls

In any residential district, fences or walls may be erected in a required side yard adjacent to a side lot line provided such wall or fence does not exceed five (5) feet in height. Fences and walls may be erected in a required rear yard adjacent to a rear lot line provided such fence or wall does not exceed eight (8) feet in height. For retaining walls, the height limitations specified herein shall apply only to the height above the top of the soil retained by such wall.

Section 95. Individual Mobile Home --- Temporary Permit

In any R-20 Residential, R-15R Residential/Resort, HB Highway Business, or LI Light Industrial District, not more than one (1) mobile home may be permitted in a rear or side yard as an accessory use on a temporary basis, provided the Wilkes County Board of Adjustment shall make a finding that a personal hardship situation justifying such a special exception exists. Such hardships may involve the need to care for elderly parents or other dependents of the family occupying the principal building. Reasons justifying separate quarters shall be incompatibility, contagious disease, illness, a lack of adequate space within the principal building; Temporary use permits may be issued in such cases for twelve (12) months, but may be renewed for successive six (6) month periods so long as the

hardship continues to exist, A temporary permit may be issued for two (2) years if the Board of Adjustments finds that the case warrants it. A permit shall not continue, in any case longer than two (2) years without review and renewal. Temporary permits may be issued for mobile homes to be placed on property where a home is to be built until the home is constructed. However, it is intended that the construction of the home takes place in a reasonable time period, to mean that the permit may be issued for the minimum time period one would reasonably expect construction to take place in.

Temporary permits in these cases may be issued for twelve (12) months, but may be renewed for successive six (6) month periods where appropriate, providing the Wilkes County Board of Adjustments makes a finding that a permit should be extended. Application for renewal of a temporary permit shall be made thirty (30) days prior to the expiration date of said permit. All applications shall be made to the Zoning Enforcement Officer and, in turn, be reviewed by the Board of Adjustment to determine relative need, All such mobile homes must have access to water and sewer systems. approved by the municipality in which it is to be located or the Wilkes County Health Department if location is beyond the corporate limits, and said mobile homes must be maintained in such a way as to create no nuisance conditions. Furthermore, if any such mobile home must be situated closer to the side or rear yard line than permitted by the dimensional requirements of the district, a variance must be obtained from the Board of Adjustment.

ARTICLE X ADMINISTRATION AND ENFORCEMENT

Section 100. Zoning Enforcement Officer

The County Commissioners shall appoint an administrative officer to enforce this ordinance. The assistance of other persons may be provided.. as the County Commissioners may direct.

If the Zoning Enforcement Officer finds that any of the provisions of this ordinance are being violated he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of the illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

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

Section 101. Certification of Zoning Compliance Required

No building, sign or other structures shall be erected, moved, added to, or structurally altered until a certificate of a zoning compliance shall have been issued by the Zoning Enforcement Officer, No certification of zoning compliance shall be issued except in conformity with the provisions of this ordinance except after written order from the Board of Adjustment

Section 102. Application for Certificate of Zoning Compliance

All Applications for Certificate of Zoning Compliance shall be accompanied by two (2) sets of plans showing the following data:

- a. The dimensions and shape of the parcel to be built upon;
- b. The exact sizes, uses and locations of any building existing on the lot;
- c. The locations and dimensions of the proposed building or alterations;
- d. The number of dwelling units the building is designed to accommodate; The Certificate of Zoning Compliance issued shall expire and be cancelled unless the work authorized by it has begun within six (6) months of its date of issue, or if the work authorized by it is suspended or abandoned for a period of one (1) year written notice shall be given to the person(s) affected that further work as described in the cancelled permit shall not proceed unless and until a special zoning permit has been issued.

Section 103. Health Department Approval of Water Supply and Sewage Disposal Facilities

The Zoning, Enforcement Officer shall not issue a certificate of zoning compliance for any use, building or purpose proposed for location outside of any

incorporated municipality without written approval of any and all needed or proposed water supply and sewage disposal facilities from county sanitarian. Issuance and use of a certificate of zoning compliance shall be subject to all terms and qualifications imposed by the County Sanitarian.

