



## HOKE COUNTY ZONING ORDINANCE

# TABLE OF CONTENTS

CHAPTER	PAGE
1 Purpose and Applicability.....	1-1
2 Zoning District Regulations.....	2-1
3 Supplemental Requirements.....	3-1
4 Building Design Regulations.....	4-1
5 Landscape Design Standards.....	5-1
6 Off-Street Parking, Loading, and Infrastructure Standards.....	6-1
7 Sign Regulations.....	7-1
8 Natural Resources.....	8-1
9 Nonconformities.....	9-1
10 Decision Making, Administrative, and Advisory.....	10-1
11 Review Processes and Procedures.....	11-1
12 Development Plan Requirements.....	12-1
13 Enforcement and Violations.....	13-1
14 Legal Status.....	14-1
15 Definitions .....	15-1

# CHAPTER 1: PURPOSE AND APPLICABILITY

## Contents

Section 1.1 Title and Purpose .....	1-2
Section 1.2 Statutory Authority .....	1-2
Section 1.3 Jurisdiction.....	1-2
Section 1.4 Official Zoning Map .....	1-2
Section 1.5 Interpretation of District Boundaries .....	1-3
Section 1.6 Repeal of Previous Ordinance and Effective Date .....	1-3
Section 1.7 Farm Exception.....	1-4
Section 1.8 Relation to the Land Use Plan .....	1-4

# CHAPTER 1: PURPOSE AND APPLICABILITY

## Section 1.1 Title and Purpose

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This Ordinance is officially titled as *Zoning Ordinance of Hoke County, North Carolina* and shall be known as the *Zoning Ordinance*.

This Ordinance is designed to guide the growth of the County and to encourage the future development of it in accordance with the Hoke County Land Use Plan so that the County may realize its best potential as a place to live and work.

## Section 1.2 Statutory Authority

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Zoning provisions enacted herein are under the authority of NCGS 153A, Article 18; Chapter 143, Article 21; Chapter 160A-383.1 (made applicable to Counties by Chapter 153A-341.1); and Chapter 153A-121 which extends to counties the authority to enact regulations which promote the health, safety, morals, or the general welfare of the community.

The Legislature of the State of North Carolina has, in Chapter 143, Article 21, Watershed Protection Rules, delegated the responsibility or directed local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The Hoke County Board of Commissioners does hereby ordain and enact into law the text contained in Section 2.11 to satisfy said statutory requirements.

Floodplain regulations enacted herein are under the authority of NCGS Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 153A; and Part 121, Article 6 of Chapter 153A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

## Section 1.3 Jurisdiction

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Unless otherwise noted, these regulations apply to the development and use of all land and structures within the unincorporated areas of Hoke County lying outside the extraterritorial jurisdiction of any municipality. In no instance shall this Ordinance apply to any area which is not duly established and identified as a zoning area as shown on the *Official Zoning Map of Hoke County, North Carolina*.

All regulations in this Ordinance are applicable to the erection, construction, and use of buildings by the State of North Carolina and its political subdivisions.

## Section 1.4 Official Zoning Map

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The official map designating the various zoning districts and overlay districts shall be titled, *Official Zoning Map of Hoke County, North Carolina* and shall be known as the *Zoning Map*. The map, as adopted by the Hoke County Board of Commissioners, shall be maintained in the office of the Zoning Administrator of Hoke County. This map shall be available for inspection by interested persons during normal business hours of the Zoning Administrator.

## CHAPTER 1: PURPOSE AND APPLICABILITY

### Section 1.5 Interpretation of District Boundaries

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Where uncertainty exists as to the boundaries of any district shown on the Zoning Map, the Zoning Administrator shall employ the following rules of interpretation.

- A. **Centerline:** Where a boundary line lies within and follows a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the center of such street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts.
- B. **Edge Line:** Where a boundary line follows the edge of a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be on the edge of such street or alley right-of-way, railroad right-of-way, or utility easement. If such a street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated road bed or utility easement.
- C. **Lot Line:** Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. In the event that a district boundary line divides a lot or tract, each part of the lot or tract so divided shall be used in conformity with the regulations established by this Ordinance for the district in which said part is located.
- D. **Municipal Limits:** Boundaries indicated as approximately following town limits or extraterritorial boundary lines shall be construed as following the municipal limits or extraterritorial boundary lines.
- E. **Watercourses:** Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- F. **Extensions:** Boundaries indicated as parallel to or extensions of street or alley rights-of-way, utility easements, lot lines, city limits, county lines, or extraterritorial boundaries shall be so construed.
- G. **Scaling:** In a case where a district boundary does not coincide with any boundary lines as above and no distances are described by specific ordinance; the boundary shall be determined by the use of the scale appearing on the map.
- H. Where the Zoning Administrator determines that physical features existing on the ground, or actual property lines or other man-made boundary lines used to depict zoning district boundaries, are at variance with those shown on the Official Zoning Map, the Board of Adjustment shall have the authority to interpret Zoning district boundaries.

### Section 1.6 Repeal of Previous Ordinance and Effective Date

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These regulations shall become effective on \_\_\_\_\_. Upon such date, these regulations shall supersede, repeal, and replace the previous Hoke County Zoning Ordinance.

## **CHAPTER 1: PURPOSE AND APPLICABILITY**

### **Section 1.7 Farm Exception**

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- A. The provisions of this Ordinance shall not apply to farm uses on bona fide farms as defined in Chapter 15 of this Ordinance.
- B. This ordinance does not exercise any controls over crop lands, timber lands, pasture lands, idle or other farm lands, barn, poultry house, or other farm buildings, including buildings used for migrant labor or farm tenant housing including any other residential dwelling units as well as accessory building for such dwellings, as long as such houses shall be in the same ownership as the farm and located on the farm.

### **Section 1.8 Relation to the Land Use Plan**

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In accordance with NCGS Chapter 153A, Article 18, the regulations adopted pursuant to this Ordinance shall be consistent with the Hoke County Land Use Plan and any specific plans adopted by the County Commissioners. All new development shall be designed in conformance with adopted plans including by not limited to the Hoke County Land Use Plan, small area plans, parks and recreation plans, comprehensive transportation plans, and school plans.

# CHAPTER 2: ZONING DISTRICT REGULATIONS

## Contents

Section 2.1 Application of Regulations .....	2-3
Section 2.2 General Provisions .....	2-3
Section 2.3 General Use Zoning Districts.....	2-4
Section 2.4 Guide to Table of Permitted Uses.....	2-6
2.4.1 Intent .....	2-6
2.4.2 Table Key .....	2-6
Section 2.5 Table of Permitted and Supplemental Requirements.....	2-7
Section 2.6 General Use Dimensional Requirements.....	2-15
Section 2.7 Conditional Zoning Districts (CD) .....	2-16
2.7.1 Intent .....	2-16
2.7.2 Uses and Other Requirements.....	2-16
Section 2.8 Overlay Districts Established.....	2-17
Section 2.9 Corridor Overlay District.....	2-17
2.9.1 Intent .....	2-17
2.9.2 Applicability .....	2-17
2.9.3 Setbacks .....	2-17
2.9.4 Commercial Building Design .....	2-17
Section 2.10 Watersupply Watershed Overlay District (WP) .....	2-18
2.10.1 Enactment & Jurisdiction.....	2-18
2.10.2 Exceptions to Applicability.....	2-18
2.10.3 Establishment of Watershed Areas .....	2-18
2.10.4 Watershed Overlay District Regulations .....	2-18
2.10.5 Cluster Development .....	2-19
2.10.5 Buffer Areas Required .....	2-19
2.10.6 Nonconforming Situations.....	2-20
2.10.7 Public Health Regulations.....	2-20
2.10.8 Amendments to Regulations Pertaining to a WS District.....	2-21

**CHAPTER 2: ZONING DISTRICT REGULATIONS**

Section 2.11 Floodplain Overlay District ..... 2-22

    2.11.1 Findings of Fact ..... 2-22

    2.11.2 Statement of Purpose ..... 2-22

    2.11.3 Objectives ..... 2-22

    2.11.4 Lands to Which this Section Applies ..... 2-23

    2.11.5 Basis for Establishing the Special Flood Hazard Areas ..... 2-23

    2.11.6 Establishment of Floodplain Development Permit ..... 2-23

    2.11.7 Compliance ..... 2-23

    2.11.8 Interpretation ..... 2-23

    2.11.9 Warning and Disclaimer of Liability ..... 2-23

    2.11.10 Designation of Floodplain Administrator ..... 2-23

    2.11.11 Floodplain Development Application, Permit, and Certification Requirements ..... 2-23

    2.11.12 Corrective Procedures ..... 2-27

    2.11.13 Provisions for All Special Flood Hazard Areas ..... 2-27

    2.11.14 Provisions for All Special Flood Hazard Areas where Base Flood Elevation  
            data is Provided ..... 2-29

    2.11.15 Reserved ..... 2-32

    2.11.16 Standards for Floodplains without Established Base Flood Elevations ..... 2-32

    2.11.17 Standards for Riverine Floodplains with Base Flood Elevations  
            but without Established Floodways or Non-Encroachment Areas ..... 2-33

    2.11.18 Standards for Floodways or Non-Encroachment Areas ..... 2-33

    2.11.19 Effect on Rights and Liabilities under the Existing Flood Damage Prevention  
            Ordinance ..... 2-34

    2.11.20 Effect upon Outstanding Floodplain Development Permits ..... 2-34

Section 2.12 Flight Path Overlay District (FPOD) ..... 2-34

    2.12.1 Intent ..... 2-34

    2.12.2 Establishment ..... 2-34

    2.12.3 Height Limits ..... 2-34

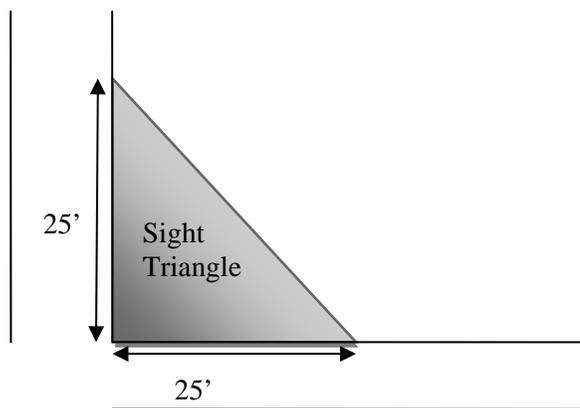
## CHAPTER 2: ZONING DISTRICT REGULATIONS

### Section 2.1 Application of Regulations

The County has divided its territorial jurisdiction into districts that are considered best suited to carry out the purposes of this Ordinance. This Ordinance regulates and restricts the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. Such districts may include, but shall not be limited to, general use districts, in which a variety of uses are permissible in accordance with general standards; overlay districts, in which additional requirements are imposed on certain properties within one or more underlying general or special use districts; conditional use districts, in which uses are permitted only upon the issuance of a conditional use permit; and conditional zoning districts, in which site plans and individualized development conditions are imposed.

### Section 2.2 General Provisions

- A. The minimum yards or other open spaces required by this Ordinance for each building shall not be encroached upon or considered as meeting the yard and other space requirements of any other building.
- B. Only one (1) principal building and its customary accessory building(s) shall be located on any lot, except as allowed in individual districts for non-residential and mixed use developments.
- C. No building shall be permitted on a lot that does not front on a public street or have access to a public street with adequate accessibility for use by service and emergency vehicles.
- D. No lot existing at the time of the adoption of this Ordinance shall be reduced in size or area below the minimum requirements of the applicable zoning district and overlay districts.
- E. No planting, fence or other obstruction to visibility of vehicles shall be erected, planted, maintained, or allowed to exist within the range of two (2) to ten (10) feet above the street level in a triangular area bounded by the street right of way lines of a corner lot and lines joining points along these street lines twenty-five (25) feet from the point of intersection.



- F. Lots with frontage on more than one (1) street shall be considered to have multiple front yards and shall be required to meet the minimum front setback for each street frontage.

## CHAPTER 2: ZONING DISTRICT REGULATIONS

- G. Architectural features such as open or enclosed fire escapes, steps, outside stairways, balconies, and similar features, and uncovered porches may not project more than four (4) feet into any required yard. Sills, cornices, eaves, gutters, buttresses, ornamental features, and similar items may not project into any required yard more than thirty (30) inches.
- H. Church steeples, chimneys, belfries, water tanks or towers, fire towers, flag poles, spires, wireless and broadcasting towers, monuments, cupolas, domes, antennas, and similar structures and necessary mechanical appurtenances may be erected to any height in accordance with any other ordinance of Hoke County except as restricted by the Flight Path Overlay district.
- I. The setback and yard requirements of this Ordinance shall not apply to a retaining wall three (3) feet high or less, as measured from the lowest ground elevation to the top of the wall.
- J. Trailers of any type may only be stored on property in an enclosed structure or in the rear yard where it cannot be seen from the public right-of-way.

### Section 2.3 General Use Zoning Districts

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In order to implement the intent of this Ordinance, the County is hereby divided into the following districts which shall be governed by all the uniform use and dimensional requirements of this Ordinance. The eleven (11) general use zoning districts are:

#### **Rural Preservation District (RP)**

The Rural Preservation (RP) zoning district is provided to accommodate low intensity agricultural operations and very low density residential development, with a maximum of one (1) dwelling unit per five (5) acres. The district is also to protect natural vistas and landscape features that define rural areas.

#### **Residential Agriculture District (RA-20)**

The Residential Agriculture (RA-20) zoning district is provided to accommodate low density residential development, with a maximum of two (2) dwelling units per acre and agricultural uses.

#### **Residential (R-20)**

The Residential (R-20) zoning district is provided to accommodate low density residential development, with a maximum of two (2) dwelling units per acre. This district provides a buffer between the agricultural areas and the higher density areas.

#### **Residential (R-15)**

The Residential (R-15) zoning district is provided to accommodate residential development.

#### **Residential (R-8)**

The Residential (R-8) zoning district is provided to accommodate residential development and low intensity uses that have access to public water and public sewer.

#### **Residential Manufactured Home (RMH)**

The Residential Manufactured Home (RMH) zoning district is provided to accommodate residential development including manufactured homes and manufactured home parks and low intensity uses that have access to public water and public sewer.

## CHAPTER 2: ZONING DISTRICT REGULATIONS

### **Residential Multi-Family District (RMF)**

The Residential Multi-Family (RMF) zoning district is provided to accommodate high density residential areas providing for and encourage a mix of housing types including single family, two-family, and multi-family dwellings.

### **Neighborhood Business District (NB)**

The Neighborhood Business (NB) zoning district is provided to accommodate neighborhood commercial and service uses.

### **Highway Commercial District (HC)**

The Highway Commercial (HC) zoning district is provided to accommodate a wide array of primarily retail and service uses to a large trading area for persons residing in and/or traveling through the area. Such uses shall be located and designed in such a manner so as to promote aesthetics, the safe and efficient movement of traffic, and to not unduly burden adjoining thoroughfares.

### **Corporate Park District (CP)**

The Corporate Park (CP) zoning district is provided to establish for a high quality mixture of employment and/or institutional uses or varying types, as well as limited retail and service uses supported by such clientele in a single coordinated development which will create a self-supporting advantageous business environment in an attractive corporate park setting.

### **Industrial District (I)**

The Industrial (I) zoning district is provided to encourage the construction of and the continued use of the land for wholesale and industrial buildings.

## CHAPTER 2: ZONING DISTRICT REGULATIONS

### Section 2.4 Guide to Table of Permitted Uses

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#### 2.4.1 Intent

The Table of Permitted Uses contains a listing of uses which may be permitted in one or more of the various zoning districts. Uses are listed in alphabetical order within seven (7) categories as follows:

- Residential
- Civic & Institutional
- Office & Service
- Retail
- Manufacturing, Warehousing, and Distribution
- Agriculture
- Other

#### 2.4.2 Table Key

The following is a list of the meanings of table entries:

P – Indicates that the use is permitted by right in the zoning district

C – Indicates that the use is permitted with a Conditional Use Permit in the zoning district

SR - Supplemental Requirements – A section number listed in the column indicates that the use has special requirements for the zoning district in which it is permitted. The section number refers to the pertinent section in Chapter 3.

**CHAPTER 2: ZONING DISTRICT REGULATIONS**

**Section 2.5 Table of Permitted and Supplemental Requirements**

Use	RP	RA-20	R-20	R-15	R-8	RMH	RMF	NB	HC	CP	I	SR
<b>Residential</b>												
Accessory Dwellings	P	P	P	P	P	P	P	-	-	-	-	3.3
Duplex	-	P	-	-	C	-	P	P	-	-	-	
Family Care Home	P	P	P	P	P	P	P	-	-	-	-	3.9
Family Child Care Home	P	P	P	P	P	P	P	-	-	-	-	
Home Occupation	P	P	P	P	P	P	P	P	-	-	-	3.10
Home Occupation, Rural	C	C	C	C	-	-	-	-	-	-	-	3.11
Manufactured Home, Class A (on individual lot)	P	P	-	-	-	P	-	-	-	-	-	3.13
Manufactured Home, Class B (on individual lot)	C	C	-	-	-	P	-	-	-	-	-	
Manufactured Home Park	C	C	-	-	-	P	-	-	-	-	-	3.14
Multi-Family Development	-	-	-	-	C	-	C	C	-	-	-	3.16
Single Family Dwelling	P	P	P	P	P	P	P	P	-	-	-	
<b>Civic &amp; Institutional</b>												
Adult Care Home	-	P	-	-	-	-	P	C	C	-	-	
Animal Shelter	C	C	-	-	-	-	-	P	P	-	-	
Assisted Living Residential Development	C	P	-	-	-	P	P	P	-	-	-	
Campground	C	C	-	-	-	-	-	-	-	-	-	3.5
Cemetery	P	P	C	C	C	P	P	P	P	-	-	3.6
Child Care Center	-	C	C	C	C	-	P	P	P	P	-	
Club or Lodge (Civic or Fraternal)	-	C	-	-	-	-	C	P	P	P	P	
Convalescent Home	C	P	-	-	-	P	P	P	P	-	-	
Correctional Institution	-	C	-	-	-	-	-	-	C	-	C	
Country Club	P	P	-	-	-	P	P	P	P	P	P	
Golf Course	P	P	-	-	-	P	P	P	P	P	P	
Government Buildings and Facilities	C	P	-	-	-	C	C	P	P	P	P	
Hospice Facility	-	P	-	-	-	C	C	P	-	-	-	
Hospital	-	C	-	-	-	-	-	-	C	-	-	
Modular Classroom	C	C	C	C	C	C	C	C	C	C	C	
Museum and Art Gallery	-	C	-	-	-	-	-	P	P	P	-	

## CHAPTER 2: ZONING DISTRICT REGULATIONS

Use	RP	RA-20	R-20	R-15	R-8	RMH	RMF	NB	HC	CP	I	SR
Nature Preserve	P	P	P	P	P	P	P	P	P	P	P	
Nursing Home	C	P	-	-	-	P	P	P	P	-	-	
Park	P	P	P	P	P	P	P	P	P	P	P	
Postal Services Facility	-	-	-	-	-	-	-	P	P	P	P	
Recreational Facility, Private	-	C	C	C	C	-	-	-	-	-	-	
Recreational Facility, Public	-	P	C	C	C	C	P	P	P	P	P	
Recreational Sports Club (Hunting Club, Fishing Club, ect)	P	P	-	-	-	-	-	-	-	-	-	
Religious Institution	C	P	P	P	-	C	C	P	P	-	-	
School, College, Technical, Trade, or University	-	C	-	-	C	-	-	-	P	P	P	
School, Elementary and/or Secondary (Private or Public)	C	P	C	C	C	C	P	P	P	-	-	
Social Assistance	-	-	-	-	-	-	-	P	P	-	-	
Zoo	C	C	-	-	-	-	-	-	-	-	-	
<b>Office &amp; Services</b>												
Accounting & Tax Service	-	-	-	-	-	-	-	P	P	P	-	
Advertising & Related Services	-	-	-	-	-	-	-	P	P	P	-	
Ambulance Service	C	C	-	-	-	-	-	P	P	P	P	
Architectural, Engineering, & Related Services	-	-	-	-	-	-	-	P	P	P	P	
Automobile Service Garage	-	-	-	-	-	-	-	-	P	-	P	3.12
Automobile Service Station	-	-	-	-	-	-	-	P	P	-	P	
Automobile Towing Services	-	C	-	-	-	-	-	-	P	-	P	
Banks and Financial Institutions	-	-	-	-	-	-	-	P	P	P	P	
Bed & Breakfast Inn	C	C	-	-	-	-	P	P	P	-	-	3.4
Broadcasting and Telecommunications	-	-	-	-	-	-	-	P	-	P	P	
Building, Chimney, Pool Cleaning Service	-	-	-	-	-	-	-	P	-	P	P	
Business Support Service	-	-	-	-	-	-	-	P	P	P	P	
Car Wash	-	-	-	-	-	-	-	P	P	P	P	
Carpet & Upholstery Cleaning Service	-	-	-	-	-	-	-	P	-	P	P	
Catering Services	-	C	-	-	-	-	C	P	P	P	P	
Clothing Alterations/Repair & Footwear Repair	-	-	-	-	-	-	-	P	P	P	P	
Collection Agency	-	-	-	-	-	-	-	-	P	P	P	

**CHAPTER 2: ZONING DISTRICT REGULATIONS**

Use	RP	RA-20	R-20	R-15	R-8	RMH	RMF	NB	HC	CP	I	SR
Commercial Kennel	P	P	-	-	-	-	-	-	P	-	P	3.17
Computer System Design & Related Service	-	-	-	-	-	-	-	P	P	P	P	
Contractor Office (with no outdoor storage)	-	-	-	-	-	-	-	P	P	P	P	
Contractor Office (with outdoor storage)	-	-	-	-	-	-	-	-	P	-	P	3.18
Credit Bureau	-	-	-	-	-	-	-	-	P	P	P	
Data Processing and News Service	-	-	-	-	-	-	-	-	P	P	P	
Delivery/Courier Service, Local	-	-	-	-	-	-	-	-	P	P	P	
Dry Cleaning and Laundry Service	-	-	-	-	-	-	-	P	P	P	P	
Electronic and Appliance Repair	-	-	-	-	-	-	-	P	P	P	P	3.12
Employment/Personnel Services	-	-	-	-	-	-	-	P	P	P	P	
Environmental Consulting Services	-	-	-	-	-	-	-	P	P	P	P	
Funeral Home	-	C	-	-	-	-	-	P	P	P	P	
Graphic Design Service	-	-	-	-	-	-	-	P	P	P	P	
Hair, Nail, and Skin Service	-	-	-	-	-	-	-	P	P	P	P	
Hotel/Motel	-	-	-	-	-	-	-	-	P	P	P	
Insurance Office	-	-	-	-	-	-	-	P	P	P	P	
Interior Design Service	-	-	-	-	-	-	-	P	P	P	P	
Investigation & Security Service	-	-	-	-	-	-	-	P	P	P	P	
Janitorial Service	-	-	-	-	-	-	-	-	P	P	P	
Legal Service	-	-	-	-	-	-	-	P	P	P	P	
Locksmith	-	-	-	-	-	-	-	P	P	P	P	
Management/ Holding Company office	-	-	-	-	-	-	-	P	P	P	P	
Management & Marketing Consultant	-	-	-	-	-	-	-	P	P	P	P	
Medical/Health Care Office	-	-	-	-	-	-	-	P	P	P	P	
Massage Therapist	-	-	-	-	-	-	-	P	P	P	-	
Motion Picture & Sound Recording	-	-	-	-	-	-	-	-	P	P	P	
Palmistry/Palm Reading/Fortune Telling	-	-	-	-	-	-	-	-	P	-	-	
Pest Control Service	-	-	-	-	-	-	-	-	P	P	P	
Photography Studio	-	-	-	-	-	-	-	P	P	P	-	
Real Estate & Leasing Office	-	-	-	-	-	-	-	P	P	P	P	
Scientific Research & Development Service	-	-	-	-	-	-	-	-	P	P	P	
Solid Waste & Recycling Centers	-	P	-	-	-	-	-	-	P	P	P	
Sports and Recreation Centers/Camps	C	P	-	-	-	-	-	-	-	-	-	
Telemarketing/Call Center	-	-	-	-	-	-	-	-	P	P	P	

## CHAPTER 2: ZONING DISTRICT REGULATIONS

Use	RP	RA-20	R--20	R-15	R-8	RMH	RMF	NB	HC	CP	I	SR
Travel Service	-	-	-	-	-	-	-	P	P	P	-	
Veterinarian Office/Animal Hospital	-	C	-	-	-	-	-	P	P	-	P	3.17
Weight Reduction Centers	-	-	-	-	-	-	-	P	P	P	-	
<b>Retail</b>												
Amusement Park	-	-	-	-	-	-	-	-	P	-	P	
Amusement Facilities (indoor only)	-	-	-	-	-	-	-	P	P	-	P	
Auction House	-	-	-	-	-	-	-	P	P	-	P	
Automotive Parts, Tire, and Accessory Store	-	-	-	-	-	-	-	P	P	-	P	
Automotive Rental & Leasing	-	-	-	-	-	-	-	-	P	-	P	
Automotive Sales, New and Used	-	-	-	-	-	-	-	-	P	-	P	
Bar/Nightclub	-	-	-	-	-	-	-	P	P	-	P	
Beach Bingo	-	-	-	-	-	-	-	-	C	-	-	
Book, Periodical & Music Store	-	-	-	-	-	-	-	P	P	P	P	
Bowling Center	-	-	-	-	-	-	-	-	P	-	-	
Building Material Supply (with no outdoor storage)	-	-	-	-	-	-	-	P	P	-	P	
Building Material Supply (with outdoor storage)	-	-	-	-	-	-	-	-	P	-	P	3.18
Clothing & Clothing Accessories	-	-	-	-	-	-	-	P	P	P	P	
Convenience Store (with or without gasoline sales)	-	C	-	-	-	-	-	P	P	P	P	
Disc Rental	-	-	-	-	-	-	-	P	P	P	P	
Electronic Gaming Operations	-	-	-	-	-	-	-	-	P	-	-	3.8
Electronics, Camera, and Appliance Store	-	-	-	-	-	-	-	P	P	P	P	
Equipment Rental & Leasing (with no outdoor storage)	-	-	-	-	-	-	-	-	P	P	P	
Equipment Rental & Leasing (with outdoor storage)	-	-	-	-	-	-	-	-	P	-	P	3.18
Fitness & Recreational Sports Center	-	-	-	-	-	-	-	C	P	P	P	
Florist	-	-	-	-	-	-	-	P	P	P	P	
Furniture & Home Furnishings	-	-	-	-	-	-	-	C	P	P	P	
General Merchandise Store (less than 25,000 sf)	-	-	-	-	-	-	-	P	P	P	P	

**CHAPTER 2: ZONING DISTRICT REGULATIONS**

Use	RP	RA-20	R-20	R-15	R-8	RMH	RMF	NB	HC	CP	I	SR
General Merchandise Store (25,000 or more sf)	-	-	-	-	-	-	-	-	P	P	P	
Gift, Novelty, & Souvenir Store	-	-	-	-	-	-	-	P	P	P	P	
Grocery/Food Store	-	C	-	-	-	-	-	P	P	P	P	
Heavy Truck, RV, and Semi-Trailer Sale & Leasing	-	-	-	-	-	-	-	-	P	-	P	
Hobby, Toy, and Game Store	-	-	-	-	-	-	-	P	P	-	P	
Jewelry, Luggage, and Leather Goods	-	-	-	-	-	-	-	P	P	-	P	
Lawn & Garden Supply (with no outside storage)	-	-	-	-	-	-	-	P	P	P	P	
Lawn & Garden Supply (with outside storage)	-	-	-	-	-	-	-	-	P	-	P	3.18
Liquor Sales (ABC Store)	-	-	-	-	-	-	-	P	P	P	P	
LP Gas & Heating Oil Dealers	-	-	-	-	-	-	-	-	P	P	P	
Manufactured Home Sales	-	-	-	-	-	-	-	-	P	-	P	
Micro-brewery	-	-	-	-	-	-	-	P	P	P	P	
Mini-warehousing/Self-Storage Leasing	-	C	-	-	-	-	-	-	P	-	P	
Motion Picture Theater	-	-	-	-	-	-	-	P	P	-	-	
Motorcycle & Boat Dealers, New & Used	-	-	-	-	-	-	-	-	P	-	P	
Musical Instrument & Supplies	-	-	-	-	-	-	-	P	P	-	-	
Office Supplies & Stationery Store	-	-	-	-	-	-	-	P	P	P	P	
Parking Lots & Structures	-	-	-	-	-	-	-	-	P	P	P	
Party Supply Rental	-	-	-	-	-	-	-	P	P	-	-	
Pawnshops	-	-	-	-	-	-	-	P	P	-	P	3.19
Pet & Pet Supply Store	-	-	-	-	-	-	-	P	P	-	-	
Pharmacy, Health, and Personal Care Stores	-	-	-	-	-	-	-	P	P	P	P	
Pool Hall/ Billiard Parlor	-	-	-	-	-	-	-	C	C	-	P	
Restaurant	-	C	-	-	-	-	-	P	P	P	P	
Restaurant with Drive-thru	-	C	-	-	-	-	-	C	P	P	P	
Sewing, Needlework & Piece Goods Store	-	-	-	-	-	-	-	P	P	-	-	
Sewer/Septic Cleaning Services	-	-	-	-	-	-	-	-	P	-	P	
Sexually Oriented Business	-	-	-	-	-	-	-	-	C	-	C	3.20
Shopping Center	-	-	-	-	-	-	-	-	C	-	-	
Shooting Ranges/Archery Ranges	C	C	-	-	-	-	-	-	P	-	-	
Sporting Goods Rental	-	-	-	-	-	-	-	P	P	-	-	
Tanning Salons	-	-	-	-	-	-	-	P	P	P	-	

## CHAPTER 2: ZONING DISTRICT REGULATIONS

Use	RP	RA-20	R-20	R-15	R-8	RMH	RMF	NB	HC	CP	I	SR
Tattoo Parlors & Body Piercing	-	-	-	-	-	-	-	C	C	-	P	
Swimming Pool, Hot Tub Supply Store	-	-	-	-	-	-	-	-	P	-	-	
Tobacco Store	-	-	-	-	-	-	-	-	P	P	P	
Trophy Store	-	-	-	-	-	-	-	P	P	P	P	
Truck Stop/Travel Plaza	-	-	-	-	-	-	-	-	C	-	P	
<b>Manufacturing, Warehousing, and Distribution</b>												
Abrasive Products	-	-	-	-	-	-	-	-	-	-	P	
Alcohol Beverage Supply	-	-	-	-	-	-	-	-	-	P	P	
Automotive Race Cars and Parts	-	-	-	-	-	-	-	-	-	P	P	
Asphalt Plant	-	-	-	-	-	-	-	-	-	-	C	
Beverage & Tobacco	-	-	-	-	-	-	-	-	-	P	P	
Book, Periodical, & Newspaper Sales	-	-	-	-	-	-	-	-	P	P	P	
Broom, Brush, & Mop	-	-	-	-	-	-	-	-	-	P	P	
Burial Casket	-	-	-	-	-	-	-	-	-	P	P	
Cabinet	-	C	-	-	-	-	-	-	-	P	P	
Candle & Potpourri	-	-	-	-	-	-	-	-	-	P	P	
Cement/Concrete & Concrete Product	-	-	-	-	-	-	-	-	-	-	P	
Chemical, Plastics & Allied Products	-	-	-	-	-	-	-	-	-	-	C	
Clay & Brick Product	-	-	-	-	-	-	-	-	-	-	C	
Clothing, Piece Goods & Shoe Supply	-	-	-	-	-	-	-	-	-	P	P	
Coal & Ore Supply	-	-	-	-	-	-	-	-	-	-	C	
Electronic Equipment, Appliances & Parts	-	-	-	-	-	-	-	-	-	P	P	
Fabricated Metal	-	-	-	-	-	-	-	-	-	-	P	
Farm Supply Product Sales	-	C	-	-	-	-	-	-	-	-	P	
Florist & Nursery Supply (with no outdoor storage)	-	P	-	-	-	-	-	-	P	-	P	
Florist & Nursery Supply (with outdoor storage)	-	-	-	-	-	-	-	-	P	-	P	3.18
Furniture & Home Furnishing	-	C	-	-	-	-	-	-	-	-	P	
Gasket, Packing, & Sealing Devices	-	-	-	-	-	-	-	-	-	-	P	
Glass/ Glass Products	-	-	-	-	-	-	-	-	-	-	P	
Grocery/Food	-	-	-	-	-	-	-	-	-	-	P	

**CHAPTER 2: ZONING DISTRICT REGULATIONS**

Use	RP	RA-20	R-20	R-15	R-8	RMH	RMF	NB	HC	CP	I	SR
Hardware, Plumbing & Heating Supply	-	-	-	-	-	-	-	-	-	-	P	
Industrial Laundries	-	-	-	-	-	-	-	-	-	-	P	
Jewelry	-	-	-	-	-	-	-	-	P	P	P	
Lime & Gypsum Products	-	-	-	-	-	-	-	-	-	-	P	
Lumber & Construction Materials	-	-	-	-	-	-	-	-	-	-	P	
Manufactured Home Manufacturing	-	-	-	-	-	-	-	-	-	-	P	
Metal & Pipe Supply	-	-	-	-	-	-	-	-	-	-	P	
Mineral Wool/Fiberglass Insulation	-	-	-	-	-	-	-	-	-	-	P	
Mining/Extraction Industries	-	-	-	-	-	-	-	-	-	-	P	
Motor Vehicle – Wholesale	-	-	-	-	-	-	-	-	C	-	P	
Motor Vehicle – New Parts	-	-	-	-	-	-	-	-	-	P	P	
Music & Musical Instruments	-	-	-	-	-	-	-	-	-	P	P	
Paint, Varnish & Paint Supplies	-	-	-	-	-	-	-	-	-	-	P	
Paper & Paper Product Supplies	-	-	-	-	-	-	-	-	-	-	P	
Petroleum	-	-	-	-	-	-	-	-	-	-	C	
Pharmaceutical and Drug Supplies	-	-	-	-	-	-	-	-	-	P	P	
Plastics & Rubber	-	-	-	-	-	-	-	-	-	-	C	
Primary Metal Processing/Manufacturing	-	-	-	-	-	-	-	-	-	-	P	
Printing & Related Support Activities	-	-	-	-	-	-	-	-	-	P	P	
Professional & Commercial Equipment Supplies	-	-	-	-	-	-	-	-	-	-	P	
Public Utility Distribution Lines and Easements	P	P	P	P	P	P	P	P	P	P	P	
Public Utility Plant	-	C	-	-	-	-	-	-	-	-	P	
Public Utility Plant, County of Hoke Owned	P	P	P	P	P	P	P	P	P	P	P	
Public Utility Substations	-	C	C	C	C	C	C	C	C	C	P	
Public Utility Substations, County of Hoke Owned	P	P	P	P	P	P	P	P	P	P	P	
Saw Mills	-	-	-	-	-	-	-	-	-	-	P	
Sign Manufacturing	-	-	-	-	-	-	-	-	P	P	P	
Sporting & Athletic Goods	-	-	-	-	-	-	-	-	-	-	P	
Textile Mills	-	-	-	-	-	-	-	-	-	-	P	
Tobacco/Tobacco Product Supply	-	-	-	-	-	-	-	-	-	-	P	

## CHAPTER 2: ZONING DISTRICT REGULATIONS

Use	RP	RA-20	R-20	R-15	R-8	RMH	RMF	NB	HC	CP	I	SR
Toy, Doll, & Games	-	-	-	-	-	-	-	-	-	-	P	
Transportation Equipment	-	-	-	-	-	-	-	-	-	-	P	
Vending Machine Operators	-	-	-	-	-	-	-	-	P	P	P	
<b>Agriculture</b>												
Animal Production & Support (excluding Swine and Poultry)	P	P	P	P	-	-	-	-	-	-	-	
Commercial Production of Swine	-	C	-	-	-	-	-	-	-	-	-	3.7
Crop Production	P	P	P	P	-	P	P	P	P	P	P	
Equestrian Boarding & Riding Arenas	P	P	P	P	-	-	-	-	-	-	-	
Farmers' Market	-	P	-	-	-	-	-	P	P	-	-	
Game Preserve	P	P	-	-	-	-	-	-	-	-	-	
Livestock Auction	-	C	-	-	-	-	-	-	P	-	P	
Private stable	P	P	P	P	P	P	P	-	-	-	-	
Roadside Stand	P	P	-	-	-	-	-	-	P	-	-	
<b>Other</b>												
Accessory Building	P	P	P	P	P	P	P	P	P	P	P	3.2
Air, Motor, & Rail Freight Terminals & Support Facilities	-	-	-	-	-	-	-	-	P	P	P	
Airports, Railroad Passenger Stations, & Bus Terminals	-	-	-	-	-	-	-	P	P	P	P	
Amateur Radio Operator	P	P	-	-	-	P	P	P	P	P	P	
Junkyard	-	-	-	-	-	-	-	-	-	-	P	3.12
Landfill	-	C	-	-	-	-	-	-	-	-	C	3.12
Mixed Use Development	-	C	C	C	C	-	C	C	C	C	-	3.15
Telecommunication Facilities	C	C	-	-	-	C	C	C	C	C	C	3.21
Temporary Uses	P	P	-	-	-	P	P	P	P	P	P	3.22

## CHAPTER 2: ZONING DISTRICT REGULATIONS

### Section 2.6 General Use Dimensional Requirements

Zoning District	Minimum Lot Size (sf)	Maximum Density (dwelling unit per acre)	Minimum Lot Width (ft)	Minimum Setback (ft)		
				Front	Side	Rear
<b>RP</b>	217,800	N/A	100	30	15	50
<b>RA-20</b>	20,000	2	80	30	10	25
<b>R-20</b>	20,000	2	80	30	10	25
<b>R-15</b>	15,000	2	80	30	10	25
<b>R-8</b>	8,000	5	70	30	10	25
<b>RMH</b>	15,000	9	80	30	15	25
<b>RMF</b>	3,000	15	50	10	5	25
<b>NB</b>	N/A	15	50	10	5	25
<b>HC</b>	N/A	N/A	35	20	10	25
<b>CP</b>	N/A	N/A	60	30	30	30
<b>I</b>	N/A	N/A	60	30	30	30

## CHAPTER 2: ZONING DISTRICT REGULATIONS

### Section 2.7 Conditional Zoning Districts (CD)

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#### 2.7.1 Intent

Conditional Zoning Districts (CZ) allow for the consideration of certain uses that, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole. The development of these uses cannot be predetermined and controlled by general district regulations. Circumstances arise when a general zoning district designation would not be appropriate for a certain property, but specific uses permitted would be consistent with the objectives of these regulations, the adopted Land Use Plan, and the adopted district. Conditional Zoning is intended to be flexible to the planning and development process, but at the same time, create additional controls which can establish specific development standards to insure quality development as well as additional rules, regulations, and conditions that are imposed as part of the legislative decision process. A Conditional Zoning (CZ) District is not intended for securing speculative zoning for a proposal but rather is based on a firm development plan.

