ZONING ORDINANCE

Stokes County, North Carolina

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AN ORDINANCE PROVIDING FOR THE ZONING OF STOKES COUNTY, NORTH CAROLINA

ARTICLE I

Authority and Enactment Clause

In pursuance of authority conferred by Chapter 160D of the General Statutes of North Carolina, and for the purpose of promoting the public health, safety, morals and general welfare; promoting the orderly development of the county; lessening congestion in the roads and streets; securing safety from fire, panic, and other dangers; providing adequate light and air; preventing the overcrowding of land, avoiding undue concentration of population; and facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, all in accordance with a well-considered comprehensive plan. (Amended 6-1-21)

NOW, THEREFORE, The Board of County Commissioners of Stokes County, North Carolina, does hereby ordain and enact these Articles and Sections into law.

ARTICLE II

Short Title

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

ARTICLE III

Jurisdiction

Section 30 Territorial Application

This Ordinance shall apply to all lands within areas designated as "official zone areas" by the Board of County Commissioners of Stokes County. This Ordinance may also regulate territory within the zoning regulation jurisdiction of any municipality whose governing body by resolution agrees to such regulation; provided, however, that any such municipal governing body may, upon one year's written notice or such lesser time on which both Boards may agree, (#19) withdraw from the jurisdiction of the county zoning regulations, and those regulations shall have no further effect within the municipality's jurisdiction.

Section 31 Bona Fide Farms Exempt

Stokes County does not intend to regulate farming activities. Cropland or farm buildings, including such structures as farmhouses, tenant housing (dwelling for workers who are employed on the farm where they reside), tobacco barns, and apple sheds, are excluded from the regulations described in the zoning text. The regulations of this zoning ordinance take effect only when farmland is developed for some type of non-farm activity. For example, if a farmer sold his farm for a 50-unit residential subdivision, or a 5-acre tract for a shopping center, or a 2-acre tract for an industrial site, the land—whoever owned it—would then be regulated by this Ordinance.
The rationale for excluding farming activities from zoning controls is simply that farming activities generally take place on relatively large tracts of land -- 20, 50, 100 acres or more. The location of a farmhouse, or a tobacco barn has little impact on a neighbor who may live two miles away. This is not the case when a person owns a lot of an acre or less in size. What happens on the neighboring property has direct impact on his property.

Amendment #19 -- Amended August 5, 1985

For example, the property owner wants to develop his property for a residential subdivision or a commercial or industrial use, and the adjoining landowner wants to be assured that his property is protected. This could be done either by excluding certain incompatible uses or insuring that other uses are developed to specific standards that enhance the quality of the neighborhood.

Section 32 Grandfather Clause

Any use of land or building shall be regulated by this Ordinance. However, any outstanding building permit valid at the time of adoption shall remain in force, and nothing in this Ordinance shall require a change of plans, construction, or designated use of any structure for which such permit has been issued.

ARTICLE IV

Definitions

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

Section 40 Interpretation of Commonly Used Terms and Words

Words used in the present tense include the future tense.
Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
The word "person" includes a firm, association, corporation, trust, and company, as well as an individual.
The words "used for" shall include the meaning "designed for."
The word "structure" shall include the word "building."
The word "lot" shall include the words "plot," "parcel," or "tract."
The word "shall" is always mandatory and not merely directory.