Section 104. Certificate of Occupancy Required

A certificate of occupancy issued by the Zoning Enforcement Officer is required in advance of:

- a. Occupancy or use of a building hereafter erected, altered or moved.
- b. Change of use of any building or land.

A certificate of occupancy, either for the whole or a part of a building shall be applied for so incident with the application for a certificate of zoning compliance and shall be issued within ten (10) days after the erection of structural alteration of such building, or part, shall have been completed in conformity with the provisions of this ordinance. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this ordinance. If the certificate of occupancy is denied, the Zoning Enforcement Officer shall state in writing the reasons for refusal and the applicant shall be notified of the refusal. A record of all certificates shall be kept on file in the office of the Zoning Enforcement Officer and copies shall be furnished to any person having a proprietary or tenancy interest in the building or land involved.

Section 105. Remedies Available

In case any building is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building or land is used in violation of this ordinance, the Zoning Enforcement Officer or any other appropriate county authority, or any person who would be damaged by such violation, in addition to other remedies, may constitute an action for injunction or mandamus, or other appropriate action or proceeding to prevent such violation.

In case any sign shall be installed, or constructed in violation of any of the terms of this ordinance, the Zoning Enforcement Officer or any other appropriate county authority shall notify by personal notice or registered mail the owner or lessee to alter such sign in order to comply with this ordinance and to secure the necessary permit or to remove the sign. If such an order is not complied with within ten (10) days, the Zoning Enforcement

officer shall have such sign removed at the expense of the owner or lessee.

ARTICLE XI
BOARD OF ADJUSTMENT

Section 110. Establishment of Board of Adjustment

A Board of Adjustment °s hereby established.,. Said Board shall consist of five (5) members. All members shall be appointed by the Board of County Commissioners. Initial terms of office shall be as follows: one (1) member appointed for a term of one (1) year; two (2) members appointed for terms of two (2) years; and two (2) members appointed for terms of three (3) years. Upon completion of the initial term of office for each member, all additional appointments to vacancies on the Board shall be for three (3) year terms. The members of the Board of Adjustment shall be residents of the county.

The Board of County Commissioners shall also appoint two (2) alternate members to serve on the Board of Adjustment in the absence for any cause of any regular member. Such alternate members shall be appointed for three (3) year terms, provided, however, that in the case of the first appointment of alternate members, one (1) shall be appointed for a three (3) year term and one (1) shall be appointed for a two (2) year term. Such alternate members while attending any regular or special meeting of the Board and serving in the absence of any regular member shall have and exercise all the powers and duties of such regular members so absent.

Section 111. Proceedings of the Board of Adjustment

111.1 The Board shall elect a chairman and vice-chairman from among ass members, who °n turn will appoint a secretary and such other subordinates as may be authorized by the Board of County commissioners. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence, the Vice-Chairman, may administer oaths and compel the attendance of witnesses by subpoena. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent. or failing to vote, indicating such fact, and also keep records of it's examinations and other official actions.

- 111.2 The concurring vote of three (3) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decisions or determination of the Zoning Enforcement Officer, or to decide in favor of the applicant any matter on which it is required to pass under the zoning ordinance or to effect any variation in such ordinance.
- 111.3 An appeal to the Board may be taken by any person, firm or, corporation aggrieved, or by any county officer, department, board or agency affected by any decision of the Zoning Enforcement Officer based on whole or in part upon the provisions of this ordinance. Such appeal shall be taken within such time as shall be presented by the Board of Adjustment by general rule by filing with the Zoning Enforcement Officer a notice of appeal and specifying the grounds thereof. The Zoning Enforcement Officer shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance-of the action appealed from unless the Zoning Enforcement Officer certifies to the Board of Adjustment after the notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a Restraining order, which may be granted by the Board of Adjustment or by a court of record, on application, on notice to the officer from whom the appeal is taken. and no due cause shown.

