

# TOWN OF STOVALL

## ZONING

### ORDINANCE

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**ARTICLE I**  
**ENACTMENT, JURISDICTION, PURPOSE**

**1-1 ENACTMENT PREAMBLE:**

An ordinance establishing comprehensive zoning regulations for the Town of Stovall, a municipal corporation of the State of North Carolina, and providing for the administration, enforcement, and amendment thereof, in accordance with the provisions of the North Carolina General Statutes, Chapter 16D and for the repeal of all ordinances in conflict herewith.

Therefore, be it and the same is hereby enacted by the people of the Town of Stovall, North Carolina.

**1-2 JURISDICTION:**

The provisions of this ordinance shall apply within the corporate limits of the Town of Stovall.

**1-3 PURPOSE:**

The purpose of these regulations shall be to accomplish a coordinated, balanced, and harmonious development of the land within the corporate limits of the Town of Stovall in a manner which will best promote the health, safety, morals, convenience, order, prosperity and general welfare of the people, as well as to provide for efficiency and economy in the process of development; to make adequate provisions for traffic; to ensure safety from fire, panic, and other hazards; to provide for light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to promote desirable living conditions and the sustained stability of neighborhoods; and to protect property against blight and depreciation.

**ARTICLE II  
ESTABLISHMENT OF DISTRICTS**

For the purpose of this ordinance, the Town of Stovall, North Carolina is hereby divided into the following zoning districts:

**2-1 (RA) Residential Agricultural District**

The purpose of this district is to create an area in which residential development can take place where public water and sewer are not currently available.

**2-1.1** See Table 2-7 (Table of Uses) for permitted and special uses in this district.

**2-1.2 Dimensional requirements**

	<u>Minimum Lot Area</u>				<u>Minimum Lot Size</u>
Residential	40,000 sqft				100ft width; 150ft depth
Non-Residential	40,000 sqft				100ft width; 200ft depth
<u>Minimum yard setback</u>		<u>Front</u>	<u>Rear</u>	<u>Side</u>	
Residential		30ft	30ft	25ft (corner lot same as front)	
Non-Residential		35ft	40ft	25ft (corner lot same as front)	

Maximum building height 35ft.

**2-2 (R10) Residential District**

The purpose of this district shall be to provide for a compatible mixture of single-family, two-family, and multi-family dwellings through the use of adequate controls to insure that medium density residential development will not be detrimental to the neighborhood.

**2-2.1** See Table 2-7 (Table of Uses) for permitted and special uses in this district.

**2-2.2 Dimensional requirements**

	<u>Minimum Lot Area</u>				<u>Minimum Lot Size</u>
Residential					
Single family	25,000 sqft				60ft width; 100ft depth
Two family	40,000 sqft				100ft width; 150ft depth
Non-Residential	40,000 sqft				100ft width; 200ft depth

<u>Minimum yard setback</u>	<u>Front</u>	<u>Rear</u>	<u>Side</u>
Residential			
Single family	25ft	25ft	25ft
Two family	25ft	30ft	25ft
Non-Residential	30ft	30ft	25ft (corner lot same as front)

Maximum building height 35ft.

**2-3 (R20) Manufactured Homes District**

This district is hereby established for the purpose of permitting the placement of manufactured homes on individual lots that are in harmony with the general character and appearance of housing in the surround neighborhood.

**2-3.1** See Table 2-7 (Table of Uses) for permitted and special uses in this district.

**2-3.2** Dimensional requirements

	<u>Minimum Lot Area</u>	<u>Minimum Lot Size</u>
Residential	20,000 sqft	60ft width; 100ft depth
Non-Residential	40,000 sqft	100ft width; 200ft depth

<u>Minimum yard setback</u>	<u>Front</u>	<u>Rear</u>	<u>Side</u>
Residential	25ft	25ft	10ft (corner lot same as front)
Non-Residential	25ft	40ft	25ft (corner lot same as front)

Maximum building height 35ft.

**2-4 (CC) Central Commercial District**

This district is established to provide for and enhance the shopping facilities in the central commercial district.

**2-4.1** See Table 2-7 (Table of Uses) for permitted and special uses in this district.

**2-4.2** Dimensional requirements

Minimum lot area	25,000 sqft
Minimum lot size	75ft width; 150ft depth
Minimum yard setback	
Front	40ft
Rear	30ft
Side	25ft (corner lot same as front)

Maximum building height 35ft.

**2-5 (HC) Highway Commercial District**

This district is established to provide for those service and retail uses which serve the everyday needs of a residential community.

**2-5.1** See Table 2-7 (Table of Uses) for permitted and special uses in this district.

**2-5.2** Dimensional requirements

Minimum lot area	25,000 sqft
Minimum lot size	50ft width; 100ft depth
Minimum yard setback	
Front	25ft
Rear	25ft
Side	10ft (corner lot same as front)

Maximum building height 35ft.

**2-6 (LI) Light Industrial District**

The purpose of this district shall be to create and protect areas for those industrial uses which do not create excessive noise, odor, smoke, dust, and which do not possess other objectionable characteristics which might be detrimental to surrounding neighborhoods or to the other uses permitted in the district.

**2-6.1** See Table 2-7 (Table of Uses) for permitted and special uses in this district.

**2-6.2** Dimensional requirements

Minimum lot area	1 acre
Minimum lot size	1000ft width; 150ft depth
Minimum yard setback	
Front	50ft
Rear	50ft
Side	50ft (corner lot same as front)

All lots with LI zoning must provide a 50 foot wide continuous vegetative buffer, including a fence, between the lot and any adjoining property with residential zoning.

Maximum building height 35ft.

2-7 TABLE OF USES

The table below identifies uses permitted in the Town of Stovall and shows which zoning districts each use may be permitted **by right (x)** or **by special use permit (S)**.

For any use not shown in the list, said use may be presumed prohibited in the town unless the Zoning Administrator determines it is in the same category as a listed use.