Section 41 Definitions of Specific Terms and Words

Accessory Use: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.
Agricultural Tourism (Agritourism): Any activity carried out on a bona fide farm or ranch as defined by NC General Statute 160D-903 (a) (1-4) that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities. these activities include farming, ranching, historic, cultural, harvest your own activities, or natural activities and attractions, or an agricultural use where agricultural products are processed, treated sorted, blended, made, stored, sold at wholesale or retail for consumption on or off the premises, offers tours to the public, provides samples and or sales of agricultural products or similar uses that will enhance the over-all property for agricultural tourism. See North Carolina General Statue references, GS106-581.1 Agriculture defined, and GS99E-30 Definitions, GS99e-31 Liability, GS99E-32 Warning required concerning Agritourism Activity Liability. (Amended 12-3-13 & Amended 6-1-21)
Agritourism – Restaurant/Lodging: A restaurant or lodging facility associated with and located on property that qualifies as an Agritourism venue site and meets the statutory requirements for a bona fide farm. (Amended 10-2-18)
Alley: A public way, which affords only a secondary, means of access to abutting property and not intended for general traffic circulation.
Area of Operations: The land area on a tract from which minerals, ores, sand, soils, or other solid matter are or will be directly or indirectly extracted by any mining or quarrying activity, together with any land within the same tract on which processing, stockpiling, equipment storage, access roads serving extraction, dewatering facilities, or other activities directly incidental to extraction are conducted. The area of operations shall be delineated on the required site plan submitted with any permit application and shall represent the maximum extent of active disturbance at any point during the life of the operation. Land within the required operations setback area is not part of the area of operations and shall remain undisturbed except as needed for perimeter fencing, vegetative screening, and ingress/egress access roads.
Backyard Workshop: A small commercial operation located at the rear of a dwelling unit where

the principal use of the lot is for residential and the secondary activity is commercial.

Bed and Breakfast Home: A private home offering bed and breakfast accommodations to eight (8) or less persons per night for a period of less than one (1) week. (#28)

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

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

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

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

Building Setback Line: A line establishing the minimum allowable distance between the nearest portion of any building (excluding the outermost three (3) feet of any uncovered porches, eaves, gutters and similar fixtures) and the street, road, or highway right of way line or easement line when measured perpendicular thereto.

Crematory: A single furnace or retort for use in the cremation of human remains. (Amended 12-3-13)

Crematorium: A room in which a crematory furnace or retort is housed in a funeral home. (Amended 12-3-13)

Customary Home Occupation: Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof, and in connection with which there is no display, no outside storage, no stock-in-trade nor commodity sold on the premises; provided further, that no person not a resident on the premises is employed in connection with the home occupation, except that not more than two (2) assistants may be employed by the following occupations: physician, dentist, chiropractor. Such occupation shall be carried on solely within the main dwelling and shall not occupy more than twenty-five percent (25%) of the total floor space of the dwelling.

Amendment #28 -- Amended February 2, 1993
Amendment -- March 7, 1995

Data Center: A facility, campus of facilities, or array of interconnected facilities used for the primary purpose of storing, retrieving, managing, and/or processing digital data, including associated infrastructure such as servers, data storage equipment, network equipment, power supply systems, backup generators, cooling systems, and related accessory structures. A data center does not include electronic equipment that is incidental to and used in support of a business whose primary business activity is other than the storing, retrieving, managing, and processing of digital data (e.g., a retail store, office building, or school).

Dwelling Unit: A building, or portion thereof, designed, arranged or used for permanent living quarters for one (1) family. The term "dwelling" shall not be deemed to include a motel, hotel, tourist home, mobile home or other structure designed for transient residence.

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

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

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

Easement: A right of use over the property of another that entitles its holder to a specific limited

use or enjoyment.

Family: One or more persons living together as a household.

Floodplain: That area designated on the official zoning map as the floodplain.

Funeral Home: A building that can be used for the embalming or the deceased prior to burial and for the viewing of the deceased and ceremonies connected therewith before burial. (Amended3-13)

Funeral Home with Crematorium: A building used for the embalming and or cremation of the deceased prior to burial and the viewing of the deceased and ceremonies connected therewith before burial or cremation. (Amended 12-3-13)

Gable Roof: The generally triangular section of a wall at the end of a pitched roof occupying the space between the two slopes of the roof.

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

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

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

Amendment # -- Amended March 7, 1995

Hip Roof: The external angle formed by the meeting of two adjacent sloping sides of a roof. (#)

Amendment # --Amended December 20, 1999

Intense: Characterized by a significant level of activity, output, or impact relative to the size of the site and the character of surrounding land uses, including but not limited to noise, vibration, odor, light, traffic generation, emissions, and environmental disturbance, assessed in relation to the scale and nature of the use and its relationship to adjacent and nearby properties.