#### 2.7.2 Uses and Other Requirements

Within a Conditional Zoning District, only those uses permitted in the zoning district with which the CZ district corresponds shall be permitted. The Board of Commissioners may also impose additional reasonable safeguards to serve the purpose and intent of this Ordinance. The approved site plan is a condition of the rezoning.

See Chapter 11 for the Conditional Zoning District process.

- CZ RP Conditional Zoning Rural Preservation
- CZ RA-20 Conditional Zoning Residential Agriculture
- CZ R-20 Conditional Zoning Residential
- CZ R-15 Conditional Zoning Residential
- CZ R-8 Conditional Zoning Residential
- CZ RMH Conditional Zoning Manufactured Home
- CZ RMF Conditional Zoning Residential Multi-Family
- CZ NB Conditional Zoning Neighborhood Business
- CZ HC Conditional Zoning Highway Commercial
- CZ CP Conditional Zoning Corporate Park
- CZ I Conditional Zoning Industrial

## CHAPTER 2: ZONING DISTRICT REGULATIONS

### Section 2.8 Overlay Districts Established

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The Overlay Districts create special siting, uses and compatibility issues which require use development regulations in addition to those found in the base zoning district. If any regulation in an overlay district requires lower densities, greater setbacks, or otherwise imposes greater standards than those required by the base zoning district, the more restrictive standard applies.

### Section 2.9 Corridor Overlay District

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#### 2.9.1 Intent

The Corridor Overlay District is established to enhance the economic and aesthetic appeal and orderly development of properties adjacent to major transportation corridors in Hoke County. Rights-of-way carrying high volumes of traffic are image-makers of their communities. They act as entryways for visitors and residents and also serve as an indicator of the quality of life found in the area. Standards are provided to ensure that thoroughfares in this district develop with improved traffic efficiency and safety by reducing visual clutter and avoiding inappropriate site design and building construction.

#### 2.9.2 Applicability

The Corridor Overlay District is hereby established for properties (or parts of properties) parallel to both sides of the rights-of-way of US 401 from the Town of Raeford's zoning jurisdiction east to the Cumberland County line. In all cases, the widths of the District shall be 200 feet on both sides of the road or highway within the County's jurisdiction. The district is measured perpendicular to the existing road right-of-way. All projects requiring Site Plan approval shall meet the standards of this section. Single-family and duplex dwellings on individual lots shall be exempt from the requirements of this section.

#### 2.9.3 Setbacks

A minimum fifty (50) foot front yard setback is required. The setback may be reduced on a case by case basis by no less than the underlying zoning district regulation if the Board of Commissioners determines that it is unnecessary. All other setbacks are the same as the underlying zoning districts.

#### 2.9.4 Commercial Building Design

This does not pertain to civic or institutional buildings. No front façade may be covered (exposed) with sheet or corrugated aluminum, iron or steel, plain concrete, plain concrete block, exterior panelized plywood, including foundation materials. Except, however, such materials may be used as secondary exterior finish materials if they cover no more than fifty (50%) percent of the surface area.

## CHAPTER 2: ZONING DISTRICT REGULATIONS

### Section 2.10 Watersupply Watershed Overlay District (WP)

#### 2.10.1 Enactment & Jurisdiction

The provisions of this Section shall only apply within the areas designated as Water Supply Watersheds by the North Carolina Department of Environment and Natural Resources (NC DENR) Division of Water Quality and shall be depicted on the Hoke County Official Zoning Map. Where there is a conflict between the regulations contained in this section and any other portion of this Zoning Ordinance, the provisions of this section shall apply. The provisions of this section took effect on January 18, 1994.

#### 2.10.2 Exceptions to Applicability

Existing development, as defined in this ordinance, is not subject to the requirements of this section. Expansions to structures classified as existing development on any lot other than a lot containing a single-family residence as the principal use must meet the requirements of this ordinance; however, the built-upon area of existing development is not required to be included in the impervious calculations.

#### 2.10.3 Establishment of Watershed Areas

The purpose of this Section is to list and describe the water supply watershed overlay district herein created. The following overlay district shall be in place and is depicted on Hoke County's Official Zoning Map:

WS-IV-PA (Protected Area) Watershed Overlay District

#### 2.10.4 Watershed Overlay District Regulations

- A. Only new development activities that require an erosion/sedimentation control plan under North Carolina law are required to meet the provisions of this ordinance when located in a WS-IV-PA Zoning District. These activities are ones that disturb one acre or more of land. Best management practices for forestry and transportation (reference NCDOT publication Best Management Practices for the Protection Surface Waters) are required.
- B. In addition to Conditional and Permitted Uses listed for the appropriate district, the following are allowed uses, in the Overlay District.
  1. Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990.
  2. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 1I.6101-.0209).
  3. Sludge applications and new non-discharging landfills.
- C. Uses not permitted:  
  
Discharging Landfills

## CHAPTER 2: ZONING DISTRICT REGULATIONS

### D. Density and Maximum Built-upon Limits:

#### 1. Single Family Residential Uses

The minimum lot size is 20,000 square feet or twenty-four percent (24%) built upon area. The minimum lot size may be reduced if approved in a cluster development.

#### 2. All Other Residential and Non-Residential Uses

Development shall not exceed a maximum of twenty-four percent (24%) built-upon area.

### **2.10.5 Cluster Development**

Clustering of a development is permitted under the following conditions:

- A. Minimum lot sizes are not applicable to single family cluster development projects. However, the total number of lots shall not exceed the number of lots allowed for single family detached developments in Chapter 2. Built upon area shall not exceed twenty-four percent (24%).
- B. All built upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.
- C. The remainder of the tract shall remain in a vegetated or natural state, not to be developed at any future date. Title to the open space shall be conveyed to an incorporated homeowners association for management, to a local government-for-preservation as a park or open space, or to a conservation organization for the preservation in a permanent easement. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds, and individual property owners shall be responsible for maintenance.

### **2.10.5 Buffer Areas Required**

- A. Should any new development take place on or after the effective date of these regulations on a lot containing or bordering a perennial stream [as indicated on the most up-to-date version of a U.S.G.S. 1:24,000 (7.5 minute) map or as otherwise determined by local government studies] and which is subject to the regulations of this section, a fifty (50) foot buffer measured from the centerline of the stream shall be placed or maintained. The first twenty-five (25) feet shall be undisturbed. Desirable artificial stream bank or shoreline stabilization is permitted.
- B. No new development is allowed in the vegetative buffer area except for water-borne structures (e.g., piers, docks, etc.) and public projects such as road crossings, sewer lines, and greenways, where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.

## CHAPTER 2: ZONING DISTRICT REGULATIONS

### 2.10.6 Nonconforming Situations

Nonconforming situations which existed on or after the effective date of these regulations shall comply with this Ordinance, with the following exceptions:

#### A. Residential Structures or Lots

1. A nonconforming lot of record which existed on the effective date of these regulations which is used for single-family purposes shall not be subject to the rules and regulations pertaining to the WS district in which it is located. This exception is not applicable to multiple contiguous lots under a single ownership.
2. Whenever two or more adjoining lots of record, one of which contains a principal residential use and the other(s) being undeveloped (i.e., not containing a principal use), and such lots are in single ownership at any time on or after the effective date of these regulations, and such lots individually or jointly have less area than the minimum requirements for residential uses in the WS district in which it is located, such lots shall be combined to create lots which meet the minimum requirements of that WS district or minimize the degree of nonconformity.

#### B. Nonresidential Structures or Uses of Land

1. If, on or after the effective date of these regulations, a lot contained one or more structures or uses of land, where aggregate built-upon area calculations exceeded the maximum allowed for the particular WS district in which said lot is located, and such structure is destroyed (i.e., received damage in excess of sixty (60) percent of its assessed value at the time of destruction), reconstruction of said structures or uses may occur provided that under no circumstances may be increased beyond the allowed twenty-four percent (24%) built-upon area.
2. Unless otherwise specified by the permit issued by the Zoning Administrator, an application for a zoning permit authorizing the repair or replacement of said structures must be submitted to and approved by the Hoke County no later than one-hundred and eighty (180) days after the damage occurred. Further information on rebuilding destroyed nonconforming structures can be found in Chapter 9.

### 2.10.7 Public Health Regulations

No activity, situation, structure or land use shall be allowed within a WS district which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

The Zoning Administrator shall monitor land use activities within all WS districts to identify situations that may pose a threat to water quality. The Zoning Administrator shall report all findings to the proper agency to handle the threat, and/or the Board of Commissioners. The Zoning Administrator may consult with any public agency or official and request recommendations. Where the Board of Commissioners finds a threat to water quality and the public health, safety and welfare, the Board shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation as herein authorized.

## CHAPTER 2: ZONING DISTRICT REGULATIONS

### **2.10.8 Amendments to Regulations Pertaining to a WS District**

Under no circumstances shall the Board of Commissioners adopt any amendment, addition, or deletion that would cause these regulations to violate the watershed protection rules as adopted by the N.C. Environmental Management Commission. Any amendment to the boundaries of any particular Water Supply Watershed District shall be referred to NC DENR Division of Water Quality for its review prior to adoption. Otherwise, amendments to the regulations contained in this Section shall follow procedures prescribed in Chapter 11 of this Ordinance.

## CHAPTER 2: ZONING DISTRICT REGULATIONS

### Section 2.11 Floodplain Overlay District

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#### 2.11.1 Findings of Fact

- A. The flood prone areas within the jurisdiction of Hoke County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

#### 2.11.2 Statement of Purpose

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- A. restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- B. require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- C. control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- D. control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- E. prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

#### 2.11.3 Objectives

The objectives of this Section are:

- A. to protect human life and health;
- B. to minimize expenditure of public money for costly flood control projects;
- C. to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. to minimize prolonged business losses and interruptions;
- E. to minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- F. to help maintain a stable tax base by providing for the sound use and development of flood prone areas; and

G. to ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

**2.11.4 Lands to Which this Section Applies**

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of Hoke County.

**2.11.5 Basis for Establishing the Special Flood Hazard Areas**

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Hoke County dated October 17, 2006, which are adopted by reference and declared to be a part of this ordinance.

**2.11.6 Establishment of Floodplain Development Permit**

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with 2.12.5 of this ordinance.

**2.11.7 Compliance**

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

**2.11.8 Interpretation**

In the interpretation and application of this Section, all provisions shall be:

- A. considered as minimum requirements;
- B. liberally construed in favor of the governing body; and
- C. deemed neither to limit nor repeal any other powers granted under State statutes.

**2.11.9 Warning and Disclaimer of Liability**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Hoke County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

**2.11.10 Designation of Floodplain Administrator**

The Director of Planning and Inspections or his/her designee, hereinafter referred to as the “Floodplain Administrator”, is hereby appointed to administer and implement the provisions of this Section.

**2.11.11 Floodplain Development Application, Permit, and Certification Requirements**

*2.11.11.1 Application Requirements*

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a Floodplain Development Permit:

## CHAPTER 2: ZONING DISTRICT REGULATIONS

- A. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed Floodplain Development:
1. the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
  2. the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in 2.12.5, or a statement that the entire lot is within the Special Flood Hazard Area;
  3. flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in 2.12.5;
  4. the boundary of the floodway(s) or non-encroachment area(s) as determined in 2.11.5;
  5. the Base Flood Elevation (BFE) where provided as set forth in 2.11.5, 10.7.K and L, or 2.11.16;
  6. the old and new location of any watercourse that will be altered or relocated as a result of proposed development;
  7. certification of the plot plan by a registered land surveyor or professional engineer.
- B. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
1. Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
  2. Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and
  3. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;
- C. If floodproofing, a Floodproofing Certificate with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures, which shall meet the requirements of 2.11.14.B.
- D. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
1. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
  2. Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with 2.11.14.D.3, when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30;
  3. Usage details of any enclosed areas below the regulatory flood protection elevation.

## CHAPTER 2: ZONING DISTRICT REGULATIONS

4. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
5. Copies of all other Local, State and Federal permits required prior to Floodplain Development Permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)
6. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure 2.11.14.F and G are met.
7. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

### *2.11.11.2 Permit Requirements*

The Floodplain Development Permit shall include, but not be limited to:

- A. A description of the development to be permitted under the Floodplain Development Permit.
- B. The Special Flood Hazard Area determination for the proposed development per available data specified in 2.12.4.
- C. The regulatory flood protection elevation required for the reference level and all attendant utilities.
- D. The regulatory flood protection elevation required for the protection of all public utilities.
- E. All certification submittal requirements with timelines.
- F. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
- G. The flood openings requirements, if in Zones A, AO, AE or A1-30.

### *2.11.11.3 Certification Requirements*

#### A. Elevation Certificates

1. An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit.
2. An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by

## CHAPTER 2: ZONING DISTRICT REGULATIONS

such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

3. A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

### B. Floodproofing Certificate

If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data and an operational plan, is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data and plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

- C. If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per 2.11.14.C.
- D. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a Floodplain Development Permit.
- E. Certification Exemptions. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
  1. Recreational Vehicles meeting requirements of 2.11.14.F.1:
  2. Temporary Structures meeting requirements of 2.11.14.G; and
  3. Accessory Structures less than 150 square feet meeting requirements of 2.11.14.H.

## CHAPTER 2: ZONING DISTRICT REGULATIONS

### 2.11.12 Corrective Procedures

- A. **Violations to be Corrected:** When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- B. **Actions in Event of Failure to Take Corrective Action:** If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
  - 1. that the building or property is in violation of the Flood Damage Prevention Ordinance;
  - 2. that a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
  - 3. that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
- C. **Order to Take Corrective Action:** If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one-hundred-eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.
- D. **Appeal:** Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the County Clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- E. **Failure to Comply with Order:** If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

### 2.11.13 Provisions for All Special Flood Hazard Areas

In all Special Flood Hazard Areas the following provisions are required:

- A. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- B. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

## CHAPTER 2: ZONING DISTRICT REGULATIONS

- C. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- D. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers, etc.), hot water heaters, and electric outlets/switches.
- E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- G. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- H. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of “new construction” as contained in this ordinance.
- I. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- J. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in 11.9.6.I A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to 2.11.11.13 of this ordinance.
- K. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- L. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- M. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- N. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

## CHAPTER 2: ZONING DISTRICT REGULATIONS

### 2.11.14 Provisions for All Special Flood Hazard Areas where Base Flood Elevation data is Provided

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in 2.11.5, or 10.7.K and L, the following provisions, in addition to 2.11.13, required:

- A. Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Chapter 15 of this ordinance.
- B. Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Chapter 15 of this ordinance. Structures located in A, AE and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in 2.11.11.3, along with the operational and maintenance plans.
- C. Manufactured Homes.
  1. New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Chapter 15 of this ordinance.
  2. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by engineer certification, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
  3. All enclosures or skirting below the lowest floor shall meet the requirements of 2.11.14.D.
  4. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management coordinator.

## CHAPTER 2: ZONING DISTRICT REGULATIONS

D. Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

1. shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
2. shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
  - A minimum of two flood openings on different sides of each enclosed area subject to flooding;
  - The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
  - If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
  - The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
  - Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
  - Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

E. Additions/Improvements.

1. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
  - not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
  - a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

## CHAPTER 2: ZONING DISTRICT REGULATIONS

2. Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
  3. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
    - not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
    - a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
  4. Where an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.
- F. Recreational Vehicles. Recreational vehicles shall either:
1. be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
  2. meet all the requirements for new construction.
- G. Temporary Non-Residential Structures. Prior to the issuance of a Floodplain Development Permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:
1. a specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year;
  2. the name, address, and phone number of the individual responsible for the removal of the temporary structure;
  3. the time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
  4. a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
  5. designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
- H. Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
1. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

## CHAPTER 2: ZONING DISTRICT REGULATIONS

2. Accessory structures shall not be temperature-controlled;
3. Accessory structures shall be designed to have low flood damage potential;
4. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
5. Accessory structures shall be firmly anchored in accordance with 2.11.13;
6. All service facilities such as electrical shall be installed in accordance with 2.11.13.D; and
7. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with 2.11.14.D.3.
8. An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with 2.11.11.3.

### **2.11.15 Reserved**

### **2.11.16 Standards for Floodplains without Established Base Flood Elevations**

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in 2.11.5, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to 2.11.13 and 14, shall apply:

- A. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. The BFE used in determining the regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:
  1. If Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in 10.7.K and L.
  2. All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per 2.12.5 to be utilized in implementing this ordinance.
  3. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated to or above the regulatory flood protection elevation, as defined in Chapter 15.

**2.11.17 Standards for Riverine Floodplains with Base Flood Elevations but without Established Floodways or Non-Encroachment Areas**

Along rivers and streams where BFE data is provided but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- A. Standards outlined in 2.11.13 & 14; and
- B. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

**2.11.18 Standards for Floodways or Non-Encroachment Areas**

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in 2.12.5. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in 2.11.13 and 14, shall apply to all development within such areas:

- A. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated that:
  - 1. the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of Floodplain Development Permit, or
  - 2. a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
- B. If A above is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- C. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
  - 1. the anchoring and the elevation standards of 2.11.14.C; and
  - 2. the no encroachment standard of A above.

## **CHAPTER 2: ZONING DISTRICT REGULATIONS**

### **2.11.19 Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance**

This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted March 2, 1989, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued there under are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of Hoke County enacted on March 2, 1989, as amended, which are not reenacted herein, are repealed.

### **2.11.20 Effect upon Outstanding Floodplain Development Permits**

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a Floodplain Development Permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

## **Section 2.12 Flight Path Overlay District (FPOD)**

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### **2.12.1 Intent**

The main purpose of this district is to ensure the compatibility between air operations associated with the military installation in the area and land uses on properties near these military bases, in terms of potential interference with safe aircraft operation, potential threats from falling aircraft, and potential impacts of aircraft noise.

### **2.12.2 Establishment**

The Flight Path Overlay District (FPOD) is hereby established as a district that overlays land within areas in proximity to Fort Bragg, Camp MacKall, and other areas delineated on the Hoke County Zoning Map.

### **2.12.3 Height Limits**

Irrespective of building height limits in the underlying zoning districts or any other exceptions, no structure within the Flight Path Overlay District shall have a height of more than one hundred (100) feet.

# CHAPTER 3: SUPPLEMENTAL REQUIREMENTS

## Contents

Section 3.1 Purpose.....	3-3
Section 3.2 Accessory Buildings .....	3-3
Section 3.3 Accessory Dwellings .....	3-3
Section 3.4 Bed & Breakfast Inn .....	3-4
Section 3.5 Campground.....	3-4
Section 3.6 Cemetery .....	3-5
Section 3.7 Commercial Production of Swine.....	3-5
Section 3.8 Electronic Gaming Operations.....	3-6
Section 3.9 Family Care Home .....	3-7
Section 3.10 Home Occupation .....	3-7
Section 3.12 Junkyards, Landfills, Automobile Repair and Electronic & Appliance Repair.....	3-8
Section 3.13 Manufactured Home, Class A (on Individual Lot) .....	3-9
Section 3.14 Manufactured Home Parks .....	3-10
Section 3.15 Mixed Use Development .....	3-13
Section 3.16 Multi-family Dwellings .....	3-15
Section 3.17 Outdoor Kennels .....	3-15
Section 3.18 Outside Storage.....	3-16
Section 3.19 Pawnshops.....	3-16
Section 3.20 Sexually Oriented Businesses .....	3-17

**CHAPTER 3: SUPPLEMENTAL REQUIREMENTS**

Section 3.21 Telecommunication Facilities ..... 3-18

Section 3.22 Temporary Uses ..... 3-25

## CHAPTER 3: SUPPLEMENTAL REQUIREMENTS

### Section 3.1 Purpose

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The Table of Permitted and Supplemental Requirements contains a column on the far right labeled Special Requirements. In any case where a use listed in the Table has a number in the Special Requirements column opposite the use that use must comply with the additional Special Requirements contained in this Chapter corresponding to the Special Requirements number. Other uses and their requirements may also be included in this Chapter.

### Section 3.2 Accessory Buildings

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- A. Accessory buildings must be located on the same parcel as the principal structure.
- B. Accessory buildings are not permitted in the front yard.
- C. Minimum setbacks are ten (10) feet from the side and rear property lines and twenty-five (25) feet from a right-of-way.
- D. The accessory structure may not exceed the height of the principal structure.
- E. For single family lots less than one (1) acre, the cumulative square footage of all accessory buildings on the lot may not exceed thirty-three percent (33%) of the heated square footage of the principal building.

### Section 3.3 Accessory Dwellings

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- A. An accessory dwelling may be attached or detached from the principal dwelling.
- B. The principal use of the lot shall be a single-family dwelling, built to the standards of the North Carolina Building Code.
- C. No more than one accessory dwelling shall be permitted on a single deeded lot in conjunction with the principal dwelling unit.
- D. The accessory dwelling shall be owned by the same person as the principal dwelling.
- E. The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling is accessed from a rear alley and the principal dwelling is accessed from a street.
- F. A detached accessory dwelling shall not exceeding 650 square feet of first floor area (maximum footprint) or 50% of the first floor area of the principal dwelling, whichever is greater.
- G. A detached accessory dwelling shall be located in the established rear yard and meet the side and rear setbacks of a principal dwelling for the zoning district in which it is located.

## CHAPTER 3: SUPPLEMENTAL REQUIREMENTS

### Section 3.4 Bed & Breakfast Inn

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- A. Single family homes used as bed and breakfast inns shall have a minimum heated floor area of 1,500 square feet.
- B. The maximum number of guest bedrooms shall be five (5).
- C. The inn shall be operated by a resident manager.
- D. All parking shall be to the side or rear of the home.
- E. The use shall be located in a structure which was originally constructed as a dwelling.
- F. The use shall contain only one (1) kitchen facility. Meals served on the premises shall be only for overnight guests and residents of the facility.
- G. The use of such a facility by any one patron shall be limited to no more than fifteen (15) days per sixty (60) day period.

### Section 3.5 Campground

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- A. Minimum parcel size – three (3) acres.
- B. Individual campsites shall be a minimum of five hundred (500) square feet each.
- C. The overall density of any campground shall not exceed twenty four (24) campsites per acre.
- D. A minimum of twenty-five (25) foot buffer area around the perimeter of the development including right-of-ways.
- E. A common area shall be provided that is a minimum of eight percent (8%) of the total square footage of the entire development. The common area shall be accessible for the use and enjoyment of campground occupants.
- F. All campgrounds shall provide safe and convenient vehicular access from abutting public right-of-ways and individual campsites shall have direct access to internal roads, drives, or parking areas, which are covered with a smooth, hard and dense surface, which shall be free of dust and well drained. The internal road shall be at least eleven (11) feet wide for one-way traffic and twenty (20) feet wide for two-way traffic.
- G. The campground may provide service buildings for the use of the campground residences only. These buildings may include laundry facilities, concessions, small retail stores, and a community center.
- H. Manufactured homes are not permitted except as the permanent dwelling of the campground operator/manager.
- I. No tent or trailer shall remain at the campground for more than thirty (30) continuous days.

## CHAPTER 3: SUPPLEMENTAL REQUIREMENTS

- J. All garbage and refuse shall be stored in suitable watertight trash receptacles. It shall be the duty of the campground operator to personally make certain that all garbage and refuse is regularly disposed of in a sanitary manner.
- K. At least one (1) central sanitary station shall be provided for removing and disposing of waste from waste holding tanks of self-contained trailers. The sanitary station shall be of a type approved by the Hoke County Health Department. Sanitary stations shall be separated from any campsite by a minimum of fifty (50) feet.
- L. Campgrounds which provide campsite for tents and dependent trailers shall provide the following toilet and bathing facilities in service buildings. The service building must be located a minimum of three hundred (300) feet from the campsites:

Number of Campsites	Urinals	Toilets		Showers	
		Men	Women	Men	Women
1-25	1	1	3	1	1
26-50	1	2	4	2	2
50-100	2	2	6	3	3
100+	1 per 50 additional campsites	1 per 50 additional campsites	3 per 50 additional campsites	1 per 50 additional campsites	2 per 50 additional campsites

### Section 3.6 Cemetery

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- A. A fifty (50) foot buffer area around the perimeter of the development.
- B. The development must meet all applicable health regulations for wells and septic tanks.

### Section 3.7 Commercial Production of Swine

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A swine house or a lagoon that is a component of a swine farm must meet the following regulations:

- A. A five hundred (500) foot minimum buffer area is required from all property lines.
- B. A one thousand five hundred (1,500) foot minimum setback is required from any occupied residence.
- C. A two thousand five hundred (2,500) foot minimum setback from any religious use, school, hospital, outdoor recreational facility, National Park, State Park (as defined in NCGS 113-44.9), historic property acquired by the State pursuant to NCGS 121-9 or listed in the North Carolina Register of Historic Places pursuant to NCGS 121-4.1, or child care center that is licensed under Article 7 of Chapter 110 of the NCGS.
- D. A five (500) foot minimum setback from any well supplying water to a public water system, as defined in G.S. 130A-313.

## **CHAPTER 3: SUPPLEMENTAL REQUIREMENTS**

- E. A five (500) foot minimum setback from any other well that supplies water for human consumption. This subdivision does not apply to a well located on the same parcel or tract of land on which the swine house or lagoon is located and that supplies water only for use on that parcel or tract of land or for use on adjacent parcels or tracts of land all of which are under common ownership or control.
- F. The outer perimeter of the land area onto which waste is applied from a lagoon that is a component of a swine farm shall be at least seventy-five (75) feet from any boundary of property on which an occupied residence is located and from any perennial stream or river, other than an irrigation ditch or canal.
- G. No component of a liquid animal waste management system for which a permit is required under Part 1 or 1A of Article 21 of Chapter 143 of the General Statutes, other than a land application site, shall be constructed on land that is located within the 100-year floodplain.
- H. A swine house or a lagoon that is a component of a swine farm may be located closer to a residence, school, hospital, church, or a property boundary than is allowed under subsection B of this section if written permission is given by the owner of the property and recorded with the Register of Deeds.
- I. Any person who intends to construct a swine farm whose animal waste management system is subject to a permit under Part 1 or 1A of Article 21 of Chapter 143 of the North Carolina General Statutes shall, after completing a site evaluation and before the farm site is modified, notify all adjoining property owners; all property owners who own property located across a public road, street, or highway from the swine farm; the Hoke County and any other county in which the farm site is located; and the Hoke County Health Department and the Hoke County Planning Department of that person's intent to construct the swine farm. This notice shall be by certified mail sent to the address on record at the property tax office in the county in which the land is located. Notice to Hoke County shall be sent to the County Manager. Notice to the Hoke County Health Department shall be sent to the Health Director. Notice to the Hoke County Planning Department shall be sent to the Zoning Administrator. The written notice shall include all of the following:
  - 1. The name and address of the person intending to construct a swine farm.
  - 2. The type of swine farm and the design capacity of the animal waste management system.
  - 3. The name and address of the technical specialist preparing the waste management plan.
  - 4. The address of the local Soil and Water Conservation District office.
  - 5. Information informing the adjoining property owners and the property owners who own property located across a public road, street, or highway from the swine farm that they may submit written comments to the Division of Water Quality, Department of Environment and Natural Resources.

### **Section 3.8 Electronic Gaming Operations**

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The following specific provisions shall be met as minimum standards prior to the approval of any business engaging in electronic gaming operations as a permitted use in the Highway Commercial (HC) zoning district.

- A. Electronic Gaming Operations shall not be located within one thousand (1,000) feet in any direction from any other establishment to which this section applies as a primary or accessory use, or within five hundred (500) feet of any religious institutions, public or private child care centers/facilities, public or private schools, public or private parks or congregate care facilities. Measurement of distance separation shall be in a straight line from the outer building walls of the proposed use to the

## CHAPTER 3: SUPPLEMENTAL REQUIREMENTS

nearest property line of the uses. For the purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted. To demonstrate that the minimum separation requirements are met, the applicant shall submit a straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing electronic gaming businesses within one thousand (1,000) feet of the property, and the property lines of any established religious institutions, public or private child care centers/facilities, public or private schools, public or private parks or congregate care facilities.

- B. Businesses engaging in electronic gaming operations as a principal use may only operate from 8:00 AM to 12:00 AM midnight each day.
- C. The maximum number of machines/terminals/computers for any electronic gaming operations business is twenty (20) for a primary use and two (2) as an accessory use.
- D. All electronic gaming terminals/ computers/ machines/ gaming stations shall be located in an open area of the establishment and shall be visible from the exterior front of the establishment. Entrance doors shall remain unlocked at all times when the business is in operation.
- E. No business engaged in the activity of electronic gaming as a primary or accessory use shall allow, permit or condone any person under the age of 18 to engage in electronic gaming operations.
- F. Businesses engaged in electronic gaming operations may not simultaneously hold a license issued by the NC ABC Commission for the sale or consumption of alcoholic beverages on the premises. Businesses engaged in electronic gaming operations may not simultaneously hold a Federal Firearms License issued by the ATF.

### **Section 3.9 Family Care Home**

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- A. A family care home shall be in a building designated and constructed as a single-family dwelling.
- B. No family care home shall be located within one-half mile radius of an existing family care home measured from property line to property line.

### **Section 3.10 Home Occupation**

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A home occupation shall be permitted as an accessory use to any dwelling unit, provided that:

- A. The principal person or persons providing the business or service resides in the dwelling on the premises. No one who does not reside in the home may be employed by the home occupation.
- B. The area used for the business or service is contained in the dwelling and does not exceed twenty percent (20%) of the combined floor area of the structure.
- C. There are no advertising devices on the property, or other signs of the home occupation, which are visible from outside the dwelling.

## **CHAPTER 3: SUPPLEMENTAL REQUIREMENTS**

- D. The property contains no outdoor display or storage of goods or services which are associated with the home occupation.
- E. The home occupation causes no change in the external appearance of the existing buildings on the property.
- F. No additional parking areas other than driveways are allowed.
- G. Wholesale or retail sales of goods do not occur on the premises.
- H. The home occupation does not create any additional traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference which can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.
- I. Only vehicles used primarily as passenger vehicles (e.g. automobiles, non-commercial vans, and non-commercial trucks) shall be permitted in connection with the home occupation.

### **Section 3.11 Home Occupation, Rural**

- A. The rural home occupation shall be incidental to the use of the property for a principal dwelling.
- B. The occupation activity may take place either in the principal dwelling or a separate building(s).
- C. The operator of the rural family occupation must reside on the property. No more than three (3) persons who do not reside on the premises shall be employed at the occupation.
- D. If a separate building(s) is used in the occupation it must meet the accessory structure standards in Section 3.2.
- E. Rural family occupations shall be limited to the non-residential uses permitted in the NB district.

### **Section 3.12 Junkyards, Landfills, Automobile Repair and Electronic & Appliance Repair**

- A. All areas for the storage of equipment, junk, appliances, inoperable motor vehicles, and motor vehicles stored at an automobile service garage for more than five (5) days shall be screened with a six (6) foot tall opaque wall or fence.
- B. The wall or fence must have three (3) strands of barbed wire all the way around the top attached to arms extending toward the outside of the top of fenced in area.
- C. A minimum five (5) foot wide vegetated area is required on both sides of the fence or wall. The landscaping must reach a minimum height of eight (8) feet within eight (8) years of planting and be maintained as a continuous, unbroken hedgerow.
- D. The enclosed area may have a maximum of four (4) gates. The gates must be constructed of opaque material or be covered in such a way as to make the gate opaque. The gates must be closed and securely locked at all times except business hours.

## CHAPTER 3: SUPPLEMENTAL REQUIREMENTS

- E. A minimum three hundred (300) foot setback from the center line of any public road.
- F. Cannot be located with one-half (1/2) mile of any school or religious use or three hundred (300) feet of a residential use.
- G. Must be inspected at least two (2) times a year by the Hoke County Health Department to determine compliance with this section of the ordinance and to determine that no vectors are present. Should vectors be identified, the owner shall submit satisfactory evidence to the Health Department that vectors have been eliminated.
- H. The owner shall dispose of all petroleum products and residue in a manner that will not adversely affect the environment and that will comply with State and Federal regulations.
- I. The owner, operator, or maintainer of any new automobile graveyard, junkyard, or repair shop to be established must apply for and receive a license to operate with the Hoke County Health Department. Fees for licenses to be paid by the applicant and shall be in amounts established by the Hoke County Board of Commissioners for the initial license and any annual licensing which may be required.

### **Section 3.13 Manufactured Home, Class A (on Individual Lot)**

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It is the intent of these criteria to insure that a manufactured home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling. All manufactured homes shall meet the following requirements:

- A. The manufactured home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.
- B. The manufactured home has a minimum of nine hundred (900) square feet of enclosed living area.
- C. The pitch of the roof of the manufactured home has a minimum vertical rise of three (3) feet for each twelve (12) feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction.
- D. All roof structures shall provide an eave protection of no less than six (6) inches, which may include a gutter.
- E. The exterior siding consists predominately of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.
- F. The manufactured home conforms to the construction standards of the United States Department of Housing and Urban Development (HUD) and bears the HUD tag and/or data plate. The home must also have been constructed after July 13, 1994.
- G. The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance.
- H. A continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home.

## CHAPTER 3: SUPPLEMENTAL REQUIREMENTS

- I. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance, attached firmly to the primary structure and anchored securely to the ground.
- J. The moving hitch, wheels and axles, and transporting lights have been removed.

### Section 3.14 Manufactured Home Parks

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This section sets forth the standards required for all new manufactured home parks and expansions of existing manufactured home parks.

- A. **Occupancy:** There must be at least five (5) improved manufactured home spaces at first occupancy. Any existing manufactured home park containing less than five (5) manufactured home spaces shall not be considered nonconforming if otherwise in conformance with the standards contained in this Ordinance. No manufactured home space shall be occupied, nor may a certificate of occupancy be issued unless the requirements of this Ordinance have been met. The requirement of a minimum of five (5) spaces at first occupancy shall apply only to the first five (5) spaces of a new manufactured home park. In all other situations a manufactured home park may increase in size in any increments of spaces.
- B. **Location on Suitable Land:** Each manufactured home space shall be located on ground not located within the Flood Hazard Boundary Area as established by the most recently issued maps published by the Federal Emergency Management Agency. No manufactured home shall be placed on land having excessive slope or other characteristics making the land unsuitable for placement of manufactured homes. Each manufactured home space shall be graded so as to prevent any water from ponding or accumulating on the space.
- C. **Manufactured Home Standards:** All manufactured homes shall bear a valid seal indicating conformance with the 1976 National Manufactured Housing Construction and Safety Standards Act. These homes shall meet the following standards:
  - The structure shall be set up in accordance with the standards set by the North Carolina Department of Insurance (including tie-down standards).
  - The structure will have all wheels, axles, transporting lights, and towing apparatus removed. If any of these items is non-removable, then it shall be screened with landscaping if it is still visible after the unit is underpinned.
  - The structure must be at least 12 feet in width.
- D. **Stand, Underpinning and Tiedown of Manufactured Homes:** The location of each manufactured home stand must be at an elevation, distance and angle in relation to the adjacent access drive so that placement and removal of the manufactured home is practical by means of customary moving equipment. All manufactured homes shall have continuous underpinning from the bottom of the walls to the ground made of brick, pressure-treated wood (see below), or vinyl, pre-painted aluminum material, or other material specifically manufactured for manufactured homes, unpierced except for required ventilation and an access door. Each manufactured home in the park shall conform to North Carolina Department of Insurance Standards for tiedown requirements. If pressure-treated wood skirting is used, it shall consist of lumber and plywood treated in compliance with American Wood Preserver Bureau Standards. All plywood and lumber used for skirting shall be stamped with trademarks identifying the appropriate grades of lumber and plywood and the treatment identification.