Section 112. Powers and Duties of the Board of Adjustment

112.1 Administrative Review.

To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination. made by the Zoning Enforcement Officer in the enforcement of this ordinance.

112.2 Conditional Use.

To hear and decide only conditional uses as the Board of Adjustment is specifically authorized to pass on under the terms of Section 135 of this ordinance.

112.3 Variances.

To authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest where, owing

to special conditions a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

- a. A written application for a variance is submitted demonstrating:
 - (1) that special conditions and circumstances exist which are peculiar to the land, structure of building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - (2) that literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - (3) that said circumstances do not result from the actions of the applicant;
 - (4) that granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or.. buildings, in the same district;
 - (5) that no non-conforming use of the neighboring land, structures, or buildings in the same district and no permitted use of land, structures or buildings in other districts will be considered grounds for the issuance of a variance.
- b. The Board of Adjustment shall make findings that the requirements of subsection 112.3 (a) have been met for a variance, and they shall make a finding that the reasons set forth in the application justify the granting of a.. variance and that the variance is the minimum one that will make possible the reasonable use of the land, building or structure. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood, otherwise detrimental to the public welfare.

- c. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 143 of this ordinance. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance said district.

Section 113. Decision of the Board of Adjustment

In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or in part, or modify any order, requirements, decision or determination, and to that end shall have the powers of the administrative official from whom the appeal is taken.

Section 114. Duties of the Zoning Enforcement Officer, Board of Adjustment, Courts and County Commissioners on Matters of Appeal

It is the intention of this ordinance that all questions arising in connection with the enforcement of this ordinance shall be presented first to the Zoning Enforcement Officer and that such questions shall be presented to the Board of Adjustment only on appeal from the Zoning Enforcement Officer and that from the decision of the Board of Adjustment recourse shall be had to courts as provided by law. It is further the intention of this ordinance that the duties of the County Board of Commissioners in connection with the ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof, but that the procedure for determining such questions shall be as herein set out in this ordinance.

ARTICLE XII

AMENDMENT AND CHANGES

Section 120. Motion to Amend

The County Board of Commissioners may, on its own motion, or upon recommendations to the Planning Board, or upon petition by any person within the zoning jurisdiction, after public notice and hearing amend, supplement, change, modify or repeal the regulations herein established or the maps which are a part of this ordinance, subject to the rules prescribed in Section 121 and 122 of this Article. No regulation or maps shall be amended, supplemented, hanged, modified or repealed until after a public hearing in relation thereof, at which all parties in interest and citizens shall have an opportunity to be heard. A notice of such public hearing shall be given once a week for two (2) successive weeks in a newspaper of general circulation in the county, said notice to be published for the first time not less than fifteen (15) days prior to the date fixed for such public hearing.

Section 121. Protest against Amendment

In the case of a protest against an amnendment, supplement, change, modification, repeal, signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or those within a one hundred (100) foot radius of the property such amendment shall not become effective except by favorable vote of three-fourths (3/4) of all the members of the County Board of Commissioners.

Section 122. Planning Board Action

Every proposed amendment, supplement, change, modification, or repeal to this ordinance shall be referred to the Planning Board for its recommendation and report, provided that no proposal shall be considered by the Planning Board within five (5) days from the filing the proposal with the Zoning Enforcement Officer. Failure of the Planning Board to make recommendations for a period of thirty (30) days after the amendment has been referred to it shall constitute a favorable recommendation. All petitions for a change in the zoning map shall include a legal description of the property owners, and shall be accompanied by a fee of seven dollars and fifty cents to cover the cost of advertising as required by this ordinance.