Junk Yard: The use of more than six hundred (600) square feet of the area of any lot for the storage, keeping or abandonment of junk, including scrap metals, or other scrap materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

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

Lot, Corner: A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than forty-five degrees (45) and less than one hundred and thirty-five degrees (135) with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case the owner shall be required to specify which is the front when requesting a zoning compliance permit.

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

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

Lot Width: The distance between side lot lines measured at the building setback line.

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

Development that were in effect at the time of construction and that satisfies the following additional criteria:

- The manufactured home has a length not exceeding four times its width (double-wide, triple-wide units).
- The pitch of the roof of the manufactured home has a minimum vertical rise of two and two tenths feet for each twelve feet of horizontal run (2.2 ft. and 12 ft.) and the roof is finished with a type of shingle that is commonly used in standard residential construction.
- All roof structures shall provide an eave projection of no less than six inches, which may include a gutter.
- The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.
- The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and 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.
- 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.
- The moving hitch, wheels and axles, and transporting lights have been removed.

Amendment—August 1, 1997

Manufactured Home, Class B: A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction, but does not satisfy all the criteria necessary to qualify the house as a Class A manufactured home.

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

Minimum Acreage Measurement Requirements: Acreage measurements (square footage) of lots shall be exclusive of all right of ways or easements for vehicular traffic.

Mining and Quarrying: Includes the breaking of the surface soil in order to facilitate or accomplish the extraction nor removal of minerals, ores, or other solid matter; any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, sand, soils, and other solid matter from their original location; and the preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use. This definition does not include: excavation or grading conducted solely in aid of on-site farming or on-site construction; removal of overburden to the extent necessary to determine the location, quantity, or quality of any natural deposit (provided no ores are sold and affected land does not exceed one acre); or excavation where: (a) material is used without further processing for a single off-site construction project with an approved erosion and sedimentation control plan; (b) affected land does not exceed five acres; (c) the work is completed within one year; and (d) no blasting, stream removal, off-site waste disposal, or off-site groundwater surface disposal is involved.

Mobile Home: A mobile home shall mean a movable or portable manufactured housing unit over thirty-two (32) feet in length and at least eight (8) feet in width, constructed to be towed on its chassis and designed without a permanent foundation for year-round occupancy, which includes one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity or of two (2) or more units separately towable but designed to be joined into one integral unit, as well as a portable dwelling composed of a single unit. Such vehicle shall contain as an integral part of its construction kitchen facilities and a completely equipped bathroom consisting of a flush toilet, lavatory, and bathtub or shower. All units constructed since 1976 shall comply with the National Mobile Construction and Safety Standards adopted by the U.S. Department of Housing and Urban Development.

Mobile Home Park: Any site or tract of land where three (3) or more mobile homes are located that are utilized as dwelling units and a rental fee is paid to the landowner or park operator.

Modular Unit: A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. The term is intended to apply to major assemblies and does not include pre-fabricated sub-elements which are to be incorporated into a structure at the site. These units shall comply with the North Carolina Residential Building Code or have received an N.C. Validation stamp attesting to compliance or said code.

Mortuaries: A place in which dead bodies are kept until burial. (Amended 12-3-13)

Non-Conforming Situation: A situation that occurs when, on the effective date of this Ordinance or any amendment to it, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a non-conforming situation may arise because a lot does not meet minimum acreage requirements, because structures do not satisfy maximum height or minimum floor space limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with the Ordinance, or because land or buildings are used for purposes made unlawful by the Ordinance. (#24)

Non-Conforming Uses: A non-conforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example: A commercial office building in a residential district may be non-conforming use.) The term also refers to the activity that constitutes the use made of the property. (For example: All the activity associated with running a bakery in a residentially zoned area is a non-conforming use.) (#24)

Amendment #24--Amended February 15, 1988

Open Storage: Unroofed storage area, whether fenced or not, in excess of four hundred (400) square feet.

Oriented: The placement or alignment of a structure in respect to said point or location.

Parallel: The position or placement of a use in which all parts are extending in the same direction.

Parking Space: A storage space of not less than nine (9) feet by eighteen (18) feet for one (1) automobile plus the necessary access space. It shall always be located outside the dedicated street or highway right of way.