## CHAPTER 3: SUPPLEMENTAL REQUIREMENTS

- E. **Steps:** All manufactured homes within the park shall be equipped with two (2) sets of steps.
- F. **Public Road Frontage:** All manufactured home parks shall abut and have at least fifty (50) feet of frontage on a public road. No manufactured home lots shall be directly accessible from the public street.
- G. **Ingress and Egress:** Manufactured home parks with twenty (20) or more manufactured home spaces shall have at least two (2) separately designated areas which contain both an entrance and exit to the manufactured home park. All manufactured home parks containing less than twenty (20) manufactured home spaces shall have at least one area containing both an entrance and an exit to the manufactured home park. Manufactured home parks requiring only one entrance and exit area shall provide at least one permanent turn-around within the park.
- H. **Interior Streets, Drainage, and Markings:** No structure within a manufactured home park shall have direct access to a public street. Access to all manufactured homes and accessory structures within the manufactured home park shall be made using internal one-way or two-way streets. All internal streets within a manufactured home park shall be privately owned and maintained. All such streets shall be constructed to minimum NCDOT subdivision road standards except that all such one-way streets shall be paved to a minimum width of twelve (12) feet; all two-way streets shall be paved to a minimum width of eighteen (18) feet. All streets shall be located within a minimum forty (40) foot wide dedicated right-of-way area. Such area shall be used for street maintenance, underground utility and drainage purposes. The developer may be required to increase the width of said area to properly accommodate the slope and natural terrain of the area. If curb and gutter is provided, a right-of-way area of less than forty (40) feet may be approved. Permanent street names shall be assigned to all internal streets. Permanent street name signs shall also be installed at street intersections within the park. All streets shall be named and all street signs shall be in accordance with local requirements. Upon completion of the construction site, these signs will be installed. The developer will be responsible for advising tenants of the property address assignments for respective mobile home spaces and instructing them in the purpose of these addresses. Permanent traffic control signs shall be installed within the park. Such signs shall include, as a minimum the following:
- Stop sign(s) where park streets access public roads;
  - Stop sign(s) at the intersection of interior streets, (it is recommended that all four-way intersections be controlled by four-way stop signs);
  - "No Parking" signs along interior streets at intervals sufficient to be readable except where streets have been paved to a width of at least thirty (30) feet.
  - One way streets shall be marked as such at appropriate intervals and "do not enter" signs shall be posted where streets become one way or where streets intersect with one way streets.

Roads in manufactured home parks must be designed and graded in such a manner as to allow for the adequate runoff of storm water from interior streets and other surface areas within the manufactured home park. Speed reduction bumps on paved internal streets are permissible, but they shall be painted and appropriate signs indicating the bump must be placed along the street. All dead-end internal streets which provide access to three (3) or more manufactured home spaces shall be provided with a permanent turn-around. All such turn-arounds shall have a minimum paved surface diameter of seventy (70) feet. Streets and roads within the manufactured home park shall intersect as nearly as possible at right angles, with a 20' radius of intersection and no street shall intersect at an angle of less than seventy (70) degrees. Where streets intersect with a State maintained road, the design standards of NCDOT shall apply. Maintenance of all internal streets, signage, and all drainage facilities shall be the responsibility of the owner of the manufactured home park. Such streets shall be

## CHAPTER 3: SUPPLEMENTAL REQUIREMENTS

maintained in a manner to be free from pot holes, breaks in the pavement, rough surfaces, ponding of water during rainy periods, excessive washing of drainage ditches, and other associated problems which would impede or cause hazards to motor vehicles. Street jogs ("T" intersections with a street or road, on opposite sides of said road) of less than one-hundred twenty-five (125) feet within and abutting the manufactured home park shall be prohibited.

- I. **Parking:** At least two (2) off-street parking spaces with not less than four (4) inches of crushed stone or other suitable material (such as asphalt paving or bituminous surface treatment (BST) paving) on a well compacted sub-base shall be provided for each manufactured home space. Required parking spaces may be located in the required front or side yards of the manufactured home space. Parking spaces shall be located outside the roadway, shoulder, or drainage ditches. One or more separate common visitor parking areas may be designated within any manufactured home park. Parking spaces shall be located outside the roadway, shoulder, or drainage ditches. Such areas shall be separate from any manufactured home space, roadway, drainage facility or buffer.
- J. **Trash Facilities:** At least one (1) fly tight, water-tight and rodent proof garbage or trash container with a twenty-four (24) gallon minimum container and forty (40) gallon maximum container capacity, shall be provided for each occupied manufactured home space. Containers shall be placed on racks and such racks shall be located within the manufactured home park at a point which is readily accessible for collection. All refuse must be placed in refuse containers and it shall be the responsibility of the park operator to provide sufficient container capacity to meet the needs of the manufactured home park. In lieu of cans and racks, covered roll out trash/garbage containers may be provided. In lieu of requiring individual garbage and trash containers for each manufactured home, trash dumpsters may be installed in convenient locations, but not on any individual manufactured home space. If dumpsters are provided, each dumpster shall be fly-tight, water-tight and rodent-proof and located at least fifty (50) feet from any property line or public street right-of-way and at least forty (40) feet from any manufactured home. All such dumpsters shall be materially screened from any adjacent manufactured home in the park according to Section 5.5.4 of this Ordinance. It shall be the responsibility of the manufactured home park owner or operator to pick up trash from said containers or dumpsters at least once per week. The owner or operator shall also be responsible for hauling and disposing of said trash in accordance with all County and State regulations. The burning of refuse within the manufactured home park is not permitted. Where suitable collection service is not available from municipal or private agencies, the manufacture home park operator shall provide this service.
- K. **Lighting:** Manufactured home parks which contain over twenty (20) manufactured home spaces or contain more than one internal street shall contain street lights throughout the manufactured home park. Such lights shall be located at all internal street intersections, at the intersection of any internal street and a public street and elsewhere in the park at a maximum of three hundred (300) feet intervals.
- L. **Electric, Telephone and Cable Television Utilities:** Each manufactured home space shall have individual electric and telephone service connections provided. All electric, telephone, and cable televisions, and other utility lines shall be placed underground unless unsuitable underground conditions (e.g., rock, swamp, etc.) exist. In such cases, above-ground utility lines may be provided. Each manufactured home must have an individual metered connection to an electric supply and must have an approved fuse disconnect box at the metered location. All wires from the meter to the manufactured home must be buried underground cable in conformance with the North Carolina Electrical Code. Each meter box shall be properly and distinctly identified with either paint or indelible ink.

## CHAPTER 3: SUPPLEMENTAL REQUIREMENTS

- M. **Mailboxes:** Mailbox spaces within the manufactured home park shall be provided in accordance with United States Postal Services Standards. At least one (1) mailbox per manufactured home space shall be provided. Where twenty (20) or more mailboxes are provided in one centralized location, the owner of the manufactured home park shall provide at least two (2) parking spaces in the vicinity of the mailboxes specifically designated for persons using the mailbox area.
- N. **Administrative Office:** One manufactured home may be used solely as an administrative office within the park or an administrative office may be located in a manufactured home which is used as a residence by the resident manager. An administrative office is not required.
- O. **Water Service:** An accessible, adequate, safe and potable supply of water shall be provided in each manufactured home park. Where connection to a municipal water supply is available, connection shall be made thereto and its supply used exclusively. When municipal water supply is not available, adequate water supply shall be developed and its supply used exclusively, in accordance with the standards of the State of North Carolina and the Hoke County Health Department. Any water supply must be capable of providing three hundred (300) gallons of water per day per manufactured home space. Each space shall be provided a minimum three-fourth (3/4) inch size copper or PVC water service line.
- P. **Sewage Facilities:** Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks. Collection systems and sewage treatment plants complying with the requirements of the North Carolina Department of Health and Environment and the County Health Department shall be provided. Individual septic tank systems are permissible in accordance with the requirement of Hoke County's Health Department regulations. There shall be no more than one (1) manufactured home connected to an individual septic tank, unless permitted by the Hoke County Health Department.
- Q. **Screening:** All manufactured home parks shall provide screening in the form of an opaque screen/buffer along all adjoining properties on the side and rear property lines. Such screening shall be located within the manufactured home park and shall materially screen all structures within the manufactured home park from all adjacent properties. All manufactured home setbacks shall be measured from the edge of the screened area nearest the manufactured home. When such a screen is used, the width of said screen may be included within the required setback area. Required screening shall be installed and maintained in conformance with the standards set forth in this Ordinance.
- R. **Maintenance:** The grounds of a manufactured home park shall be kept free of trash, litter, debris, noxious weeds, open sewage or other unhealthy matter. Any septic tanks which fail shall be immediately repaired or replaced by the manufactured home park owner. Grounds, buildings and storage areas shall be properly maintained. The manufactured home park or operator shall take all necessary steps to prevent infestation by rodents, vermin and insects. All grounds shall have proper drainage to prevent the accumulation of water. It shall be the responsibility of the manufactured home park owner or operator to maintain the manufactured home park in accordance with these standards at all times.

### Section 3.15 Mixed Use Development

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The purpose of a Mixed Use Development is to plan and promote neighborhoods that embody variety, innovation, and flexibility in development by allowing a variety of uses, lot sizes, dwelling unit types, and

**CHAPTER 3: SUPPLEMENTAL REQUIREMENTS**

design requirements. Mixed Use Developments shall only be considered as a Conditional Zoning District. The intent is to:

- Permit a creative approach to the development of land;
- Provide for an efficient use of land;
- Enhance the appearance of neighborhoods through preservation of natural features;
- Provide for recreational areas and open space where appropriate.

All streets within the Mixed Use Development shall be built to NCDOT Standards. If the roads are not public there must be a Homeowners Association or the equivalent for commercial uses established to be responsible for maintenance of the roads and any other infrastructure. The bylaws must be approved by the County prior to Final Plat approval for the first phase of the development. This shall include, as a minimum, street width, sidewalk, and curb and gutter requirements. There shall be at least one (1) entrance into the development from each exterior paved and dedicated public street that the development abuts. In the case of the development which abuts only one such public street, a minimum of two (2) entrances will be required and one (1) entrance per 100 dwelling units within the development may be required.

**A. Uses**

Land Use types shall be allocated as follows:

Use	Land Allocation (% of total area)	Maximum Density (units per acre)	Floor Area Ratio (building footprint area)
Open Space	20-40	N/A	N/A
Single-Family	25-60	4	N/A
Multi-Family	10-40	15	N/A
Civic & Institutional	5-10	N/A	Minimum: 0.4 Maximum 1.0
Retail/Office & Service	5-25	N/A	Minimum: 0.4 Maximum 1.0

A mix of uses is encouraged provided that:

- Non-residential uses within the district shall be designed to serve residents of the district and nearby areas only. Large scale establishments and developments intended to serve the entire community are not encouraged in a Mixed Use Development.
- Non-residential uses that are contained in the Development shall be limited to those contained in NB.
- A food store shall have a maximum gross floor area of 30,000 square feet. The maximum gross floor area of for any other commercial use within the Mixed Use Development shall be 10,000 square feet.
- Hours of operation of any non-residential use shall be anytime between 6:00 AM and 12 AM midnight.

**B. Dimensional Requirements**

	Minimum Lot Size			Minimum Yard Requirements			
	Lot Area (sf)	Lot Width (ft)	Street Frontage (ft)	Front Setback (ft)	Side Setback (ft)	Rear Setback (ft)	Structure Height (ft)
<b>Single Family</b>	N/A	60 40 (alley-loaded lots)	35	10 (minimum) 25 ( maximum)	10 5 (with one hour fire walls)	25	35

## CHAPTER 3: SUPPLEMENTAL REQUIREMENTS

<b>Multi-Family</b>	N/A	N/A	15	10 (minimum) 25 (maximum)	10 from the perimeter of the use	25	35
<b>Other Uses</b>	N/A	N/A	15	0 (minimum) 25 (maximum)	10	25	35

### C. Other Requirements

All other requirements of the Zoning Ordinance must be met.

### **Section 3.16 Multi-family Dwellings**

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- A. The minimum site size for a multi-family development shall be four (4) acres.
- B. The tract containing the development shall comply with the setbacks and other dimensional standards of the zoning district. Lots within the development may be of any size as approved on the site plan and spacing between buildings shall be as provided in this subsection. The conveyance of ground space for single-family attached units or for common area or similar purposes shall not preclude development under this subsection. Such conveyances however shall be subject to the requirements of the subdivision provisions and may be subject to the North Carolina Unit Ownership Act.
- C. For multi-family developments proposing more than one (1) building on a tract, the following provisions shall apply:
  - 1. Along each exterior property line or public street, a minimum front, rear, and side yard setback as required by the district in which the development is located shall be established.
  - 2. In no case shall any building be closer than twenty (20) feet to any other building in the development. Furthermore, buildings shall not be arranged in straight rows oriented in such a way as to resemble rows of barracks.
  - 3. All private streets or access ways providing ingress and egress from the development to an existing public street system shall comply with the current standards being required by the subdivision regulations in effect, including street drainage, except that no curb and gutter is required and a pavement width of only twenty (20) feet shall be required.
  - 4. Storm drainage improvements shall be made in the same manner and under the same criteria as that established in the subdivision regulations.
  - 5. Stationary sanitary containers shall be located so as not to interfere with sight distance or the free movement of vehicles on streets or service drives and so as to allow collector trucks adequate maneuvering space to empty the containers and to leave the property without excessive backing.

### **Section 3.17 Outdoor Kennels**

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- A. Minimum lot size shall be as follows:
  - 1 to 10 animals 5 acres
  - 11 to 20 animals 6 acres
  - 21 to 30 animals 7 acres

## CHAPTER 3: SUPPLEMENTAL REQUIREMENTS

For each additional acre beyond seven (7) acres, an additional ten (10) animals may be permitted.

- B. All lots on which a kennel is located must have frontage on an existing street or a new street that meets the minimum requirements for acceptance and maintenance by the North Carolina State Department of Transportation.
- C. All structures and outdoor runs shall have minimum front, side, and rear yards of one hundred-fifty (150) feet. There shall be a separation of at least five hundred (500) feet between residences on adjoining tracts and any building used for kennel operation.
- D. Sewage disposal system and sanitation control methods as approved by the Hoke County Board of Health shall be required for all kennels. (This provision shall include, but shall not be limited to, the sanitary removal or disposal of solid waste, carcasses, or any other items deemed necessary for removal or disposal because of unsafe or unsanitary conditions by the Health Department.)
- E. Screening is required when adjoining both residentially or commercially zoned property and must meet the criteria in Article 12 concerning screening device and parking lot landscaping.

### Section 3.18 Outside Storage

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- A. If storage for non-residential use is not within a full enclosed building, it must be stored in a walled or fenced enclosure.
- B. All outdoor storage shall be located in the side or rear yard only.
- C. The areas must be screened with an opaque fence a minimum of six (6) feet in height.
- D. The outdoor storage area must not be more than fifteen (15) feet from the side property lines and twenty (20) feet from the rear property line.

### Section 3.19 Pawnshops

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#### A. Intent

The making of pawn loans and the acquisition and disposition of tangible personal property by and through pawnshops vitally affects the general economy of this State and the public interest and welfare of its citizens.

#### B. License required

It is unlawful for any person, firm, or corporation to establish or conduct a business of pawnbroker unless such person, firm, or corporation has procured a license from the County to conduct business in compliance with the requirements of this Ordinance.

#### C. Requirements for Licensure

1. To be eligible for a pawnbroker's license, an applicant must:
  - Be of good moral character; and
  - Not have been convicted of a felony within the last 10 years.

## CHAPTER 3: SUPPLEMENTAL REQUIREMENTS

2. Every person, firm or corporation desiring to engage in the business of pawnbroker shall petition the County. Such petitions shall provide:
  - The name and address of the person, and, in case of a firm or corporation, the names and addresses of the persons composing such firm or of the officers, directors, and stockholders of such corporation, excluding shareholders of publicly traded companies;
  - The name of the business and the street and mailing address where the business is to be operated;
  - A statement indicating the amount of net assets or capital proposed to be used by the petitioner in operation of the business; this statement shall be accompanied by an unaudited statement from an accountant or certified public accountant verifying the information contained in the accompanying statement;
  - An affidavit by the petitioner that he has not been convicted of a felony; and
  - A certificate from the chief of police, or sheriff of the county, or the State Bureau of Investigation that the petitioner has not been convicted of a felony.
3. Any license may be revoked by the County, after a hearing, for substantial abuses of §NCGS 91A.

### D. License renewal

Notwithstanding any provision of §NCGS 91A, to the contrary, any person, firm, or corporation licensed as a pawnbroker on or before October 1, 1989, shall continue in force until the natural expiration thereof and all other provisions of §NCGS 91A shall apply to such license. Such pawnbroker shall be eligible for renewal of his license upon its expiration or subsequent renewals, provided such license complies with the requirements for renewal that were in effect immediately prior to October 1, 1989.

### E. Bond

Every person, firm, or corporation licensed under this Ordinance shall, at the time of receiving the license, file with the County a bond payable to County in the sum of five thousand dollars (\$5,000), to be executed by the licensee, and by two (2) responsible sureties or a surety company licensed to do such business in this State, to be approved by the County, which shall be for the faithful performance of the requirements and obligations pertaining to the business so licensed. The County may sue for forfeiture of the bond upon a breach thereof. Any person who obtains a judgment against a pawnbroker and upon which judgment execution is returned unsatisfied may maintain an action in his own name upon the bond, to satisfy the judgment.

## Section 3.20 Sexually Oriented Businesses

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- A. No such business shall locate within one thousand (1,000) feet of any other Sexually Oriented Business, as measured in a straight line from property line to property line.
- B. No Sexually Oriented Business shall be located within one thousand (1,000) feet of a church, public or private elementary or secondary school, library, child day care or nursery school, public park, residentially zoned or residentially used property, or any establishment with an on premise ABC license, as measured in a straight line from property line to property line.
- C. The gross floor area of any Sexually Oriented Business shall not exceed three thousand (3,000) square feet and all business related activity shall be conducted in a building.

## CHAPTER 3: SUPPLEMENTAL REQUIREMENTS

- D. No Sexually Oriented Business may have sleeping quarters.
- E. There shall not be more than one (1) Sexually Oriented Business in the same building, structure or portion thereof. No other principal or accessory use may occupy the same building, structure, property or portion thereof with any Sexually Oriented Business.
- F. Except for signs as may be permitted by Chapter 6 of this Ordinance, no printed material, slide, video, photograph, written text, live show or other visual presentation format shall be visible from outside the walls of the establishment, nor shall any live or recorded voices, music or sounds be heard from outside the walls of the establishment.
- G. No enclosed or underground parking shall be permitted.

### **Section 3.21 Telecommunication Facilities**

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#### **A. Purpose**

Wireless facilities and wireless support structures regulations are needed in order to promote the health, safety, and general welfare of the public by minimizing the impacts of wireless facilities and wireless support structures on surrounding areas by establishing standards for location, structural integrity, and compatibility. Hoke County wishes to accommodate the growing need and demand for wireless communication services. This section establishes predictable and balanced codes governing the construction and location of wireless facilities and wireless support structures, within the confines of permissible local regulations. This Ordinance establishes review procedures to ensure that applications for wireless facilities and wireless support structures are reviewed and acted upon within a reasonable period of time. The regulations herein help protect the character of the County while meeting the needs of its citizens to enjoy the benefits of wireless communication services.

#### **B. Applicability**

The provisions of this Section apply to any new Wireless Telecommunications Tower or Antenna, except as provided below. Telecommunication towers and alternative tower structures less than one hundred (100) feet in height measured from the ground are permitted without a Conditional Use Permit but must meet all the requirements of this Ordinance.

#### **C. General Recommendations**

1. Hoke County encourages the location and co-location of wireless facilities and wireless support structures on existing structures thereby minimizing new visual, aesthetic, and public safety impacts, effects upon the natural environment and wildlife, and to reduce the need for additional antenna support structures.
2. Hoke County encourages the use of public (County owned) lands, buildings, and structures as locations for wireless telecommunications infrastructure demonstrating concealed technologies and revenue generating methodologies. By doing so, the approval process shall be expedited significantly if feasible, which will be determined by current staff workload.
3. Placement of wireless facilities and wireless support structures on existing public utility structures such as a water storage tank or co-location on existing wireless support structures is encouraged.
4. The property upon which a wireless facility and wireless support structure is located should be primarily developed with governmental, institutional, and recreational uses or right-of-way for a

## CHAPTER 3: SUPPLEMENTAL REQUIREMENTS

cross-county utility transmission distribution structure. Examples include: fire stations, schools, churches, parks, libraries, water tanks, 911 facilities, athletic fields, golf courses, clubs or lodges, swim and tennis clubs, and cemeteries/mausoleums.

5. Hoke County requires that wireless facilities and wireless support structures applicants allow the County the option of locating the public safety communications equipment on their wireless support structures and sites.
6. In all zoning districts, antennas or antenna support structures of amateur radio operators cannot exceed to height of ninety (90) feet.

### **D. Lot Size**

Sites shall be at least ten thousand (10,000) square foot in size or meet the minimum lot size for that district in which it is located. In the event that a tower or antenna is installed and/or leased on a portion of a lot, the lot in its entirety will determine any and all district development regulations that the structure may be subject to; including but not limited to: setback, lot-coverage, and other such regulations.

### **E. Aesthetics**

Wireless support structures shall be constructed of the monopole style. To the maximum extent possible, antennas and wireless support structures shall be camouflaged in an effort to conceal them from public view. Concealment may be in the form of building antennas into lighting fixtures, blending antennas inside wall-mounted signage, mounting antennas inside self-containing monopoles. Examples of concealment: include flagpoles, church steeples, monopoles disguised as clock and/or bell towers, trees, signs, public art, and/or other camouflaged structures available to the industry. Roof-mounted antennas extending less than five (5) feet above the principal building shall be painted to match the color of the façade of the principle building. Roof-mounted antennas extending over five (5) feet above the principle building shall be located behind a façade that blends with the principal building. Wireless facilities and wireless support structures may be denied on the basis of negative influence on property value or on aesthetic concerns. As a condition for approval, Hoke County can require a concealed wireless support structure design which harmonizes with the surrounding area.

## CHAPTER 3: SUPPLEMENTAL REQUIREMENTS

### Examples of camouflaged towers:



### F. Site Regulations

1. Accessory Structures. If structures are adjacent to residentially zoned or residentially occupied property, all accessory structures that extend more than one (1) foot above the height of fencing must be designed/camouflaged to closely resemble neighborhood architecture.
2. Fencing. The wireless support structure shall have an eight (8) foot high opaque fence constructed around the perimeter of the site. This fence may be in the form of slats inserted in a chain link fence. Fencing around compounds within or adjacent to residentially zoned or residentially occupied property shall match the façade of the principle building. If there is no principle building, shadowbox fencing shall be used.
3. Access and Orientation. Any driveway accessing a wireless facility and/or wireless support structure must have an all weather surface of gravel, concrete, or asphalt with a minimum continuous width of twenty (20) feet. The driveway access to the compound shall a separate driveway connection to a public or private street from other structures and/or uses on the property. For all facilities within or adjacent to residentially zoned or residentially occupied property, the gated drive to the compound shall be located to minimize the effect on adjoining property.
4. Signage. Signage on a tower, or on any portion of the premises leased for wireless telecommunication use, shall be limited to those needed to identify the property and the owner and to warn of any danger. Signs which advertise for commercial purposes are prohibited.
5. Lighting. No lighting shall present a glare to any adjoining properties or into any public right-of-way or a nuisance to pilots.

## CHAPTER 3: SUPPLEMENTAL REQUIREMENTS

6. Landscaping. Landscaping shall be provided around the perimeter of the compound except for gate drive area. Landscaping shall consist of evergreen shrub and trees that must be a least three (3) feet in height at time of placement and must reach six (6) feet in height within two (2) years. Said landscaping shall be planted five (5) feet from the fence.
7. Address. Applicant shall prominently display and maintain the assigned address number on a post at the driveway intersection. The numbers on the driveway display shall be no less than three (3) inches in height and have a night reflective surface. Further, this address post shall be installed within five (5) business days from issuance of zoning permit. Also, the site must be posted with the owner's name and contact information and all carrier's names and contacts. These shall be updated when ownership change occurs.

### G. Required Information

1. Site Plan. All requests for a wireless facility and wireless support structure must be accompanied by a detailed site plan. The applicant shall submit photographs of a similar wireless facility and wireless support structure and use photo imagery to superimpose the wireless facility and wireless support structure and other related structures onto the existing site for review and approval by staff. Design review shall insure that the wireless facility and wireless support structure and other structures bear a reasonable relationship to the proportions and scale of the existing building, towers, and other structures. Once the site plan and photograph(s) or photo rendering(s) of the wireless facility and wireless support structure and other structures are approved, the wireless facility and wireless support structure and other structures must be constructed in compliance to this approval.
2. FCC Standards. A signed statement from a qualified person determined by Hoke County staff, together with their qualifications, shall be included in the application that certifies radio frequency emissions from the antenna(s) comply with FCC standards, presents no threat to aviation standards, and presents no threat to persons and/or property. The statement shall also certify that both individually and cumulatively, and with any other existing facilities located on or immediately adjacent to the proposed facility complies with FCC standards.
3. Structure Height. The proposed maximum height of the proposed telecommunication tower, including individual measurement of the base, the antenna support structure, less the lightning rod.
4. Regional Land Use Advisory Commission (RLUAC). Applications are to be forwarded by the applicant to RLUAC, or a similar organization, for review and comment. The reviewing agency would then examine specific GIS data layers to determine the compatibility of the proposed site with airspace delineations. When potential conflicts are identified, Fort Bragg officials would be alerted and given the opportunity to suggest constructive alternatives. The review recommendations would be nonbinding on the County; however, the County can require them of the applicant.
5. US Fish and Wildlife Service (USFWS). If the USFWS requires the applicant to submit any information to them concerning the proposed wireless facility and wireless support structure, the applicant shall also furnish a copy of any material submitted to the USFWS to the County as part of the application package.
6. North Carolina State Historic Preservation Office (SHPO). Compliance letter from the SHPO, if applicable.

## CHAPTER 3: SUPPLEMENTAL REQUIREMENTS

7. National Environmental Policy Act (NEPA). Completed checklist demonstrating compliance with the NEPA, if applicable.
8. North Carolina Wildlife Resources Commission (NCWRC). The NCWRC may assist staff in determining areas for which wireless facility and wireless support structures shall not be located, as based on conservation areas designated by the Hoke County Conservation Target Map.
9. Visual and Aesthetic Impacts. A balloon test or, preferably and where appropriate, a crane at the proposed site is required prior to the public hearing. The date, time and location of the test must be advertised in a newspaper of general circulation in the County at least fourteen (14) days, but not more than twenty-one (21) days, prior to the test, and the County must be notified in writing at least fourteen (14) days prior to the test.
10. Hoke County Environmental Health Department. If applicable, a septic check by the Hoke County Environmental Health Department is required for any site that has a structure on the tract that uses on-site waste disposal systems (septic fields). This requirement is to ensure that the septic system is functioning properly and to ensure that the proposed development does not interfere with the safe operation of the septic system. An additional application and fee is required and is determined by the Environmental Health Department.
11. FAA Standards. Engineering evidence must be presented which demonstrates that the proposed use meets all FAA standards. Reports on how all lighting on the structures complies with FAA standards must also be submitted, if applicable.
12. FCC Good Engineering Practices. In order to facilitate the regulation, placement, and construction of wireless facility and wireless support structures, and to ensure that all parties comply to the fullest extent possible with the rules, regulations, and/or guidelines of the FCC, each owner of a wireless facility and wireless support structure or applicant for a wireless facility and wireless support structure shall agree in a written statement to the following:
  - a. Compliance with “Good Engineering Practices” as defined by the FCC in its rules and regulations.
  - b. Certification from the applicant that it complies with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI).
  - c. In the case of an application for collocated wireless support structure, the applicant, together with the owner of the subject site, shall provide a composite analysis of all users of the site to determine that the applicant’s proposed facilities will not cause radio frequency interference with the County’s public safety communications equipment and will implement appropriate technical measures, to attempt to prevent such interference.
  - d. Removing wireless facility and wireless support structure and other structures if the tower or antenna or related communication device becomes inactive for one hundred eight (180) days, unless an extension is given.

### H. Radio Frequency Interference

Whenever the County encounters radio frequency interference with its public safety communications equipment and it believes that such interference has been or is being caused by one or more wireless facility and wireless support structures, the following steps shall be taken:

## CHAPTER 3: SUPPLEMENTAL REQUIREMENTS

1. The County shall provide notification to all wireless facility and wireless support structure service providers operating in the jurisdiction of possible interference with the public safety communications equipment. Upon such notification, the owners shall use their best efforts to cooperate and coordinate with the County and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety “Best Practices Guide,” released by the FCC in February 2001, including the “Good Engineering Practices,” as may be amended or revised by the FCC from time to time.
2. If any wireless facility and wireless support structure owner fails to cooperate with the County in complying with the owner’s obligations under this section or if the FCC makes a determination of radio frequency interference with the County public safety communications equipment, the owner who fails to cooperate and/or the owner of the wireless facility and wireless support structure which caused the interference shall be responsible, upon FCC determination of radio frequency interference, for reimbursing the County for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the jurisdiction to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in the “Best Practices Guide” within twenty-four (24) hours of the County’s notification.

### I. Review Process

Any application submitted pursuant to this section shall be reviewed by County staff as determined by the County Manager for completeness. If any required item fails to be submitted the application shall be deemed incomplete. Staff shall advise the applicant in writing within forty-five (45) business days after submittal of an application regarding the completeness of the application. If the application is incomplete, such notice shall set forth the missing items or deficiencies in the application, which the applicant must correct and/or submit in order for the application to be deemed complete.

1. Where due to the complexity of the methodology or analysis required to review an application for a wireless communication facility, the Board of Commissioners may require the applicant to pay for a technical review by a third party expert, the costs of which shall be borne by the applicant and be in addition to other applicable fees.
2. Based on the results of the expert review, staff may require changes to the applicant’s application or submittals.
3. The applicant shall submit as published in the County’s current fee schedule. Hoke County may fix and charge an application fee, consulting fee, or other fee associated with the submission, review, processing, and approval of an application to site or modify wireless support structures or wireless facilities that is based on the costs of the services provided and does not exceed what is usual and customary for such services. Any charges or fees assessed by the County on account of an outside consultant shall be fixed in advance and incorporated into a permit or application fee and shall be based on the reasonable costs to be incurred by the county in connection with the regulatory review authorized under this section. The foregoing does not prohibit Hoke County from imposing additional reasonable and cost based fees for costs incurred should an applicant amend its application. On request, the amount of the consultant charges incorporated into the permit or application fee shall be separately identified and disclosed to the applicant.
4. After approval of the entire application by the Board of Commissioners, the applicant will submit construction / engineering drawings to the Hoke County Inspections Department, providing structural analysis report for ninety (90) mph wind load and include seismic analysis based on the

## CHAPTER 3: SUPPLEMENTAL REQUIREMENTS

### J. Conditional Use Criteria

1. Hoke County staff must send a first-class notification letter to residents within a 1-mile radius and include:
  - Tower height
  - Existing and planned tower uses
2. All conditional use permit requests are subject to the regulations described in Article V in the Hoke County Zoning Ordinance.
3. Once a conditional use permit is granted the wireless facility and wireless support structure and other structures shall be completely constructed within 25 months from the time the permit is granted or the permit will be null and void.

### K. Co-Location

Prudent and reasonable efforts must be made to co-locate a new cellular antenna on existing wireless support structures, or other structures. A co-location analysis is required whenever a tower is within three (3) miles of the proposed tower site. The report shall also illustrate a search ring. County staff or representatives will evaluate the report with consideration given both to the communication provider's needs and to the community's desires to limit new tower construction. If staff or representative determines that co-location is not prudent and not feasible, a new wireless support structure site will be authorized and the project can proceed with site plan and permit approvals. If staff determines that co-location is prudent and feasible, the new wireless support structure site will be denied, requiring co-location on an existing tower or structure. The co-location analysis report shall be submitted and consist of the following items:

1. Detailed description of the purpose of proposed site, i.e., capacity or coverage, and area designed to cover (search ring);
2. Site Plan showing wireless support structure location, wireless support structure height, ground elevation, and type of wireless support structure;
3. Detailed description of all existing wireless support structures or other structures of significant height within a three (3) mile radius of the proposed tower, including height of structure, ground elevation, number of existing users, height available for co-location, if any, and structural deficiencies, if any;
4. Propagation maps showing coverage without proposed tower, coverage with proposed tower, and coverage for each co-location possibility. Base maps should include roads and other physical features at a minimum, and;
5. Detailed analysis of co-location possibilities including coverage overlap percentages, signal interference problems, etc.

Additional information may be requested after initial review for further analysis. If the department or representative determines that collocation is prudent and feasible after its review, it may submit the information to a radio frequency engineer for an independent analysis. Also, wireless support structures shall be constructed so as to allow future location of additional antennas. A collocation application

## CHAPTER 3: SUPPLEMENTAL REQUIREMENTS

entitled to streamline processing under G.S. 153A-349.53 (below) shall be deemed complete unless the County provides notice in writing to the applicant within forty-five (45) days of submission or within some other mutually agreed upon timeframe. The notice shall identify the deficiencies in the application which, if cured, would make the application complete. The application shall be deemed complete on resubmission if the additional materials cure the deficiencies identified. Staff or a County representative shall issue a written decision approving or denying an application within forty-five (45) days in the case of collocation applications entitled to streamlined processing under G.S. 153A-349.53 and within a reasonable period of time consistent with the issuance of other land-use permits in the case of other applications, each as measured from the time the application is deemed complete.

### L. Collocation of wireless facilities.

1. Applications for collocation entitled to streamline processing under this section shall be reviewed for conformance with applicable site plan and building permit requirements but shall not otherwise be subject to zoning requirements, including design or placement requirements, or public hearing review.
2. Applications for collocation of wireless facilities are entitled to streamlined processing if the addition of the additional wireless facility does not exceed the number of wireless facilities previously approved for the wireless support structure on which the collocation is proposed and meets all the requirements and conditions of the original approval. This provision applies to wireless support structures which are approved on or after December 1, 2007.
3. The streamlined process set forth in subsection (a) of this section shall apply to all collocations, in addition to collocations qualified for streamlined processing under subsection (b) of this section, that meet the following requirements:
  - The collocation does not increase the overall height and width of the tower or wireless support structure to which the wireless facilities are to be attached.
  - The collocation does not increase the ground space area approved in the site plan for equipment enclosures and ancillary facilities.
  - The wireless facilities in the proposed collocation comply with applicable regulations, restrictions, or conditions, if any, applied to the initial wireless facilities placed on the tower or other wireless support structure.
  - The additional wireless facilities comply with all Federal, State, and local safety requirements.
  - The collocation does not exceed the applicable weight limits for the wireless support structure.

### M. Termination of Use

Whenever a wireless facility, wireless support structure, antenna, or related equipment ceases to be in active operation for communication purposes, for more than one hundred eighty (180) days, all structures shall be removed. A one-time extension can be granted for removal.

## Section 3.22 Temporary Uses

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Temporary structures and uses, when in compliance with all applicable provisions of this Ordinance, and all other ordinances of Hoke County, shall be allowed as described below. The following information must be provided as part of the application:

- Written approval from the property owner giving the applicant authorization for the specific use.

## CHAPTER 3: SUPPLEMENTAL REQUIREMENTS

- Public Liability or General Insurance Policy for personal injury & property damage, minimum of \$100,000.
- A hold harmless letter from the applicant addressed to the County of Hoke.
- Health Department Permit (if applicable)
- Site plan of location showing any and all facilities being used.

### A. Fireworks Stands

Limited to the HC, CP, and I zoning districts. A maximum of one (1) structure shall be allowed. The structure must be portable and completely removed at the end of the permit period. The use may be permitted for a maximum of forty five (45) consecutive days.

### B. Seasonal Sale of Agricultural Products (including Christmas Trees).

A maximum of one (1) building/display booth shall be allowed. The building/display booth must be portable and completely removed at the end of the period. Sales shall be limited to the daylight hours.

### C. Sidewalk Vendors

Limited non-residential outdoor sales (sidewalk vendors) may receive a temporary use permit if the sales activities are incidental to the primary use, the sales activity is conducted with property owner permission and the display area is located in the HC zoning district. The display area shall not extend beyond the sidewalk or concrete apron entrance of the building, nor encroach into a public right-of-way. If the private sidewalk or pedestrian way in front of the building is used for display of merchandise, a minimum width of four (4) feet must remain unobstructed for pedestrian use. Temporary sales activities are prohibited on vacant property and from vehicles.