Section 123. Change in Zoning Map

If the proposed, change would require a change in the zoning map, an accurate diagram of the property shall be provided with the following information:

- a. All property lines shall be shown, including North Arrow;
- b. Adjoining streets with right-of-ways and pavement widths;
- c. The location of all structures on the property;
- d. The current use of the land;
- e. Zoning classification of all abutting zoning districts;
- f. A comprehensive site plan if the application is for a group project of a commercial, industrial, or multi-family development in accordance with Article XIII Section 135 of this ordinance.

ARTICLE XIII

CONDITIONAL USES

Section 130. Purposes

The development and execution of this ordinance is based upon the division of the planning area into districts where the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use in the particular locations.

Section 131. Jurisdiction

The responsibility of evaluating conditional uses may be handled by the governing body or the board of adjustment or both bodies may share the responsibility. Conditional uses that involve broad policy considerations affecting the entire community may be handled by the governing body. Uses involving only local impact may be handled by the Board of Adjustment. Specific responsibility will be indicated under each use district.

Section 132. Procedure for Obtaining a Conditional Use Approval

132.1 Initiation of Conditional Use.

Any person having freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the conditional use provided in this ordinance in the district where the land is located.

132.2 Applicataon for Conditional Use.

Applications for Conditional Use Approval, shall be addressed to the Responsible Body (either the Governing Body or the Board of Adjustment) and presented to the Zoning Enforcement Officer. A fee of seven-fifty (\$7.50) shall be paid to the local government for each application to cover the cost of advertising and administrative costs, Each application shall contain or be accompanied by such legal descriptions, maps plans and other information to completely describe the proposed use and existing conditions. Copies of the application are forwarded to the planning board for review and to the responsible body (either the governing body or the Board of Adjustment) for action.

132.3 Public Hearing.

The Zoning Enforcement Officer shall schedule a public hearing on the application for a conditional use to be held within 60 days after the application is filed. Public notice of the hearing shall be published in a newspaper of general circulation in the community at least once each week for two successive weeks prior to the public hearing. The Zoning Enforcement Officer shall also post notice on the property involved for a period of one week prior to the hearing.

132.4 Action by the Planning Board.

The planning board_ shall sev'ew the application prior to the public hearing and shall present its recommendations to the responsible body prior to or at the public hearing. The planning board may reverse its recommendations following the public hearing and present such recommendations to the responsible body before final action is taken.

132.5 Action by the Responsible Body (either Governing Body or Board of Adjustment).

The responsible body shall approve, modify or deny the application for conditional use following the public hearing in granting a conditional use the responsible body shall insure:

- a. the use requested is listed among the conditional uses in the district for which application is made;
- b. the requested use is essential or desirable to the public convenience or welfare;
- c. the requested use will not impair the integrity or character of the surrounding or adjoining districts, not be detrimental to the health, morals, or welfare;
- d. due consideration has been given to the suitability of the property for the use applied for with respect to trends of growth or change, the effect of the proposed use upon the community; requirements for transportation, schools, parks, playgrounds, recreational areas, conservation of natural resources, preservation of floodplains, and encouraging the most appropriate use of the land;
- e. adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided;
- f. that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Section 133 Conditions and Guarantees

Prior to the granting of any conditional use, the planning board may recommend, and the responsible body (either the governing body or the Board of Adjustment) may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the conditional use as it deems necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in subsection 132.5 above. In all cases in which conditional uses are granted, the responsible body shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated are being met. Conditions may include but not be limited to the following:

- a. Conditions may be imposed to abate or restrict noise, smoke, dust or other elements that may affect surrounding properties;
- b. Establish setback, side, front, and rear yard requirements necessary for orderly expansion and to prevent traffic congestion.

- c. Provide adjoining property with a buffer or shield from view of the proposed use if necessary;
- d. Establish a time limit at expiration of which the permit or approval shall no longer be valid or shall require renewal.

Section 134 General Provisions in Granting Conditional Use

134.1 Compliance with other codes

Granting a conditional use does not exempt applicant from complying with all of the requirements of other ordinances.