Planned Recreational Resort: A unified development including one or more types of dwellings or uses (i.e. lodge, cabins, campgrounds, single family dwellings) on separate lots or common sites with supporting recreational facilities on a relatively large tract of land. This development may include necessary food services, which would be primarily for the benefit of the people residing there.

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

Portable On-site Storage Unit: A portable on-site storage unit is any container designed for the storage of personal property and for transport by commercial vehicle that is typically rented to owners or occupants of property for their temporary use. A portable on-site storage unit is not a building or structure.

Amended August 3, 2010

Private Outdoor Kennel: A location where dogs or other domesticated animals are kept, groomed, bred boarded, trained, or sold.

Recycling Center: A facility used for collection and processing of recyclable materials. Processing means the preparation of materials for efficient shipments, or to an end user's specification, by such means as baling, briquetting, compacting, flattening, grinding, crushing, sorting, shredding, and cleaning. (Amended 12-3-13)

Sewer Systems, Public: A system serving ten (10) or more dwelling units and approved by the Stokes County Division of the District Health Department or the North Carolina Department of Natural Resources and Community Development, Division of Environmental Management.

Sign Area: Sign area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof, which will encompass the entire advertising copy area including architectural trim and structural members. In computing area only one (1) side of a double-faced sign shall be considered.

Signs: Any notice containing words, letters, figures:

Billboards: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is displayed.

Business Sign: A sign which directs attention to a business, profession, or industry located upon the premises where the sign is displayed, to type of products sold, manufactured, or assembled and/or to service or entertainment offered on said premises.

Identification Sign: A sign used to identify only the name of the 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.

Bulletin Board: A sign used to announce meetings or programs to be held on the premises of a church, school, library, museum, community recreation center, or similar non-commercial places of public assembly.

Amendment # -- December 20, 1999

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

and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

Street, (Road): A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground.

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

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

Water Supply System, Public: Refer to definition as written in Rules Governing Public Water Systems, North Carolina Administrative Code Title 15A Department of Environment, Health, and Natural Resources, Subchapter 18C Water Supplies, Sections .0100 through .2100 as amended, provided that there is an adequate supply of water to provide fire suppression (The Stokes County Fire Marshal's office shall determine if the water supply is adequate to provide fire suppression)(Definition amended 12-8-98)

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

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

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

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

Zoning Enforcement Officer: The person whom the county has authorized to administer the Stokes County Zoning Ordinance.

ARTICLE V

Establishment of Districts

Section 50 General Use Zoning Districts

For the purpose of this Ordinance, the County of Stokes is divided into the following general-purpose districts.

R-A Residential-Agricultural District
R-20 Residential-Low Density
R-15 Residential-Medium Density
R-8 Residential-High Density
R-E Residential - Exclusive
R-R Residential – Restricted
R-M Residential – Mixed
RMF Residential – Multi-family
MHP Manufactured Housing Park
H-B Highway-Business District
C-S Community Shopping District
M-1 Light Manufacturing District
M-2 Heavy Manufacturing District
F-P Flood Plain District

Section 50A Conditional Use Districts Historical

This section of the ordinance is a historical reference to existing districts located in the county. No new applications for rezoning to a Conditional Use zoning district, Conditional Use permits, or Special Use permits will be accepted. These districts will stay intact and subject to the conditional or special use permit under which they were issued but henceforth shall be referred to as conditional zoning permits. Any proposed changes to these districts or permits would be subject to the rules that are in effect at the time of the request. (Amended 6-1-21)

For each general use district established in Section 50 above, a companion conditional use district is hereby established.

R-A-CU Residential-Agricultural District Conditional Use
R-20-CU Residential-Low Density Conditional Use
R-15-CU Residential-Medium Density Conditional Use
R-8-CU Residential-High Density Conditional Use
R-E-CU Residential – Exclusive Conditional Use
R-R-CU Residential – Restricted Conditional Use
R-M-CU Residential – Mixed Conditional Use
RMF-CU Residential – Multi-family Conditional Use
MHP-CU Manufactured Housing Park Conditional Use
H-B-CU Highway-Business District Conditional Use
C-S-CU Community Shopping District Conditional Use
M-1-CU Light Manufacturing District Conditional Use
M-2-CU Heavy Manufacturing District Conditional Use
F-P-CU Flood Plain District Conditional Use

Section 51 <u>Conditional Zoning District</u>

For each general use district established in Section 50, a companion conditional zoning district is hereby established.