### D. Mobile Food Vending Service

Mobile food vending services shall only be permitted in the HC zoning district on occupied lots. Mobile food vending services are prohibited on vacant properties. The mobile food vending service shall not be located in any required setback, any sight distance triangle, or required buffer. Trash receptacles must be provided for customers to dispose of food wrappers, food utensils, paper products, cans, bottles, food, and other such waste. Such receptacle shall be located no more than 10 feet from the mobile food vendor. The vendor is responsible for removing all trash, litter, and refuse from the site at the end of each business day. The hours of operation shall be between 8:00 AM and 9:00 PM. The mobile food vending service shall provide one (1) parking space per 250 square feet of the mobile food vending unit. The mobile food vending service shall not be located in any minimum required parking spaces for other businesses on the site. There shall be a minimum of 400 feet of separation from any other mobile food vending service. The use may be permitted for a maximum of ninety (90) consecutive days. These restrictions shall not be applicable to special events recognized by the County where mobile food vendors are permitted or non-profit fundraising events of five (5) days or less.

### E. Contractors Office and Equipment/Storage Sheds

Accessory to a Construction Project (Residential and/or non-residential) Placement of such a temporary use is limited to a period of time determined by an estimated project completion date with the option of an extension of up to one (1) year as and if approved by the Administrator. A construction trailer may be used for a contractor's office and/or for the contractor's storage of equipment and/or materials. All temporary buildings and trailers shall be completely removed from the site within thirty (30) days of issuance of either a Certificate of Occupancy on the last permitted Residential unit and/or completion of the Non-Residential construction project which has been issued a Certificate of Occupancy.

### F. Real Estate in a Construction Trailer or a Temporary Modular Unit

Temporary structures, such as a construction trailer(s) and/or temporary modular unit(s) may be used as a real estate sales office, promotion and management office in any new construction project for the sale and

## CHAPTER 3: SUPPLEMENTAL REQUIREMENTS

promotion of properties within that project and/or its future phases only. Such a temporary use shall be allowed in all zoning districts, if approved by the Administrator. A real estate office may not contain sleeping or cooking accommodations unless located in a model dwelling.

### **G. Real Estate Office in a Model Home**

Accessory to Construction of a New Residential Development, if approved by the Administrator. The number of employees utilizing the office at any one time may not exceed five (5). A real estate office may not contain sleeping or cooking accommodations unless located in a model dwelling.

### **H. Single Family Dwelling in a Temporary Structure**

During the active construction period (after a building or grading permit has been issued) of a construction project involving a non-residential use or a residential development with building permit(s) for more than 50 units at any one time, one (1) mobile home or trailer may be allowed on the same property to be used as a temporary residence by a night watchman for a period not to exceed 12 months or the active construction period, whichever is less. The temporary home shall be removed from the site within 14 days of issuance of the Certificate of Zoning Compliance for a non-residential structure or the first residential unit if within a residential development.

### **I. No Recreational Vehicles**

No Recreational Vehicles shall be permitted as a Temporary Use or Structure.

### **J. Amusement Enterprises**

Carnivals, circuses, fairs, and amusement rides may be allowed in any non-residential zoning district. This classification excludes events conducted in a permanent entertainment facility. The use may be permitted for a maximum of twenty one (21) consecutive days.

### **K. Religious Events, Offsite**

Religious events in a tent or other temporary structure may be allowed in any non-residential zoning district with the issuance of a temporary use permit. The use may be permitted for a maximum of thirty (30) consecutive days.

### **L. Yard Sales**

A yard sale may be conducted by an individual occupant of a residence, a coordinated group of homeowners within an established development, or a civic or religious organization for the purpose of selling surplus household items for profit or for charitable purposes. Yard sales shall be prohibited on commercially developed properties and vacant lots. Items purchased elsewhere expressly for resale are prohibited. Goods intended for sale shall not be stored or displayed in the front or side yards of a dwelling except on the day of the sale. Each yard sale event is limited to the daylight hours.

### **M. Similar and Compatible Uses Not Specified**

If a particular temporary use is listed in the Ordinance, the Administrator shall have the authority to grant a temporary use permit for a "similar and compatible use". Similar and compatible uses not specified are those uses which are similar and compatible to those allowed as temporary uses in this Section. Determination of what constitutes similar and compatible shall be made by the Administrator. In such instances, the applicant shall provide the following information such as type of use; number of employees; parking/circulation needs/hours of operation; and duration of operation.

# **CHAPTER 4: BUILDING DESIGN REGULATIONS**

## **Contents**

Section 4.1 General.....	4-2
Section 4.2 General Form .....	4-2
Section 4.3 Walls .....	4-2
Section 4.4 Roofs .....	4-2
Section 4.5 Entryways .....	4-3
Section 4.6 Exterior Building Materials and Color .....	4-3
4.6.1 Commercial Building.....	4-3
4.6.2 Industrial Building .....	4-4
Section 4.7 Mechanical and Service Equipment.....	4-4
Section 4.8 Alternative Methods of Compliance.....	4-4
Section 4.9 Examples.....	4-5

## **CHAPTER 4: BUILDING DESIGN REGULATIONS**

### **Section 4.1 General**

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The purpose of this chapter is to ensure architectural compatibility and the establishment throughout the County. Enumerated in the sections below are general requirements of all buildings as well as requirements specific to building use and typology. All new construction shall conform to the architectural requirements of this chapter. All new developments (except for infill single-family detached residential uses) shall be designed in accordance with the requirements of this Chapter.

### **Section 4.2 General Form**

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New buildings and additions shall be designed to reduce massive scale, uniformity and impersonal appearance. Front facades should provide visual interest that will be consistent with the architectural design, height, massing, materials, and rhythm of windows and doors of the existing and proposed buildings within the area. All front facades within a single planned development should be similar in style, design and architecture; however, it should not be so similar as to create monotony.

- A. Big-Box structure: Reduce mass of building using projections, roof changes and material changes (arched covered entrances w/columns, multiple roof styles, brick coursing/banding, decorative cornices, etc.)
- B. Retail shops, restaurants & strip centers: Provide a great deal of detail and use high quality coordinated material (covered walkways, awnings, gables/dormers/parapets, cupolas, arched/bay/boxed windows, window grilles, shutters, gable vents, soldier coursing, ornamental molding, attractive cornices, decorative lighting fixtures and railings, landscape areas, etc.)
- C. Lifestyle centers: Reduce mass of building, provide detail, use high quality coordinated material and pedestrian friendly community spaces (multi-story buildings that contain retail on the main level and office or residential uses on the upper levels are strongly encouraged)

### **Section 4.3 Walls**

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Facades should consist of quality material and all of the elements below to provide unique and interesting detail to the elevation.

- A. Color change
- B. Texture change
- C. Material change
- D. Architectural or structural plane changes of a significant depth, such as an off-set, reveal (in) or projecting rib/pilaster (out).

### **Section 4.4 Roofs**

---

Variations in rooflines should be used to add interest to, and reduce the massive scale of large buildings. Roof features should complement the character of adjoining neighborhoods where applicable.

- A. Rooflines need to be varied with multiple changes in height across the building facade.
- B. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and roof top equipment from public view.

## CHAPTER 4: BUILDING DESIGN REGULATIONS

- C. All parapets must have detailing such as cornices, moldings, trim or variations in brick coursing. The use of two-story false parapets (faux windows) and sloping roof parapets are strongly encouraged.
- D. Sloping roofs should provide at least two design elements.
- E. Multiple roof styles and lengths should be alternated along the façade.

### Section 4.5 Entryways

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Entryways should be highlighted (focal point) with design elements and variations that give orientation, transition and aesthetically pleasing character to the building. Each principal building on site should have clearly defined, highly visible customer entrances. Large commercial strip centers should feature multiple entrances that are highly visible. In all cases, entryways should provide protection from the weather by projecting away from the main façade and by utilizing one or more of the following design elements listed below:

- A. Awnings
- B. Canopies, arcades or porticos with window shopping walkways
- C. Alcoves
- D. Overhangs/eaves
- E. Recesses/projections
- F. Raised corniced parapets over the door
- G. Peaked roof forms
- H. Arches
- I. Outdoor patios
- J. Display windows
- K. Pillar posts or pilasters
- L. Architectural details such as tile work, brick soldier courses or moldings which are integrated into the building structure and design
- M. Planters or wing walls, ornamental fencing, ornamental benches, landscape areas (incorporate landscape area and place for sitting).

### Section 4.6 Exterior Building Materials and Color

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#### 4.6.1 Commercial Building

Building materials and color shall be aesthetically pleasing and compatible with materials and colors used throughout the commercial development and adjoining neighborhoods when applicable.

- A. Detailing (moldings, cornices, etc.) and banding should consist of a different tint and texture. Materials not listed on the predominant or subsidiary lists may be utilized for detailing and banding such as textured concrete masonry.
- B. Exterior walls should be designed to reduce massive scale, uniformity and impersonal appearance. Exterior elevations should provide visual interest that will be consistent with the area's identity, character, and scale.
- C. Awnings should be constructed of canvas or a similar material.

## CHAPTER 4: BUILDING DESIGN REGULATIONS

### 4.6.2 Industrial Building

- A. Any front façade (elevation facing a street) for an industrial structure shall incorporate recesses, projections, glass wall systems, and/or other ornamental/architectural features along the length of the façade.
- B. Non-corrosive, stamped metal panels may be considered for the second level (above 30' high) when a sample is provided and approved.

### Section 4.7 Mechanical and Service Equipment

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- A. HVAC and similar types of incidental machinery or equipment shall be screened from view or located in such a manner as to not be visible from the street. Utility meters, aboveground tanks, satellite dishes and antennas shall be similarly screened.
- B. All roof-mounted equipment, including HVAC systems, satellite dishes and other communication equipment, must be screened from adjacent street or parking area views in one of the following ways (solar heating panels are exempt from this standard):
  - A parapet as tall as the tallest part of the equipment;
  - A screen around the equipment that is as tall as the tallest part of the equipment; or
  - The equipment is set back from the street-facing perimeters of the building three feet for each foot of height of the equipment.

### Section 4.8 Alternative Methods of Compliance

---

#### A. Use of Alternate Plan, Material, or Methods

Alternate design plans, building materials or construction techniques may be used when unreasonable or impractical situations would result from the application of architectural design standards. Such situations may result from unique site conditions, innovative design applications, and/or unified development design.

#### B. Approval of Alternate Design

The Zoning Administrator may approve an alternate plan which proposes different design standards, building materials or construction materials provided that quality, effectiveness, durability and performance are equivalent to that required by this ordinance. The Zoning Administrator may defer these duties to the Technical Review Committee at any time prior to the issuance of a building permit.

#### C. Evaluation by Technical Review Committee

The performance of alternate design standards shall be evaluated by the TRC to determine if the alternate design meets the intent and purpose of this ordinance. This determination shall take into account the land use of adjacent property, the orientation of the building to public streets, the building typology, the intended use of the structure, attention to architectural detail, scale and mass.

#### D. Appeal

Decisions of the Zoning Administrator and/or the TRC regarding alternate methods of compliance may be appealed to the Board of Adjustment in accordance with Chapter 11.

**CHAPTER 4: BUILDING DESIGN REGULATIONS**

**Section 4.9 Examples**

*Acceptable*



**Parapet on Front Façade Only-  
& Varied Roof Line**

*Unacceptable*



**Parapet with Decorative Cap**

**No Decorative Cap**

# CHAPTER 5: LANDSCAPE DESIGN STANDARDS

## Contents

Section 5.1 General.....	5-2
Section 5.2 Buffer Requirements.....	5-2
Section 5.3 Parking Lot Landscaping Standards .....	5-3
Section 5.4 Street Yard Requirements .....	5-3
Section 5.5 Fence Requirements.....	5-3
Section 5.6 Solid Waste Storage Requirements.....	5-4
Section 5.7 Landscaping Recommended Species List.....	5-4

## CHAPTER 5: LANDSCAPE DESIGN STANDARDS

### Section 5.1 General

---

The purpose of this Chapter is to regulate the protection, installation, and long-term management of trees and shrubs and to minimize potential nuisances, such as visual impacts, noise, dust, odor, litter, and glare of lights, from adjacent properties. The appropriate use of existing and supplemental landscaping enhances the appearance of built environment and blends new development with the natural landscape. Existing vegetation should be retained where possible to ensure a natural established landscape.

All new developments (except for infill single-family detached residential uses) shall be designed in accordance with the requirements of this Chapter. A change of use or expansion of an existing building or parking area also requires compliance with the requirements of this Chapter. Generally, the responsibility for screening is that of the more intense land use. Where necessary to accommodate creativity in site design, or where conformance with the strict requirements of this Chapter are not feasible, the Board of Commissioners, Planning Board, or Technical Review Committee, whichever is responsible for approving the plan, may modify these requirements, provided that the type and amount of landscaping or other features are equivalent in effectiveness.

### Section 5.2 Buffer Requirements

---

- A. Buffer areas are required along the full extent of property lines of all commercial and industrial uses adjacent to land that is zoned or being used for residential purposes.
- B. Buffers shall not be required adjacent to any portion of an existing right-of-way.
- C. Manufacturing, Warehousing, and Distribution uses shall install and maintain the following bufferyard:
- Minimum ten (10) foot wide buffer area with a three (3) foot tall evergreen hedge expected to be opaque and reach a minimum height of six (6) feet within three (3) years.  
OR
  - Fifty (50) foot wide buffer area with a minimum of three (3) trees and five (5) shrubs per one hundred (100) linear feet of the buffer area.
- D. Retail, Office, and Services Uses shall install and maintain the following buffer yard:
- Minimum ten (10) foot wide buffer area with a two (2) foot tall evergreen hedge expected to be opaque and reach a minimum height of five (5) feet within three (3) years  
OR
  - Thirty five (35) foot wide buffer area with a minimum of three (3) trees and five (5) shrubs per one hundred (100) linear feet of the buffer area.
- E. Existing vegetation meeting the following requirements in the buffer area should be used toward the required landscaping. Trees must be a minimum of two (2) inch caliper. Shrubs must be a minimum of one (1) foot in height.
- F. The property owner shall be responsible for the maintenance of the all buffer areas. Litter and debris shall be cleared and dead plants must be replaced with plants meeting the specification of this Ordinance.

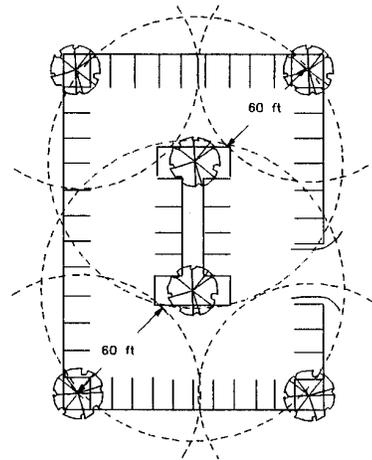
## CHAPTER 5: LANDSCAPE DESIGN STANDARDS

- G. When a fence is located in a buffer area, any vegetation must be located on the side of the fence furthest from the development.
- H. Passive recreation is permitted within the buffer areas. However, no structures, parking, drives, or any other uses are permitted within the buffer area.

### Section 5.3 Parking Lot Landscaping Standards

---

- A. A five (5) foot wide buffer area is required around the perimeter of all parking areas adjacent to public right-of-ways. This area must be guarded by wheel stops and planted with vegetation.
- B. A minimum of one (1) canopy tree shall be located within sixty (60) feet of every parking space.



### Section 5.4 Street Yard Requirements

---

- A. Street yards are required along all sides of the development adjacent to a public right-of-way.
- B. Street yards must be a minimum of ten (10) feet in width measured from the right-of-way line.
- C. The minimum landscaping requirement for a Street yard is two (2) large trees, two (2) small or intermediate trees, and fourteen (14) shrubs per one hundred (100) linear feet.

### Section 5.5 Fence Requirements

---

- A. Types of Fences permitted
  - Open picket
  - Post and rail
  - Wrought iron
  - Open wire (hurricane and chain link)
  - Brick or stone (solid or pierced)
  - Solid plank
- B. Placement and dimensions of fence
  1. Open picket, post and rail, wrought iron, and open wire fences shall not exceed six (6) feet in height.
  2. Solid plank, brick, or stone fences in front yards shall not exceed four (4) feet in height.
  3. Solid plank, brick, or stone fences in the side or rear yards shall not exceed six (6) feet in height.

## CHAPTER 5: LANDSCAPE DESIGN STANDARDS

4. A solid fence up to eight (8) feet in height that projects into the side or rear yard of commercial or industrial property may be permitted at the discretion of the Zoning Administrator to shield such use from residentially zoned property.
5. Fences must be constructed with the finished side facing the adjacent property or street.

### Section 5.6 Solid Waste Storage Requirements

---

- A. Solid waste receptacles, including compost bins, used for non-residential purposes must be located in an enclosed area that is screened on all sides. The enclosure must be a minimum of six (6) feet in height and opaque.
- B. Latching gates must installed.
- C. Landscaping or permanent materials may be used to meet this requirement. If landscaping is used alone it must be designed to form a continuous, tight screen in three (3) years. Permissible permanent materials are concrete or stone block, brick, wood, or similar material. Chain link fences with slats inserted shall not be approved as appropriate screening material.
- D. The location of the solid waste receptacle is at the discretion of the Solid Waste Director.

### Section 5.7 Landscaping Recommended Species List

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#### Small Shrubs

Small shrubs are very good for landscaping because of their relatively low maintenance demands.

Botanical Name	Common Name	Height	Notes
Chaenomeles japonica	Japanese Flowering Quince	2'-3'	Withstands urban conditions.
Cotoneaster horizontalis	Rockspray Cotoneaster	2'-3'	Useful for rock gardens. Combines well with stone or wood
Daphne odora	Winter Daphne	3'-4'	Beautiful foliage plant for landscaping
Deutzia gracilis	Slender Deutzia	3'-4'	Good as a filler in mixed shrub borders and flower gardens.
Hypericum patulum	St John's Wart	3'	Works well in shrub borders and foundation plantings.
Ilex cornuta	Carissa Holly	3'-4'	Excellent formal shrub. May be used in foundation plantings
Ilex cornuta Rotunda	Dwarf Horned Holly	2'-3'	May be used as an accent plant, foundation plant, hedge, or container plant
Ilex vomitoria Nana	Dwarf Yaupon Holly	2'-4'	Usefully as a low growing foundation plant
Leucothoe fontanesiana	Drooping Leucothoe	3'-4'	Good filler between other shrubs.

## CHAPTER 5: LANDSCAPE DESIGN STANDARDS

Ligustrum japonicum Rotybdifolium	Curlyleaf Ligustrum	4'	Withstands urban conditions and drought well
Mahonia aquifolium	Oregon Grape Holly	2'-3'	Excellent for foundation plantings except near red brick.
Pinus mugo Compacta	Dwarf Mugo Pine	3'-4'	Excellent container planting
Prunus laurocerasus Otto Luyken	Otto Laurel	3'-4'	Good for foundation and low hedges
Raphiolepis indica	India Hawthorn	3'-4'	Good informal hedge with excellent foliage and flower color combination
Viburnum davidii	David Viburnum	3'-4'	Excellent low growing foundation plant
Yucca filamentosa	Adam's Needle Yucca	1'-4'	Very resistant to drought and adverse growing conditions. Not to be used near play areas.

### Medium Shrubs

Medium shrubs are useful as hedges, small screens, accent plants, large mass plantings, and large foundation shrubs.

Botanical Name	Common Name	Height	Notes
Abelia x grandiflora	Glossy Abelia	4'-6'	Good plant for informal hedges
Aucuba japonica	Aucuba Japonica	4'-5'	Excellent for dark or shady locations.
Berberis julianae	Winterberry barberry	4'-6'	Good as a hedge, border, or background material.
Buddleia davidii	Butterfly Bush	5'-8'	Useful scattered through large shrub borders.
Buxus sempervirens	American Boxwood	3'-6'	Requires pruning to keep in bounds.
Cytisus scoparius	Scotch Broom	5'-7'	Has grass-like green stems, yellow spring flowers
Euonymus alatus	Winged Euonymus	5'-8'	Excellent for parks or industrial sites.
Euonymus kiautschovicus	Spreading Euonumus	4'-6'	Useful as hedge, screen, border, or foundation planting.
Fatsia japonica	Japanese Fatsia	4'-6'	Very tolerant of urban conditions.
Ilex cornuta Burfodii Nana	Dwarf Burford Holly	4'-6'	Versatile and dependable as hedge and foundation plant. Grows well in containers.
Ilex crenata Hetzi	Hetzi Japanese Holly	4'-6'	Vigorous growth
Ilex crenata Rotundifolia	Roundleaf Japanese Holly	4'-6'	Withstands urban conditions well.
Kalmia latifolia	Mountain Laurel	4'-6'	Mass on northern sides of buildings, in dark nooks, or under trees.
Mahonia bealei	Leatherleaf Mahonia	5'-6'	Dependable for use in shrub borders
Mahonia pinnata	California Holly Grape	4'-6'	Grows well in the sun

## CHAPTER 5: LANDSCAPE DESIGN STANDARDS

Nadina domestica	Nandina	4'-6'	Excellent vertical accent. Avoid placing new red brick foundations.
Pieris floribunda	Mountain Andromeda	4'-6'	Useful in foundation plantings and mixed shrub borders.
Pieris japonica	Japanese Andromeda	4'-6'	Useful in shrub borders.
Raphiolepis umbellate	Yeddo-Hawthorne	4'-6'	Fairly drought resistant.
Yucca gloriosa	Mound Lily Yucca	4'-6'	Seen grouped with smaller growing yuccas.

### Large Shrubs

Practical uses for large shrubs include screening or as accent plants. These size shrubs are appropriate as foundation plantings where the buildings/structures are very large in scale. The plants in this category are deciduous and evergreen, flowering and berry producing plants, along with cultivars with interesting bark and foliage textures.

Botanical Name	Common Name	Height	Notes
Buxus sempervirens arborescens	Tree Boxwood	8'-12'	Good evergreen screen for large area
Camellia japonica	Camellia	8'-15'	May be used as background or espalier
Camellia sasanqua	Sasanqua Camellia	8'-15'	Excellent for informal border, specimen, accent, and sheared or natural hedges.
Chionanthus virginicus	Fringetree	10'-12'	Good in urban areas.
Cleyera japonica	Cleyera	8'-12'	Excellent for large shrub borders and screens.
Elaeagnus pungens	Thorny Elaeagnus	8'-11'	Effective as natural hedge, shrub border, covering on banks.
Ilex aquifolium	English Holly	8'-12'	Useful as mass or hedge.
Ilex crenata	Japanese Holly	10'-12'	Suitable for screening or hedge.
Ilex latifolia	Lusterleaf Holly	8'-12'	Use in large scale shrub borders. Excellent for industrial sites or other large scale sites.
Ilex pernyi	Perny Holly	9'-12'	Tall, showy holly shrub
Ilex vomitoria	Yaupon Holly	5'-15'	Adapts to most conditions. Useful as border, screen or barrier for large sites.
Illicium anisatum	Anisetree	8'-12'	Excellent as foundation plant for large buildings
Ligustrum japonicum	Japanese Privet	6'-10'	Good for formal hedge or shrub border. Not a good foundation plant.
Ligustrum lucidum	Tall-Glossy Privet	8'-12'	Excellent screening plant
Magnolia virginiana	Sweet Bay	10'-12'	Use against architecture or evergreen background.
Myrica cerifera	Wax Myrtle	10'-12'	Excellent screening plant. Native to southeastern North Carolina
Nerium oleander	Oleander	7'-10'	Excellent in shrub border. All parts of the plant are very toxic.
Osmanthus x fortunei	Fortune Tea Olive	9'-12'	Excellent in large borders and screens or as a clipped hedge.

## CHAPTER 5: LANDSCAPE DESIGN STANDARDS

Osmanthus heterophyllus	Holly Osmanthus	6'-10'	May be used as formal hedge.
Photinia x fraseri	Fraser Photinia	7'-12'	Best used as hedge in full sun. Commonly known as "Red Tip"
Prunus laurocerasus	English Laurel	10'-12'	May be used for tall hedges, wind breaks, or foundation plantings for large buildings.
Pyracantha koidzumii	Formosa Firethorn	6'-10'	Interesting as border or screen plant
Viburnum plicatum tomentosum	Doublefile Viburnum	8'-10'	Useful in shrub borders

### Small and Intermediate Trees

Small and Intermediate trees are quite functional and offer seasonal beauty. The trees are generally easy to maintain and do not require excessive pruning. Blooms, berries, and foliage are strong assets for most of the trees listed.

Botanical Name	Common Name	Height	Notes
Betula nigra	River Birch	25'-40'	Multi-trunk is desired. Excellent, native tree which can be transplanted
Carpinus caroliniana	American Hornbeam	20'-30'	Good street or shade tree. Also for hedges, gamecover, and natural areas.
Cornus florida	Flowering Dogwood	20'-30'	Excellent landscape tree for good soils; many varieties to plant
Continus coggyria	Smoketree	10'-15'	'Daydream' – purple form very interesting habit
Crataegus phaenopyrm	Washington Hawthorn	25'-30'	Nice fall color, berries persisting through winter
Eriobotrya japonica	Loquat	10'-20'	Excellent accent plant, fruits on coastal areas
Ilex cassine	Dahoon Holly	20'-30'	Beautiful tree with green foliage, red berries, grey bark
Ilex opaca	American Holly	20'-30'	Excellent native tree, must have both sexes to fruit
Lagerstroemia indica	Crape Myrtle	20'-25'	Interesting in tree form, showy display of blooms in summer, excellent fall color
Oxydendrum arboretum	Sourwood	20'-30'	Excellent native tree – interesting panicles in fall
Perunus serrulata	Japanese Cherry	15'-25'	Excellent for spring color and fragrance
Pinus virginiana	Virginia Pine	20'-40'	Will grow on windswept, dry, open sites. Good cover for difficult areas. Use as mass screen or windbreak.
Pistacia chinensis	Pistachio	25'-40'	Outstanding as a park, street, or lawn tree.
Prunus caroliniana	Carolina Cherry Laurel	20-30'	Excellent green foliage, black fruit
Prunus cerasifera	Purple Leaf Plum	15'-25'	Foliage is purple from spring to fall
Prunus persica	Peach	10'-20'	Many varieties for excellent fruiting – good for edible landscaping
Punica granatum	Pomegranate	12'-25'	Use as specimen or as a high hedge closely planted and pruned.
Pyrus calleryana	Callery Pear	20'-40'	Excellent street tree, Bradford –better selection

## CHAPTER 5: LANDSCAPE DESIGN STANDARDS

### Large Trees

Large trees are dominant features in the landscape. Trees are used to provide background, enclosure, define spaces; help reduce noise and unsightly views. They also provide needed shade, channel breezes, and break forceful winds.

Botanical Name	Common Name	Height	Notes
<i>Acer floridanum</i>	Florida Maple	40'-50'	Excellent shade tree and beautiful color
<i>Acer platanoides</i>	Norway Maple	60'-80'	Crimson King – red purple foliage
<i>Acer rubrum</i>	Red Maple	40'-50'	Beautiful habit and color
<i>Carya illinoensis</i>	Pecan	60'-100'	Good shade tree for edible landscape
<i>Catalpa bignonioides</i>	Southern Catalpa	30'-50'	
<i>Cedrus deodora</i>	Deodar Cedar	30'-50'	Good substitute for white pines
<i>x Cupressocyparis leylandii</i>	Leyland Cypress	50'-70'	Excellent screening plant
<i>Diospyros virginiana</i>	Persimmon	40'-50'	Withstands urban conditions
<i>Fagus grandifolia</i>	Beech	60'-80'	Large tree with very dense shade
<i>Fraxinus americana</i>	White Ash	60'-80'	Tolerates adverse conditions
<i>Ginkgo biloba</i>	Maidenhair Tree	40'-70'	Excellent as street tree or specimen for large areas. Avoid planting female tree which produces foul-smelling fruit.
<i>Gleditsia triacanthos inermis</i>	Thornless Honeylocust	50'-75'	Casts light shade and endures poor soil. Withstands urban conditions
<i>Juniperus virginiana</i>	Eastern Red Cedar	40'-50'	Native evergreen. Good for evergreen screening
<i>Liquidambar styraciflua</i>	Sweet Gum	60'-100'	Excellent landscape tree in a natural area
<i>Liriodendron tulipifera</i>	Tulip Tree	60'-150'	Fast growing shade tree
<i>Magnolia grandiflora</i>	Southern Magnolia	40'-60'	Use as specimen or large screen
<i>Pinus palustris</i>	Longleaf Pine	80'-100'	Excellent in mass or as a specimen for suburban areas, roadsides, or lawns.
<i>Pinus sylvestris</i>	Scotch Pine	40'-70'	Good landscape form and color
<i>Pinus taeda</i>	Loblolly Pine	70'-90'	Usefully in masses as tall windbreak or freestanding as specimen and shade tree.
<i>Platanus occidentalis</i>	Sycamore	70'-100'	Good shade tree. Withstands severe conditions and urban atmosphere
<i>Quercus alba</i>	White Oak	60'-100'	Slow growing but excellent for any landscape.
<i>Quercus coccinea</i>	Scarlet Oak	60'-80'	Excellent for framing, background, shade, and street planting
<i>Quercus nigra</i>	Water Oak	50'-75'	Frequently used as specimen, canopy, and background
<i>Quercus phellos</i>	Willow Oak	60'-80'	Excellent shade or street tree
<i>Taxodium distichum</i>	Bald Cypress	50'-100'	Often used as specimen for poorly drained sites but also grows well in average soil.

## CHAPTER 5: LANDSCAPE DESIGN STANDARDS

Tilia cordata	Littleleaf Linden	30'-50'	Excellent street trees and for areas requiring dense shade
Tsuga canadensis	Canadian Hemlock	30'-80'	Excellent screen and prunes well
Ulmus americana	American Elm	75'-125'	Beautiful habit of growth
Zelkova serrata	Japanese Zelkova	50'-60'	Excellent shade tree.

**CHAPTER 6:**  
**OFF-STREET PARKING, LOADING, AND INFRASTRUCTURE STANDARDS**

**Contents**

Section 6.1 General ..... 6-2

Section 6.2 Driveway and Parking Space Requirements for Single Family and Duplex  
Dwellings on Individual Lots..... 6-2

Section 6.3 Required Number of Spaces for Off-Street Parking ..... 6-2

Section 6.4 Design of Parking Areas ..... 6-3

Section 6.5 Handicapped Parking Standards ..... 6-5

Section 6.6 Off-Street Loading Requirements..... 6-6

Section 6.7 Passenger Loading Areas..... 6-7

Section 6.8 Driveways ..... 6-7

Section 6.9 Curb Cuts ..... 6-8

Section 6.10 Lighting..... 6-8

## CHAPTER 6: OFF-STREET PARKING, LOADING, & INFRASTRUCTURE STANDARDS

### Section 6.1 General

The purpose of this section is to ensure that adequate and well-designed parking is provided for developments in Hoke County. The following are general requirements for all new developments except single-family detached residential and two-family residential uses (duplexes) other than Section 6.2. The expansion of existing development shall follow these requirements to the greatest extent possible.

### Section 6.2 Driveway and Parking Space Requirements for Single Family and Duplex Dwellings on Individual Lots

New single family and duplex dwellings shall construct and maintain a paved area large enough to accommodate two (2) 9'x18' off-street parking spaces per dwelling unit. The driveway and garage/carport can serve as these spaces. The spaces must be surfaced with asphalt, concrete, brick, or other pavers as approved by the Hoke County Planner. Gravel or crushed stone may be used if the gravel is at least two (2) inches deep throughout the vehicular area, and the vehicular area has a visible and definable edge made of landscape timbers, vegetation or similar technique to distinguish the vehicular use area.

No driveway shall be closer than twenty (20) feet from any intersection, measured from the right-of-way line.

### Section 6.3 Required Number of Spaces for Off-Street Parking

A. The following are minimum parking ratios for the uses indicated:

Use	Minimum
Air, Motor, and Rail Freight Terminals	1 per each employee, plus 1 per each vehicle used in the operation
Airports, Railroad Passenger Stations, & Bus Terminals	1 per each 4 seating accommodations for waiting passengers, plus 2 per each 3 employees, plus 1 per each vehicle used in the operation
Amusement Facilities	1 per 300 square feet of gross floor area
Assembly Uses (not including schools)	1 per 6 seats in the largest assembly room
Automobile Repair	3 spaces per service bay
Automobile, Manufactured Home, and Farm Equipment Sales	1 per 375 square feet of gross floor area, plus spaces for inventory
Bed & Breakfast Inn	1 per bedroom plus 1 per employee
Campground	2 per campsite
Cemeteries	1 for each employee plus adequate parking along internal drives for funerals
Clubs & Lodges	1 per 300 square feet of gross floor area
Commercial (Office & Retail) uses not specified	1 per 300 square feet of gross floor area
Day Care Centers	1 per 10 children, plus 1 per employee, plus adequate stacking room for high volume drop off and pick up times

## CHAPTER 6: OFF STREET PARKING, LOADING, & INFRASTRUCTURE STANDARDS

Electronic Gaming Operations	1 for every 2 terminals or 1 for every 100 square feet of total floor area, whichever is greater
Emergency Service Facilities	2 per employee or volunteer on duty at one time
Florist & Nursery Supply (no retail sales on premise)	1 per each employee
Hair, Nail, and Skin Services	1 per 500 square feet
Hotel/Motel/Inn	1 per room plus 1 per employee
Government Buildings	1 per each employee, plus 1 per 5 seats in the largest assembly room
Libraries	1 per 4 seats
Medical Facilities (excluding medical offices)	1 per 2 patients or residents at full capacity, plus 1 per employee
Medical/Health Care Office	4 per doctor plus 1 per employee
Mixed Use	Use minimums for Commercial and Multi-Family Residential
Multi-Family Residential	1 per bedroom up to 2 bedrooms, plus .5 per additional bedrooms
Residential Care Facilities & Hospitals	1 per beds
Restaurants	1 per 4 seats
Rural Home Occupation	2 in addition to dwelling requirement
School, College, Technical & Trade	20 spaces per classroom
Schools, Elementary and Middle	1 per classroom and administrative office, plus 1 large space per bus
Schools, High School	10 spaces per classroom, plus 1 large space per bus
Shopping Centers	1 per 250 square feet of gross floor area
Warehousing/Industrial uses not specified	1 per each employee, plus 1 per vehicle in operation
Other	Minimum of most similar use as determined by the Zoning Administrator

- B. Square footage for Commercial uses only pertains to areas that are for the public or customer usage or access.
- C. The Zoning Administrator may reduce the minimum number of parking spaces required by up to ten percent (10%) if the applicant can demonstrate that the number of required parking spaces is excessive due to use or property constraints.

### Section 6.4 Design of Parking Areas

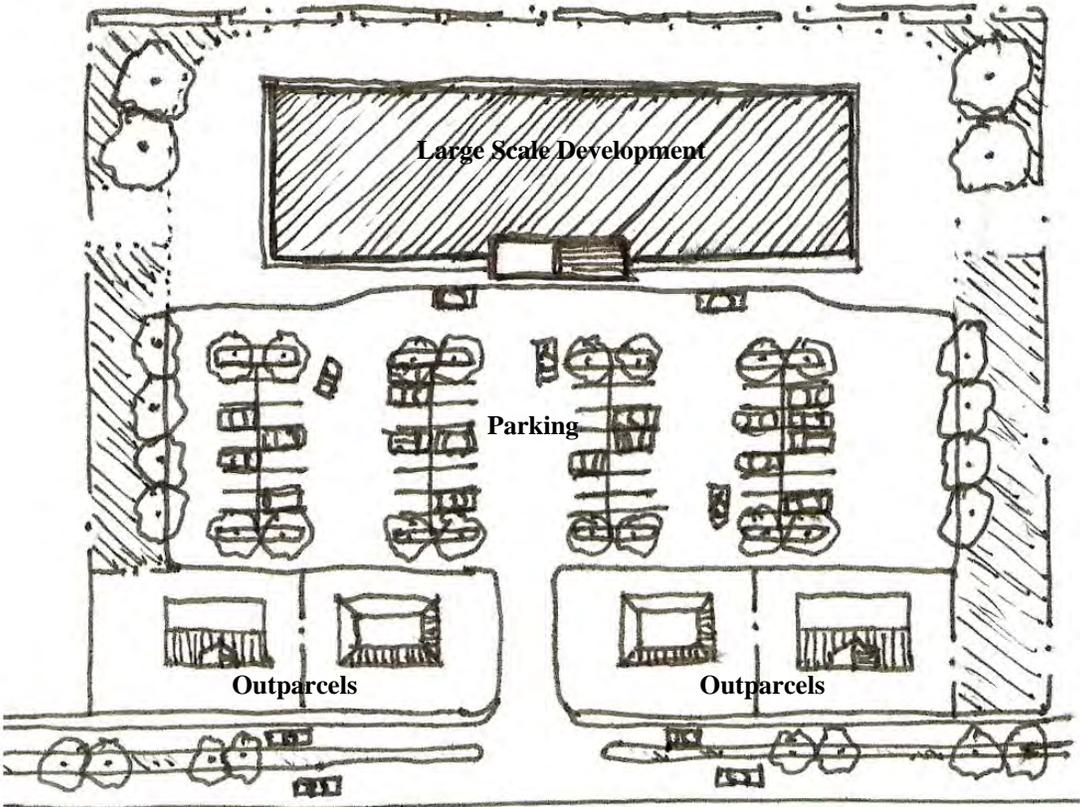
- A. Parking areas shall be paved or contain a similar type material approved by the Zoning Administrator.
- B. All parking spaces, other than handicapped parking spaces, must have the minimum dimensions of eighteen (18) feet in length and nine (9) feet in width. Parallel parking spaces shall have the minimum dimensions of nine (9) feet in length by twenty-six (26) feet in width.