134.2 Revocation

In any case where the conditions of a conditional use have not been or are not being met, the enforcement officer shall give the grantee notice of intention to revoke approval at least ten (10) days prior to review. After review, the responsible body may revoke approval of the conditional use.

134.3 Expiration

In any case where a conditional use has not been exercised within the time limit set by the responsible body, or within one (1) year if no specific time limit has been set, then without further action, the approval shall be null and void "Exercised" as set forth in this section shall mean that binding contracts for the construction of the main building have been let; or in the absence of contracts that the main building is under construction to a substantial degree; or that prerequisite conditions involving substantial investment are constructed for in substantial development, or completed (sewerage, drainage, etc.). When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions set forth in the approval.

Section 135 Group Development

In the case of two (2) or more buildings to be constructed on a plot or ground not subdivided into the customary blocks and which will not be subdivided, the governing body may approve a group development as a conditional use in accordance with sections 130-134. In addition, applications for group developments must be accompanied by a site plan; as specified in subsection 135.1 and comply with appropriate development standards, as specified in subsections 135.2 through 135.5. The site plan shall be reviewed by the Planning Board prior to review and action by the governing board.

135.1 Development Plan

A development plan shall be submitted with the application for a conditional use approval. The site plan shall show the following information:

- a. Location arrangement, and dimensions of automobile parking spaces, width of aisle, width of bays, and angle parking;
- b. Location, arrangement and dimensions of truck loading and unloading spaces and docks.
- c. Location and dimensions of vehicular entrances, exits, and drives;
- d. General drainage systems;
- e. Location and materials of walls and fences;
- f. Ground cover, topography, slopes, banks, and ditches;
- g. The location and general exterior dimensions of main and accessory buildings;
- h. Architectural plans for proposed buildings;
- i. The location, dimensions, and arrangements of areas to be devoted to planting lawns, trees, and other plants;
- j. The plans for proposed utility layouts, including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service (all utilities shall be constructed to local government body standards, if applicable);
- k. An analysis of anticipated traffic volume;
- l. Sediment control plan;
- m. Evidence that the North Carolina Department of Transportation has been made aware of the proposed development and that the developer will coordinate for the development with this agency;
- n. Plans for refuse disposal equipment and method of refuse disposal such as compactors, or dumpsters;
- o. Delineation of areas to be constructed in phases and sequential order.

135.2 Shopping Centers.

- a. Site area. No shopping center site shall contain less than two (2) acres.
- b. Perimeter Yards. No building shall be less than fifty (50) feet from any street line or twenty-five (25) feet from any side or rear lot lines.
- c. Buffering. A buffer approved by the planning board shall be provided on all exterior property lines which abut residential property.

- d. **Solid Waste Disposal.** A plan for solid waste storage, collection and disposal shall be submitted to the county manager and approval obtained prior to issuance of a conditional use permit.
- e. **Utilities.** Shopping centers should be located where public water, sanitary sewer, and-storm drainage utilities are available.
- f. **Lot Coverage.** The total ground area covered by the principal buildings and all accessory buildings including any roofed area shall not exceed thirty (30) percent of the total site.

135.3 Multi-Family Developments.

- a. **Open Space.** A minimum of fifteen (15) percent of the gross acreage shall be reserved as open space.
- b. **Recreational Space.** A minimum of fifty (50) percent of the open space shall be developed for active recreational purposes.
- c. **Recreation Facilities.** Family oriented multi-family projects shall have one (1) tot lot consisting of a minimum of 50' x 50' defined area containing pre-school child oriented play Items for each fifty (50) units or less.
- d. **Parking.** Automobile parking spaces and drives shall not be located closer than twenty (20) feet to the front or ten (10) feet to the side or rear of any building.
- e. **Building Relationships.** 1. Building walls that have depth window and door openings shall be located no closer than fifty (50) feet to another building. 2. Building walls that have only one window opening or only door openings shall be located no closer than twenty-five (25) feet to another building.
- f. **Court Yard.** Any group of buildings forming a court yard shall have at least twenty-five (25) percent of the perimeter of such court yard open for access by emergency-vehicles.
- g. **Landscaping.** Adequate landscaping (as determined by the Planning Board) shall be included to buffer the development from its neighbors.