R-A-CZ Residential-Agricultural Conditional Zoning District
R-20-CZ Residential-Low Density Conditional Zoning District
R-15-CZ Residential-Medium Density Conditional Zoning District
R-8-CZ Residential-High Density Conditional Zoning District
R-E-CZ Residential- Exclusive Conditional Zoning District
R-R-CZ Residential- Restricted Conditional Zoning District
R-M-CZ Residential-Mixed Conditional Zoning District
RMF-CZ Residential-Multi-Family Conditional Zoning District
H-B-CZ Highway-Business District Conditional Zoning District
C-S-CZ Community Shopping District Conditional Zoning District
M-1-CZ Light Manufacturing District Conditional Zoning District
M-2-CZ Heavy Manufacturing District Conditional Zoning District
F-P-CZ Flood Plain District Conditional Zoning District

Section 52 Procedures For Conditional Zoning Districts

52.1 All regulations which apply to a general use zoning district shall also apply to the conditional zoning district. Conditional Zoning districts are zoning districts in which the development and use of the property is subject to predetermined ordinance standards and the rules, regulations and conditions imposed as part of the legislative decision creating the district and applying it to the particular property through the development of identified use(s) at a specific location in accordance with a site plan acceptable to the Board of Commissioners.

52.2 The conditional zoning district will be considered only upon the request of the petitioner for rezoning.

52.3 The petitioner must specify the actual use(s) intended from the list of permitted uses in the conditional zoning district.

52.4 Conditions attached to a conditional zoning district may be proposed by either the petitioner or the local government but may not be unilaterally imposed by the Board of Commissioners without the petitioner's written consent. Conditions shall be incorporated into the rezoning ordinance only with the written consent of the petitioner, consistent with G.S. 160D-703(b). All conditions shall be binding on the land. (Amended 6/22/26)

52.5 Violations of conditions attached to a conditional zoning district are treated as a zoning violation subject to the enforcement provisions of this Ordinance..

Section 53 District Boundaries Shown on Zoning Map

The boundaries of the districts as shown on the map accompanying this Ordinance and made a part hereof entitled "Official Zoning Map, Stokes County, North Carolina." The zoning map and all the notations, references and amendments thereof, and other information shown thereon are hereby made a part of this Ordinance the same as if such information set forth on the map were all fully described as set out herein. The zoning map properly attested is maintained for public inspection at the offices of the Stokes County Planning & Inspections Department.

Section 54 Due Consideration Given to District Boundaries

In the creation, by the Board of Commissioners, of the respective districts, careful consideration is given to the peculiar suitability of each and every district for the particular uses and regulations applied thereto, and the necessary and proper grouping and arrangement of various uses and densities of population in accordance with a well-considered comprehensive plan for the physical development of the county.

Section 55 Rules Governing Interpretations of District Boundaries

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

55.1 Where such district boundaries are indicated as approximately following street, alley, or highway lines, such lines shall be construed to be such boundaries.

55.2 Where district boundaries are so indicated that they approximately follow lot lines such lot lines shall be construed to be said boundaries.

55.3 Where district boundaries are so indicated that they are approximately parallel to the center line of streets, alleys or highways, or the rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map.

55.4 Where a district boundary line divides a lot or tract in single ownership, the district requirements for the least restricted portion of such lot or tract shall be deemed to apply to the whole thereof, provided such extensions shall not include any part of a lot or tract more than thirty-five (35) feet beyond the district boundary line. The term “least restricted” shall refer to use restrictions, not lot or tract size.

ARTICLE VI

Application of Regulations

Section 60 Zoning Affects Every Building and Use

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

Section 61 Reduction of Lot and Yard Areas Prohibited

No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein, except for street widening. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section 62 Relationship of Building to Lot

Every building hereafter erected, moved or structurally altered shall be located on a lot and in no case shall there be more than one (1) principal building and its customary accessory buildings on the lot, except in the case of a specially designed group development of institutional, residential, commercial or industrial buildings in an appropriate zoning district (i.e. school campus, cluster housing, shopping center, industrial park, and so forth) as permitted by Section 95.