**CHAPTER 6: OFF-STREET PARKING, LOADING, & INFRASTRUCTURE STANDARDS**

C. The following are the dimensional standards for all required parking areas:

<b>Parking Angle</b>	90°	60°	45°	30°	0°
<b>Aisle Dimension</b>	24'	18'	14'	12'	12'

D. For non-residential uses (except for civic uses and developments in the Industrial zoning district), a maximum of two (2) rows of parking spaces may be located in the front yard of the principal building. All other parking shall be located in either the rear or side yards of the principal building. For large-scale developments with large parking areas that have more than two (2) rows of parking in front, parking may be shared and screened with outparcel buildings as shown in the figure below:



- E. Off-street parking areas shall be designed to facilitate adequate movement and access by sanitation, emergency, and other public service vehicles.
- F. Off-street parking areas shall be designed so that parked vehicles do not encroach upon, extend onto, or cause vehicles to back into public rights-of-way, sidewalks or strike against or damage any wall, vegetation, utility, or other structure.
- G. The size of any single surface parking lot shall be limited to three (3) acres, unless divided by a street or building. Larger parking lots shall be separated by buildings or landscaped areas.
- H. Paved parking areas shall have lines demarcating each parking space.

## CHAPTER 6: OFF STREET PARKING, LOADING, & INFRASTRUCTURE STANDARDS

- I. Off-street parking areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, off-street parking area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.
- J. A secure bicycle rack is required for all parking lots greater than 50 spaces. Bicycle parking may be placed in the front yard.

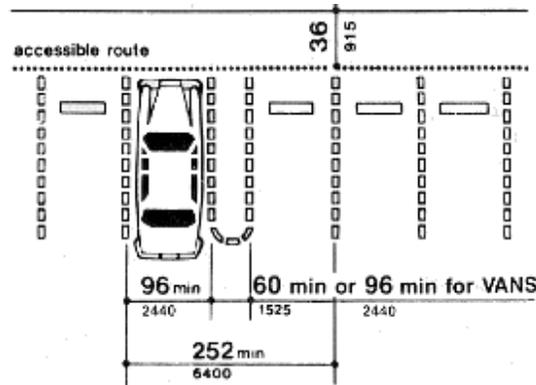
### Section 6.5 Handicapped Parking Standards

- A. All uses shall be required to provide the following number of spaces in addition to the required spaces in Section 6.3.

Total Number of Required Spaces	Minimum Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total
1,001 +	20 plus 1 for each 100 over 1,000

- B. Accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.
- C. Accessible parking spaces shall be at least eight (8) feet wide.
- D. One in every eight (8) accessible spaces shall be served by an access aisle a minimum of eight (8) feet wide and shall be designated "van accessible".
- E. Parking access aisles shall be part of an accessible route to the building or facility entrance. The access aisle shall be a minimum of five (5) wide for cars or a minimum of eight (8) wide for vans. The accessible route connected to the access aisle at the front of the parking spaces shall be a minimum of three (3) feet wide. Two (2) accessible parking spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions.

**CHAPTER 6: OFF-STREET PARKING, LOADING, & INFRASTRUCTURE STANDARDS**



Dimensions of Parking Spaces

- F. Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces designated for vans shall have an additional sign "Van-Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.
- G. The minimum vertical clearance of nine and half (9.5) feet at accessible passenger loading zones and along at least one (1) vehicle access route to such areas from site entrance and exit is required. Van accessible parking spaces must provide minimum vertical clearance of ninety eight (98) inches at the parking space and along at least one vehicle access route to such spaces from site entrance and exit.

**Section 6.6 Off-Street Loading Requirements**

Off-street loading areas shall be provided for all uses greater than 5,000 square feet of gross floor area. The loading area shall be designed as follows.

- A. Uses which normally handle large quantities of goods shall provide off street loading areas in the following ratios:

Gross Floor Area	Minimum Number of Space Required
5,000 – 20,000 sf	1
20,001 – 50,000 sf	2
50,001 – 80,000 sf	3
80,001 +	1 per each 45,000 over 80,001 sf

- B. Uses which normally do not handle large quantities of goods shall provided off street loading areas in the following ratios:

Gross Floor Area	Minimum Number of Space Required
5,000 – 80,000 sf	1
80,001 – 200,000 sf	2
200,001 – 320,000 sf	3
320,001 +	1 per each 180,000 over 320,001 sf

## CHAPTER 6: OFF STREET PARKING, LOADING, & INFRASTRUCTURE STANDARDS

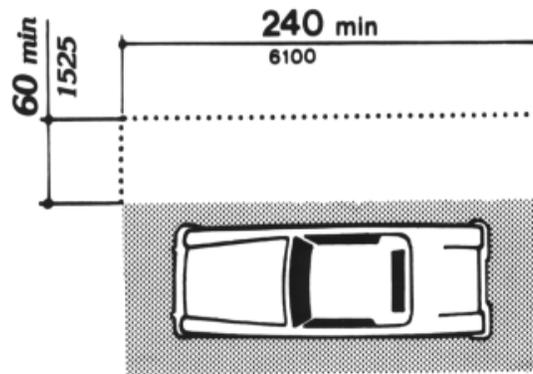
The following table shows the minimum design requirements:

Building Size	Minimum Length	Minimum Width	Minimum Overhead Clearance
Less than 20,000 sf	15 feet	30 feet	15 feet
20,000 sf or more	15 feet	45 feet	15 feet

- C. Loading areas shall be paved or contain a similar type material approved by the Zoning Administrator.
- D. Loading areas shall be located in such a way that not truck or service vehicle shall block or interfere with the normal movement of other vehicles for general circulation.

### Section 6.7 Passenger Loading Areas

- A. A handicapped access aisle is required at any passenger loading zone. The aisle must be at least twenty (20) feet long measured parallel to the vehicle pull-up area, and five (5) foot wide measured perpendicular to the vehicle area. This aisle must be clear of obstructions and at the same level as the vehicle area.



Access Aisle at Passenger Loading Zones

### Section 6.8 Driveways

- A. Driveways shall not be closer than thirty (30) from any intersection, measured from the right of way line.
- B. Driveways shall be not less than 10 feet in width for one-way traffic and 18 feet in width for two-way traffic.
- C. Ten (10)-foot wide driveways are permissible for two-way traffic when:
  - 1. The driveway is not longer than 50 feet; and
  - 2. The driveway provides access to not more than five (5) parking spaces; and
  - 3. Sufficient turning space and stacking area is provided so that vehicles need not back into a public street.

## **CHAPTER 6: OFF-STREET PARKING, LOADING, & INFRASTRUCTURE STANDARDS**

- D. In no case shall a driveway width exceed 24 feet, except as required by NCDOT.
- E. Only one (1) combined entrance and exit connection will be permitted where the frontage is less than 300 feet.
- F. Driveways shall be as nearly perpendicular to the street right-of-way as possible.
- G. Driveways shall line up with other driveways across the street and be shared between adjacent uses wherever possible.
- H. Driveways connected to state maintained streets shall comply with NCDOT standards.

### **Section 6.9 Curb Cuts**

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Construction of curb cuts for purposes of ingress and egress on a public right-of-way shall be approved by the appropriate public authority.

### **Section 6.10 Lighting**

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- A. Outdoor lighting shall be designed, located and mounted at heights no greater than eighteen (18) feet above grade for non-cut-off lights, or thirty five (35) feet above grade for cut-off lights; and located at least 10 feet from property lines defining rear and side yards or required landscaping areas.
- B. All outdoor lighting shall be designed and located such that the maximum illumination measured in foot candles at the property line shall not exceed 0.3 for non cut-off lights and 1.5 for cut-off lights. The average intensity illumination for outdoor lighting shall not exceed 6-foot candles in intensity as measured at grade. Fixtures should be placed to provide uniform distribution of light and to avoid intense lighting that produces excessive glare.
- C. Lighting shall be functionally and architecturally integrated with site and building design.
- D. A Lighting Plan with photometric information shall be submitted with the Site Plan as deemed necessary by the Administrator.

# CHAPTER 7: SIGN REGULATIONS

## Contents

Section 7.1 Purpose and Applicability .....	7-2
Section 7.2 Property Address Display .....	7-2
Section 7.3 General Provisions .....	7-2
7.3.1 Maximum Number of Signs Allowed.....	7-2
7.3.2 Sign Area .....	7-2
7.3.3 Sign Height .....	7-3
7.3.4 Sign Setbacks.....	7-3
7.3.5 Sign Illumination .....	7-3
Section 7.4 Prohibited Signs .....	7-4
Section 7.5 Signs Not Requiring a Permit .....	7-5
Section 7.6 Sign that Require a Permit .....	7-8
7.6.1 Signs by Zoning District .....	7-8
7.6.2 Sign Requirement by Type .....	7-8
7.6.3 Comprehensive Sign Package.....	7-9
Section 7.7 Off-Premise Sign Standards.....	7-10
7.7.1 Intent .....	7-10
7.7.2 Content.....	7-10
7.7.3 Size.....	7-10
7.7.4 Location .....	7-10
Section 7.8 Sign Maintenance.....	7-10

## CHAPTER 7: SIGN REGULATIONS

### Section 7.1 Purpose and Applicability

The purpose of this section is to support and complement the various land uses allowed in Hoke County by the adoption of policies and regulations concerning the placement of signs. The outdoor placement of signs is a legitimate use of private property, but the erection of signs should be controlled and regulated in order to promote the health, safety, welfare, convenience, and enjoyment of travel on roadways, as well as protect the public investment in such roadways. The provisions of this section are also intended to promote the reasonable, orderly, and effective display of such signs, displays, and devices. It is also the intent of this section to prevent signs from dominating the visual appearance of the area in which they are located and to enhance the aesthetic environment of the Hoke County.

- A. Except as otherwise provided in this Ordinance, it shall be unlawful for any person to erect, construct, enlarge, move, or replace any sign, without first having obtained a sign permit for such sign from the Zoning Administrator as required by this Ordinance.
- B. Changing the copy in an existing sign as long as it does not change the use of the sign, does not require a permit.
- C. A fee, in accordance with a fee schedule adopted by the Board of Commissioners, shall be charged for each sign permit issued.

### Section 7.2 Property Address Display

Every residence, office, retail establishment, industry, or any other structure shall display the property address in such a way as to be easily visible. The numbers shall be of such size and color as to be easily recognizable and shall be attached to the wall of the building facing the street or, if the distance to sight line to the street not practical, displayed on a nameplate or number sign placed at the main entrance to the property.



### Section 7.3 General Provisions

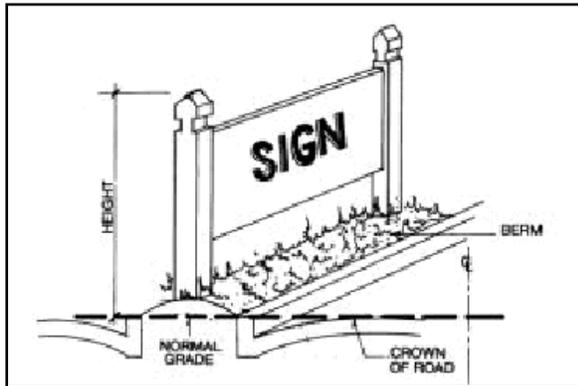
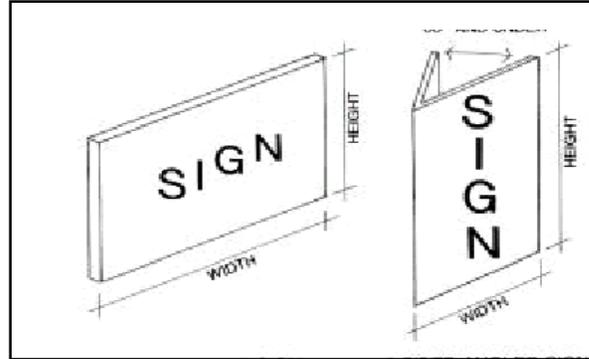
#### 7.3.1 Maximum Number of Signs Allowed

- A. Unless otherwise specified in this Section, no establishment shall have more than one (one) primary identification sign.
- B. Corner lots may be permitted to have one (1) sign per street frontage.
- C. Wall signs may be permitted where a primary entrance fronts a parking lot.
- D. Accessory structures subordinate to the principal structure are permitted one (1) wall sign.

#### 7.3.2 Sign Area

The surface area of a sign is computed by including the entire area within a parallelogram, triangle, circle, semi-circle or other regular geometric figure, including all of the elements of the display, but not including blank masking (a plain strip, bearing no advertising matter around the edge of a sign), frames,

display of identification or licensing officially required by any governmental body, or structural elements outside the sign surface and bearing no advertising matter. In the case of signs mounted back-to-back, only one side of the sign is to be included in the area. Otherwise, the surface area of each sign is to be separately computed. In the case of cylindrical signs, signs in the shape of cubes, or other signs which are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces are included in computations of area. In the case of embellishments (display portions of signs extending outside the general display area), surface area extending outside the general display area and bearing advertising material is to be computed separately (according to the method described immediately above in this Section) as part of the total surface area of the sign. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area onto which the sign face or letter.



### **7.3.3 Sign Height**

The height of a sign shall be measured from the highest point of a sign to the point of ground surface beneath it. Ornamentation such as caps, spires, and finials shall not extend more than two (2) feet from the top of the sign. The use of berms or raised landscape areas is only permitted to raise the base of the sign to the mean elevation of the fronting street.

### **7.3.4 Sign Setbacks**

All signs shall be set back a minimum five (5) feet from the right-of-way of a public or private street. At intersections, no sign shall be in the sight triangle as defined by this ordinance.

### **7.3.5 Sign Illumination**

Illuminated signs shall conform to the following:

- A. All illuminated signs shall have their lighting directed in such a manner as to illuminate only the face of the sign.
- B. External light sources shall not be visible from the right-of-way nor cause glare hazards to pedestrians, motorists, or adjacent properties.
- C. A maximum of ten (10) foot candles may be permitted on any portion of sign.
- D. All lighting shall meet all applicable electrical codes.
- E. A new commercial sign within one hundred (100) feet of an existing residential structure shall not be illuminated between the hours of 12:00 midnight and 6:00 a.m.

## CHAPTER 7: SIGN REGULATIONS

### Section 7.4 Prohibited Signs

- A. Any sign (other than a government sign), banner or display placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any public street or right-of-way, unless otherwise permitted.
- B. Pennants, ribbons, streamers, strings of lights, spinners, or other similar devices.
- C. Inflatable signs including inflated balloons having a diameter of greater than two (2) feet.
- D. Roof signs.



- E. Any sign which the Zoning Administrator determines obstructs the view of bicyclists or motorists using any street, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or signal shall be prohibited.
- F. Signs which contain lights, rotating disks, words and other devices not erected by a public authority which may be erroneously construed as government signs or emergency warning signs. An example of this is a sign which contains a picture of a traffic sign plus the word "Stop", "Yield", etc.
- G. Flashing signs, signs with flashing or reflective disks, signs with flashing lights or lights of changing degree of intensity or color.
- H. Illuminated, highly reflective signs or spot lights which hamper the vision of motorists or bicyclists.
- I. Any sign located outdoors which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air.
- J. Any sign located in such a way as to intentionally deny an adjoining property owner visual access to an existing sign.
- K. Signs placed on a piece of property without permission of its owners or agent.
- L. Other signs not expressly permitted in this Ordinance.



**Section 7.5 Signs Not Requiring a Permit**

The following signs are exempt from permit requirements and may be placed in any district provided they are in conformity with the regulations in this Section.

- A. Only one (1) entrance and one (1) exit sign no larger than two (2) square feet each may be erected at each point of ingress/egress.
- B. Unlit signs not exceeding one (1) square foot in area and displaying only the property address and the name of the owner or occupant of the premises.
- C. Flags, pennants, insignias, or religious symbol of any government, non-profit, or not-for-profit organization when not displayed in connection with a commercial promotion or as an advertising devise.
- D. Government and public interest signs.

- E. Integral decorative or architectural features of buildings, including signs which denote only the building name or date of erection. Such signs shall be permitted as exceptions only when cut into any masonry surface or fixed with a metal plate.



- F. Campaign and election signs provided that:
  - Each sign shall not exceed eight (8) square feet in area.
  - All such signs shall not be placed more than 60 days prior to the election and shall be removed within seven (7) days after the election for which they were made. Removal shall be the responsibility of the candidate.
- G. Temporary real estate signs advertising a specific property for sale, lease, rent or development shall be located as follows:
  - One sign per street frontage advertising real estate "For Sale", "For Rent", "For Lease" or "For Development" not greater than ten (10) square feet in area in a residential district and sixty four (64) square feet in area in nonresidential districts may be located on the property being advertised so long as said sign is located behind the street right-of-way line. If the property so advertised lies on a corner lot or double frontage lot, then a second sign may be oriented along the second street so long as the two signs are at least one hundred (100) feet apart as measured by the shortest straight line.
  - In addition to the on-site real estate sign(s), a maximum of three (3) directional signs, each not exceeding four (4) square feet in area, shall be permitted off the subject premises. The message of said signs shall be limited to the name of the property or development being advertised, an address, a telephone number, a directional arrow, mileage to the subject property, and the terms "Lot/Home For Sale", "For Rent", "For Lease", "For Development", etc.
  - No more than three (3) temporary directional signs advertising a specific planned commercial or mixed use development, subdivision, multi-family development, etc. may also be permitted off-site. Each such sign may have a maximum area of three (3) square feet.
  - All such temporary signs shall be removed within two (2) days after the property has been sold, rented, leased, etc.
  - No sign allowed under this subsection shall be lighted.

## CHAPTER 7: SIGN REGULATIONS

### H. Temporary construction signs provided that:

- Signs in conjunction with any residential use shall not exceed ten (10) square feet each.
- Signs in conjunction with all other uses shall have a maximum area of thirty two (32) square feet each.
- Only one (1) such sign oriented per street front per premises shall be erected. Any two (2) such signs located on the same premises shall be located at least one hundred (100) feet apart as measured by using a straight line.
- Such signs shall not be illuminated.
- Such signs shall only appear at the construction site.
- Such signs shall be removed within two (2) days after a completion of the project.

### I. Temporary farm product signs provided that:

- One on-premises sign may be used. Said sign shall be located off the street right-of-way and at least 10 feet away from any side lot line. Such sign shall have a maximum area of nine (9) square feet and may not be illuminated.
- A maximum of two off-premise signs shall be permitted. Said off-premise signs may be no greater than four (4) square feet apiece and shall not be illuminated. No such sign shall be allowed in the street right-of-way or within 10 feet of a side lot line.

### J. Temporary special event signs for religious, charitable, civic, fraternal or similar non-profit or not-for-profit organizations provided that:

- Signs shall be erected no sooner than ten (10) days prior and removed no later than two (2) days after the event.
- No such sign shall exceed six (6) square feet.
- No such sign shall be illuminated.
- All such signs shall be located off the street right-of-way, unless otherwise granted permission for such location by NCDOT. In no case may any such sign extend onto or over a street pavement or impede the view of any motorists or pedestrians. Location of such signs within a road right-of-way shall be limited to the day of the event.



### K. Temporary displays as part of a holiday or civic event so long as any such displays are not located within a street right-of-way unless permission for such is first granted by NCDOT.

### L. One (1) on-premise and three (3) off-premises yard sale signs per yard sale. All such signs shall be removed within 24 hours after the yard sale has been terminated. No such sign shall be greater than four (4) square feet in area. All such signs shall be located off the street right-of-way.

### M. Directional Signs (for civic uses only) provided that:

- No more than three (3) directional sign per principal use may be erected. No two directional signs advertising the same principal use shall be located within 1,000 feet of each other as measured using the straightest short line distance.
- Directional signs greater than three (3) feet in height as measured from the grade of the road upon which it fronts shall be located outside the required sight triangle.
- Directional signs shall not be illuminated.
- All directional signs shall be free-standing signs.



## CHAPTER 7: SIGN REGULATIONS

- There shall be no greater than four (4) directional signs on separate supports at the intersection of any two (2) roads.
  - More than one (1) sign may be placed on the same supports.
  - No two (2) directional signs hung from separate supports shall be located within five (5) feet of each other.
  - The maximum area of any directional sign shall be six (6) square feet.
- N. Temporary window signs located inside the window provided that they do not exceed twenty five percent (25%) of the window area.
- O. "Warning", "No Trespassing" and similar informational signs provided that they do not exceed four (4) square feet.
- 
- P. Any sign inside a building, not attached to or placed within an external window or piece of glass that is not legible more than three (3) feet beyond the building in which it is located.
- Q. Temporary banners that do not exceed thirty two (32) square feet and are attached flush to a wall face and do not remain in place for more than thirty (30) days per calendar year.

# CHAPTER 7: SIGN REGULATIONS

## Section 7.6 Sign that Require a Permit

### 7.6.1 Signs by Zoning District

Sign Type	RP	RA-20	R-20	R-15	R-8	RMH	RMF	NB	HC	CP	I
Freestanding	P	P	P	P	P	P	P	P	P	P	P
Wall	P	P	P	P	P	P	P	P	P	P	P
Neighborhood Identification	P	P	P	P	P	P	P	P	-	-	-
Projecting	-	-	-	-	-	-	-	P	P	P	P
Rural Home Occupation	P	P	P	P	-	-	-	-	-	-	-

### 7.6.2 Sign Requirement by Type

#### A. Freestanding Sign

1. Freestanding signs shall be monument style with the bottom of the sign beginning not more than three (3) feet from the ground.
2. One sign per street frontage.
3. Maximum sign area is 32 square feet.
4. Developments with two (2) or more tenants on the same parcel shall use a multi tenant sign. Four (4) square feet per tenant may be added to the 32 square feet.
5. Five (5) feet minimum setback from all right-of-ways and property lines.
6. Maximum sign height is 10 feet.



#### B. Wall Sign

1. Wall signs may not extend above the parapet or eave of the building.
2. Maximum sign area is two (2) square feet per linear foot of the wall or twenty percent (20%) of the wall area.



**C. Neighborhood Identification Sign**

1. Two (2) signs per each main entrance.
2. Maximum of 20 square feet in area each.
3. Five (5) feet minimum setback from all right-of-ways and property lines.
4. Maximum height of 10 feet.
5. External illumination only.



**D. Projecting Signs**

1. Maximum of six (6) square feet.
2. The sign must also maintain a seven and a half (7 ½) feet clearance between the sidewalk and the bottom of the sign.



**E. Rural Home Occupation Sign**

1. Maximum of four (4) square feet.
2. Five (5) feet minimum setback from all right-of-ways and property lines.
3. Maximum height of five (5) feet.

**7.6.3 Comprehensive Sign Package**

As an option to the sign standards as set forth in this Section of the Ordinance, Shopping Centers, Industrial Parks, and other Planned Developments shall be allowed to submit an application for a Comprehensive Sign Package. Applications for a Comprehensive Sign Package shall be reviewed as a Conditional Use Permit in accordance with the procedures as set forth in Chapter 11 of this Ordinance. The Comprehensive Sign Package must show all the proposed permanent signage for the overall development. In developing the signage package, the applicant is not limited to any dimensional regulations, except that the overall concept should:

- Give consideration towards establishing a visually continuous theme throughout the development.
- Design all signage to be of compatible scale with the proposed building/site
- Meet the overall intent of the sign regulations

## **CHAPTER 7: SIGN REGULATIONS**

### **Section 7.7 Off-Premise Sign Standards**

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#### **7.7.1 Intent**

It is the intent of this section to provide for off-premise signs which give the traveling public directional information to a residential development, business, or industry located in Hoke County but off the major highway system. No residential development, business, or industry with frontage on US 401, NC 211, or NC 20 is eligible to use this type of signage. These types of signs are permitted in all zoning districts.

#### **7.7.2 Content**

Off premise signs shall advertise only the name, logo, location, and provide a directional arrow of an eligible business or industry. No other advertising content is permitted including prices or individual products sold or manufactured.

#### **7.7.3 Size**

The sign has a maximum area of thirty-two (32) square feet. Maximum height of twelve (12) feet.

#### **7.7.4 Location**

The sign must be located on private property outside of public right-of-ways. The applicant must have written permission from the property owner. The minimum setback is five (5) feet from all right-of-ways and property lines. The signs must be a minimum of one thousand (1,000) feet from an intersection of two public roads.

### **Section 7.8 Sign Maintenance**

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All signs and all components thereof, including supports, braces, and anchors shall be kept in a good state of repair, in compliance with all building and electrical codes, and in conformance with the requirements of this Ordinance (unless deemed a legal non-conforming sign by Chapter 9 of this Ordinance). Any sign which is determined by the Zoning Administrator or Building Inspector as being insecure, in danger of falling or otherwise endangering the public safety shall be immediately removed by its owner unless it is repaired and made to otherwise comply with the requirements of this Ordinance.

# CHAPTER 8: NATURAL RESOURCES

**Contents**

Section 8.1 Purpose..... 8-2

Section 8.2 Environmental Assessment and Suitability of Land..... 8-2

    8.2.1 Existing Features Plan..... 8-2

    8.2.2 Preservation of Trees and Natural Features Encouraged..... 8-2

Section 8.3 Stream Buffers ..... 8-2

## CHAPTER 8: NATURAL RESOURCES

### Section 8.1 Purpose

The purpose of this Chapter is

- To protect existing environmental resources including streams, wetlands, floodplains, soils, forest stands, specimen trees and other significant vegetation and wildlife.
- To promote the reservation of open space in environmentally sensitive areas

### Section 8.2 Environmental Assessment and Suitability of Land

#### 8.2.1 Existing Features Plan

Existing Features Plans are required for Zoning Permit applications for developments of greater than one (1) acre and shall be submitted in accordance with Chapter 11.

#### 8.2.2 Preservation of Trees and Natural Features Encouraged

- A. Significant forest stands, natural vegetation, specimen trees, severe natural topography, drainage features and water courses are encouraged to be preserved to the extent that is reasonable and practical while otherwise not reasonably prohibiting development.
- B. Forested and vegetated areas whose physical site conditions render them unsuitable for development should be set aside as conservation areas or as open space. Wooded sites should be developed with careful consideration of the natural characteristics of the site. When portions of forested stands must be developed, careful consideration should be given to preserving wooded perimeters or the most desirable natural features in order to retain the aesthetic or visual character of the site. Isolated pockets of existing trees or specimen trees should be protected as a valuable asset of the property.

### Section 8.3 Stream Buffers

Stream buffers shall be established on all perennial streams, intermittent streams, and wetlands. Buffers shall remain undisturbed except that narrow walking paths may be utilized as part of the open space for a development.

The following table sets forth the minimum buffer width requirements from these areas based on surrounding slope:

Slope Range*	Minimum Buffer Width		
	Perennial Stream	Intermittent Stream	Wetland
0-9%	50 feet	50 feet	50 feet
10-19%	70 feet	50 feet	50 feet
20-29%	90 feet	50 feet	50 feet
30-39%	110 feet	50 feet	50 feet
40-50%	130 feet (Building Not Recommended)	50 feet (Building Not Recommended)	50 feet (Building Not Recommended)
50%	Building Not Permitted	Building Not Permitted	Building Not Permitted

\*Slope range shall be determined by the greatest slope on the development site.

# CHAPTER 9: NONCONFORMITIES

## Contents

Section 9.1 General .....	9-2
Section 9.2 Nonconforming Lots .....	9-2
Section 9.3 Nonconforming Structures .....	9-2
Section 9.4 Nonconforming Uses .....	9-2
Section 9.5 Nonconforming Electronic Gaming Operations .....	9-3
Section 9.6 Nonconforming Manufactured Home .....	9-3
Section 9.7 Nonconforming Signs .....	9-3

## **CHAPTER 9: NONCONFORMITIES**

### **Section 9.1 General**

---

The purpose of this Chapter is to regulate and limit the continued existence of uses and structures established prior to the effective date of this Ordinance (or any amendment subsequent thereto) that do not conform to this Ordinance. Any nonconformity created by a change in the classification of property or the text of these regulations shall be regulated by the provisions of this Chapter. Nonconformities may continue, but the provisions of this Chapter are to curtail substantial investment in nonconformities and to bring about eventual elimination and/or lessen their impact upon surrounding conforming properties in order to preserve the integrity of the area in which it is located and the intent of this Ordinance. Nonconforming situations that were otherwise lawful on the effective date of this Ordinance may be continued, subject to the restrictions and qualifications set forth in this Article.

### **Section 9.2 Nonconforming Lots**

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

- A. When two (2) or more adjoining lots in the same ownership are individually less than the minimum square footage and/or less than the minimum width required in the district in which they are located, where no more than one (1) is developed, such group of lots shall be considered as a single lot.
- B. Except as allowed in A above, in any district in which single family dwellings are permitted, any lot of record existing at the time of the adoption of this Ordinance which has dimensions that are less than required may be developed provided that the use meets all applicable setback requirements for the zoning district in which it is located.

### **Section 9.3 Nonconforming Structures**

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- A. Any building which is nonconforming solely because of its encroachment into a required setback may be enlarged or altered in any lawful manner than does not increase the nonconformity.
- B. Any nonconforming building for which major repair or reconstruction are proposed for damage caused from a fire, storm, or other natural/uncontrollable factor in any amount equal to or less than fifty percent (50%) of the taxed value may be permitted only if the owner applies for a building permit with Hoke County for the work proposed within six (6) months of the date of its destruction.

### **Section 9.4 Nonconforming Uses**

---

- A. A nonconforming use may be extended through any portion of a completed building that, when the use was made nonconforming by this Ordinance, was distinctly designed or arranged to accommodate such use. The nonconforming use shall not be extended to occupy any land outside the building.
- B. A nonconforming use may not be extended to cover more land than was occupied at the time of the adoption of this Ordinance.
- C. If the nonconforming use is discontinued for a continuous period exceeding one hundred eighty (180) days, the use shall not be allowed to reestablish. All future uses of the premise shall be conforming.

**Section 9.5 Nonconforming Electronic Gaming Operations**

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Any electronic gaming operations that are operating without a zoning permit issued by Hoke County must comply with the provisions of Section 3.18 within one year of the adoption of this Ordinance.

**Section 9.6 Nonconforming Manufactured Home**

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If the use of a nonconforming manufactured home is discontinued, either by destruction of the home or by removal of the home from the present location, all future uses of the premise must be conforming.

**Section 9.7 Nonconforming Signs**

---

Subject to the restrictions of this Section, nonconforming signs that were otherwise lawful on the effective date of this Ordinance may be continued.

- A. If a nonconforming sign which advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be deemed abandoned and shall be removed or brought into compliance by the sign owner, property owner, or other party having control over such sign within thirty (30) days after the use has ceased operation or the service or commodity has ceased being offered.
- B. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this Ordinance, and the remnants of the former sign structure shall be cleared from the land. For purposes of this Section, a nonconforming sign shall be considered "destroyed" if it receives damage to an extent of more than fifty percent (50%) of the cost of replacing the sign copy.
- C. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign or causes a previously conforming sign to become nonconforming.
- D. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Ordinance. Once a nonconforming sign is removed from the premises or otherwise taken down or moved, said sign may only be replaced with a sign which is in conformance with the terms of this Ordinance.
- E. Minor repairs and maintenance of nonconforming signs necessary to keep a nonconforming sign in sound condition are permitted. If repair or maintenance of a nonconforming sign results in the removal of the sign frame structure for any length of time, the replaced sign frame structure and any copy placed on it shall be in conformance with this Ordinance.
- F. Notwithstanding other provisions contained in this Section, the message of a nonconforming sign may be changed so long as this does not create any new nonconformities.
- G. If a nonconforming sign remains blank for a continuous period of six (6) months, that sign shall be deemed abandoned and shall, within thirty (30) days after such abandonment, be altered to comply with this Ordinance or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this Ordinance, a sign shall be deemed "blank" if:

## **CHAPTER 9: NONCONFORMITIES**

- It advertises a business, service, commodity, accommodations, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or
- The advertising message it displays becomes illegible in whole or substantial part; or
- It does not contain an advertising message. (For such purposes, the terms "Sign for Rent", "Sign for Lease", "Sign for Sale", etc. shall not be deemed to be an advertising message).

# **CHAPTER 10:**

## **DECISION MAKING, ADMINISTRATION, AND ADVISORY**

### **Contents**

Section 10.1 Hoke County Board of Commissioners .....	10-2
10.1.1 Authorities and Duties .....	10-2
10.1.2 Voting Requirement.....	10-2
10.1.3 Quasi-Judicial Procedures.....	10-2
Section 10.2 Hoke County Planning Board .....	10-3
10.2.1 Authorities and Duties .....	10-3
10.2.2 Membership .....	10-3
Section 10.3 Hoke County Board of Adjustment .....	10-3
10.3.1 Authorities and Duties .....	10-3
10.3.2 Membership .....	10-4
10.3.3 Meetings.....	10-4
10.3.4 Voting Requirement.....	10-4
10.3.5 Quasi-Judicial Procedures.....	10-4
10.3.6 Decisions.....	10-5
10.3.7 Rehearing.....	10-5
10.3.8 Appeals of the Board of Adjustment .....	10-5
Section 10.4 Hoke County Technical Site Plan Review Committee .....	10-5
Section 10.5 Hoke County Zoning Administrator .....	10-6
Section 10.6 Hoke County Floodplain Administrator .....	10-6
Section 10.7 Hoke County Watershed Administrator.....	10-8

## CHAPTER 10: DECISION MAKING, ADMINISTRATIVE, AND ADVISORY

### Section 10.1 Hoke County Board of Commissioners

---

#### 10.1.1 Authorities and Duties

The Board of Commissioners shall hold the following powers and duties related to this Ordinance:

- A. To review, hold public hearings, and make decisions for Text Amendments and Map Amendments (Standard and Conditional Zoning requests).
- B. To make decisions on all issues related to the Land Development Ordinance, Zoning Map, Comprehensive Land Use Plan, and other land use plans which may be adopted from time to time.
- C. To approve, approve with conditions, or deny applications for Conditional Use Permits

The duties of the Board of Commissioners in connection with this Ordinance shall not include the hearing and passing upon of disputed questions that may arise in connection with the enforcement thereof, but the procedure for determining such questions shall be as prescribed in this Ordinance.

#### 10.1.2 Voting Requirement

No vote greater than a majority vote shall be required for the Board of Commissioners to approve or deny any requests before them.

#### 10.1.3 Quasi-Judicial Procedures

When deciding Conditional Use Permits, the Board of Commissioners shall follow quasi-judicial procedures:

- A. For the purposes of quasi-judicial hearings, vacant positions on the Board and members who are disqualified from voting shall not be considered "members of the board" for calculation of the requisite majority.
- B. A member of the Board of Commissioners shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.
- C. The Chairman of the Board of Commissioners or any member temporarily acting as Chairman may in his official capacity administer oaths to witnesses in any matter coming before the Board. All testimony before the Board must be under oath and recorded. The Board of Commissioners may subpoena witnesses and compel the production of evidence. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of Commissioners may apply to the General Court of Justice for an order requiring that its order be obeyed, and the Court shall have jurisdiction to issue these orders after notice to all proper parties. No testimony of any witness before the Board of Commissioners pursuant to a subpoena issued in exercise of the power may be used against the witness in the trial of any civil or criminal action other than a prosecution for false swearing committed on the examination. Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely, is guilty of a Class 1 misdemeanor.

## CHAPTER 10: DECISION MAKING, ADMINISTRATIVE, AND ADVISORY

### Section 10.2 Hoke County Planning Board

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#### 10.2.1 Authorities and Duties

The duties of the Planning Board consist of the following:

- A. Make studies of the county and surrounding areas.
- B. Determine objectives to be sought in the development of the study area.
- C. Prepare and adopt plans for achieving these objectives.
- D. Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
- E. Advise the Board of Commissioners concerning the use and amendment of means for carrying out plans.
- F. Exercise any functions in the administration and enforcement of various means for carrying out plans that the Board of Commissioners may direct.
- G. Perform any other related duties that the Board of Commissioners may direct.

#### 10.2.2 Membership

The Hoke County Planning Board shall consist of a total of seven (7) members. All members shall be residents of the area under the zoning jurisdiction of Hoke County. Members shall serve for overlapping terms of two (2) or three (3) years.