h. **Perimeter Requirement.** No building shall be erected reconstructed, altered or moved nearer the exterior project property lines twenty-five (25) feet or the applicable district yard requirements, whichever is greater. Yard space for one (1) building shall not overlap yard space for another building

i. **Solid Waste Disposal.**

1. The storage, collection, and disposal of solid waste shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or pollution.
2. All solid waste shall be stored in standard flytight, watertight, rodent-proof containers, with a capacity not more than thirty-two (32) gallons. Containers shall be provided in sufficient number and capacity to properly store all solid waste. The management of the complex shall be responsible for proper storage and collection of solid waste.
3. In lieu of individual garbage cans, dumpsters maybe utilized. They shall be placed and in sufficient number to effectively serve all the residents of the units.
4. These solid waste regulations shall be subject to any additional requirements imposed by the county manager.

j. **Utilities.** Multi-family complexes should be located where public or community water, sanitary sewers, and storm drainage utilities are available,

135.4 Planned Unit Development (PUD)

a. **Definition.** When a tract of land is under unified control and contains at least fifteen (15) acres, the developer may be allowed to deviate from the strict application of use, setback, height and minimum lot size requirements of zoning districts in order to permit a creative approach to the development of residential land. In exchange for the flexibility, the developer must have a site plan approved by the planning board and comply with the other requirements of a conditional

use. This approach is a voluntary alternative, it is not mandatory for the development of any parcel of land.

- b. **Location.** Plan Unit Developments are permitted in any residential zone requiring a lot size of ten thousand (10,000) square feet or more.
- c. **Permitted Uses.** All the permitted and conditional uses in the zoning district where the PUD is located are allowed. In addition, two-family and multi-family units residential uses may be permitted. Commercial and office space, will be permitted if they are primarily for the convenience and service of the residents of the development and represent no more than ten (10) percent of the total development.
- d. **Dimensional Requirements.** Yard, setback, lot size, type of dwelling unit, frontage requirements are waived, provided that the spirit and intent of this subsection are met in the total development plan. The planning board may determine that certain setbacks be required within all or a portion of the perimeter of the site.
- e. **Density.** Density (dwelling units per acre) may be increased over, if normally required by district, the character of the development and/or amenities incorporated in the development warrant such increases provided that in no case shall the density increase cause the density of the Planned Unit Development to be more than thirty-three (33)-percent in excess of the density which would be achieved under standard zoning regulations. If the planning board finds that any of the following conditions would be created by an increase in density, It may either deny any application for increase in density, or limit the increase by an amount sufficient to avoid the creation of any of the following conditions:
 - (1) inconvenient or unsafe access to the development;
 - (2) traffic congestion in streets adjoining the development;
 - (3) an excessive burden imposed on parks; recreational areas, schools, and other public facilities which serve or are proposed to serve the development.
- f. **Conveyance and maintenance of common open space.** All common open space, shown on the final development

plan and recorded in the office of the Clerk of the County Commissioners, must be conveyed in accordance with one of the following methods:

- (1) by dedication to Wilkes County and maintained as common open space;
- (2) by leasing or conveying title (including beneficial ownership) to a corporation, association or other legal entity.

The developer must file in the County Register of Deed's office legal documents which provide a method for restricting the use of common open space for the designated purposes.