<i>Use</i>	<i>Districts</i>					
	<i>RA</i>	<i>R10</i>	<i>R20</i>	<i>CC</i>	<i>HC</i>	<i>LI</i>
Single-family dwellings or modular homes on individual lots	x	x	x			
Two-family dwellings		x				
Home occupations	x	x	x			
Multi-family dwellings and complexes		S				
Townhouses		S	S			
Manufactured homes on individual lots; Class A only (see requirements below 2-7.1)			x			
Daycare	x			x	x	
Accessory buildings, no more than 2	x	x	x			
Public educational institutions and private schools having a curriculum the same as ordinarily given in public schools	S	S		S	S	
Public buildings; uses and utilities	S	S	S	S	S	S
Hospitals, clinics, except animal hospitals, nursing homes, rest homes				S	S	
Family care homes as defined in N.C.G.S. §168-21 for handicapped persons as defined in N.C.G.S. §168, Article 3 provided that no such home may be located within a one-half mile radius of an existing family care home	x	x	x			

<i>Use</i>	<i>RA</i>	<i>R10</i>	<i>R20</i>	<i>CC</i>	<i>HC</i>	<i>LI</i>
Any agricultural or horticultural use except commercial nurseries, commercial chicken house, yard or hatchery, stockyard, pigpen or hogpen, or any other commercial use of land for keeping and raising animals or fowls, as further defined in Section 2-7.3 below. Any building or structures used for the keeping of livestock, fowl, or any animal for non-commercial use shall be located in the rear yard and shall not be located closer than 50 feet from any property line.	x					
Churches, places of worship	S	S	S	S	S	S
Libraries				S		
Museums				S	S	
Cemeteries	S			S	S	
Beauty and barber shops				x	x	
Kennels						x
Radio and TV stations and transmission towers	S	S	S	S	S	x
Public Parks/recreation facilities	S	S	S	S	S	
Golf courses, excluding carpet or miniature	S	S	S			
Community centers				x	x	
Private clubs				S	S	
Fraternal organizations not open to the public				x		
ABC store				x	x	
Commercial plant nurseries and greenhouses				x	x	x
Riding stables (sec. 2-7.3)	x					
Planned unit development	S	S	S			
Motels and hotels				x	x	



Bed and Breakfasts. A Special Use Permit for Bed and Breakfast will include the authority to serve meals, other than breakfast, to registered guests and for catering of private functions such as business meetings and receptions. This use would exclude a restaurant open to the public or the erection of an exterior sign identifying the establishment as a restaurant.				S	S	
Any retail or wholesale business or service establishment, or public use or utility which is enclosed in a building and does not emit smoke, odor, dust, fumes, glare, noise, or vibration from the building in which it is located and does not involve bulk storage of volatile materials or other fire hazards, except commercial amusements				x	x	x
Offices - business, professional, and public				x	x	
Financial institutions				x	x	
Restaurants				x	x	
Building supply/sales						x
Shopping centers (more than 1 commercial use or involving a department store or anchor store)				S	S	S
Dry cleaners, no on-site cleaning				x	x	
Automobile service stations/repair				x	x	x
Car washes				x	x	
Retail stores (not department stores)				x	x	
Electronic gamerooms or sweepstakes must meet spacing requirements in this Article					S	S
Commercial amusement buildings					S	S
Family care homes (see residential districts)	x	x	x			
Schools	S	S	S	S	S	S

Retirement and nursing homes	S	S	S	S
Funeral homes		S	S	S
Pool halls or billiard parlors		S	S	
Grocery and convenience stores		x	x	x
Automobile sales			x	x
Veterinary/animal hospital				x

<i>Use</i>	<i>RA</i>	<i>R10</i>	<i>R20</i>	<i>CC</i>	<i>HC</i>	<i>LI</i>
Retail or wholesale businesses or service establishments, wholesaling and warehouse storage or public uses or utilities other than those specifically listed which have outdoor sales, service, or storage areas.						S
Any manufacturing, processing, or warehousing use or public use or utility which is enclosed in a building and does not emit smoke, odor, dust, fumes, glare, noise or vibration from the building in which it is located.						S

No noxious uses in town limits. The Town of Stovall is primarily a residential community with a small size and population. Due to the proximity of housing units throughout the town, intensive commercial, manufacturing and industrial uses which emit smoke, dust, odor, fumes or noise, involve storage of hazardous materials or are a fire hazard are prohibited in the city limits under this ordinance.

#### 2-7.1 MANUFACTURED HOME REQUIREMENTS:

1. Must be a Class A manufactured home.
2. Must have a minimum of 16 foot width.
3. The longest axis of the manufactured home shall be oriented parallel or within a 10 degree deflection of the lot frontage.
4. All manufactured homes must be on a permanent masonry foundation and affixed to the real estate.

## **2-7.2 COMMERCIAL AMUSEMENT GAMEROOMS OR SWEEPSTAKES; ADULT USES**

1. Must be located at least 1/2 mile from a school or church.
2. Hours of operation end at 12:00 a.m. or earlier.
3. Must be located at least 1/2 mile from another such use.

## **2-7.3 ANIMALS OTHER THAN DOMESTIC PETS - RA zone**

1. No pigpens, hogpens, commercial hatcheries or stockyards are permitted in the city limits.
2. Any chickens kept on property must be in a coop or pen and not be a nuisance to the surrounding properties.
3. All livestock, horses, goats or alpacas or other non-domesticated animals are limited to 1 animal per 2 acres of land.
4. No exotic or wild animals of any kind are permitted in city limits.

## **2-8 OFFICIAL ZONING MAP**

The Town of Stovall is hereby divided into districts whose locations and boundaries are shown on the official zoning map for the Town which is hereby adopted by reference and declared to be a part of this ordinance and is herewith attached and recorded in the minutes of the Board of Commissioners of the Town of Stovall.

The map shall be identified by the signature of the mayor attested by the town clerk , and bearing the official seal of the Town of Stovall under the following words: “ This is to certify that this is the Official Zoning Map of the zoning ordinance for the Town of Stovall, North Carolina.” The date of adopting shall also be shown.

If in accordance with the provisions of this ordinance, changes are made in the zoning district boundaries or other matter shown on the map, such changes shall be made together with an entry on the map as follows: On ( Date) By official action of the Town Board the following changes were made to the map: (brief description of the change to the map), signed by the Mayor.

Every amendment to this ordinance which involves a change to the map shall be noted on the Official map. The Official Zoning Map, which shall be located in Town Hall shall be the final authority as to the current zoning status of land in the Town of Stovall.

**2-8.1** The Town may provide digital copies of the Official Zoning Map of the Town of Stovall and said electronic copy shall be updated in conformance to changes noted above to the Official Zoning Map at Town Hall. In the event of any dispute, the Official Zoning Map shall control.

## **ARTICLE III GENERAL PROVISIONS**

### **3-1 INTERPRETATION AND APPLICATION:**

In interpreting and applying these regulations, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purpose of these regulations. Except as hereinafter provided, these regulations shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever any easements, covenants, or other agreements between parties. Wherever the provisions of these regulations impose greater restrictions upon the use of land or building, the provisions of these regulations shall govern.

### **3-2 ZONING AFFECTS ALL LAND AND BUILDINGS:**

No land, building, or structure shall be used, no building or structure shall be erected, and no existing building or structure shall be moved, added to, enlarged, or altered, except in conformity with these regulations.

### **3-3 NO MORE THAN ONE PRINCIPAL BUILDING ON A LOT:**

In all districts, only one principal use or building may be located on a single lot unless said use is part of a unified development or special use.