### Section 10.3 Hoke County Board of Adjustment

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#### 10.3.1 Authorities and Duties

The Board of Adjustment shall:

- A. Have the power and duty to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.
- B. Interpret zoning maps and pass upon disputed questions of lot lines or district boundary lines and similar questions that may arise in the administration of the Ordinance.
- C. Authorize, upon appeal where a literal enforcement of this Ordinance will result in undue hardship, a variation or modification of any regulation or provision of the Ordinance so that the spirit of the ordinance is observed, public safety and welfare secured, and substantial justice done.
- D. Have the power and duty to serve as the Watershed Review Board. The Board shall retain the responsibility to grant variances from the regulations of Section 2.10 of this Ordinance.

## **CHAPTER 10: DECISION MAKING, ADMINISTRATIVE, AND ADVISORY**

- E. Have the power and duty to hear and decide requests for variances from Floodplain Overlay District requirements of Section 2.11 of this Ordinance.
- F. Have the power and duty to hear and decide requests for variance from the Automobile Graveyard, Junk yard, and Repair Shop requirements as provided for in Section 11.9.7 of this Ordinance.

### **10.3.2 Membership**

- A. The Board of Commissioners may provide for the appointment of a Board of Adjustment consisting of five (5) members, each to be appointed for three (3) years. All members shall be residents of the area under the zoning jurisdiction of Hoke County. Members may be removed for cause by the Board of Commissioners upon written charges and after a public hearing.
- B. The Board of Commissioners may appoint two (2) alternate members to serve on the Board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the Board and serving on behalf of a regular member, has and may exercise all the powers and duties of a regular member.
- C. The Board of Adjustment shall elect a chairman and a vice chairman from its membership and such other officers as the Board deems best.

### **10.3.3 Meetings**

Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the majority of the Board determines. All meetings of the Board of Adjustment shall be open to the public. The Board shall keep minutes of the procedures showing the vote of each member upon each question or if absent an indication of such fact.

### **10.3.4 Voting Requirement**

The Board of Adjustment, by a vote of four-fifths (4/5) of its members, may reverse any order, requirement, decision, or determination of an administrative officer charged with enforcing this Ordinance, or may decide in favor of the applicant a matter upon which the Board is required to pass under the ordinance, or may grant a variance from the provisions of the Ordinance.

### **10.3.5 Quasi-Judicial Procedures**

- A. Vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered "members of the Board" for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such members.
- B. A member of the Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

## **CHAPTER 10: DECISION MAKING, ADMINISTRATIVE, AND ADVISORY**

C. The Chairman of the Board of Adjustment or any member temporarily acting as Chairman may in his official capacity administer oaths to witnesses in any matter coming before the Board. All testimony before the Board must be under oath and recorded. The Board of Adjustment may subpoena witnesses and compel the production of evidence. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of Adjustment may apply to the General Court of Justice for an order requiring that its order be obeyed, and the Court shall have jurisdiction to issue these orders after notice to all proper parties. No testimony of any witness before the Board of Adjustment pursuant to a subpoena issued in exercise of the power may be used against the witness in the trial of any civil or criminal action other than a prosecution for false swearing committed on the examination. Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely, is guilty of a Class 1 misdemeanor.

### **10.3.6 Decisions**

All decisions by the Board of Adjustment shall be in writing and filed with the Zoning Administrator. A written copy of decisions on variance shall be sent by first class mail to the applicant within ten (10) days of the decision of the Board of Adjustment.

### **10.3.7 Rehearing**

Upon the denial of the original application, or upon the denial of an application from which the rehearing has been conducted, a similar application may not be filed for a period of one (1) year after the date of denial of the original application.

### **10.3.8 Appeals of the Board of Adjustment**

Each decision of the Board is subject to review by the Superior Court by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board is filed, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the Board at the time of its hearing of the case, whichever is later.

## **Section 10.4 Hoke County Technical Site Plan Review Committee**

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The Technical Site Plan Review Committee is formed to review the site plans along with the Zoning Administrator or his designee for compliance with this Ordinance and all related plans and policies. The Zoning Administrator will circulate the plan to the relevant governmental agencies and officials which include, but need not be limited to those listed below:

Hoke County Planner	Utilities Providers	Hoke County Health
Hoke County Attorney	Hoke County Emergency	Department
Hoke County Manager	Management	Hoke County Fire
Hoke County Public	Hoke County Sherriff's	Marshall
Works Department	Department	NCDOT
Hoke County Engineer		NC DENR
US Army Corps of Engineers		

## **CHAPTER 10: DECISION MAKING, ADMINISTRATIVE, AND ADVISORY**

### **Section 10.5 Hoke County Zoning Administrator**

---

The various provisions of this Ordinance shall be administered by the Zoning Administrator and designated Planning Department. The Zoning Administrator may appoint any person in this Department to assume his duties. It shall be the duty of the Zoning Administrator to carryout and enforce this Ordinance, remedy violations of this Ordinance, and issue permits in compliance with this Ordinance.

In administering the provisions of this Ordinance, the Zoning Administrator shall:

- A. Maintain records of all zoning permits on file at his office. Copies shall be made available on request to interested parties.
- B. Maintain records all plans submitted. Copies shall be made available for inspection at reasonable time by any interested parties.
- C. Transmit to the appropriate Board or Commission all application and plans for which their review and approval is required.

### **Section 10.6 Hoke County Floodplain Administrator**

---

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- A. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this Ordinance have been satisfied.
- B. Advise permittee that additional Federal or State permits (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required, and require that copies of such permits be provided and maintained on file with the Floodplain Development Permit.
- C. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- D. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- E. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of 2.11.18 are met.
- F. Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with 2.11.11.3.
- G. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with 2.11.11.3.

## CHAPTER 10: DECISION MAKING, ADMINISTRATIVE, AND ADVISORY

- H. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with 2.11.11.3.
- I. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with 2.11.11.3 and 2.11.14.B.
- J. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- K. When Base Flood Elevation (BFE) data has not been provided in accordance with 2.11.5, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to 2.11.16.B.2, in order to administer the provisions of this Ordinance.
- L. When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with 2.11.5, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this Ordinance.
- M. When the lowest ground elevation of a parcel or structure in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the Floodplain Development Permit file.
- N. Permanently maintain all records that pertain to the administration of this Ordinance and make these records available for public inspection.
- O. Make on-site inspections of work in progress. As the work pursuant to a Floodplain Development Permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- P. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- Q. Revoke Floodplain Development Permits as required. The Floodplain Administrator may revoke and require the return of the Floodplain Development Permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any Floodplain Development Permit mistakenly issued in violation of an applicable State or local law may also be revoked.

## **CHAPTER 10: DECISION MAKING, ADMINISTRATIVE, AND ADVISORY**

- R. Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- S. Follow through with corrective procedures of 2.11.12.
- T. Review, provide input, and make recommendations for variance requests.
- U. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with 2.11.5 of this Ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- V. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

### **Section 10.7 Hoke County Watershed Administrator**

The Watershed Administrator shall administer and enforce the provisions of the Watersupply Watershed Overlay District as follows:

- A. Review all Watershed Protection Permit applications and issue permits for all proposed development within a Watersupply Watershed Area to assure that the requirements of this Ordinance have been satisfied. A record of all permits shall be kept on file for public inspection.
- B. Keep records of all amendments to the Water Supply Watershed Protection Ordinance and shall provide copies of all amendments upon adoption to the Supervisor of the Classification and Standards Group, Water Quality Section, Division of Environmental Management.
- C. Make determinations, administer and enforce the provisions of this Ordinance, exercising in the fulfillment of his responsibility the full police power of the County. The Administrator, or this person's duly authorized representative, may enter any building, structure, or premises, as provided by law, to perform any duty imposed upon this person by this Ordinance.
- D. Keep a record of variances to the local Water Supply Watershed Protection Ordinance. This record shall be submitted to the Supervisor of the Classification and Standards Group, Water Quality Section, Division of Environmental Management on or before January 1<sup>st</sup> of each year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

# CHAPTER 11: REVIEW PROCESS AND PROCEDURE

## Contents

Section 11.1 General.....	11-3
Section 11.2 Zoning Permits.....	11-3
11.2.1 Zoning Permit Required.....	11-3
11.2.2 Application Procedures.....	11-3
11.2.3 Expiration of Zoning Permit.....	11-4
Section 11.3 Sign Permits.....	11-4
11.3.1 Sign Permit Required.....	11-4
11.3.2 Application Procedures.....	11-4
11.3.3 Expiration of Sign Permit.....	11-4
Section 11.4 Sketch Plan.....	11-5
11.4.1 Pre-application Meeting.....	11-5
11.4.2 Planning Staff Review & Discussion.....	11-5
11.4.3 TRC Review & Discussion.....	11-6
Section 11.5 Site Plan Review Process.....	11-7
11.5.1 Pre-application Meeting.....	11-7
11.5.2 Planning Staff Review & Recommendation.....	11-7
11.5.3 TRC Review & Approval.....	11-7
11.5.4 Engineering Document Review & Approval.....	11-8
11.5.5 Permits Issued.....	11-8
Section 11.6 Conditional Use Permits.....	11-9
11.6.1 Purpose.....	11-9
11.6.2 Review Process.....	11-9
11.6.3 Conditions, Evidence, and Findings-of-Fact.....	11-10
11.6.4 Effect of Approval and Expiration of Approval.....	11-11
11.6.5 Alterations to Site and Amendments to Conditional Use Permit.....	11-11
11.6.6 Re-application Following Denial.....	11-11
Section 11.7 Certificate of Compliance.....	11-12
11.7.1 Final Zoning Inspection.....	11-12
11.7.2 Certificate of Occupancy Required.....	11-12
11.7.3 Temporary Certificate of Compliance.....	11-12

## CHAPTER 11: REVIEW PROCESS AND PROCEDURES

Section 11.8 Ordinance and Zoning Map Amendments.....	11-13
11.8.1 Amendment Initiation.....	11-13
11.8.2 Application.....	11-13
11.8.3 Planning Board Action.....	11-13
11.8.4 Board of Commissioners Action.....	11-15
11.8.5 Condition Use Districts and Conditional Districts.....	11-16
11.8.6 Conditional Zoning District Rezoning (Map Amendment) General Provisions .....	11-16
11.8.7 Rehearing.....	11-18
Section 11.9 Variances.....	11-20
11.9.1 Intent .....	11-20
11.9.2 Public Hearing Notification .....	11-20
11.9.3 Variance Findings of Fact Requirements.....	11-20
11.9.4 Board of Adjustment Decision.....	11-20
11.9.5 Watersupply Watershed Variance Procedures.....	11-21
11.9.6 Floodplain Variance Procedures .....	11-21
11.9.7 Automobile Graveyards, Junk Yard, and Repair Shop Variance Procedures.....	11-23
Section 11.10 Appeals .....	11-24
11.10.1 Application.....	11-24
11.10.2 Stays of Proceedings .....	11-24
11.10.3 Public Hearing Notification .....	11-24
11.10.4 Board of Adjustment Decision.....	11-24
Section 11.11 Vested Rights.....	11-25
11.11.1 Approval Criteria .....	11-25
11.11.2 Effect of Approval .....	11-25
11.11.3 Revocation or Expiration of a Vested Right .....	11-26

## CHAPTER 11: REVIEW PROCESS AND PROCEDURES

### Section 11.1 General

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The purpose of this Chapter is to establish an orderly process to develop land within Hoke County. It is also the intent of this Chapter to provide a clear and comprehensible development process that is fair and equitable to all interests including the petitioners, affected neighbors, County staff, related agencies, the Technical Review Committee, the Planning Board, and the Board of Commissioners. Approved plans shall be the guiding documents for final approval and permitting.

### Section 11.2 Zoning Permits

---

#### 11.2.1 Zoning Permit Required

- A. No land shall be used or occupied and no building hereafter shall be structurally altered, erected, moved, used, or its use changed, until a Zoning Permit is issued by the Zoning Administrator stating the land, building, and/or the proposed use complies with the provisions of this Ordinance.
- B. The Zoning Administrator shall collect fees for the issuance of Zoning Permits as authorized by the fee schedule adopted by the Board of Commissioners.
- C. The issuance of a valid Zoning Permit shall confer with it the right to undertake and complete the development and/or use of property under the terms and conditions of such permit, provided that such action as authorized by the permit is commenced with one hundred eighty (180) days of issuance and provided that all other permits are obtained. Otherwise the permit shall be void.
- D. If at time of application, it is determined that the property lies in a Watersupply Watershed, as shown on the Zoning Map, a Watershed Protection Permit will be required in addition to the Zoning Permit. All requirements and procedures are the same as for a Zoning Permit.

#### 11.2.2 Application Procedures

- A. Each application for a Zoning Permit shall be accompanied by two (2) copies of a plan drawn to scale including the following information:
  - The actual shape and dimensions of the lot on which the proposed building or use is to be erected or conducted.
  - The location of the lot with respect to adjacent right-of-ways.
  - The shape, dimensions, and location of all buildings, existing and proposed, on the lot.
  - The proposed and existing uses of the building(s) or land.
  - The location and dimensions of parking and driveways.
  - Any other information which the Zoning Administrator may deem necessary for consideration in enforcing the provisions of this Ordinance.
- B. One copy of the plans shall be returned to the applicant by the Zoning Administrator after the copy is marked as approved or denied and signed. The second copy of the plans, similarly marked, shall be held on file with the Zoning Administrator.
- C. Developments that require Planning Board or Board of Commissioners approval shall be subject to the applicable approval process and submittal requirements of this Ordinance prior to the issuance of a Zoning Permit.

## **CHAPTER 11: REVIEW PROCESS AND PROCEDURES**

### **11.2.3 Expiration of Zoning Permit**

Any Zoning Permit issued in accordance with this Ordinance, will lapse and become invalid unless the work for which it was issued is started within six (6) months of the date of issue, or if the work authorized by it is suspended or abandoned for a period of at least one (1) year.

## **Section 11.3 Sign Permits**

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### **11.3.1 Sign Permit Required**

- A. No sign shall be erected or changed until a Sign Permit is issued by the Zoning Administrator stating that the proposed sign complies with the provisions of this Ordinance.
- B. The Zoning Administrator shall collect fees for the issuance of Sign Permits as authorized by the fee schedule adopted by the Board of Commissioners.
- C. The issuance of a valid Sign Permit shall confer with it the right to undertake and complete the development and/or use of property under the terms and conditions of such permit, provided that such action as authorized by the Permit is commenced with one hundred eighty (180) days of issuance and provided that all other permits are obtained. Otherwise the Permit shall be void.

### **11.3.2 Application Procedures**

Each application for a Sign Permit shall be accompanied by 2 sets of the following:

- A. A copy of a plan drawn to scale including the following information:
  - The design of the sign, including all dimensions (including projection from wall, height from the ground, and sign area)
  - Method of attachment or support
  - Source of illumination
  - Sign Material
- B. A Site Plan showing the location of the sign in relation to property lines, easements, streets, sidewalks, and other signs.
- C. One copy of the plans shall be returned to the applicant by the Zoning Administrator after the copy is marked as approved or denied and signed. The second copy of the plans, similarly marked, shall be held on file with the Zoning Administrator.

### **11.3.3 Expiration of Sign Permit**

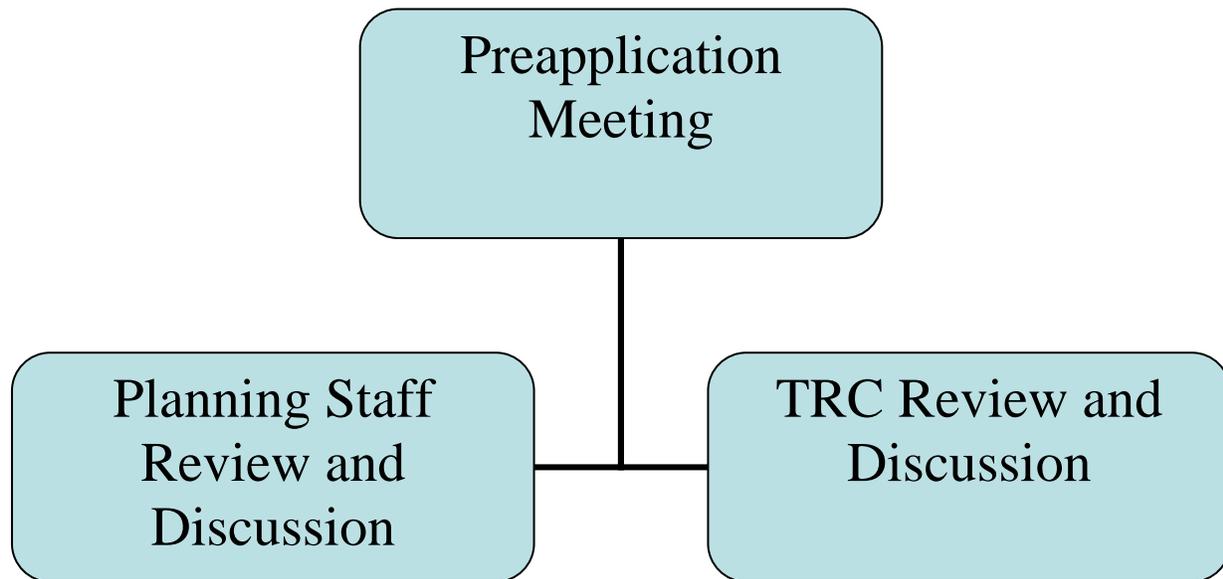
Any Sign Permit issued in accordance with this Ordinance, will lapse and become invalid unless the work for which it was issued is started within six (6) months of the date of issue, or if the work authorized by it is suspended or abandoned for a period of at least one (1) year.

**Section 11.4 Sketch Plan**

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The Sketch Plan review process is an option for development. This process is a non-binding and informal review of a development proposal intended to provide information to the applicant from the Hoke County Technical Site Plan Review Committee and does not confer upon the applicant any development rights.

The Sketch Plan is a working document intended to change and conform to the regulations of this Ordinance and the needs of the County through various reviews prior to any final approval of preliminary plats, site plans, engineering documents, improvement plans, permits, or final plats. Below is the Sketch Plan procedure for Site Plans and Conditional Use Permit developments.



**11.4.1 Pre-application Meeting**

The applicant shall schedule a pre-application meeting with the Zoning Administrator to review an initial Sketch Plan of the proposed development. The Zoning Administrator will advise the applicant of all applicable County regulations and policies, suggest development alternatives, application procedures, and fees. The Hoke County Board of Commissioners may adopt from time to time, a schedule of fees for application and approval processing as specified in this Ordinance. The pre-application meeting is a non-binding and informal review of a development proposal intended to provide information to the applicant on the procedures and policies of Hoke County and does not confer upon the applicant any development rights.

**11.4.2 Planning Staff Review & Discussion**

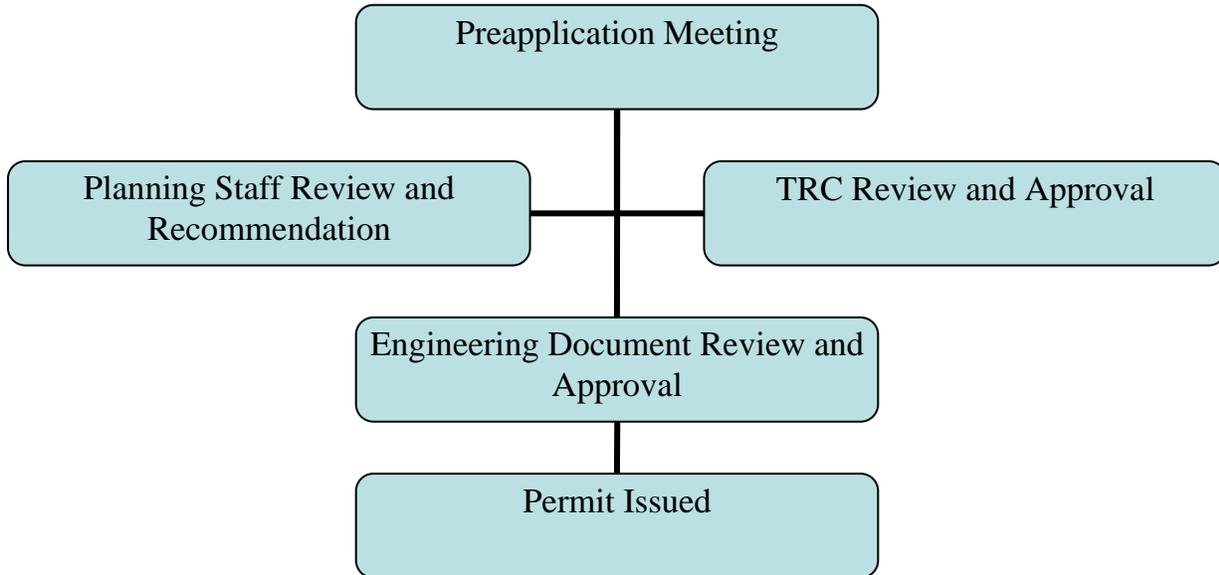
Planning Staff shall review the Sketch Plan for completeness in accordance with the submittal requirements outlined in Chapter 12 and for compliance with Ordinance regulations and County plans and policies. Following review by Planning Staff and applicable revisions to the Sketch Plan by the applicant, Planning Staff shall send the plans the TRC for discussion.

## **CHAPTER 11: REVIEW PROCESS AND PROCEDURES**

### **11.4.3 TRC Review & Discussion**

The Technical Review Committee shall review the Sketch Plan for compliance with Ordinance regulations and County plans and policies and for overall project design. Following review by the TRC and applicable revisions to the Sketch Plan by the applicant, the TRC shall discuss the plans with the applicant.

Section 11.5 Site Plan Review Process



The applicant may begin at this step or this may follow the Sketch Plan process.

**11.5.1 Pre-application Meeting**

The applicant shall schedule a pre-application meeting with the Zoning Administrator to review an initial Site Plan of the proposed development. The Zoning Administrator will advise the applicant of all applicable County regulations and policies, suggest development alternatives, application procedures, and fees. The Board of Commissioners may adopt from time to time, a schedule of fees for application and approval processing as specified in this Ordinance. The pre-application meeting is a non-binding and informal review of a development proposal intended to provide information to the applicant on the procedures and policies of Hoke County and does not confer upon the applicant any development rights.

**11.5.2 Planning Staff Review & Recommendation**

Planning Staff shall review the Site Plan for completeness in accordance with the submittal requirements outlined in Chapter 12 and for compliance with Ordinance regulations and County plans and policies. Following review by Planning Staff and applicable revisions to the Site Plan by the applicant, Planning Staff shall make a recommendation to the TRC to recommend approval or denial of the request and give reasons for the recommendation.

**11.5.3 TRC Review & Approval**

The Technical Review Committee shall review the Site Plan for compliance with Ordinance regulations and County plans and policies. The TRC may take into account the recommendation made by the Planning Staff but is not bound by them for approval or denial.

The TRC shall have 60 days from the date that it first reviewed the Site Plan until a vote is taken to approve or deny the request unless the request is withdrawn by the applicant. Following approval, the request shall proceed to Engineering Document submittal and review.

## **CHAPTER 11: REVIEW PROCESS AND PROCEDURES**

### **11.5.4 Engineering Document Review & Approval**

Engineering Documents shall be reviewed by Planning Staff, the County Engineer, and other relevant federal, state, and local agencies. Site Plan review may occur simultaneously with this step. Following approval, the applicant may request the Zoning Permit from the Zoning Administrator.

### **11.5.5 Permits Issued**

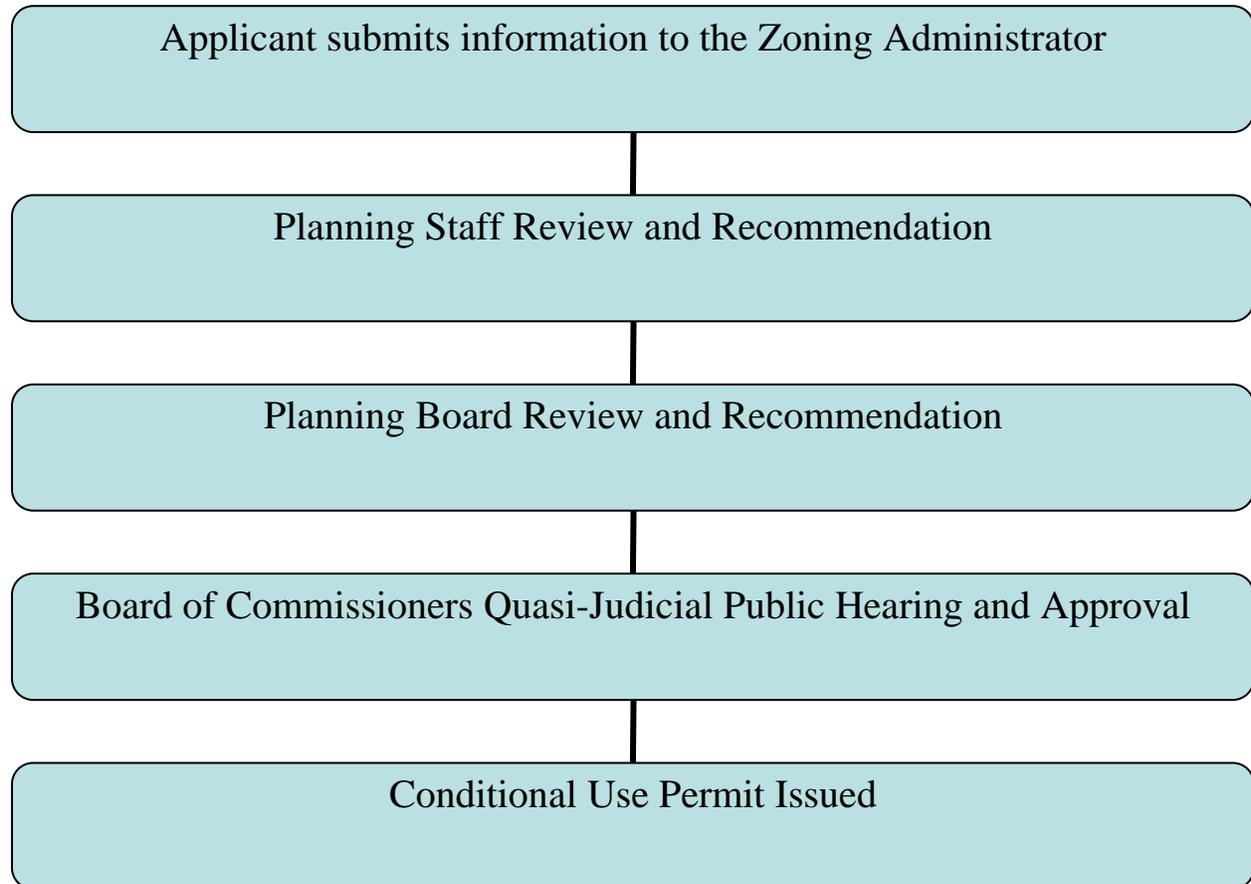
Planning Staff may issue the Zoning Permit.

**Section 11.6 Conditional Use Permits**

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**11.6.1 Purpose**

There are some land uses which are basically in keeping with the intent and purpose of the district but which may have an impact on the area around them. These uses may be established, under certain conditions and with proper controls, in such a manner as to minimize any adverse effects. In order to insure that these uses would be compatible with surrounding development and in keeping with the purposes of the district in which they are located, their establishment shall not be as a matter of right but only after review and approval of a Conditional Use Permit.



**11.6.2 Review Process**

A Conditional Use Permit application form and nonrefundable fee shall be submitted by the applicant to the Zoning Administrator. The application shall be accompanied by either a Minor or Major Site Plan, as applicable. The Planning Staff may, in their review, suggest reasonable conditions to the location, nature, and extent of the proposed use and its relationship to surrounding properties, parking areas, driveways, pedestrian and vehicular circulation systems, screening and landscaping, timing of development, and any other appropriate conditions. Such conditions may include dedication of any rights-of-way or easements for streets, water, sewer, sidewalks, greenways, trails, or other public utilities necessary to serve the proposed development.

## CHAPTER 11: REVIEW PROCESS AND PROCEDURES

The Planning Board shall review the application at their next available meeting. In their review, they may suggest reasonable conditions to the location, nature, and extent of the proposed use and its relationship to surrounding properties, parking areas, driveways, pedestrian and vehicular circulation systems, screening and landscaping, timing of development, and any other appropriate conditions. Such conditions may include dedication of any rights-of-way or easements for streets, water, sewer, sidewalks, greenways, trails, or other public utilities necessary to serve the proposed development.

The Board of Commissioners shall hold a quasi-judicial public hearing at its next regularly scheduled meeting or any called meeting, provided the application has been completed in form and content. Hoke County shall give notice of all public hearings. Said notice shall become a part of the record of the proceedings of the Board of Commissioners. Notices shall be sent by the County by first class mail to the applicant and to owners of all contiguous properties at least ten (10) days prior to the public hearing. The notice shall indicate the nature of the public hearing and the date, time and place at which it is to occur. Notice shall also be posted by the Zoning Administrator in a conspicuous location in the County Administrative Building, or any other public location where notices are posted by the County, at least ten (10) days prior to the public hearing. Said notice shall indicate the nature of the public hearing and the date, time and place at which it is to occur. At least one (1) sign shall also be conspicuously placed by the County on the subject property(ies) indicating the nature of the public hearing and the date, time and place at which it is to occur. Said sign(s) shall be placed on the property(ies) in question at least ten (10) days prior to the public hearing.

### 11.6.3 Conditions, Evidence, and Findings-of-Fact

In approving an application for a Conditional Use Permit, the Board of Commissioners may attach fair and reasonable conditions to the approval. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board of Commissioners. In no instance shall any of these conditions be less restrictive than any requirements which would pertain to that particular development found elsewhere in a similar zoning district. The applicant has the burden of producing competent material and substantial evidence tending to establish the facts and conditions. If any person submits evidence allegedly contrary to any of the facts or conditions, the burden of proof for overcoming such evidence shall rest with the applicant.

The Board of Commissioners shall issue a Conditional Use Permit if it has evaluated an application for a site plan and determined the four findings below to be true.

- A. The use will not materially endanger the public health or safety if located where proposed and developed according to plan, and
- B. The use meets all required conditions and specifications, and
- C. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity, and
- D. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the adopted land use plans and other plans for physical development of the Hoke County area as adopted by the Board of Commissioners.

**11.6.4 Effect of Approval and Expiration of Approval**

If an application for a Conditional Use Permit is approved by the Board of Commissioners, the owner of the property shall have the ability to develop the use in accordance with the stipulations contained in the Conditional Use Permit or develop any other use listed as a “permitted use” for the general zoning district in which it is located. Any Conditional Use Permit so authorized shall be perpetually binding to the property included in such permit unless subsequently changed or amended by the Board of Commissioners.

Unless the Board of Commissioners issues a Conditional Use Permit which either is specifically exempt from any time constraints or has some other specified time period for implementation, the applicant must either record a final plat or secure a valid building permit within a one (1) year period from date of issuance of the Conditional Use Permit. In addition, if the project for which a Conditional Use Permit was issued is, not complete and a valid final plat or building permit is not in place at the end of said one (1) year period, the Zoning Administrator shall notify the applicant of either such finding, and within sixty (60) days of said notification, the Board of Commissioners shall make a decision concerning the rescission of the Conditional Use Permit. After having conducted a public hearing the Board of Commissioners may then rescind the Conditional Use Permit or extend the life of the Conditional Use Permit for a specified period of time not to exceed one (1) year.

**11.6.5 Alterations to Site and Amendments to Conditional Use Permit**

Minor changes in the detail of the approved site which:

- will not alter the basic relationship of the proposed development to adjacent property, and
- will not increase the gross floor area of any non-residential use by the smaller of ten (10) percent or 10,000 square feet, and
- will not decrease the off-street parking ratio or reduce the yards provided at the periphery of the site by greater than five (5) feet

may be made with approval of the Zoning Administrator on a one-time basis only. Further changes to the development may only be made by the Board of Commissioners by amending the Conditional Use Permit. Any request to materially change the Conditional Use Permit once it has been issued shall be reviewed in entirety through the Board of Commissioners approval process.

**11.6.6 Re-application Following Denial**

If a request for a Conditional Use Permit is denied by the Board of Commissioners, similar application for the same property or any portion thereof shall not be filed until the expiration of a one (1) year period from the date of the most recent denial by the Board of Commissioners. The waiting period shall not be applicable where the application for a Conditional Use Permit is substantially different from the original application. The term “substantially different” as herein applied shall mean:

- The proposed principal use is different than the use contained in the original application; or
- The gross floor area of the proposed development is fifty (50) percent or smaller than contained in the original application.

## **CHAPTER 11: REVIEW PROCESS AND PROCEDURES**

### **Section 11.7 Certificate of Compliance**

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#### **11.7.1 Final Zoning Inspection**

The Zoning Administrator shall conduct a final zoning inspection of any new or expanded structure (except single-family residential uses) prior to the issuance of a Certificate of Occupancy by the Hoke County Building Inspector. During the final zoning inspection, the Zoning Administrator shall ensure that all minimum requirements and conditions of approval have been met and that the project matches the approved site plan.

#### **11.7.2 Certificate of Occupancy Required**

No structure hereafter erected, moved, structurally altered or changed in use shall be used or occupied until a Certificate of Occupancy has been issued by the Hoke County Building Inspector. Any Certificate of Occupancy issued shall state that the structure or portion of a structure is in compliance with the information stated on the zoning permit and with all applicable provisions of this Ordinance. A record of all Certificates of Occupancy shall be kept on file in the office of the Hoke County Building Inspector and copies shall be furnished, on request, to all interested parties. If a Certificate of Occupancy is denied, the reasons for such denial shall be specified in writing and provided to the applicant.

#### **11.7.3 Temporary Certificate of Compliance**

A temporary Certificate of Compliance shall not be issued for any structure or development that has not yet met all minimum requirements and conditions of approval. A temporary Certificate of Compliance may only be issued for projects that have landscaping requirements and the weather is not suitable for the installation of such landscaping. A temporary Certificate of Compliance shall expire after a period of three (3) months. A final Certificate of Compliance shall not be issued until such landscaping is installed.

**Section 11.8 Ordinance and Zoning Map Amendments**

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**11.8.1 Amendment Initiation**

- A. Any amendment may be initiated by the Board of Commissioners or Planning Board on its own resolution, by any owner of a legal or equitable interest in the property affected by the amendment, or by a local government agency of Hoke County, or by any other person living or owning property within the jurisdiction of Hoke County.
- B. Property may be placed in a Conditional Use District or Conditional District only in response to a petition by the owners of all the property to be included.

**11.8.2 Application**

*11.8.2.1 All Applications*

An application form and nonrefundable fee shall be submitted by the applicant to the Zoning Administrator. The application shall include a description of the proposed change. The application must be filed no later than two (2) weeks prior to the Planning Board meeting at which the application is to be considered. The application form and fee shall be waived for any amendment request submitted by a Hoke County official or agency acting on behalf of Hoke County.

*11.8.2.2 Text Amendments*

The application shall contain a reference to the specific section, subsection, paragraph, or item proposed to be changed, as well as the wording of the proposed change. The application must also explain the reason for the request.

*11.8.2.3 Zoning Map Amendments*

The application shall contain a statement regarding the consistency of the request with the Hoke County Land Use Plan.

**11.8.3 Planning Board Action**

*11.8.3.1 Public Meeting Notification*

Before making recommendation on any amendments to any sections of this Ordinance or the Zoning Map, the Planning Board shall hold a Public Meeting. Notice of the Public Meeting shall be published not less than seven (7) days and not more than fifteen (15) days prior to the meeting in a newspaper having general circulation in the area.

*11.8.3.2 Zoning Map Additional Notification*

- A. The owner of that parcel of land proposed for rezoning as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of a Public Meeting on the proposed amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least seven (7) days and not more than fifteen (15) days prior to the date of the Public Meeting. The person or persons mailing such notices shall certify to the Planning Board that fact, and such certificate shall be deemed conclusive in the absence of fraud.
- B. The first class mail notice required above shall not be required if the Zoning Map amendment directly affects more than fifty (50) properties, owned by a total of at least fifty (50) different property owners, and the County elects to use the expanded published notice. In this instance, the County may elect to either mailed the notice as described above or may as an alternative elect to publish notice of

## CHAPTER 11: REVIEW PROCESS AND PROCEDURES

the hearings, but provided that each of the advertisements shall not be less than one-half (1/2) of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified as normally required.

- C. The County shall prominently post a notice of the Public Meeting on the site proposed for rezoning or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed Zoning Map amendment, a posting on each individual parcel is not required, but the County shall post sufficient notices to provide reasonable notice to interested persons.
- D. For map amendments initiated by a third party, property owner(s) who are not signatories of the application for zoning map amendment must be notified through personal delivery or registered, certified, or delivery receipt mail. Such notice shall state the existing zoning classification and the classification requested by the third party and the date, time, and location of the public meeting. The notice will be written by the Zoning Administrator, yet the burden for making this actual notice is on the third party requesting the rezoning, the proof of which shall be provided to the Zoning Administrator prior to the public hearing. This requirement shall not apply if a map amendment is initiated by the County.
- E. If the adoption or modification would result in changes to the Zoning Map or would change or affect the permitted uses of land located five miles or less from the perimeter boundary of Fort Bragg, the Planning Board shall provide written notice of the proposed changes by certified mail, return receipt requested, to RULAC not less than ten (10) days nor more than twenty-five (25) days before the date fixed for the public hearing. If RULAC provides comments or analysis regarding the compatibility of the proposed ordinance or amendment with military operations at Fort Bragg, the Planning Board shall take the comments and analysis into consideration before making a final determination on the ordinance.