ARTICLE VII

NON-CONFORMING SITUATIONS

Section 70 Non-Conforming Uses (#24)

Non-Conforming uses may be continued subject to the following provisions:

70.1 A non-conforming use may be extended throughout any portion of a completed building that, when the use was made non-conforming by this Ordinance, was manifestly designed or arranged to accommodate such use. However, a non-conforming use may not be extended to additional buildings or to land outside the original building. A non-conforming use may be relocated on the same tax parcel if said relocation will improve the health and safety of the surrounding area; provided that said relocation does not create a substantial enlargement of the non-conforming use and the overall result of the relocation is an improvement over the existing site location. Amended December 1, 2020

70.2 A non-conforming use shall not be changed to any use but a conforming use. When a non-conforming use has been changed to a conforming use, the premises shall not thereafter be used for any non-conforming use.

70.3 Physical alterations of structures or the placement of new structures on open land are unlawful if they result in:

a. An increase in the total amount of space devoted to non-conforming use.
b. Non-conformity with respect to dimensional restrictions such as yard requirements, height limitations or density requirements.

70.4 A structure that is non-conforming in any respect or a structure that is used in a non-conforming manner may be reconstructed or replaced if partially or totally destroyed, subject to the following restrictions:

a. The total amount of space devoted to non-conforming use may not be increased.
b. The reconstructed building may not be more non-conforming with respect to dimensional restrictions such as yard requirements, height limitations, or density requirements; and such dimensional non-conformities must be eliminated if that can reasonably be accomplished without unduly burdening the reconstruction process or limiting the right to continue the non-conforming use of such building.

Amendment #24--Amended February 15, 1988

70.5 If a non-conforming use is discontinued for a continuous period of more than one hundred eighty (180) days, any future use of the land or building shall be in conformity with the provisions of this Ordinance.

a. The Board of Adjustment may issue a special use permit to allow non-conforming use that has been discontinued for more than 180 consecutive days, but less than two (2) years, to be reinstated if it finds that:
The discontinuance resulted from factors that, for all practical purposes, were beyond the control of the person maintaining the non-conforming use.

b. Non-conforming uses that are a risk to public health and safety shall not be allowed to continue once the activity is stopped. Activities in this category include but are not limited to tire disposal and automobile salvage yards.

70.6 Subject to 71.3 Concerning Repairs. Minor repairs to and routine maintenance of property where non-conforming situations exist are permitted and encouraged. Major renovation, work estimated to cost more than ten (10) percent of the appraised value of the structure to be renovated (and not required by the partial or destruction of a structure, see Section 71.4) may be done pursuant to a special use permit issued by the Board of Adjustment. The Board of Adjustment shall issue such a permit if it finds that the work will not result in a violation of any other paragraphs of this non-conforming section or make the property more incompatible with the surrounding neighborhood. This provision does not pertain to single family residential structures or mobile homes.

70.6 The status of a non-conforming use shall not be affected by change of ownership of the property housing such non-conforming use.

Section 71 <u>Non-Conforming Buildings and Structures</u>

Non-conforming buildings and structures shall be allowed to remain subject to the following provisions:

71.1 A non-conforming building or structure shall not be enlarged or extended unless such extension shall comply with all the requirements of this Ordinance for the district in which it is located.

71.2 Physical alteration of structure or the placement of new structures on open land are unlawful if they result in:

a. An increase in the total amount of space devoted to non-conforming use.

b. Nonconformity with respect to dimensional restrictions such as yard requirements, height limitations, or density requirements.

71.2.1 Notwithstanding any other provision of this Ordinance, a single family dwelling, (mobile home) made non-conforming based on dimensional requirements may be replaced by another mobile home provided that such dimensional non-conformities must be eliminated if that can reasonably be accomplished without unduly burdening the reconstruction process or limiting the right to continue the non-conforming use of such building.