### **3-4 REDUCTION OR CHANGE IN LOT SIZE:**

No lot shall be reduced or changed in size so that the total area, minimum frontage, front, side, or rear setbacks, lot area per dwelling unit, or other dimensions, areas, or open spaces required by these regulations, are not maintained. No lot shall be reduced in size so as to produce an additional lot which is not in conformity with these regulations, unless said lot is combined with other land to produce a conforming lot or unless said lot is needed and accepted for public use.

### **3-5 MAINTENANCE OF OPEN SPACES:**

No yard shall be encroached upon or reduced in any manner, except in conformity with these regulations. No yard for one principal building shall be considered as a yard for any other principal building. Shrubbery, driveways, retaining walls, fences, curbs, ornamental objects, and planted buffer strips shall not be construed to be encroachments on yards.

### **3-6 LOCATION OF ACCESSORY USES OR BUILDINGS:**

All accessory uses or buildings shall meet any side, front, rear setbacks for said district.

### **3-7 STREET ACCESS:**

No dwelling shall be erected on a lot which does not abut a public street.

### **3-8 LOTS WITH MULTIPLE FRONTAGE:**

In the case of a corner lot having frontage on two (2) or more streets, all buildings shall be set back from each such street a distance equal to the minimum for the front yard requirement for the district. If a building is constructed on a lot having frontage on two (2) roads but not at an intersection, a setback from each road shall be provided equal to the front yard requirement for the district in which the lot is located.

### **3-9 MINIMUM FRONTAGE:**

Where a minimum frontage is specified in these regulations it shall be measured at the front yard setback line.

### **3-10 USES PROHIBITED.**

If either a use or class of use is not specifically indicated as being permitted in a district, either as a matter of right or as a conditional use, then such use or class of use shall be prohibited in such district.

### **3-11 REQUIRED BUFFERS:**

In order to lessen the impact of incompatible land uses, a buffer strip, at least fifty (50) feet in width, shall be provided and maintained to separate those uses which are deemed to have a negative effect on residential areas. When new commercial or manufacturing construction will abut an existing residential district or use, a buffer strip with a visual buffer shall be provided and maintained by the commercial or manufacturing use. In addition, when new residential construction will abut existing commercial or manufacturing use, or abuts a limited access highway or railroad, the buffer strip shall be provided by the residential developer. This buffer strip shall be part of the lot(s) and shall be maintained by the lot owner(s) or homeowners association in the case of commonly owned land.

### **3-12 WALLS AND FENCES:**

The setback requirements of these regulations shall not prohibit any necessary retaining wall or prohibit any planted buffer strip, fence, or wall. However, no fence, or wall shall exceed a height of six (6) feet in any front or side yard.

### **3-13 SUBSTANDARD LOTS OF RECORD:**

Where the owner of one (1) or more lots of record in any residential district does not own sufficient land at the time of the adoption of this ordinance to allow him to conform to the minimum lot size requirements, such lots may be used as building sites for one single family unit, provided that the other requirements of the district are complied with.

### **3-4 EXCEPTIONS TO HEIGHT REGULATIONS:**

The district height limitations stipulated elsewhere in this ordinance may be exceeded but such modification shall be in accordance with the following:

- A. Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys, shall not exceed in height their distance from the nearest lot line.
- B. Special structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, shall not exceed in height their distance from the nearest lot line.
- C. Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this ordinance.
- D. Communication structures, such as radio and television transmission and relay towers, aerials, and observation towers shall not exceed in height their distance from the nearest lot line.
- E. Agricultural structures, when applicable, such as barns, silos, tanks, and windmills, shall not exceed in height their distance from the nearest lot line.
- F. Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices, and stations, may be erected to height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot or fraction thereof the structure exceeds the heights therein established.

**3-15 HOME OCCUPATIONS:**

A home occupation as permitted and defined in this ordinance shall be governed by the following requirements:

- 3-15.1** Only one person other than those residing in the home shall be engaged in the occupation.
- 3-15.2** The occupation shall not be visible from the street.
- 3-15.3** The home shall continue to be used principally as a dwelling.
- 3-15.4** The occupation shall not involve the retail sales of products.
- 3-15.5** No accessory building shall be used for home occupation.
- 3-15.6** There shall be no change in the outside appearance of the building or premises, except one nonilluminated sign, not exceeding three (3) square feet in area.
- 3-15.7** No equipment or process shall be used in such home occupation which creates noise, vibration, fumes, odors, or which causes electrical interference in radio and television reception.

**3-16 MOBILE OFFICES AS ACCESSORY USES:**

When a mobile office is located on a lot as an accessory use to a principal building, the mobile office shall not be located within fifteen (15) feet of any permanent structure or within fifteen (15) feet of any property line.

## **ARTICLE IV SPECIAL USES**

### **4.0 APPLICATION**

For any use in the Table of Uses requiring a special use permit, the following shall be required for the application for consideration of the permit:

1. Submission of a site plan drawn to scale not less than 1 in. = 100 feet shall be submitted to the Zoning Administrator. Such plan(s) shall contain, at a minimum, the following:
  - a. Name of the project, the owner and identification of the tax parcel number(s), and surrounding parcels owners and parcel identification numbers;
  - b. The location and dimension of all buildings, accessory buildings and other structures;
  - c. The location of streets, driveways and required parking spaces;
  - d. Proposed general layout of any utilities, water, sewer, electric, gas the treatment of any water retention to serve the site;
  - e. Proposed buffer areas and landscaping, including materials;
  - f. The date of the plan, the engineer or surveyor preparing same, north arrow and notes regarding any special geographic features.
2. Submission of the required written application signed by the owner of the property or his or her property authorized representative.
3. The proposed use shall be subject to all other requirements of the district in which it is located unless the board grants special conditions for its approval.

### **4.1 HEARING**

The Zoning Administrator shall accept the application when complete and shall schedule the public hearing before the town commission sitting as the Board of Adjustment.

The hearing of the Board of Adjustment on any application for a special use permit shall conform to the requirements of N.C.G.S. 160D-406.

Notice of the hearing shall be mailed to the person or entity whose application is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; and to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing.

The notice must be mailed at least 10 days, but no more than 25 days, prior to the date of the hearing. Within that same time period, the town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.



The hearing shall be conducted as a quasi-judicial hearing which is an evidentiary hearing at which the board may receive sworn testimony and evidence and which hearing shall be conducted in accordance with the requirements of N.C.G.S. 160D-406.

**4-2 REQUIREMENTS FOR SPECIAL USES:**

A. Churches

- 1) Must meet all parking requirements in Article VI
- 2) Must be located on a road classified as a collector or higher.

B. Hospital, nursing and rest homes for nursing care

- 1) Minimum lot size is two (2) acres
- 2) Must meet all parking requirements in Article VI
- 3) Owner shall provide copies of all appropriate licenses, permits and certifications required by the State of North Carolina to Zoning Administrator upon require.
- 4) No glare from lights or electronic signs shall shine on adjacent property.