### *11.8.3.3 Planning Board Decision*

- A. The Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Land Use Plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners. The Planning Board shall also provide a Statement of Reasonableness for Conditional and small scale Rezoning.
- B. If no written report is received from the Planning Board within thirty (30) days of referral of the amendment to that Board, the Board of Commissioners may proceed in its consideration of the amendment without the Planning Board report. The Board of Commissioners is not bound by the recommendations, if any, of the Planning Board.

**11.8.4 Board of Commissioners Action**

*11.8.4.1 Public Hearing Notification*

Before adopting, amending, or repealing any sections of this Ordinance or the Zoning Map, the Board of Commissioners shall hold a public hearing. The Board shall cause notice of the hearing to be published once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than ten (10) days nor more than twenty-five (25) days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

*12.8.4.2 Zoning Map Additional Notification*

- A. The owner of that parcel of land proposed for rezoning as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of a public hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least ten (10) but not more than twenty (25) days prior to the date of the public hearing. The person or persons mailing such notices shall certify to the Board of Commissioners that fact, and such certificate shall be deemed conclusive in the absence of fraud.
- B. The first class mail notice required above shall not be required if the Zoning Map amendment directly affects more than fifty (50) properties, owned by a total of at least fifty (50) different property owners, and the County elects to use the expanded published notice. In this instance, the County may elect to either mailed the notice as described above or may as an alternative elect to publish notice of the hearings required by G.S. 153A-323, but provided that each of the advertisements shall not be less than one-half (1/2) of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified as normally required.
- C. The County shall prominently post a notice of the public hearing on the site proposed for rezoning or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the County shall post sufficient notices to provide reasonable notice to interested persons.
- D. For map amendments initiated by a third party, property owner(s) who are not signatories of the application for zoning map amendment must be notified through personal delivery or registered, certified, or delivery receipt mail. Such notice shall state the existing zoning classification and the classification requested by the third party and the date, time, and location of the public hearing. The notice will be written by the Zoning Administrator, yet the burden for making this actual notice is on the third party requesting the rezoning, the proof of which shall be provided to the Zoning Administrator prior to the public hearing. This requirement shall not apply if a map amendment is initiated by the County.

*11.8.4.3 Board of Commissioners Decision*

Prior to adopting or rejecting any Zoning Map or Ordinance amendment, the Board of Commissioners shall adopt a statement describing whether its action is consistent with the Hoke County Land Use Plan and explaining why the Board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.

## **CHAPTER 11: REVIEW PROCESS AND PROCEDURES**

### **11.8.5 Condition Use Districts and Conditional Districts**

Specific conditions applicable to the districts may be proposed by the petitioner or the County or its agencies, but only those conditions mutually approved by the County and the petitioner may be incorporated into the zoning regulations or permit requirements. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to County ordinances and the Hoke County Land Use Plan or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site.

### **11.8.6 Conditional Zoning District Rezoning (Map Amendment) General Provisions**

The Conditional Zoning District (CZ) is established to address those situations when a particular use may be acceptable but the general zoning district(s) that would allow that use would not be acceptable. Rezoning of property to any CZ is a voluntary procedure on the part of the property owner and is intended for firm development proposals. It is not intended or suited for securing early zoning for a tentative proposal that may be undertaken at some unknown time in the future. Such zones may be approved or changed only by the Board of Commissioner in accordance with the regulations contained herein.

A CZ District shall only be initiated at the request of the petitioner. A CZ district shall not be initiated by the Board of Commissioners, Planning Board, or administrative staff.

The applicant shall have a reasonable opportunity to consider and respond to any proposed conditions prior to final action by the Board of Commissioners. Only those conditions mutually agreed upon by the Board of Commissioners and the applicant, with input from the public, may be incorporated into the Conditional Zoning District.

Following approval of the petition for a CZ District, the subject property shall be identified on the Zoning Map by the appropriate district designation followed by the letters "CZ" and the case number.

For Conditional Zoning Rezoning, a site specific plan meeting the requirements for a Major Site Plan or Major Subdivision is required. Approval of a Conditional Zoning District Rezoning shall result in official amendment to the Hoke County Zoning Map and an amendment to the Zoning Ordinance.

The review process established in this Ordinance provides for the accommodation of such uses by a reclassification of property into a CZ District, subject to specific conditions, which ensure compatibility of the use with the use and enjoyment of neighboring properties. A CZ district allows particular uses to be established only in accordance with site specific standards and conditions pertaining to each individual development project. All site-specific standards and conditions must be consistent with the objectives of these regulations.

#### **A. Procedure**

Applications for CZ approvals shall be filed with the Zoning Administrator. The application for a CZ District must included but is not limited to: a Sketch Plan and supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to all predetermined requirements, will govern the development and use of the property.

## CHAPTER 11: REVIEW PROCESS AND PROCEDURES

### B. Criteria

CZ decisions are a legislative process subject to judicial review using the same procedures and standard of review as apply to general use district zoning decisions. CZ District decisions shall be made in consideration of identified relevant adopted land use plans for the area, including but not limited to, the Land Use Plan and other land-use policy documents. The applicant shall propose site-specific standards that take into account the following considerations:

1. The proposed CZ District's use appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the current Land Use Plan.
2. The use(s) requested are among those listed as an eligible permitted use in the general use district as included in the rezoning request.
3. The design of the proposed CZ District uses minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare and vibration and not creates a nuisance.
4. The use limitations and conditions as proposed and/or imposed for the requested district can reasonably be implemented and enforced for the subject property.
5. When implemented the proposed and/or imposed use limitations and conditions will mitigate specific land development issues that would likely result if the subject property were zoned to accommodate all the uses and the minimum standards of the corresponding general zoning district. If any standards are proposed that are different from the underlying zoning district, the applicant must clearly demonstrate that the overall resultant project is greater than that which is typically allowed by the general district.
6. The applicant has agreed to accept the use limitations and conditions as proposed and/or imposed for the requested district.
7. The applicant shall submit a "Statement of Reasonableness" of the proposed rezoning.
8. For an approval, the Board of Commissioners must determine and assert to the amendment being consistent with the adopted Land Use Plan and why the Board considers the action to be reasonable and in the public interest.

### C. Additional Information

When dealing with the CZ District process, it may desirable to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Zoning Administrator, Planning Board, and/or Board of Commissioners may request additional information to that required.

### D. Public Input Meeting

Before the Planning Board meeting, the applicant must file a written report detailing at least one (1) community meeting held by the applicant. The community meeting shall be held prior to the Planning Board's consideration of the request. The following procedures must be met for the public input meeting:

Based on the perceived impact of the proposal, the affected property owners will be notified by the applicant. Such notice shall be mailed to said property owners not less than ten (10) days prior to the date of the public input meeting and a certification of this mailing shall be submitted as part of the required report. The notice shall contain information regarding the time and location of the public input meeting as well as a description of the proposal.

## CHAPTER 11: REVIEW PROCESS AND PROCEDURES

The report shall include the following:

- Those persons and organizations contacted about the meeting
- The date, time, and location of the meeting
- A roster of the persons in attendance at the meeting
- A summary of issues discussed at the meeting
- A description of any changes to the rezoning petition as result of the meeting.

### E. **Scope of Approval**

The approval of a rezoning to a CZ District does not authorize development activity. The rezoning to the CZ District and approval of the Sketch Plan shall authorize the applicant to move forward in the review process.

### F. **Recordation of Conditional Zoning District**

The applicant will ensure that the Ordinance approving the CZ District is duly certified, and that the legal description and accompanying plan, is recorded in the office of the Register of Deeds of Hoke County. The applicant shall also record a deed restriction upon the subject property that requires compliance with the conditions attached to the CZ District Ordinance. The deed restriction is perpetually binding on the property, unless another rezoning request is brought to the County and approved by the Board of Commissioners. The applicant must provide the Zoning Administrator a copy of the recorded notification, affixed with the Register's seal and date, book and page number of recording in order to receive approval of the application for a zoning permit.

### G. **Violation or Invalidity of the Terms and Conditions of A CZ District**

A violation of a condition of rezoning to a CZ district as set forth in the Final Development Plan and a violation of other related official documents associated with such rezoning are considered violations of this Ordinance subject to the same remedies and penalties. Upon determining that such a violation has occurred, the Zoning Administrator shall notify the property owner of his findings and set a reasonable time for the violation to be corrected or abated in accordance with Chapter 13.

If any condition imposed or consideration made is found to be illegal or invalid, or if an applicant should fail to accept a condition, such CZ District and Preliminary Plat or Site Plan shall be null and void. Proceedings will be instigated to rezone the property to its previous classification.

### **11.8.7 Rehearing**

- A. An application for any rezoning of the same property or any application for the same amendment to this Ordinance, except as described in 11.8.7.B, shall be permitted only once within a six (6) month time period.
- B. If the Board of Commissioners has denied an application for the rezoning of a piece of property or an application for a text amendment, the Planning Board shall not review any application for the same changes affecting the same property or any portion thereof or the same text amendment until the expiration of one (1) year from the date of denial from the Board of Commissioners.
- C. The Zoning Administrator may allow re-submission of such petition within said one (1) year period if he determines one (1) of the following has occurred:
  - There has been a signification change in the zoning district classification of an adjacent piece of property.

## **CHAPTER 11: REVIEW PROCESS AND PROCEDURES**

- The Board of Commissioners has adopted a plan that changes public policy regarding how the property affected by the amendment should be developed.
- Construction or expansion of a road, water line, sewer line, or other such infrastructure has occurred to serve the property and can adequately accommodate the intensity of development allowed under the proposed classification.
- There has been some other extraordinary change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one (1) year restriction on a new petition; this however, shall not include a change in the ownership of the subject property.

## **CHAPTER 11: REVIEW PROCESS AND PROCEDURES**

### **Section 11.9 Variances**

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#### **11.9.1 Intent**

When practical difficulties or unnecessary hardships would result from carrying out the strict letter of this Ordinance, the Board of Adjustment shall have the power to vary or modify any regulation or provision of this Ordinance so that the spirit of the Ordinance is observed, public safety and welfare secured, and substantial justice done.

#### **11.9.2 Public Hearing Notification**

- A. The Board of Adjustment shall give due notice of the Variance request and shall hold a quasi-judicial Public Hearing. The Board shall cause notice of the hearing to be published in a newspaper having general circulation in the area. The notice shall be published the not less than seven (7) day and not more than fifteen (15) days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.
- B. The owner of that parcel of land being discussed as shown on the county tax listing, and the owners of all parcels of land adjacent to that parcel of land as shown on the county tax listing, shall be mailed a notice of the public hearing by first class mail at the last addresses listed for such owners on the county tax listing. This notice must be deposited in the mail at least ten (10) but not more than fifteen (15) days prior to the date of the public hearing. The person or persons mailing such notices shall certify to the Board of Adjustment that fact, and such certificate shall be deemed conclusive in the absence of fraud.

#### **11.9.3 Variance Findings of Fact Requirements**

The Variance may be granted in such individual cases where the Board of Adjustment makes all of the following findings in the affirmative:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
2. A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the zoning district in which the property is located.
3. The requested Variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.
4. The special circumstances are not a result of the actions of the applicant.
5. The Variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.

#### **11.9.4 Board of Adjustment Decision**

- A. No change in permitted uses may be authorized by variance. Existing nonconforming conditions in the area shall not be considered grounds for the issuance of a Variance.
- B. Appropriate conditions, which must be reasonably related to the condition or circumstance that gives rise to the need for a Variance, may be imposed on any approval issued by the Board. Violation of

## CHAPTER 11: REVIEW PROCESS AND PROCEDURES

such conditions and safeguards, when made a part of the terms of the Variance, shall be deemed a violation of this Ordinance and punishable under Chapter 13 and the Variance may be revoked.

### 11.9.5 Watersupply Watershed Variance Procedures

- A. When an application for a Major Variance is submitted, the Board of Adjustment shall provide a recommendation to the NC Division of Water Quality. The NC Division of Water Quality shall have the authority to approve or deny the issuance of a major variance. If the NC Division of Water Quality approves the Variance, the Board of Adjustment may direct the Watershed Administrator to issue a Watershed Protection Permit.
- B. For all Watershed Variance requests, the Watershed Administrator shall notify and allow a reasonable comment period for all local governments having jurisdiction within, or using water supply from, the Lumber River Watershed.
- C. A description of all projects receiving a variance and the reason for granting the Variance shall be submitted to the NC Division of Water Quality on January 1<sup>st</sup> of each year.

### 11.9.6 Floodplain Variance Procedures

- A. Any person aggrieved by the decision of the Board of Adjustment may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- B. Variances may be issued for:
  1. the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
  2. functionally dependant facilities if determined to meet the definition as stated in Chapter 15 of this Ordinance, provided provisions of 11.9.6.H.2, 3, and 5 have been satisfied, and such facilities are protected by methods that minimize flood damages.
  3. any other type of development, provided it meets the requirements stated in this Section.
- C. In passing upon Variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
  1. the danger that materials may be swept onto other lands to the injury of others;
  2. the danger to life and property due to flooding or erosion damage;
  3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  4. the importance of the services provided by the proposed facility to the community;
  5. the necessity to the facility of a waterfront location as defined under Chapter 15 of this Ordinance as a functionally dependant facility, where applicable;

## CHAPTER 11: REVIEW PROCESS AND PROCEDURES

6. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  7. the compatibility of the proposed use with existing and anticipated development;
  8. the relationship of the proposed use to the Hoke County Land Use Plan and the Floodplain Management Program for that area;
  9. the safety of access to the property in times of flood for ordinary and emergency vehicles;
  10. the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
  11. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- D. A written report addressing each of the above factors shall be submitted with the application for a Variance.
- E. Upon consideration of the factors listed above and the purposes of this Ordinance, the Board of Adjustment may attach such conditions to the granting of Variances as it deems necessary to further the purposes of this Ordinance.
- F. Any applicant to whom a Variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a Variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all Variance actions, including justification for their issuance.
- G. The Floodplain Administrator shall maintain the records of all appeal actions and report any Variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- H. Conditions for Variances:
1. Variances shall not be issued when the Variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
  2. Variances shall not be issued within any designated floodway or non-encroachment area if the Variance would result in any increase in flood levels during the base flood discharge.
  3. Variances shall only be issued upon a determination that the Variance is the minimum necessary, considering the flood hazard, to afford relief.
  4. Variances shall only be issued prior to Development Permit approval.
  5. Variances shall only be issued upon:
    - a showing of good and sufficient cause;

## CHAPTER 11: REVIEW PROCESS AND PROCEDURES

- a determination that failure to grant the Variance would result in exceptional hardship; and
  - a determination that the granting of a Variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- I. A Variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
1. The use serves a critical need in the community.
  2. No feasible location exists for the use outside the Special Flood Hazard Area.
  3. The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.
  4. The use complies with all other applicable Federal, State and local laws.
  5. The County of Hoke has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a Variance at least thirty (30) calendar days prior to granting the Variance.

### **11.9.7 Automobile Graveyards, Junk Yard, and Repair Shop Variance Procedures**

Hoke County Commissioners may consider a Variance only upon those requirements of Section 3.12 of this Ordinance set out specifically below:

- A. A minimum three hundred (300) foot setback from the center line of any public road.
- B. Cannot be located with one-half (1/2) mile of any school or religious use or three hundred (300) feet of a residential use.

## **CHAPTER 11: REVIEW PROCESS AND PROCEDURES**

### **Section 11.10 Appeals**

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#### **11.10.1 Application**

Any person aggrieved by the Zoning Administrator may take an appeal to the Board of Adjustment. The appeal must be filed with the Zoning Administrator within thirty (30) days of the decision of the Zoning Administrator. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which action appealed from was taken.

#### **11.10.2 Stays of Proceedings**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Adjustment, after notice of appeal has been filed with him, that because of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the Ordinance. In that case proceedings may not be stayed except 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 Zoning Administrator and on due cause shown.

#### **11.10.3 Public Hearing Notification**

- A. The Board of Adjustment shall give due notice of the appeal and shall hold a quasi-judicial Public Hearing. The Board shall cause notice of the hearing to be published in a newspaper having general circulation in the area. The notice shall be published the not less than seven (7) day and not more than fifteen (15) days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.
- B. The owner of that parcel of land being discussed as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of the public hearing by first class mail at the last addresses listed for such owners on the county tax listing. This notice must be deposited in the mail at least seven (7) but not more than fifteen (15) days prior to the date of the public hearing. The person or persons mailing such notices shall certify to the Board of Adjustment that fact, and such certificate shall be deemed conclusive in the absence of fraud.

#### **11.10.4 Board of Adjustment Decision**

The Board of Adjustment may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination appealed from, and shall make any order, requirement, decision, or determination that in its opinion ought to be made in the circumstances. To this end, the Board has all of the powers of the Zoning Administrator.

**Section 11.11 Vested Rights**

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Pursuant to NCGS 153A-344.1 and notwithstanding any other provision of this Ordinance or amendment thereto, a landowner may apply for a site specific development plan approval which shall entitle said landowner to develop property in accordance with said site-specific plan. To apply for vested right, a landowner shall first submit to the Zoning Administrator a site-specific plan. The plan shall be submitted in accordance with the requirements for a Major Site Plan.

**11.11.1 Approval Criteria**

- A. In approving an application for vested rights of a site-specific plan, the Board of Commissioners may attach fair and reasonable ad hoc conditions which tend to support the requiring finding of facts as herein listed. The petitioner shall be given reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board of Commissioners. The Board of Commissioners may not require the landowner to waive his vested right as a condition of developmental approval.
- B. The Board of Commissioners may approve the site-specific plan if it has evaluated an application and determined that:
  - 1. The use meets all required specifications of the Zoning Ordinance, and
  - 2. The use will not materially endanger the public health or safety and will not substantially injure the value of adjoining property if located where proposed.
  - 3. Conditions, if any, placed on the site specific development plan by the Board of Commissioners shall be adequate to meet this requirement.
  - 4. If the site-specific development plan is vested for a period of greater than two (2) years, this shall be based on one or more factors so described in 11.11.2 below.
- C. The burden of proof of producing evidence to support these findings (and to overcome any challenges that approval of the site plan would be contrary to one or more of these findings shall rest entirely with the landowner.
- D. If the use or development for which the site-specific development plan is submitted is a conditional use, the Board of Commissioners may approve the site specific development plan contemporaneously with the approval of the Conditional Use Permit. In no case, however, may a site-specific development plan be approved for a use or development which requires the issuance of a Conditional Use Permit without the Conditional Use Permit having first been issued.

**11.11.2 Effect of Approval**

- A. The effect of the Board of Commissioners approving a site-specific plan shall be to vest such Site Plan for a period of two (2) years from the date of approval. If the landowner requests, however, the Board of Commissioners may approve a vesting period not to exceed five (5) years from the date of approval. The vesting of any Site Plan beyond a two (2) year period may only be authorized by the Board of Commissioners where it is found that due to:
  - sizing and phasing of the development; or
  - level of investment; or
  - need for the development; or
  - economic cycles; or
  - market conditions, building permits for all phases of the development cannot be secured within two (2) years

## CHAPTER 11: REVIEW PROCESS AND PROCEDURES

- B. A vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the Site Specific Development Plan as provided for in this Section. Failure to abide by the terms and conditions placed upon such approval will result in the forfeiture of the vested right previously accorded.
- C. A vested right, once established as herein provided, shall preclude any zoning action by the County which would change, alter, impair, prevent, diminish or otherwise delay the development or use of the property as set forth in the approved site specific development except under the following conditions:
- The affected landowner provides written consent to the County of his desire to terminate the vested right; or
  - The County determines, after having advertised and held a public hearing, that natural or man-made hazards exist on or in the immediate vicinity of the property which pose a serious threat to the public health, safety and welfare if the project were to proceed as indicated in the site specific development plan; or
  - Compensation is made by the County to the landowner for all costs, expenses, and other losses incurred including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and any other consultant's fees incurred after approval together with interest thereon at the legal rate until paid; or
  - The County determines, after having advertised and held a public hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the County of the site specific development plan; or
  - Upon the enactment or promulgation of a State or Federal law or regulations which precludes development as contemplated in the site-specific development plan. In such case the County may (after having advertised and conducted a public hearing) modify the affected provisions upon a finding that the change in State or Federal law has a fundamental effect on the plan.
- D. Once a vested right is granted to a particular site specific plan, nothing in this section shall preclude the County from conducting subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided such reviews and approvals are not inconsistent with the original approval.

### 11.11.3 Revocation or Expiration of a Vested Right

- A. The vested right resulting from the approval of a site specific plan may be revoked by the Board of Commissioners. In addition, a revocation may occur if the Board of Commissioners determines that the landowner has failed to comply with the terms and conditions of the approval or with any other applicable portion of the Zoning Ordinance. The vested right shall otherwise expire at the end of the approval period established by the Board of Commissioners.
- B. A building permit issued by the Hoke County Building Inspector pursuant to NCGS 153A may not be revoked because of the running of time on a piece of property for which a site-specific development plan has been approved and the vested right period has not otherwise expired.
- C. The establishment of a vested right on a piece of property for a site specific plan shall not preclude the County from establishing and enforcing on the property any additional regulations (adopted during the time the vested right was in effect) which are general in nature and applicable to all property subject to the regulations of this Ordinance.

**CHAPTER 12:  
DEVELOPMENT PLAN REQUIREMENTS**

**Contents**

Section 12.1 General..... 12-2

Section 12.2 Sketch Plans..... 12-2

Section 12.3 Site Plans..... 12-2

## **CHAPTER 12: DEVELOPMENT PLAN REQUIREMENTS**

### **Section 12.1 General**

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The purpose of this Chapter is to provide uniform standards for all development plans requiring approval by Hoke County in accordance with Chapter 11. Every Development Plan shall include notes and graphics depicting the requirements of all applicable sections of this Ordinance.

### **Section 12.2 Sketch Plans**

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A Sketch Plan shall be required for the pre-application meeting with the Zoning Administrator. The plan shall be scaled and show in simple sketch form the proposed layout of streets, lots, buildings, open spaces, and other features in relation to existing conditions. It shall also include the following information:

- The boundaries of the property;
- The tax map number(s) of the property;
- The total acreage;
- The existing street layout and right-of-way width;
- The name of the proposed development;
- The zoning classification of the property to be developed and of adjacent properties
- The existing topographic conditions of the property.

### **Section 12.3 Site Plans**

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All Site Plans shall include but are not limited to the following information:

- Title
- Original submittal date
- Revision dates
- Vicinity map
- North arrow
- Scale (no smaller than 1"=100')
- Lot lines with bearings and distances
- Zoning district and applicable overlay districts
- Adjacent property owner names, parcel numbers, and zoning
- Total acreage
- Acreage in right-of-way
- Density per acre
- Building setbacks in table format and building envelopes show on lots
- Locations of existing structures on the development site and within fifty (50) feet of the property lines
- Landscaping notes
- Boundaries of flood plains or note stating that property is not within one
- Location and depth of any existing utility lines on the property or along adjacent right of ways
- Topography and environmental information
- Existing Conditions
- Landscaping Plan
- Lighting Plan
- Grading Plan
- Infrastructure Details
- If Public Water or Sewer is not available, written approval of proposed water supply and/or sewage disposal facilities from the Hoke County Health Department

# CHAPTER 13: ENFORCEMENT AND VIOLATIONS

## Contents

Section 13.1 General.....	13-2
Section 13.2 Removal of Signs in the Right of Way .....	13-2
Section 13.3 Zoning Enforcement .....	13-2
13.3.1 Fines and Penalties.....	13-2
13.3.2 Equitable Remedy .....	13-2
13.3.3 Injunction or Order of Abatement.....	13-2

## **CHAPTER 13: ENFORCEMENT AND VIOLATIONS**

### **Section 13.1 General**

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If any structure or use is erected, constructed, reconstructed, altered, repaired, converted, or maintained in violation of this Ordinance, an action for injunction or other appropriate action to prevent such violation may be instituted by the Zoning Administrator. This Ordinance may be enforced by any one or more of the remedies authorized by this Chapter.

### **Section 13.2 Removal of Signs in the Right of Way**

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The Zoning Administrator or his designee may remove and destroy or otherwise dispose of any sign placed on public property or within any right-of-way of any public or private street.

### **Section 13.3 Zoning Enforcement**

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#### **13.3.1 Fines and Penalties**

- A. Once the 30-day warning period has passed without the offender resolving the violation to the satisfaction of the Zoning Administrator, there will be a fifty dollar (\$50) fine or imprisonment of not more than thirty (30) days imposed on the offender. Each day's continuing violation is a separate and distinct offense.
- B. Unless the Board of Commissioners has provided otherwise, a violation of this Ordinance is a misdemeanor or infraction as provided by NCGS §14-4.
- C. The violation subjects the offender to a civil penalty to be recovered by Hoke County in a civil action in the fine is not paid within five (5) working days after he has been cited for violation of the Ordinance.

#### **13.3.2 Equitable Remedy**

The Zoning Administrator may apply to the court of competent jurisdiction for an appropriate equitable remedy. In such a case, the General Court of Justice has jurisdiction to issue any order that may be appropriate, and it is not a defense to the County's application for equitable relief that there is an adequate remedy in the Ordinance.

#### **13.3.3 Injunction or Order of Abatement**

When a violation of this Ordinance occurs, the County may apply to the appropriate division of the General Court of Justice Enforcement for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular. In addition to an injunction, the Court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with the Ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt and the County may execute the order of abatement. If the County executes the order, it has a lien on the property, in the nature of a mechanic's and material man's lien, for the costs of executing the

## **CHAPTER 13: ENFORCEMENT AND VIOLATIONS**

order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter was heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.

# CHAPTER 14: LEGAL STATUS

## Contents

Section 14.1 Conflict with Other Laws or Ordinances .....	14-2
Section 14.2 Severability of Parts of Code .....	14-2
Section 14.3 Existing Permits and Approvals.....	14-2

## **CHAPTER 14: LEGAL STATUS**

### **Section 14.1 Conflict with Other Laws or Ordinances**

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- A. When regulations in this Ordinance impose higher standards than are required in any other statute or local ordinance or regulation, the regulations made in this Ordinance govern. When the provisions of any other statute or local ordinance or regulation impose higher standards than are required in this Ordinance, the provisions of the other statute or local ordinance or regulation govern.
- B. Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor restrict any provisions of the Code of Ordinances of Hoke County; however, the adoption of this Ordinance shall and does amend any and all ordinances, resolutions, and regulations in effect within the planning jurisdiction of Hoke County (as depicted in the County's Official Zoning Map) at the time of the adoption of this Ordinance that may be construed to impair or reduce the effectiveness of this Ordinance or to conflict with any of its provisions.
- C. It is not intended that these regulations interfere with any easement, covenant or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.

### **Section 14.2 Severability of Parts of Code**

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If any section, subsection, sentence, clause, or phase of this Ordinance is for any reason held to be invalid by the courts, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Commissioners hereby declares that it has passed this Ordinance and each section, subsection, clause, and phrase thereof; irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phases be declared invalid.

### **Section 14.3 Existing Permits and Approvals**

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Amendments to this Ordinance shall not be applicable or enforceable without consent of the owner with regard to buildings and uses for which either building permits have been issued pursuant to G.S. 153A-357 prior to the enactment of the ordinance making the change or changes so long as the permits remain valid and unexpired pursuant to G.S. 153A-358 and unrevoked pursuant to G.S. 153A-362 or a vested right has been established pursuant to G.S. 153A-344.1 and such vested right remains valid and unexpired pursuant to G.S. 153A-344.1.

# CHAPTER 15: DEFINITIONS

**Contents**

Section 15.1 Purpose..... 15-2

Section 15.2 Interpretation..... 15-2

Section 15.3 Definitions..... 15-2

## CHAPTER 15: DEFINITIONS

### Section 15.1 Purpose

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For the purpose of interpreting this Ordinance, certain words, concepts, and ideas are defined herein. Except as defined herein, all other words used in this Ordinance shall have their everyday meaning as determined by their dictionary definition.

### Section 15.2 Interpretation

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Interpretations and definitions contained in this Ordinance shall be observed and applied, except when the context clearly indicated otherwise.

- A. Words used in the present tense shall include the future tense.
- B. Words used in the singular number shall include the plural number and the plural number shall include the singular.
- C. The word “shall” is mandatory and not discretionary.
- D. The word “may” is permissive.
- E. The word ‘lot’ shall include the words “parcel”, “plot”, and “tract”.
- F. The word “building” shall include all structures regardless of similarities to buildings.
- G. The phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, and “occupied for”.
- H. The word “person” shall include a firm, association, organization, partnership, trust company, or corporation as well as an individual.

### Section 15.3 Definitions

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**ABUTTING** - Having property or district lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street or alley.

**ACCESS** – A way of approaching or entering a property. Access also includes ingress, the right to enter; egress, and the right to leave.

**ACCESSORY BUILDING (APPURTENANT STRUCTURE)** – A structure that is subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. In no event shall “accessory building” be construed to authorize a principal use or structure no otherwise permitted in the district in which the use is located. Accessory structures include but are not limited to detached garages, storage buildings, pools and pool houses, piers and other water related structures. Pole barns, hay sheds and the like qualify as accessory buildings on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

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

**ADDITION (TO AN EXISTING BUILDING)** - An extension or increase in the floor area or height of a building or structure.

**ADULT CARE HOME** - An assisted living residence in which the housing management provides twenty-four (24) hour scheduled and unscheduled personal care services to two (2) or more residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Medication in an adult care home may be administered by designated, trained staff. Adult care homes that provide care to two to six unrelated residents are commonly called family care homes.

**AGRICULTURE** – The use of land for agriculture purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, forestry operation, and animal and poultry husbandry, and necessary accessory uses for packing, treating, or storing the produce; provided, however, the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

**AIRPORT** – Any area of land which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings, other airport facilities, or right-of-ways, including all necessary taxiways, aircraft storage, tie down areas, hangers, and other necessary buildings and open spaces.

**AIRPORT ELEVATION** - The highest point of an airport's usable landing area measured in feet (tenths) from the mean sea level.

**AIRPORT HAZARD** - Any structure, tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking-off of aircraft.

**AIRPORT REFERENCE POINT (ARP)** - The point established as the approximate geographic center of the airport landing area and so designated.

**ALLEY** – A public or private right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on a street and is not intended for general traffic circulation.

**ALTERNATIVE TOWER STRUCTURE** – Manmade trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. These are also referred to as stealth structures.

**AMATEUR RADIO OPERATOR** – Commonly referred to as HAM operator, a resident of Hoke County that has a valid FCC issued license to operate their individual system.

**AMATEUR RADIO SERVICE** – A radio communication service for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest.

## **CHAPTER 15: DEFINITIONS**

**AMBULANCE SERVICE** – An establishment primarily engaged in providing transportation of patients by ground or air, along with medical care. These services are often provided during a medical emergency but are not restricted to emergencies. The vehicles are equipped with lifesaving equipment operated by medically trained personnel.

**AMENDMENT, ADMINISTRATIVE** – An amendment which does not change the meaning of the Land Use Plan, but instead corrects errors of a technical or clerical nature, perhaps involving the addition of explanatory materials and graphics, or calling for the correction of typographical errors.

**AMENDMENT, MAP** – An amendment that changes the Official Zoning Map of Hoke County in accordance to with the process in this Ordinance.

**AMENDMENT, TEXT** – An amendment that changes the text of this Ordinance in accordance with the process in this Ordinance.

**AMUSEMENT PARK** – A commercial operated park composed of a variety of attractions, such as mechanical rides, water rides, games, shows, theme exhibits, refreshment stands, and picnic grounds. These establishments may lease space to others on a concession basis.

**ANIMAL SHELTER** - A facility which is used to house or contain seized, stray, homeless, quarantined, abandoned or unwanted animals and which is under contract with, owned, operated, or maintained by Hoke County, the City of Raeford, or other municipality, or by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, rehabilitation, or humane treatment of animals.

**ANTENNA** – Communications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.

**APARTMENT** – See Multi-Family

**APPEAL** – A request for a review of the Zoning Administrator’s or the Floodplain Administrator’s interpretation of any provisions of this Ordinance.

**APPLICANT** - The party submitting an application, petition, or seeking other approval required by this Ordinance. An applicant includes a firm, association, organization, partnership, corporation, company, trust, individual, or government unit or any other entity usually defined in legal usage as a person.

**APPROACH SURFACE** - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 2.12. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

**APPROACH, TRANSITIONAL, HORIZONTAL and CONICAL ZONES** - The zones set forth in Section 2.13.

**ARCHITECT** - A person who is duly licensed to practice architecture in the State of North Carolina.

**AREA OF SPECIAL FLOOD HAZARD** see **SPECIAL FLOOD HAZARD AREA (SFHA)**

**ASPHALT PLANT** – An establishment primarily engaged in manufacturing asphalt and tar paving mixtures and blocks from purchased asphaltic materials.

**ASSISTED LIVING RESIDENCE** - Any group housing and services program for two (2) or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one (1) meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more licensed home care or hospice agencies. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. Assisted living residences are to be distinguished from nursing homes subject to provisions of NCGS § 131E-102. There are two types of assisted living residences: adult care homes and adult care homes that serve only elderly persons. Elderly person means:

- a. Any person who has attained the age of 55 years or older and requires assistance with activities of daily living, housing, and services, or
- b. Any adult who has a primary diagnosis of Alzheimer's disease or other form of dementia who requires assistance with activities of daily living, housing, and services provided by a licensed Alzheimer's and dementia care unit.

**AUTHORITY** - The governing body which is lawfully empowered to exercise legal control over the airport. This shall be the county board of commissioners, unless otherwise designated or represented.

**AUTOMOBILE GRAVEYARD** – Site where more than three (3) wrecked, scrapped, ruined, dismantled, or inoperable motor vehicles or motorized equipment not being restored to operation are located on a land parcel or a separate parcel of land used in conjunction with any establishment.

**AUTOMOBILE SERVICE GARAGE** – An establishment which is maintained and operated for the primary purpose of making mechanical and/or body repairs to motor vehicles.

**AUTOMOBILE SERVICE STATION (GAS STATION)** – Any building or land used for the dispensing, sale or offering for sale at retail any automobile fuels along with accessories such as lubricants or tires, except that car washing, mechanical and electrical repairs, and tire repairs shall only be performed incidental to the conduct of the service station and are performed indoors and there are no fuel pumps within fifteen (15) feet of any property line or street right-of-way. Incidental activities shall not include tire rereading, major body work, major mechanical work, or upholstery work.

**BANK** - Any corporation, other than savings and loan associations, savings banks, industrial banks, and credit unions, receiving, soliciting or accepting money or its equivalent on deposit as a business.

**BASE FLOOD** - The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

**BASE FLOOD ELEVATION (BFE)** - A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a SPECIAL FLOOD HAZARD AREAS, it may be obtained from engineering studies available from a Federal or State or other source using FEMA approved engineering methodologies. This elevation, when combined with the FREEBOARD, establishes the REGULATORY FLOOD PROTECTION ELEVATION.

**BASEMENT** – The portion of a structure which is partially or completely below grade.

**BED AND BREAKFAST** – A use that takes place within a building that prior to such establishment, was designed and used as a single-family residence, that consists of renting not more than five (5) guest rooms, may provide breakfast accommodations to the overnight guests only, and where the bed and

## CHAPTER 15: DEFINITIONS

breakfast operation is conducted primarily by persons who reside on the premise, with the assistants of not more than two (2) full time employees.

**BEST MANAGEMENT PRACTICE** – A structural or non-structural management based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

**BLOCK** – A unit of land bound by streets, public land, waterways, and any other barrier to the continuity of development.

**BOARD OF ADJUSTMENT** – A local body, created by Ordinance, whose responsibility is to hear appeals from decisions of the Zoning Administrator and to consider requests for variances from the terms of the Zoning Ordinance.

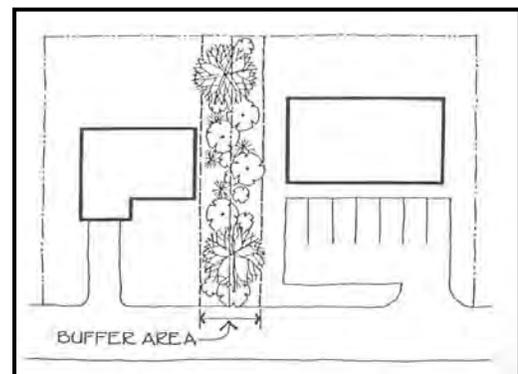
**BOARD OF COMMISSIONERS** – The governing body of Hoke County.

**BOARDING HOUSE** – A structure that was originally constructed as a dwelling that has been converted for the housing of residents in not more than six (6) guest rooms.

**BONA FIDE FARM** – A parcel or combination of adjacent parcels under the same ownership containing a minimum ten (10) acres engaged in the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products as defined in NCGS § 106-581.1 having a domestic or foreign market. It also includes the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a “Goodness Grows in North Carolina” product that is produced on a farm subject to a conservation agreement under NCGS § 106-743.2.