- g. **Circulation Facilities.** The arrangement of public and common ways for pedestrians and vehicular circulation in relation to other existing or planned streets in the area, together with provisions for street improvements, shall be in compliance with standards set forth in the county subdivisions regulations. The planning board may deviate from these standards if the proposed changes or alterations are consistent with the spirit and intent of this section.
- h. **Utilities.** Whenever reasonably possible, all planned residential developments shall provide for underground installation of utilities (including electricity and telephone). All installation of utilities and maintenance of utilities shall be in accordance with the requirements and regulations of the governing body. Public or quasi-public water and sanitary sewer service shall be required, unless the developer can show good cause that these requirements should be waived, without being inconsistent with the spirit and intent of this section.
- i. **PUD Review.** It is the intent of this regulation that review under applicable codes and ordinances be carried out as an integral part of the review of a Plan Unit Development. The plans required under this subsection must be submitted in a form which satisfy requirements of the codes and ordinances for the preliminary and final plat approvals.

135.5 **Mobile Home Parks**

- a. **Size.** The lot area for a mobile home park shall be least two (2) acres.

- b. **Parking Space.** Each mobile home in a mobile home park shall occupy a designated space having at least four thousand (4,000) square feet, and a width of at least fifty (50) feet, exclusive of required parking.
- c. **Driveway.** Each mobile home space shall abut a driveway within the park. Said driveways shall be graded-and-surfaced with not less than four (4) inches of crushed stone or other suitable material on a well compacted sub-base to a continuous width of twenty-five (25) feet, exclusive of required parking space.
- d. **Off-street parking.** Two (2) off-driveway. parking spaces with not less than four (4) inches of crushed stone or other suitable material on a well compacted sub-base shall be provided for each Mobile home space. Required parking spaces may be included within the four thousand (4,000) square feet required for each mobile home space.
- e. **Recreation.** At least two-hundred (200) feet of recreation space for each mobile home space shall be reserved within each mobile home park as common recreation space for the residence of the park. Such areas shall, along with driveways and walkways, be adequately lighted for safety. . .
- f. **Spacing.** No mobile home or other structures within a mobile home park shall be closer to each other than twenty (20) feet, except that storage or other auxiliary structures for the exclusive use of the mobile home may be closer to that mobile home than twenty (20) feet. No mobile home shall be located closer than thirty (30) feet to the exterior boundary of the park or a boundary street or highway right-of-way. Buildings used for laundry or recreation purposes shall be located no closer than forty (40) feet to the exterior boundary of the park or the right-of-way of a boundary street or highway.
- g. **Utilities.** Proposed water supply and waste disposal facilities for each mobile home in the park shall be approved in writing by the County Health Officer or his representative.
- h. **Expansion of Mobile Home Park.** Any expansion of mobile home parks in existence or the effective date of this ordinance shall comply with the provisions of this section.

ARTICLE XIV
LEGAL PROVISIONS

Section 140. Interpretation, Purposes and Conflict

In interpreting and applying the provisions of this ordinance they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants or agreements, the provisions of this ordinance shall govern, provided that nothing in this ordinance shall be construed to amend or repeal any other existing ordinance of the county or any municipality which has elected to come under this ordinance.

Section 141. Validity.

Should any section or provisions of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof other than the parts declared to be unconstitutional or invalid.

Section 142. Penalties.

Any person, firm, or corporation who violates the provisions of this ordinance shall, upon conviction, be guilty of a misdemeanor, and shall be fined not exceeding fifty (\$50.00) dollars and/or imprisoned for not exceeding thirty (30) days. Each day of violation shall be considered a separate offense.

Section 143. Effective Date.

This ordinance shall take effect and be in force from and after its passage and adoption,

Duly adopted by the Board of Commissioners of the
County of Wilkes, North Carolina, this the _____
day of _____, 19 _____.