**4-3 MULTIFAMILY DWELLINGS:**

- 1) All multifamily dwellings must be developed as a part of a unified residential development, with a master site plan in conformance with this article and showing the arrangements of all units, access points, safety features.
- 2) Driveways or interior roadways shall have a sidewalk.
- 3) No glare from lights or electronic signs shall shine on adjacent property.
- 4) Property perimeter shall be buffered by a landscaped buffer or approved fence so units not visible from any non-commercial adjacent property.
- 5) All garbage or refuse receptacles must be screened and fully accessible for pick-up.
- 6) Density of multifamily development limited to 15 units/acre.
- 7) Maximum height 35 feet.
- 8) Must meet parking requirements of Article VI.

**4-4 DRIVE-THRU FOR ANY APPROVED USE:**

- 1) Use must have direct access for entrance and exit safely from roadway.
- 2) No glare from lights or electronic signs shall shine on adjacent residential property.

**4.5 PLANNED UNIT DEVELOPMENT:**

#### **4.5 PLANNED UNIT DEVELOPMENT:**

- 1) Any residential development of more than two lots under common scheme of development or ownership or mixed use development must apply as a planned unit development.
- 2) Site plan showing any phasing of project, location of all residential areas, type of residences and commercial areas, together with proposed uses desired in the development must be submitted with application.
- 3) All parking requirements and lot requirements must be met unless specifically varied by the board after hearing.
- 4) Interior roadways shall have a sidewalk.
- 5) Garbage or refuse receptacles must be screened.
- 6) The proposed homeowners association documents must be submitted providing for the maintenance of all private roads and amenities in the development.

ARTICLE V  
MOBILE HOME PARKS

(REPEALED)

**ARTICLE VI**  
**OFF-STREET PARKING AND LOADING REQUIREMENTS**

At the time of erection of any new building, permanent off street parking shall be provided in all districts in at least the minimum amount specified in this article.

- 6-1.1** Each application for a zoning permit shall include information as to the location and dimensions of off-street parking and loading space, and the means of ingress and egress to such space. This information shall be in sufficient detail to determine whether or not the requirements of this section are met.
- 6-1.2** The required parking space for any number of separate uses may be combined in one lot, but the required spaces assigned to one use may not be assigned to another use, except that one-half of the parking space required for churches, theaters, or assembly halls, whose peak attendance is at night or on Sundays, may be assigned to a use which will be closed at night and/or Sundays.
- 6-1.3** If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the principal use or building, provided such land is in the same ownership as the principal use. Said land shall be used for no other purpose as long as the principal use exists.
- 6-1.4** The minimum number of required off-street parking spaces shall be calculated from the following table. In the case of a building or use not expressly identified in the table, the number of off-street parking spaces shall be the same as for a similar use or inclusive category which is listed. Where there is more than one use in a single structure, or on a single tract, or two or more instances of the same use, the minimum number of required off-street parking spaces shall be equal to the sum of the requirements of the various uses.
- 6-1.5** Each automobile parking space shall be not less than two hundred (200) square feet in area exclusive of adequate access drives and maneuvering space. Such space shall be provided with vehicular access to a street or alley; such use shall not thereafter be encroached upon or altered; proof that the applicant has sufficient control over the required off-street parking spaces to prevent later encroachment or alteration shall be required; and spaces shall be equal in number to at least the minimum requirements for the specific use set forth below:

USE CATEGORY / USE	MINIMUM REQUIRED AUTO SPACES
AUTOMOBILE SALES AND REPAIR	1 Space per 400 sf of repair or maintenance space. At least two spaces for employees.
AUTOMOBILE CAR WASH	1 Space per 400 sf of capacity
ELEMENTARY, MIDDLE AND SENIOR HIGH SCHOOLS (Public and private)	Greater of 1 space per classroom or 1 space per 8 seats in largest assembly room
CHURCHES	1 space per 8 seats
AUTOMOBILE SERVICE STATION	1 Space per 400 sf of repair or maintenance area. Must be enough area for pump access.
CHILD CARE CENTERS OR NURSERIES and ADULT DAY CARE	1 space per classroom and offices
LIBRARIES	1 space for each 4 seats
FUNERAL HOME	1 space for each 8 seats in largest assembly room.
MOTELS, HOTELS, LODGING	1 space per guestroom
CONVENTION CENTER/CIVIC CENTER	1 space per 8 seats in largest assembly room
OFFICES AND BUSINESS (not retail)	1 space per 600 sq. feet
RETAIL SHOPS	1 space per 400 sq feet
MEDICAL OFFICES AND CLINICS	1 space for each examining room, plus any required for office spaces
DWELLINGS, RESIDENTIAL	2 spaces for each unit plus any required handicap accessible spaces
RESTAURANTS	1 space per 200 sq. ft.
INDUSTRIAL/MANUFACTURING	1 space per 2 employees at maximum shift
RECREATION AREAS	1 space per 8 seats of bleacher seating or spectator area. If none, 3 spaces per acre

## 6-2 OFF STREET LOADING REQUIREMENTS

Every building or structure hereafter developed or renovated for use for business, trade, or industry, shall provide space, as indicated herein, for the loading and unloading and maneuvering space of vehicles off the street or public alley. Such space shall have access to an alley or, if there is not alley, to a street, for the purpose of this section, an off-street LOADING SPACE shall have minimum dimensions of twelve (12) feet by forty (40) feet, and an overhead clearance of fifteen (15) feet above the alley or street grade.

**ARTICLE VII  
NON-CONFORMITIES**

**7.1 INTENT:**

Within the districts established by this ordinance or amendments that may be adopted later, there may exist lots, structures, and uses of land and structures which were lawful before this ordinance was adopted or amended, but which are prohibited under the terms of this ordinance. Such lots, structures, and uses shall be termed nonconforming, and shall be subject to the following provisions:

**7-1.1 NONCONFORMING VACANT LOTS:**

This category of nonconformance consists of vacant lots for which plats or descriptions have been recorded in the Office of the Register of Deeds of Granville County, which at the time of adoption or amendment of this ordinance, fail to comply with the dimensional requirements for the districts in which they are located. Any such nonconforming lot may be used for any of the minimum uses permitted by this section for the district in which it is located provided that it meets the dimensional requirements of that district.

**7-1.2 NONCONFORMING STRUCTURES:**

This category of nonconformance consists of structures existing at the time of adoption or amendment of this ordinance, whose size or location does not conform with the yard, height, lot area, lot coverage or other dimensional provisions of this ordinance or any amendment thereto. Such structures may remain and their conforming use may continue, provided that any enlargement to such structures must conform to all applicable requirements of this section. If such structures are damaged or destroyed by fire, explosion, or other calamity, they may be reconstructed, provided that when reconstructed they comply with all applicable requirements of this ordinance.