**BROADCASTING AND TELECOMMUNICATION** – Businesses that create content or acquire the right to distribute content and subsequently broadcast the content. This includes businesses that operate broadcasting studios and facilities for over the air or satellite delivery of radio and television programs of entertainment, news, talk, and the like. These establishments are often engaged in the production and purchase of programs and generating revenues from the sale of air time to advertisers and from donations, subsidies, and/or the sale of programs. It also includes establishments operating studios and facilities for the broadcasting of programs that are typically narrowcast in nature (limited format, such as news, sports, education, and youth-oriented programming) on a subscription or fee basis.

**BUFFER** – A strip of land with natural or planted vegetation located between a structure and a side or rear property line intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.



**BUILDING** – A temporary or permanent structure having a roof supported by exterior walls or constructed columns and which can be used for residence, business, industry, or other public or private

purposes or accessory thereto. The term “building” shall be construed as if followed by the words “or part thereof”.

**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 the deck line of mansard roof, or to the mean height level between eaves and ridges for gable, hip, and gambrel roofs.

**BUILDING, PRINCIPAL (PRINCIPAL STRUCTURE)** – A building in which is conducted the principal use on the lot on which the building is situated.

**BUILDING SETBACK LINE** – A line establishing the minimum allowable distance between the nearest portions of any building, including eaves and overhangs, and the nearest edge of the street right-of-way when measured perpendicular thereto.

**BUILT-UP AREA** – Areas that include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), ect. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

**BUSINESS SUPPORT SERVICE** – Business that are engaged in providing a range of day-to-day office administrative services, such as financial planning; billing and recordkeeping; personnel; and physical distribution and logistics for others on a contract or fee basis. These establishments do not provide operating staff to carry out the complete operations of a business.

**CAMPGROUND** – Any site upon which two (2) or more campsites are located, established, or maintained for occupancy by people in temporary living quarters, such as tents, recreational vehicles, or travel trailers.

**CAMPING TRAILER** – A folding structure manufactured of metal, wood, canvas, plastic, or other materials, or any combination thereof, mounted on wheels and designed for travel, recreation, or vacation use.

**CAMPSITE** – A plot of land within a campground for exclusive occupancy by a cabin, recreational vehicle, or tent.

**CANOPY, MARQUEE, OR AWNING** – A permanent structure, other than an awning made of cloth, attached or unattached to a building for the purpose of providing shelter to patrons, or a decorative feature on a building wall.

**CAR WASH** – A building, or portion thereof, containing facilities for washing more than two (2) automobiles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water, equipment, or soap for the complete or particle hand washing of such automobiles, whether washing is performed by operator or by the customer.

**CEMETERY** - Any one or a combination of more than one of the following in a place used or to be used and dedicated or designated for cemetery purposes:

- A burial park, for earth interment.
- A mausoleum.
- A columbarium

## CHAPTER 15: DEFINITIONS

**CERTIFICATE OF COMPLIANCE** – Official certification from the Zoning Administrator indicating that the use or occupancy of, or the connection or provision of utilities to any building or land hereafter created, erected, changed, converted, altered or enlarged in its use or structure is in compliance with all regulations of the Zoning Ordinance.

**CHEMICAL STORAGE FACILITY** - A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

**CHILD CARE**- A program or arrangement where three (3) or more children less than thirteen (13) years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four (4) hours but less than twenty (24) hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption.

**CHILD CARE CENTER** - An arrangement where, at any one time, there are three (3) or more preschool-age children or nine (9) or more school-age children receiving child care.

**CLUB OR LODGE (CIVIC OR FRATERNAL)** – A nonprofit association of persons, who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof; the use of such premises being restricted to members and their guests.

**CLUSTER DEVELOPMENT** – The grouping of buildings in order to conserve land resources and provide innovation in the design of the project. This term includes non-residential development as well as single family residential subdivision and multifamily developments that do not involve the subdivision of land.

**COLLOCATION** – The installation of new wireless facilities on previously-approved structures, including towers, buildings, utility poles, and water tanks.

**COMMON OPEN SPACE** – A parcel or parcels of land or an area of water or a combination of both land and water within the site designated for development and designed or intended for the use and enjoyment of residents of the development or for the general public, not including streets or off-street parking areas. Common Open Space shall be substantially free of structures but may contain such improvements as are in the plan as finally approved and are appropriate for the benefit of residents of the development.

**CONDOMINIUM** – An individual dwelling unit in a multi-family structure where separate dwelling units are individually owned and common property, including within the building, accessory structures, and the land itself are jointly owned.

**CONICAL SURFACE** - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 feet horizontally for each one foot vertically (20:1) for a horizontal distance of 4,000 feet.

**CONVALESCENT HOME** – An institution, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for persons unrelated to the licensee. A convalescent home is home for chronic or nursing patients who, on admission, are not as a rule, acutely ill or who do not usually require special facilities, such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities.

**CONVERSION** – Changing the original purpose of a building to a different use.

## CHAPTER 15: DEFINITIONS

**COUNTRY CLUB** – A private recreational facility for use by members and their guests. Uses frequently include golf courses, swimming pools, tennis courts, and club houses. Meal service may be available. A country club may be developed as a free-standing entity or as a part of a residential community or planned residential development.

**COUNTY** – Hoke County

**COVENANT** – A private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded.

**DEDICATION** - The transfer of property from private to public ownership.

**DENSITY** – A ratio expressed as the number of dwelling units per acre (DUA). The ratio is derived by dividing the total number of dwelling units by the total land area (in acres) used or proposed to be used for purposes such as buildings, roads, public facilities, and open space.

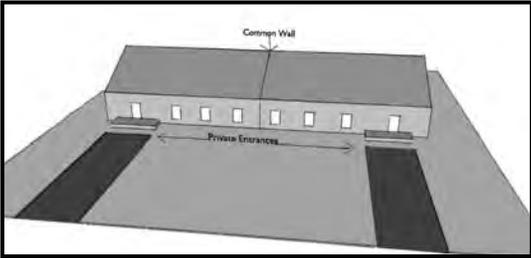
**DEVELOPMENT** - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**DISCHARGE LANDFILL** – A landfill which discharges treated leachate and which requires a National Pollution Discharge Elimination System (NPDES) permit.

**DISPOSAL** - As defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

**DISH ANTENNA** – A dish antenna is any accessory structure capable of receiving, for the sole benefit of the principal use, radio or television signals for a transmitter or a transmitter relay located in planetary orbit.

**DWELLING, DUPLEX** – A building containing two (2) complete and separate dwelling units.



**DWELLING, MULTI-FAMILY** – A building containing three (3) or more complete and separate dwelling units.

**DWELLING, SINGLE FAMILY** – A separate building containing one (1) complete and separate dwelling unit.

**DWELLING UNIT** – A building, or portion thereof, providing complete and permanent living facilities for one (1) family. The term “dwelling unit” shall not be deemed to include a manufactured home, motel, hotel, tourist home, or other structures designed for transient residence.

## CHAPTER 15: DEFINITIONS

**EASEMENT** – A nonprofitable interest in land owned by another that entitles its holder to a specific limited use, such as a drainage or utility easement.

**ELECTRONIC GAMING OPERATIONS** – Any business or enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including but not limited to sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Such businesses or enterprises have as a part of its operation the running of one or more games or processes with any of the following characteristics:

- a. payment, directly or as an intended addition to the purchase of a product, whereby the customer receives one or more electronic sweepstakes tickets, cards, tokens or similar items entitling or empowering the customer to enter a sweepstakes, and without which item the customer would be unable to enter the sweepstakes; or,
- b. payment, directly or as an intended addition to the purchase of a product, whereby the customer can request a no purchase necessary free entry of one or more sweepstakes tickets or other item entitling the customer to enter a sweepstakes. The term electronic gaming operations includes, but is not limited to, cyber-gaming establishments, internet sweepstakes, beach sweepstakes, video sweepstakes or similar operations, which have a finite pool of winners and including both those connected to an internet or not. This does not include any sweepstakes machine that directly accepts cash or coins in any way other than payment or purchase through an attendant. This term does not include any machine, terminal or software deemed illegal by state statute and in no way attempts to make legal any electronic gaming operation or part thereof that has been determined to be illegal by state and federal authorities. This does not include any lottery endorsed or permitted by the State of North Carolina.

**ELEVATED BUILDING** - A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**ENCROACHMENT** - The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**EQUIPMENT ENCLOSURE** - An enclosed structure, cabinet, or shelter used to contain radio or other equipment necessary for the transmission or reception of wireless communication signals.

**ESTABLISHMENT** – Any real property on which or in which there is operated or maintained any commercial, industrial, or service business or activity for profit.

**EXCEPTED HEIGHT LIMITATIONS** - Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree or other vegetation to a height up to 35 feet above the surface of the land.

**EXISTING DEVELOPMENT** – Those projects that are built or those projects that at a minimum have established a vested right under North Carolina Zoning Law as of the effective date of this Ordinance based on criteria established under the Hoke County Vested Rights Ordinance.

**EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION** – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of this Ordinance.

**FAMILY** – An individual or two (2) or more persons directly related by blood, marriage, or adoption living together as a single housekeeping unit, exclusive of household employees; or not more than two (2) unrelated persons not related by blood, marriage, or adoption living together as a single household unit.

**FAMILY CARE HOME** - An adult care home having two (2) to six (6) residents. The structure of a family care home may be no more than two (2) stories high and none of the aged or physically disabled persons being served there may be housed in the upper story without provision for two (2) direct exterior ground-level accesses to the upper story.

**FAMILY CHILD CARE HOME** - A child care arrangement located in a residence where, at any one time, more than two (2) children, but less than nine (9) children, receive child care.

**FARM** – Singularly or jointly owned land on which agricultural operations are conducted as the substantial use, to include cultivation of crops, the husbandry of livestock, and forestry.

**FLOOD** or **FLOODING** - A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. the overflow of inland or tidal waters; and/or
- b. the unusual and rapid accumulation of runoff of surface waters from any source.

**FLOOD BOUNDARY AND FLOODWAY MAP (FBFH)** - An official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

**FLOOD HAZARD BOUNDARY MAP (FHBM)** - An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

**FLOOD INSURANCE** - The insurance coverage provided under the National Flood Insurance Program.

**FLOOD INSURANCE RATE MAP (FIRM)** - An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

**FLOOD INSURANCE STUDY (FIS)** - An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

**FLOOD PRONE AREA** see **FLOODPLAIN**

**FLOOD ZONE** - A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

**FLOODPLAIN** - Any land area susceptible to being inundated by water from any source.

**FLOODPLAIN ADMINISTRATOR** - The individual appointed to administer and enforce the floodplain management regulations.

## CHAPTER 15: DEFINITIONS

**FLOODPLAIN DEVELOPMENT PERMIT** - Any type of permit that is required in conformance with the provisions of the Floodplain Overlay District, prior to the commencement of any development activity.

**FLOODPLAIN MANAGEMENT** - The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

**FLOODPLAIN MANAGEMENT REGULATIONS** - This Ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

**FLOODPROOFING** - Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

**FLOODWAY** - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**FLOOR AREA** – The sum of the gross horizontal areas of the all the floors of the building devoted to the use, including storage areas and basement floor areas.

**FORESTRY OPERATION** – Activities involved in the growing, managing, and harvesting of trees, but not sawmill operations.

**FREEBOARD** - The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

**FRONTAGE** – The lot boundary along a public street.

**FUNCTIONALLY DEPENDENT FACILITY** - A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

**HAZARD TO AIR NAVIGATION** - An obstruction determined to have a substantially adverse effect on the safe and efficient utilization of the navigable airspace. A determination by the Federal Aviation Administration as to a hazard to air navigation is per FAA Form 7460-1.

**HAZARDOUS WASTE FACILITY** - As defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

**HIGHEST ADJACENT GRADE (HAG)** - The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

**HISTORIC STRUCTURE** - “Historic Structure” means any structure that is:

- a. listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- b. certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
- d. certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

**HOME OCCUPATION** – Any occupation or profession carried on entirely within a dwelling by one (1) or more occupants, providing that such use is clearly incidental and secondary to the use of the dwelling.

**HORIZONTAL SURFACE** - A circular horizontal plane 1,000 feet above the airport elevation established by swinging arcs of 10,000 feet radii from the end of the primary surface of each runway end centerline and connecting the adjacent arcs by drawing lines tangent to those arcs.

**HOSPICE INPATIENT FACILITY** - A freestanding licensed hospice facility or a designated inpatient unit in an existing health service facility which provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in an inpatient setting.

**HOSPICE RESIDENTIAL CARE FACILITY** - A freestanding licensed hospice facility which provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in a group residential setting.

**HOSPITAL** - Any facility which has an organized medical staff and which is designed, used, and operated to provide health care, diagnostic and therapeutic services, and continuous nursing care primarily to inpatients where such care and services are rendered under the supervision and direction of physicians licensed under NCGS § Chapter 90, Article 1, to two (2) or more persons over a period in excess of twenty-four (24) hours. The term includes facilities for the diagnosis and treatment of disorders within the scope of specific health specialties. The term does not include private mental facilities licensed under NCGS § Article 2 of Chapter 122C, nursing homes licensed under NCGS §131E-102, and adult care homes licensed under NCGS §131D-2.

**HOTEL/MOTEL** – A facility offering transient lodging accommodations to the general public and which may provide additional services such as restaurants, meeting rooms, and recreation facilities.

**INDUSTRIAL PARK** – A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.

## CHAPTER 15: DEFINITIONS

**INOPERATIVE VEHICLE** – Any vehicle, designed to be self-propelled, which by virtue of broken or missing component parts, is no longer capable of self-propulsion. Any vehicle which is registered with the North Carolina Department of Motor Vehicles and has a current North Carolina Motor Vehicle Registration License Plate affixed to it shall not be considered inoperative.

**JUNK** - Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

**JUNKYARD** – An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills. An establishment or place of business which stores or keeps for a period of fifteen (15) days or more materials within the meaning of junk which has been created as a result of industrial activity shall be deemed to be a junkyard within the meaning of this definition.

**KENNEL, COMMERCIAL** - An establishment wherein any person engages in business or practice, for fee, of boarding, breeding, grooming, letting for hire, or training of more than six (6) domesticated animals at any one (1) time; or an establishment wherein any person engages in the business or practice, for a fee, of selling more than one (1) litter of domesticated animals at any one (1) time. Domesticated animals, for the purpose of this Ordinance, shall be defined as dogs, cats, and other generally acceptable household pets. Litter, for the purpose of this Ordinance, shall be defined as the progeny resulting from the breeding of two (2) domesticated animals. The following shall not constitute the operation of a kennel as defined above and in no way shall this provision regulate the following:

- a. The ownership of domesticated animals as household pets;
- b. The ownership of domesticated animals for hunting or tracking purposes;
- c. The ownership of domesticated animals for the purpose of exhibiting at shows, obedience or field trials; and
- d. The ownership of domesticated animals for the purpose of protection or guarding of residences or commercial establishments.

**LAGOON** - A confined body of water to hold animal byproducts including bodily waste from animals or a mixture of waste with feed, bedding, litter or other agricultural materials.

**LAND DISTURBING ACTIVITY** – Any use of land by any person in residential, industrial, education, institutional, commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Regulations do not apply to the following land disturbing activities:

- agriculture
- forestry
- mining

**LAND USE, COMPATIBLE** - The use of land adjacent to the airport that does not endanger the health, safety or welfare of the owners, occupants or users of the land.

**LANDFILL** – A facility for disposal of nonhazardous solid wastes, including household waste, building materials, yard clippings, and similar wastes in a sanitary manner in accordance with NCGS 130A, Article 9. Disposal is normally by burying, but the landfill may also contain an incinerator.

# CHAPTER 15: DEFINITIONS

**LANDOWNER** - Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase to act as his agent or representative for purposes of submitting a proposed Site Specific Development Plan or a Phased Development Plan, in the manner allowed by this Ordinance.

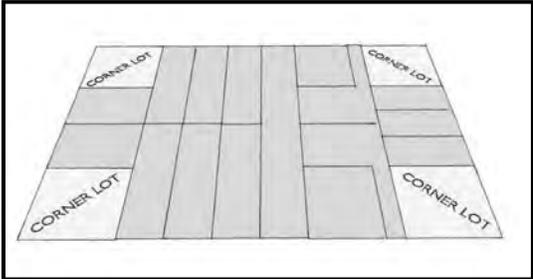
**LARGER THAN UTILITY RUNWAY** - A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

**LIVESTOCK** - Shall include but is not limited to, equine animals, bovine animals, sheep, goats, llamas, and swine.

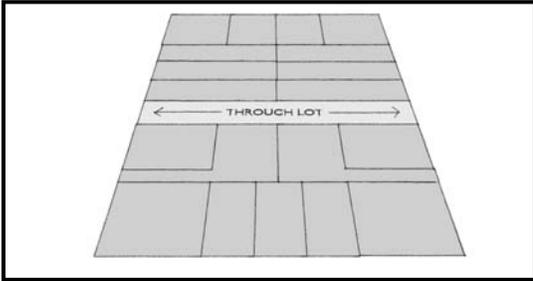
**LOADING SPACE, OFF STREET** - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles. Required off-street loading spaces are not to be included as off-street parking spaces in computation of required off-street parking spaces.

**LOT** - A parcel of land, occupied or intended for occupancy by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, lot width and lot areas as required by this Ordinance, and having not less than the minimum required frontage upon a street, either shown on a plat of record, or considered as a unit of property and described by metes and bounds. For the purpose of this Ordinance, the word "lot" shall be taken to mean any number of contiguous lots or portions thereof, upon which one or more main structure for a single use are erected or are to be erected.

**LOT, CORNER** - A lot which occupies the interior angle at the intersection of two (2) right-of-ways.

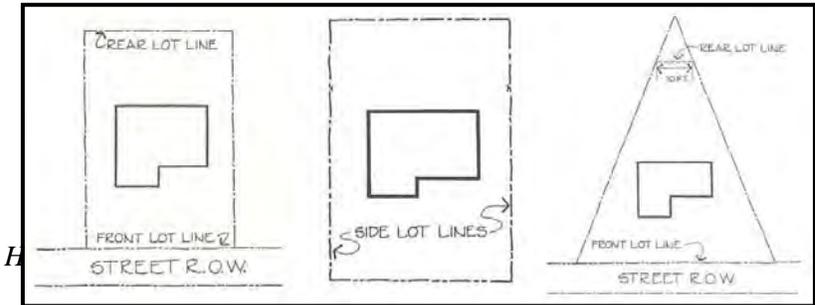


**LOT, THROUGH** - A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.



**LOT DEPTH** - The depth of a lot is the average distance between the front and back lot lines measured at right angles to its frontage.

**LOT LINE** - The line of record bounding a lot which separates one lot from another lot or separates that lot from a public or private street or any other public space.



## CHAPTER 15: DEFINITIONS

**LOT WIDTH** – The distance from side lot line to side lot line measured at the required minimum front yard setback parallel to the front property line.

**LOT OF RECORD** – A lot which is a part of a subdivision, a plat of which has been recorded in the office of the County Register of Deeds, or a lot described by metes and bounds, the description of which has been so recorded.

**LOWEST ADJACENT GRADE** - The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

**LOWEST FLOOR** – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

**MANUFACTURED HOME** - A structure that:

- a. consists of a single unit completely assembled at the factory or of multiple principal components totally assembled at the factory and joined together at the site;
- b. is designed so that the total structure (or in the case of a double-wide or triple-wide, each component thereof can be transported on its own chassis);
- c. is over 40 feet long and over 10 feet wide;
- d. is originally designed for human occupancy and provides complete, independent living facilities for one family when connected to required utilities; and
- e. does not meet all requirements of the North Carolina Uniform Residential Building Code. For the purpose of this Ordinance, the placement of such a structure on a permanent foundation or the addition of conventionally constructed sections in no way changes its status as a manufactured home.

**MANUFACTURED HOME, CLASS A** - A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction.

**MANUFACTURED HOME, CLASS B** - Any manufactured home that does not meet the definitional criteria of a Class A manufactured home.

**MANUFACTURED HOME PARK** – Any site or tract of land of continuous ownership, upon which manufactured home spaces are provided for manufactured home occupancy whether or not a charge is made for such service. This does not include manufactured home sales lots on which unoccupied manufactured homes are parked for the purpose of inspection and sales.

**MANUFACTURED HOME SPACE** – A plot of land within a manufactured home park designed for the accommodation of one manufactured home.

**MARKET VALUE** - The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

**MEAN SEA LEVEL** - For purposes of this Ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

**MODULAR STRUCTURE** - A factory manufactured structure designed for year-round residential or commercial use with major components or modules preassembled and transported to a site for final assembly and utility connection. Such structure must meet all requirements of the North Carolina Uniform Residential Building Code or Commercial Building Code, the same as site constructed buildings and must have attached a North Carolina validating stamp.

**MOTOR HOME** – A portable, temporary dwelling to be used for travel, recreation, and vacation constructed as an integral part of a self-propelled vehicle.

**MOTOR VEHICLE** – Any device designed to run on land, air, or water this is pulled or pushed by a device propelled by non-human or mechanical power.

**MOTORIZED EQUIPMENT** – Any device that is propelled or powered by non-human or mechanical power sources which is designed to accomplish any work.

**MULTIUNIT ASSISTED HOUSING WITH SERVICES** - An assisted living residence in which hands-on personal care services and nursing services which are arranged by housing management are provided by a licensed home care or hospice agency, through an individualized written care plan. The housing management has a financial interest or financial affiliation or formal written agreement which makes personal care services accessible and available through at least one (1) licensed home care or hospice agency. The resident has a choice of any provider, and the housing management may not combine charges for housing and personal care services. All residents, or their compensatory agents, must be capable, through informed consent, of entering into a contract and must not be in need of twenty-four (24) hour supervision. Assistance with self-administration of medications may be provided by appropriately trained staff when delegated by a licensed nurse according to the home care agency's established plan of care. Multiunit assisted housing with services programs are required to register annually with the Division of Health Service Regulation.

**NEW CONSTRUCTION** – In relation to floodplain regulations, structures for which the “start of construction” commenced on or after the effective date of the original version of Hoke County’s Flood Damage Prevention Ordinance and includes any subsequent improvements to such structures.

**NONCONFORMING LOT** – Any lot described by plat or deed recorded prior to the effective date of this Ordinance, or any amendments, which does not meet the minimum yard, area requirements, lot size, or any other development requirements of this Ordinance.

**NONCONFORMING SIGN** – A sign that, on the effective date of this Ordinance or the date of any subsequent amendments thereto, does not conform to one or more of the regulations set forth in this Ordinance.

**NONCONFORMING STRUCTURE** – Any structure lawfully existing on the effective date of these regulations, or any amendment to it, rendering such structure nonconforming, which does not comply with all the standards and regulations of this Ordinance or any amendment thereto.

## CHAPTER 15: DEFINITIONS

**NONCONFORMING USE** – Any use lawfully being made of any land, building, or structure on the effective date of this Ordinance, or on the effective date of any amendment thereto, rendering such use non-conforming which does not comply with all the regulations of this Ordinance or any amendment thereto.

**NON-ENCROACHMENT AREA** - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

**NONPRECISION INSTRUMENT RUNWAY** - A runway end having an instrument procedure utilizing air navigation facilities with horizontal approach guidance or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

**NUISANCE** – Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

**NURSING HOME** - A facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three (3) or more persons unrelated to the licensee. A "Nursing Home" is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A "nursing home" provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision.

**OBSTRUCTION** - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height.

**OCCUPIED RESIDENCE** - A dwelling actually inhabited by a person on a continuous basis as exemplified by a person living in his or her home.

**OUTDOOR RECREATIONAL FACILITY** - Any tract of land on which there is located an outdoor swimming pool, tennis court, or golf course that is open to either the general public or to the members and guests of any organization having 50 or more members.

**PARKING SPACE** – A storage space of not less than one hundred eighty (180) square feet of one automobile, plus the necessary access space.

**PERSON** - An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

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

**PLANNED UNIT DEVELOPMENT (PUD)** – A form of development usually characterized by a unified site design for a number of housing units, clustering buildings, providing common open space, density increases, and a mix of building types and land uses. It permits the planning of a project and the calculation of density over the entire development, rather than on an individual lot by lot basis.

## CHAPTER 15: DEFINITIONS

**PLANNING BOARD** – The appointed board empowered to prepare a comprehensive plan and to evaluate proposed changes in land use, either by public or private developers, for conformance with the plan.

**PLAT** – A map showing the location, boundaries, and ownership of individual properties.

**POST-FIRM** - Construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.

**PRE-FIRM** - Construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map for Hoke County.

**PRIMARY SURFACE** - A surface longitudinally centered on a runway extending 200 feet beyond each end of a hard surfaced runway. The width of the primary surface is set forth as specified by the width of the runway inner approach surface. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**PRINCIPALLY ABOVE GROUND** - At least 51% of the actual cash value of the structure is above ground.

**PROPERTY** – All real property subject to zoning regulations and restrictions and zone boundaries by the County.

**PROTECTED AREA** – The area adjoining and upstream of the critical area in a WS-IV area in which protection measures are required. The boundaries of the protected areas are defined as extending 5 miles upstream and draining to water supply reservoirs (measured from the normal pool elevation) or to the ridge line of the watershed (whichever comes first). Major landmarks such as highways or property lines may be used to delineate the outer boundary of the protected area if these landmarks are immediately adjacent to the appropriate outer boundary of 5 or 10 miles.

**PUBLIC ROAD** – Any road or highway which is now or hereafter designated and maintained by the North Carolina Department of Transportation as part of the State Highway System, whether primary or secondary, hard-surfaced or other highway.

**PUBLIC SAFETY and/or NUISANCE** - Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

**PUBLIC UTILITY** – An entity, whether organized under the laws of this State or under the laws of any other state or country, engaged in producing, generating, transmitting, delivering, or furnishing electricity for private or public use, including counties, municipalities, joint municipal power agencies, electric membership corporations, and public and private corporations.

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

**REFERENCE LEVEL** - The bottom of the lowest horizontal structural member of the lowest floor, excluding the foundation system, for structures within all Special Flood Hazard Areas.

## CHAPTER 15: DEFINITIONS

**REGULATORY FLOOD PROTECTION ELEVATION** - The “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus three (3) feet of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least three (3) feet above the highest adjacent grade.

**RELIGIOUS BUILDING** – A building used for public worship and/or religious services.

**REMEDY A VIOLATION** – To bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the Ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

**REPAIR SHOP** – An establishment which is maintained and operated for the purposes of repairing, storing, keeping, buying, or selling appliances or equipment other than motor vehicles.

**RIVERINE**- Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**ROADSIDE STAND** – Establishment offering the sales of agricultural products produced on the premises on the site of a bona fide farm.

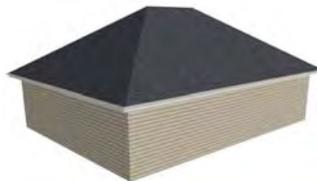
**ROOF, GABLE** – The gable is the triangle formed by a pitched roof. A building may be front-gabled or side-gabled. The house shown here is cross-gabled.



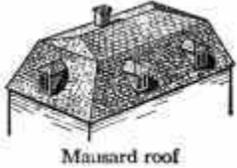
**ROOF, GAMBREL** - A roof with two pitches, designed to provide more space on upper floors. The roof is steeper on its lower slope and flatter toward the ridge.



**ROOF, HIP** – A roof with sloped instead of vertical ends.



**ROOF, MANSARD** – A roof with a double slope, the lower being longer and steeper than the upper.



**RUNWAY** - A defined area on an airport prepared for the landing and taking off of aircraft along its length. The runway end is the physical end of the hard-surfaced asphalt or turf runway threshold, having a defined coordinate and elevation as noted on the County Zoning Map.

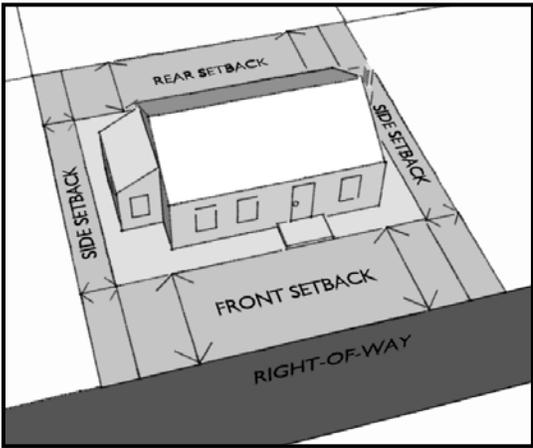
**RUNWAY ENDS** - The planned usable physical end of the hard-surfaced asphalt runway, having a defined coordinate and elevation as noted on the County Airport Height Restriction Ordinance Map.

**SALVAGE YARD** - Any property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

**SCHOOL** – Any public or private institution for the teaching of children under 18 eighteen years of age which is recognized and approved by the North Carolina Board of Education.

**SEARCH RING** - The area within which a wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

**SETBACK** – The required distance between every structure and the lot lines of the lot on which it is located.



**SEXUALLY ORIENTED BUSINESS** – Any businesses or enterprises that have as one of their principal business purposes or as a significant portion of their business an emphasis on matter and conduct depicting, describing, or related to anatomical areas and sexual activities specified in NCGS §14-202.10.

**SHOPPING CENTER** – Two or more commercial establishments having 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.

**SIGHT TRIANGLE** – The triangular area formed by a diagonal line connecting two (2) points located on intersecting right of ways.

## CHAPTER 15: DEFINITIONS

**SIGN** – Any words, lettering, figures, numerals, emblems, devices, trademarks, or trade names, or any combination thereof, by which anything is made known and which is designed to attract attention and/or convey a message.

**SIGN, IDENTIFICATION** – A sign used to display only the name, address, crest, or trademark of the business, individual, family, organization, or enterprise occupying the premises, the profession of the occupant, or the name of the building on which the sign is displayed.

**SIGN, FLASHING** – Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such is in use. For the purpose of this Ordinance, any moving, illuminated sign shall be considered a “flashing sign”. Such signs shall not be deemed to include time and temperature signs or public message displays using electronic switching.

**SIGN, FREESTANDING** – Any sign supported wholly or in part by some structure other than the building or buildings housing the business to which the sign pertains.

**SIGN, OFF PREMISE** – A sign which directs attention to a business, commodity, service, or other message not exclusively related to the premises which such sign is location or to which it is affixed.

**SIGN, PORTABLE** – A sign generally constructed to be easily moved from location to location without a permanent attachment to the ground or to a building and which may or may not be equipped with wheels.

**SIGN, PROJECTING** – A sign attached to a wall and projecting away from that wall more than twelve (12) inches.

**SIGN, PUBLIC INFORMATION** – A sign, usually erected and maintained by a public agency, which provides public information and in no way relates to a commercial activity including but not limited to, speed limit signs, stop signs, city limit signs, street name signs, and directional signs.

**SIGN, ROOF** – A sign which is displayed above the eaves of a building.

**SIGN, WALL** – A sign attached to a wall and not projecting away from the wall more than twelve (12) inches.

**SITE EVALUATION** – In relation to Swine Farms, an investigation to determine if a site meets all Federal and State standards as evidenced by the Waste Management Facility Site Evaluation Report on file with the Soil and Water Conservation District office or a comparable report certified by a professional engineer or a comparable report certified by a technical specialist approved by the North Carolina Soil and Water Conservation Commission.

**SITE SPECIFIC DEVELOPMENT PLAN** – A plan which has been submitted to the County by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not limited to, any of the following plans or approvals: A planned unit development plan, a conditional or special use permit, a conditional or special use district zoning plan, or any other land-use approval designation as may be utilized by the County. Unless otherwise expressly provided by the County, such a plan shall include the approximate boundaries of the site; significant topographical and other natural features effecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height of the proposed buildings and other structures; and the

approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways.

**SOCIAL ASSISTANCE** – Business that provides a wide variety of social assistance services directly to their clients. These services do not include residential or accommodation services, except on a short stay basis.

**STABLE, PRIVATE** – A stable on a residential lot with not more than two (2) horses per acre. Such horses must be owned by the owners or occupants of the principal dwelling and are not kept for remuneration, hire, or sale.

**START OF CONSTRUCTION** - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE** - A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

**STRUCTURAL ALTERATIONS** – Any change in the supporting members of building, such a bearing walls, columns, beams, or girders except for repair or replacement.

**SUBSTANTIAL DAMAGE** - Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”.

**SUBSTANTIAL IMPROVEMENT** - Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- a. any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or,
- b. any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

**SWINE FARMS** – A tract of land devoted to raising 250 or more animals of the porcine species.

**SWINE HOUSE** - A building that shelters porcine animals on a continuous basis.

## CHAPTER 15: DEFINITIONS

**TOXIC SUBSTANCE** – Any substance or combination of substances (including causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has to the potential to cause death, disease, behavioral malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects.

**TRANSITIONAL SURFACE** - Surfaces extending outward at 90-degree angles to the runway centerline at a slope of seven feet horizontally for each foot vertically (7:1) to a point intersecting with the horizontal and conical surfaces.

**TRANSMISSION LINE, HIGH VOLTAGE ELECTRIC POWER** – A line transmitting or designed to transmit electricity of sixty-six thousand (66,000) or more volts, including poles, guys, wires, towers, and appliances, but not including transformer stations or substations.

**TRAVEL TRAILER** – A vehicular, portable structure built on a wheeled chassis, designed to be towed by a self-propelled vehicle for use or travel, recreation, or vacation purposes, having a body width of ten (10) feet or less or body length of forty (40) feet or less when equipped for road travel.

**TREE** - Any object of natural growth.

**TOW TRAILER** - A structure designed to be hauled by another vehicle and to transport vehicles, boats, and freight.

**USE** – Any continuing or repetitive occupation or activity taking place upon a parcel of land or within a building.

**UTILITY POLE** - A structure that is designed for and used to carry lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.

**VARIANCE** – A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest, which will not create a nuisance, and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a Variance is authorized only for height, area, size of a structure, or size of yards and open space. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

**VARIANCE, MAJOR** – A variance from the minimum statewide Water Supply Watershed Protection rules that completely waves a management requirement, relaxes by a factor of more than ten percent (10%) any management requirement that takes the form of numerical standard, or proposes to increase density or built-upon limits.

**VARIANCE, MINOR** – A variance from the minimum statewide Water Supply Watershed Protection rules that results in a relaxation by a factor of up to ten percent (10%) any management requirement.

**VECTOR** – An organism that carries pathogens from one host to another.

**VEGETATION** – Evergreen trees, including but not limited to white pine, and/or hemlock, evergreen shrubs or plants, that can reach a height of eight (8) feet within a period of eight (8) years from the date planted.

**CHAPTER 15: DEFINITIONS**

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

**VIOLATION** - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 2.21 is presumed to be in violation until such time as that documentation is provided.

**WATER DEPENDENT STRUCTURE** – Any structure for which the use requires access to or proximity to or sitting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

**WATER SURFACE ELEVATION (WSE)** - The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**WATERCOURSE** - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**WATERSHED** – The entire land area contributing surface drainage to a specific point (e.g. the water supply intake).

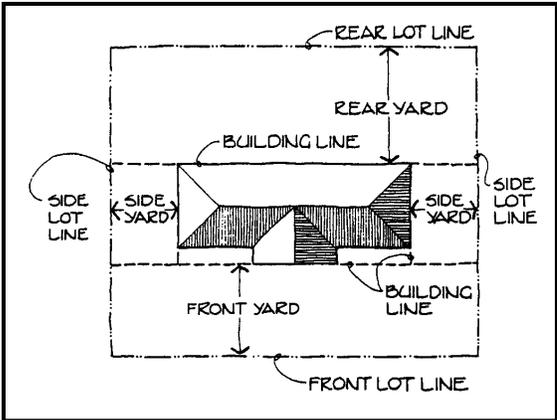
**WIRELESS FACILITY** - The set of equipment and network components, exclusive of the underlying support structure or tower, including antennas, transmitters, receiver base stations, power supplies, cabling, and associated equipment necessary to provide wireless data and telecommunications services to a distinct geographic area.

**WIRELESS SUPPORT STRUCTURE** - A new or existing structure, such as a monopole, that is designed to support or capable of supporting wireless facilities.

**YARD** – An open space on the same lot with a building, unoccupied and unobstructed for the ground upward, except by vegetation or as otherwise provided herein.

**YARD, FRONT** – A yard across the full width of the lot, extending from the front line of the building to the front line of the lot including, the area of steps and eaves.

**YARD, SIDE** – A yard between the building and side line of the lot, extending from the front building line to the rear yard, or where no rear yard is required, to the rear line of the lot.



**YARD, REAR** – A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

**ZONING ADMINISTRATOR** – The appointed employee(s) or agent(s) designated by the County Manager to oversee the administration and enforcement of this Ordinance. The County Manager may administer this Ordinance if the Zoning Administrator or the County Planner is unavailable.

## **CHAPTER 15: DEFINITIONS**

**ZONING PERMIT** – A permit issued by the County conferring the right to undertake and complete the development of and use of property in accordance with the standards of this Ordinance.

Effective Date: 08/06/12