ATTEST:

County Clerk

Chairman, County Board of
Commissioners

County Attorney

APPENDIX A

AREA, YARD, LOT COVERAGE AND HEIGHT REQUIREMENTS

| District | Minimum Lot Size | | | Minimum Yard Requirements | | | Coverage | Maximum Minimum Height |
|--|-------------------------|-------------------------------|--------------------------------|---------------------------|-------------------|---------------------------|-------------------------------------|------------------------|
| | Lot Area in Square Feet | Square Feet per Dwelling Unit | Width In Feet at the Bldg Line | Front Yard in Feet | Side Yard in Feet | Rear Yard Ratio | | |
| R-20A Residential Agricultural | 20,000 | 20,000 | 100 | 40 | 15 | 20% of mean-lot depth (a) | Not to exceed 20% of total lot area | 35(b) |
| R-20 Residential | 20,000 | 20,000 | 100 | 30 | 15 | 20% of mean lot depth (a) | Not to exceed 30% of total lot area | 35(b) |
| R-15 Residential | 15,000 | 15,000 | 90 | 30 | 12 (c) | 20% of mean lot depth(a) | Not to exceed 30% of total area | 35(b) |
| R-15R Residential Resort | | | | | | | Not to exceed 30% of total lot area | |
| Single-Family | 15,000 | 15,000 | 90 | 30 | 12 (c) | 20% (a) | | 35(b) |
| Two-Family | 30,000 | 15,-000 | 110 | 30 | 12 (c) | 20% (a) | | 35(b) |
| Multi-Family | 30,000 | 10,000 | 125 | 30 | 12 (c) | 20% (a) | | 35(b) |
| plus 10,000 for each unit over two (2) | | | | | | | | |
| R-8 Residential | | | | | | | Not to exceed 40% of total lot area | |
| Single-Family | 8,000 | 8,000 | 70 | 30 | 10 (c) | 20% (a) | | 35(b) |
| Two-Family | 12,000 | 4,000 | 90 | 30 | 10 (c) | 20% (a) | | 35(b) |
| Multi-Family | 12,000 | | 90 | 30 | 10 (c) | 20% (a) | | 35(b) |
| plus 3,000 for each unit over two (2) | | | | | | | | |

a. Provided further, that such rear yard not exceed thlirty (30) feet.

b. Unless the. depth of the front and total width of the side yards required: herein shall be increased by one (1) foot for each two (2) feet, or fraction thereof, of building height In excess of thirty-five (35) feet.

c. Except that any side yard abutting a street or highway shall be at least fifteen (15) feet.

APPENDIX A (con't)

| District | Minimum Lot Size | | | Minimum Yard Requirements | | | Coverage | Maximum Minimum Height |
|-------------------------------|-------------------------|------------------------------------|--|----------------------------|-------------------|-------------------|---|------------------------------|
| | Lot Area in Square Feet | Lot Width in feet at the Bldg Line | | Front yard Setback in feet | Side Yard in Feet | Rear Yard in feet | By Principal Bldgs. & all Accessory Bldg. | In feet |
| H-B Highway Business | 20,000 | 100 | | 30 | 10 | 20 | 50% of total lot area | 35(b) |
| C-S Community Shopping | NA | NA | | NA | 10 (d) | 10 (d) | NA | 50 |
| L-I Light Industrial | One (1) acre | 200 | | 50 | 15 | 20 | 40% of total lot area | 50 (a) |
| H-I Heavy Industrial | NA | NA | | 40 from r-o-w line | 15 (f) | | | |

NA - Not Applicable

- d. Upon any side or rear yard which abuts a residential district there shall be a densely planted and maintained buffer strip. No such buffer shall, however, extend nearer to a street right-of-way line than the established building line of the adjoining lot, and no buffer shall be required upon any side or rear yard which abuts a public street.
- e. Every building hereafter erected or structurally altered to exceed fifty (50) feet in height shall be set back from the front lot line of the ratio of one (1) foot for each two (2) feet or fraction thereof of rise above said fifty (50) feet. In the L-I Light Industrial District this incremental setback shall be measured from the normal (50) foot setback.
- f. Required only where the side yard or rear of a lot abuts a residential district. Where a side yard not required is provided, it shall be at least eight (8) feet wide.