**7-1.3 NONCONFORMING USES OF LAND:**

This category of nonconformance consists of lots used for storage and salvage yards, used car lots, auto wrecking and similar open uses where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use is not permitted to be established hereafter, under this ordinance or amendment thereto in the district in which it is located.

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
- B. No nonconforming use may be changed to another nonconforming use.
- C. Where any nonconforming use of land, in part or whole, is made to conform to the regulations for the district in which it is located, the part or whole which has been made to conform may not thereafter be changed in such a manner as would be nonconforming.

- D. Nonconforming uses shall not be reestablished after discontinuance for a period of one hundred eighty (180) days, except in conformance with this ordinance.

#### **7-1.4 NONCONFORMING USES OF BUILDINGS AND STRUCTURES**

This category of nonconformance consists of buildings or structures used at the time of enactment of this ordinance or amendment thereto for purposes of use not permitted in the district in which they are located. Such uses may be continued as follows:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
- B. No nonconforming use may be changed to another nonconforming use.
- C. Where any nonconforming use of land, in part or whole, is made to conform to the regulations for the district in which it is located, the part or whole which has been made to conform may not thereafter be changed in such a manner as would be nonconforming.
- D. Nonconforming uses shall not be reestablished after discontinuance for a period of one hundred eight (180) days, except in conformance with this ordinance.
- E. Nonconforming uses of structures shall not be reestablished after discontinuance for a period of one hundred eighty (180) days, except in conformance with this ordinance.
- F. Maintenance and repairs necessary to keep a structure housing a nonconforming use in sound condition shall be permitted.
- G. Should a nonconforming structure be destroyed by any means to an extent of more than sixty-five (65) percent of its appraised value\* at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.

#### **7-2 AVOID UNDUE HARDSHIP:**

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, provided that actual construction work shall be diligently carried on until the completion of the building involved.

\* Appraised value is the value recorded by the county tax assessor for county and municipal tax purposes.



**ARTICLE VIII  
ENFORCEMENT, PENALTIES, AND RIGHT OF APPEAL**

**8-1 ZONING ADMINISTRATOR:**

The zoning administrator, appointed by the town board of commissioners, shall administer and enforce the provisions of this ordinance. If the zoning administrator finds that any of the provisions of this ordinance are being violated, he shall notify the person or persons responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall also take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

**8-2 ZONING PERMIT REQUIRED:**

No land shall be used or occupied and no structures shall be erected, moved, extended, or enlarged, nor shall any excavation or filling of any lot for the construction of any building be initiated until the zoning administrator has issued a zoning permit which will certify that such proposed work is in conformity with the provisions of this ordinance.

**8-3 CERTIFICATE OF OCCUPANCY REUIRED:**

No land or building shall be used or occupied until a certificate of occupancy has been issued by the zoning administrator, stating that the building or proposed use complies with the provisions of this ordinance. A certificate of occupancy, either for the whole or a part of a building shall be applied for before such structure is occupied, and shall be issued within ten (10) days after the erection or alteration of such building, or part, shall have been completed in conformity with the provisions of this ordinance. No previously unoccupied structure shall be occupied until the certificate of occupancy is issued.

**8-4 APPLICATION FOR ZONING PERMIT AND CERTIFICATE OF OCCUPANY:**

An application for a zoning permit and a certificate of occupancy shall be filed with the zoning administrator on a form provided by him and shall include two (2) sets of plans showing the dimensions and shape of the parcel to be built on; the sizes, intended uses and location of existing buildings and those proposed; and shall include such other information as may be necessary to determine conformance with this ordinance.

**8-5 RECORDS AND INVALIDATION:**

- 8-5.1 A record of all zoning permits shall be kept on file in the office of the zoning administrator.
- 8-5.2 Any zoning permit issued shall become invalid if the work authorized by it has not been commenced with six (6) months of the date of issuance, or if the work

authorized by it is suspended or abandoned for a period of one (1) year.

**8-6 PENALTIES FOR VIOLATIONS:**

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished for each offense by a fine not to exceed fifty dollars (\$50) or by imprisonment not to exceed thirty (30) days. Each day such violation continues shall be deemed a separate offense.

**8-7 RIGHT OF APPEAL:**

If the zoning permit or occupancy certificate is denied, the applicant may appeal the action of the zoning administrator to the Stovall Board of Adjustment under the procedures outlined in Article IV of this ordinance.

**ARTICLE IX  
BOARDS AND ADMINISTRATION**

**9-1 PLANNING BOARD**

**9-1.1 Appointment and terms of Planning Board Members**

- A.** There shall be a Planning Board consisting of five (5) members. The members shall be residents of the Town of Stovall, and in the event that Stovall acquires any extraterritorial jurisdiction, a member shall be appointment from that section. The members shall be appointed by the Stovall Board of Commissioners.
- B.** Planning Board members shall be appointed for three (3) year staggered terms and may continue to serve until their successors have been appointed by the Town Board of Commissioners. Planning Board members may be appointed for successive terms without limitation.
- C.** Planning Board members may be removed by the Town Board of Commissioners any time or failure to attend three consecutive meetings, or for any other good cause related to performance of duties.
- D.** If a member of the Planning Board moves outside the city limits, such move that constitute a resignation from the Planning Board.

**9-1.2 Meetings of the Planning Board**

- A.** The Planning Board shall establish a regular meeting schedule and shall meet according to such schedule unless there are no applications or other business to come before the Board.
- B.** All Planning Board meetings shall be open to the public, and whenever possible, the agenda for such meeting shall be made available in advance of the meeting. Since the Planning Board has only advisory authority, it need not conduct its meetings in conformance with the quasi-judicial procedures of the Board of Adjustment proceedings. However, meeting shall be conducted so as to present and consider all information relevant to the item before the Board and to encourage the free exchange of ideas.
- C.** Written minutes shall be kept of Planning Board meetings.

**9-1.3 Quorum and Voting**

- A.** A quorum of the planning Board shall consist of a majority of the Board membership, excluding vacant seats. A quorum is necessary for the Board to take official action.

- B. All actions of the Planning Board shall be taken by majority vote, a quorum being present. Any member may request a roll call vote on a matter before the Board.
- C. A member of the Planning Board shall recuse themselves from any vote which directly affects a personal or business property or interest.

**9-1.4 Powers and Duties of the Planning Board**

- A. The Planning Board may:
  - 1. Make studies and recommend to the Board of Commissioners plans, goals, and objectives relating to the growth, development and redevelopment of the Town of Stovall.
  - 2. Develop and recommend to the Board of Commissioners policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner.
- B. The Planning Board shall make recommendations to the Board of Commissioners concerning proposed zoning map and text changes to this zoning ordinance and amendments to the Comprehensive Plan.
- C. The Planning Board may adopt such rules and regulations governing its operation and officers as it desires not inconsistent with the provisions of this ordinance.

**9-2 BOARD OF ADJUSTMENT (Former 9-1.1 - 9-4.4 repealed)**

**9-2.1 Appointment and terms of Board of Adjustment members**

The Stovall Town Board of Commissioners has designated itself to perform the duties of the Board of Adjustment and shall meet from time to time in such capacity pursuant to the rules herein.

**9-2.2 Meetings of the Board of Adjustment**

- A. The Board of Adjustment shall establish a regular meeting schedule and shall meet according to the established schedule unless there are no applications or other matters for the Board to consider.
- B. The Board of Adjustment shall conduct its meetings in accordance with the quasi-judicial procedures set forth below in this Ordinance.
- C. All meetings of the Board of Adjustment shall be open to the public and whenever feasible the agenda of the Board shall be made available in advance of the meeting.

### **9-2.3 Quorum and Voting**

- A.** A quorum for the Board of Adjustment shall be 4 members. A quorum is necessary for the Board to take action.
- B.** The concurring vote of at least 4 members of the Board shall be necessary for the Board to take action necessary to grant a variance from the terms of this ordinance. All other actions of the Board shall take a majority vote.
- C.** Once a member is physically present at a Board of Adjustment meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused or allowed to withdraw as set forth below.
- D.** A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:
  - 1) the member has a direct financial interest in the outcome of the matter at issue;
  - 2) the matter involves the members own official conduct;
  - 3) participation in the matter may violate the letter or spirit of the member's code of professional responsibility;
  - 4) the member has such close ties to an applicant or the applicant's family or business that the member expresses he or she cannot reasonably be expected to exercise sound judgment in the public's interest.
- E.** A member may be allowed to withdraw from voting for good and sufficient reason by vote of a majority of the remaining members present; such a motion to allow the withdrawal must be made by or on behalf of the member requesting withdrawal.
- F.** A member may not decline to vote without cause and permitted withdrawal. Any member may ask for a roll call vote.

### **9-2.4 Proceedings of the Board of Adjustment**

- A.** The Board of Adjustment shall hear and decide the following matters:
  - 1) Appeals from any order, decision, requirement or interpretation made by the Zoning Administrator;
  - 2) Applications for Special Use Permits as provided in Article IV;
  - 3) Applications for Variances as provided in this ordinance;
  - 4) Questions involving interpretation of the Zoning Map, including disputed boundary lines or lot lines for zoning purposes;
  - 5) Any other matters properly before the Board.

### **9-2.5 Appeals to the Board**

- A. Appeals from the enforcement and interpretation of this ordinance by the Zoning Administrator shall be filed, in writing, stating the action or order appealed from and filed with the Town Clerk within 30 days of the date of the decision being appealed. Fees for filing such appeal shall be set by the Town.
- B. An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the Board of Adjustment that, based on the record in the case, a stay would cause damage to life or property, in which case proceedings shall not be stayed other than by Court order.
- C. Hearings by the Board of Adjustment shall be held as set forth in section 9-2.8 below.

#### **9-2.6 Variances**

- A. The Board shall hear and decide applications for variance from the strict application or literal enforcement of any term of this ordinance upon a showing of ALL of the following:
  - 1) Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
  - 2) The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardship resulting from personal circumstances, as well and hardships resulting from conditions that are common to the neighborhood or the general public may not be the basis for granting a variance.

Note: a variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
  - 3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
  - 4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved.
- B. No change in permitted uses may be authorized by a variance.
- C. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other development regulation that regulates land use or development may provide for variances from the provisions of those ordinances consistent with the provisions of this subsection.

- D. All hearings before the Board of Adjustment upon an application for variance shall be conducted as a quasi-judicial proceeding in accordance with section 9-2.8 below.

### 9-2.7 Special Use Permits

- A. The Board shall hear and decide applications for special use applications submitted pursuant to Chapter IV. Hearing on such applications shall be set once the application is deemed complete by the Zoning Administrator and the applicable fee has been paid.
- B. All hearings before the Board upon an application for special use permit shall be conducted as a quasi-judicial proceeding in accordance with section 9-2.8 below.

### 9-2.8 Quasi-judicial Procedure

- A. The Board of Adjustment shall follow quasi-judicial procedures in determining appeals of administrative decisions, special use permits, variances or any other quasi-judicial decision.
- B. Notice of hearing. Notice of evidentiary hearings conducted pursuant to this procedure shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; and to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing. The Town may rely on the current tax listing as to the address of owners entitled to notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the town shall prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right of way.
- C. Continuance of hearings. The Board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.
- D. Administrative materials. All written applications, reports, or any other written materials relevant to the matter being considered shall be transmitted to the Board. If the materials are distributed to the Board members prior to the hearing, they must also be provided at the same time to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The materials shall become part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion of any item in the record may be made before the hearing or during the hearing. Rulings on objections shall be made by the Board at the hearing.

- E. Presentation of evidence.** The applicant, the Town and any person who would have standing to appeal the decision under N.C.G.S. 106D-14-2(d) shall have the right to participate as a party at this evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the Board. Objections regarding jurisdictional and evidentiary issues, including but not limited to, the timeliness of an appeal or the standing of a party may be made to the Board. The board chair shall rule on any objections and the chair's rulings may be appealed to the full Board.
- F. Oaths.** The chair of the Board or any member acting as chair and the Clerk to the Board are authorized to administer oaths to witnesses in any matter coming before the Board. Any person who, while under oath during a proceeding before the Board determining a quasi-judicial matter, who willfully testifies falsely is guilty of a Class 1 misdemeanor.
- G. Subpoenas.** The Board making a quasi-judicial decision under this procedure through the chair, or in the chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, the applicant, the local government and any person with standing under N.C.G.S. 160D-14-2(d) may make written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be immediately appealed to the full Board.
- H. Voting.** The concurring vote of four-fifths of the Board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under N.C.G.S. 16-0D-1-9(d) shall not be considered members of the Board for calculation of the requisite majority.
- I. Decisions.** The Board shall determine contested facts and make its decision within a reasonable time. When hearing an appeal of an administrative decision, the Board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all the powers of the official who made the decision. Every quasi-judicial decision shall be based upon competent, material and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing, reflect the board's determination of contested facts and their application to the applicable standards and be approved by the board and signed by the chair or other duly authorized member of the Board. A quasi-judicial decision is effective upon filing the written decision with the Town Clerk. The decision of the Board shall be delivered within a reasonable time by personal delivery, electronic mail, or by first-class mail to the applicant, landowner, and to any person who has submitted a written



request for a copy prior to the date the decision becomes effective.

Every quasi-judicial decision shall be subject to review by the Superior Court by proceeding in the nature of certiorari pursuant to N.C.G.S. 160D-14-2, and must be filed within the period prescribed in N.C.G.S. 160D-15-5(d).

**9-2.9** The Board of Adjustment may adopt rules and regulations governing its procedures and operation not inconsistent with law.

## ARTICLE X AMENDMENTS

Amendments to this ordinance and amendments to the Official Zoning Map of the Town of Stovall shall be made in accordance with this Article.

### **10-1 Amendments originated by the Town**

The Stovall Board of Commissioners may amend, supplement, change modify or repeal all or part of this ordinance and the boundaries of districts on the Official Zoning Map.

### **10-2 Petition for Amendment to the Ordinance or Map**

#### **10-2.1 Applications**

All applications for amendment to this ordinance shall be filed with the Stovall Zoning Administrator on such forms as the Town may designate from time to time.

- A. All applications shall be complete and shall also contain the following:
  - 1. Name of owner of the property and a copy of the plat, survey or sketch showing the property area for which any map amendment is being requested. The owner of the property or his designated agent with authority must sign the application.
  - 2. Any such other site plan or specific information required under any other applicable section of this ordinance.
  - 3. If the amendment is to the text of the ordinance and not the map, the applicant must submit the proposed revised wording of any text to be changed.
- B. The fee paid pursuant to the current fee schedule for the Town of Stovall.

#### **10-2.2 Planning Board review and recommendation**

- A. Zoning Amendments. Once an application for amendment is complete, the Zoning Administrator shall schedule the matter before the Town Planning Board for review and comment. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the Board of Commissioners may act on the amendment without the Planning Board report. The Board of Commissioners is not bound by the recommendations of the Planning Board.
- B. Review of other ordinances and actions. Any development regulation other than a zoning regulation, or any action proposed to be taken regarding the regulation of development in the Town may be referred to the Planning Board for review and comment.

- C. Plan consistency. When conducting the review of proposed zoning text or map amendments, the Planning Board shall advise and comment on whether the proposed action 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 Comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners.

### **10-3 Notice of hearing on proposed zoning map amendments**

**10-3.1 Mailed notice.** The owner of affected parcels of land and the owners of all parcels of land abutting that parcel of land, shall be mailed a notice of the hearing before the Board of Commissioners on a proposed zoning map amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. For the purpose of notice, properties are “abutting” even if separated by a street, railroad or other transportation corridor. The notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing.

**10-3.2 Option to mailed notice for large scale zoning map amendments.** The mailed notice provision of 10-3.1 above shall not apply for any zoning map amendment which proposes to change the zoning designation of more than 50 properties owned by at least 50 different property owners. In such event, the Town may provide notice under its options pursuant to N.C.G.S. 160D-6-2.

**10-3.3 Posted notice.** When a zoning map amendment is proposed, the Town shall prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the Town shall post sufficient notices to provide reasonable notice to interested persons.

**10-3.4 Actual notice.** Except for a Town initiated map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner or authorized agent, the applicant shall certify to the Town that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of hearing. Actual notice shall be provided in any manner permitted by N.C.G.S. 1A-1, Rule 4(j).

### **10-4 Hearing on amendment before the Board of Commissioners**

All applications for zoning map amendments and zoning text amendments shall be considered at public hearing pursuant to the notices required above.

**10-4.1 Plan consistency.** When adopting or rejecting any zoning text or map amendment, the Board of Commissioners shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the Board that at the time of action on the amendment the Board was aware of and considered the planning Board's recommendations and any relevant portions of an adopted comprehensive plan.

If the amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land use map in the approved plan and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently. The plan consistency statement is not subject to judicial review.

**10-4.2 Statement of reasonableness.** When adopting or rejecting any petition for a zoning text or map amendment, a brief statement explaining the reasonableness of the proposed rezoning shall be approved by the Board of Commissioners. The statement of reasonableness may consider, among other factors: (1) the size, physical conditions, and other attributes of any area proposed to be rezoned, (ii) The benefits and detriments to the landowners, the neighbors and the surrounding community; (iii) the relationship between the current actual and permissible development and the development permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If a zoning map amendment qualifies as a "large-scale" rezoning under 160D-6-2(b), the statement may address the overall zoning.

The reasonableness and consistency statements above may be adopted as a single statement.

**ARTICLE XI  
INTERPRETATION AND DEFINITION**

**11-1 WORD INTERPRETATION:**

For the purposes of this ordinance, certain words shall be interpreted as follows:

- 11-1.1** The word "**person**" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- 11-1.2** The word "**may**" is permissive.
- 11-1.3** The word "**shall**" is mandatory.
- 11-1.4** The words "**used**" or "**occupied**" include the words "intended, designed or arranged to be used or occupied".
- 11-1.5** The word "**lot**" includes the words "plot, parcel, site or premises".
- 11-1.6** The word "**building**" includes the word "structure".
- 11-1.7** The word "**map**" shall mean the "official zoning map for the Town of Stovall".
- 11-1.8** The word "**town**" shall mean the "Town of Stovall, a Municipal Corporation of the State of North Carolina".
- 11-1.9** The words "**ordinance**" and "**regulations**" shall mean the "official zoning ordinance for the Town of Stovall, North Carolina".
- 11-1.10** The words "**Planning Board**" shall mean the "Town of Stovall Planning Board".
- 11-1.11** The words "**Town Board**" shall mean the "Town Board of Commissioners of the Town of Stovall, North Carolina".

**11-2 TENSE AND NUMBER:**

- 11-2.1** The present tense includes the future tense, and the future tense includes the present tense.
- 11-2.2** The singular number includes the plural and the plural number includes the singular.

**11-3 TERM DEFINITION**

**11-3.1** Accessory Building and Use

A subordinate building or use, the use of which is incidental to that of the principal building or

use on the same lot.

**11-3.2**        Administrator, Zoning

The person, officer, or official and his authorized representative, whom the town board has designated as their agent for the administration of these regulations. He may provide for the enforcement of this ordinance by means of the withholding of building permits and occupancy permits, and by instituting injunction, mandamus, or other appropriate action or proceeding to prevent unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; to correct or abate such violation, or to prevent the occupancy of said building, structure, or land.

**11-3.3**        Alter

To make any structural changes in the supporting or load bearing members of a building, such as walls, columns, beams, girders or floor joints.

**11-3.4**        Boarding House

A building dedicated to the lodging or feeding, or both, of nontransient persons for compensation.

**11-3.5**        Buildable Area

The portion of a lot remaining after required yards have been provided.

**11-3.6**        Buildings

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

**11-3.7**        Building Height

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

**11-3.8**        Certificate of Occupancy

A statement, signed by the zoning administrator or his assistant, setting forth that the building, structure, or use of land complies with the zoning ordinance of Stovall, North Carolina, and with the standards of the Granville County Health Department and the North Carolina Department of Human Resources.

**11-3.9**        Church, Club or Lodge, Private

An incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated on a nonprofit basis for the benefit of

its members.

**11-3.10**                    Special Use

A use that would not be generally appropriate without restriction throughout the zoning district but, which if controlled as to number, area, location, or relation to the neighborhood, would promote the health, safety, morals, general welfare, order, comfort, convenience, appearance, or prosperity. Such uses are designates as “S” in the district Table and may be permitted in such zoning district as special uses if specific provision for such is made in this zoning ordinance.

**11-3.11**                    Curb Cut

A lowered or cut-away curb for purposes of ingress or egress to property abutting a public street.

**11-3.12**                    District Zoning

A section of the Town of Stovall within which the zoning regulations are uniform.

**11-3.13**                    Dwelling, Single-Family

A detached residential dwelling unit, other than a mobile home, designed for and occupied by one family only.

**11-3.14**                    Dwelling, Two-Family (Duplex)

A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.

**11-3.15**                    Dwelling, Multifamily

A residence designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each.

**11-3.16**                    Dwelling Unit

One room, or rooms connected together constituting a separate independent housekeeping establishment with complete living facilities for one family.

**11-3.17**                    Family

One or more persons occupying a premise and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel.

**11-3.18**                    Frontage

The distance between the two side lot lines as measured along the front setback line.

**11-3.19**                    Home Occupation

An occupation for gain or support customarily conducted on the premises by a person or family residing thereon. The term "home occupation" shall not be deemed to include a tourist home.

**11-3.20**                    Junk Yard

Use of property of indoor and/or outdoor storage, keeping, abandonment, sale or resale or junk including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house wrecking and structural steel, materials and equipment, or for the dismantling, demolition, or abandonment or automobiles or other vehicles or machinery or parts thereof.

**11-3.21**                    Lot

For zoning purposes, as covered by this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, and may consist of:

- (A) A single lot of record;
- (B) A portion of a lot of record;
- (C) A combination of complete lots of record; or complete lots of record and portions of lots of record, or of portions of lots of record; or
- (D) A parcel of land described by metes and bounds; and provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

**11-3.22**                    Lot Depth

The depth of a lot is the distance in the mean direction of the side lot line from midpoint of the front lot line to the midpoint of the rear lot line.

**11-3.23**                    Lot Line, Front

Any boundary line of a lot running along a street right-of-way line.

**11-3.24**                    Lot of Record

A lot which is a part of a subdivision plat which has been recorded in the office of the Register of Deeds of Granville County, or a lot which has been recorded and described by metes and bounds.

**11-3.25**                    Lot Width

The distance between side lot lines measured at the building line.

**11-3.26**                    Modular Home

A detached residential dwelling unit designed for transportation after off-site fabrication on flatbed trucks or trailers. At the site, a modular home must be placed on a permanent foundation,



heating and cooling system, plumbing fixtures, and electrical appliances must be installed before being occupied.

**11-3.27**                    Nonconforming Use

A legal use of a building and/or land that antedates the adoption of these regulations and does not conform to the regulations for the district in which it is located.

**11-3.28**                    Parking Space

The storage space for one (1) automobile of not less than ten (10) feet by twenty (20) feet, plus the necessary access space. It shall always be located outside the dedicated street right-of-way.

**11-3.29**                    Planned Unit Development

The planned residential development of mixed structures such as apartments, townhouses, rowhouses, and cluster subdivisions, usually incorporating privately owned, open common areas.

**11-3.30**                    Principal Building or Use

The principal purpose for which a lot or the main building thereon is designed, arranged, or intended, and for which it is or may be used, occupied, or maintained.

**11-3.31**                    Service Station

A building or lot dedicated to the rendering of services such as the sale of gasoline, oil grease, and accessories and the minor repair of automobiles, excluding body working, overhauling, and painting.

**11-3.32**                    Setback Lines

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

**11-3.33**                    Shopping Center

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

**11-3.34**                    Buffer Strip

An unused strip of land twenty-five (25) feet or more in width, planted with deciduous and/or evergreen trees, spaced not more than five (5) feet apart, and five (5) feet or more in height when planted, and maintained in a health growing condition by the owner. No building or part of a building, no driveway or parking area shall occupy any part of a buffer strip.

**11-3.35**                    Street

A dedicated and accepted public right-of-way which affords the principal means of access to abutting properties for vehicular traffic.

**11-3.36**                    Structure

Anything constructed or erected with a fixed location, or in the ground, or attached to something having a fixed location on the ground. Among other things, structures include building, mobile homes, walls, fences, billboards, posted panels. Swimming pools and fall-out shelters.

**11-3.37**                    Tourist Home

A dwelling in which sleeping accommodations are provided or offered to transient visitors for compensation.

**11-3.38**                    Variance

A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to condition peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

**11-3.39**                    Yard

A required open space unoccupied and unobstructed by any principal structure or portion of a structure, except as provided herein.

**11-3.40**                    Yard, Front

A yard extending across the front of a lot measured from side lot line to side lot line and lying between the abutting street right-of-way and the principal building on the lot.

**11-3.41**                    Yard, Rear

A yard extending across the rear of the lot measured from side lot line to side lot line and lying between the rear property line and the principal building on the lot.

**11-3.42**                    Yard, Side

A yard extending along either side of a lot measured from front yard line to the rear yard line and lying between the side lot line and the principal building on the lot.

**11-3.43**                    Zoning/Building Permit

A permit issued by the zoning administrator when a proposal to use or occupy a lot or structure, or to erect, install, or alter a structure, building, sign, or lot, fully meets the requirements of this ordinance. This permit must be obtained before any work is initiated on the proposed use.

ARTICLE XII  
VESTED RIGHTS

- 12-1 Vested Right The zoning vested right is the right to undertake and complete the development and use of property under the terms and conditions of an approval of a site-specific development plan secured under this chapter in accordance with N.C.G.S. 160D-1-8 or under common law.
- 12-2 Procedure. An owner requesting a vested right must request this approval at the time of submittal of an application and obtaining a vested right approval gives the applicant the right to start construction of the development as approved and an additional 2 years, or up to 5 years to begin and/or complete work as appropriate under the terms of the approval given.
- 12-3 Approval. Vested rights requests shall be considered by the Board of Commissioners and the Commissioners may approve the request with any additional conditions to protect the public health, safety and welfare.
- 12-4 Building permits. Upon issuance of a building permit, the expiration provisions of that permit shall apply, even if such permit extends beyond the time of a vested right period approval herein. However, all vesting shall expire with respect to buildings or uses for which no valid building permit applications have been filed.
- 12-5 Vested rights run with the property. A zoning vested right is not a personal right and shall attach to and run with the applicable property. After a vested rights approval of a site specific development plan, all successors to the original owner shall be entitled to exercise such right for its duration.
- 12- 6 Revocation. Nothing in this Article shall preclude the revocation of a vested right if the applicant fails to comply with the terms and conditions of an approval or this ordinance.