71.3 Minor repairs to and routine maintenance of property where non-conforming situations exist are permitted and encouraged. Major renovation, work estimated to cost more than ten (10) percent of the appraised value of the structure to be renovated (and not required by the partial or total destruction of a structure, see Section 71.4) may be done pursuant to a special-use permit issued by the Board of Adjustment. The Board of Adjustment shall issue such a permit if it finds that the work will not result in a violation of any other violation of any other paragraphs of this non-conforming section or make the property more incompatible with the surrounding neighborhood.

71.4 A structure that is non-conforming in any respect or a structure that is used in a non-conforming manner may be reconstructed or replaced if partially or destroyed, subject to the following restrictions:

a. The total amount of space devoted to non-conforming use may not be increased.
b. The reconstructed building may not be more non-conforming with respect to dimensional restrictions such as yard requirements, height limitations, or density requirements, and such dimensional non-conformities must be eliminated if that can reasonably be accomplished without unduly burdening the reconstruction process or limiting the right to continue the non-conforming use of such building.

71.5 The status of a non-conforming building shall not be affected by change of ownership of said building.

Section 72 Replacement of Non-Conforming Mobile Homes

Non-conforming mobile homes on individual lots in the R-A, R-20, R-15, H-B, C-S, M-I and M-2 zoning classification districts.

(Amended 10-3-00)

72.1 A mobile home used for residential purposes and maintained as a non-conforming use may be replaced with a similar structure of a larger size, so long as dimensional non-conformities such as yard requirements, height limitations, or density requirements, etc., must be eliminated if that can reasonably be accomplished without unduly burdening the reconstruction process or limiting the right to continue the non-conforming use of such a building. In particular, a mobile home may be replaced with a larger mobile home, and a "single wide" mobile home may be replaced with a "double wide" mobile home.

72.2 Any replacement mobile home shall comply with Federal mobile home construction and safety standards if constructed after June 15, 1976. Any replacement mobile home built prior to June 15, 1976, shall not be allowed.

72.3 Any replacement mobile home shall comply with Part III, standards for installations of mobile homes of the North Carolina Regulations for Mobile Homes and Modular Housing as adopted in 1979 and from time-to-time amended.

72.4 A mobile home that replaces an existing mobile home shall be skirted with a non-flammable material.

72.5 The replacement of a non-conforming mobile home with another mobile home that meets all the conditions mentioned in this section must occur within ninety (90) days of the date of discontinuation of the non-conforming use, unless approved otherwise by the enforcement officer.

Section 72A Replacement of Non-Conforming Single Family Dwellings

Non-conforming single-family dwellings on individual lots in the M-I and M-2 zoning classification district may be replaced, rehabilitated, enlarged or extended under the following conditions.

72A.1 Any structure used for single family residential purposes and maintained as a non-conforming situation may be replaced with a single family dwelling, so long as such dimensional non-conformities such as yard requirements, height limitations, or density requirements, etc., must be eliminated if that can reasonably be accomplished without unduly burdening the reconstruction process or limiting the right to continue the non-conforming use of such building.

72A.2 The replacement of a non-conforming single-family dwelling with a single-family dwelling must occur within one (1) year of the date of discontinuation of the non-conforming situation.

Section 73 Signs

It is the purpose of this section to permit signs of a residential, commercial, and industrial nature in appropriate sites throughout Stokes County. Although signs are a necessary part of the community, the size and placement of signs shall be controlled in order to protect the property values, to protect the physical appearance of the community, and to prohibit signs that may contribute to traffic hazards.

73.1 Location: No advertising sign or structure, which includes billboards and business signs, shall be erected, constructed or maintained so as to interfere with vision clearance along any public thoroughfare or at any intersection or junction of two or more thoroughfares. Nor shall any sign or structure be located within a thoroughfare right-of-way, or less than three hundred (300) feet from any residential structure.

73.2 Illumination: No flashing, intermittent, red, green, or yellow illumination shall be used on any sign or structure located in the same line of vision as a traffic control signal. Nor shall any flashing or intermittent sign be so arranged as to have the effect of partially blinding oncoming drivers. All illuminated signs or structures shall be so placed as to prevent the light rays or illumination therefrom being cast upon residential dwellings. All advertising signs or structures with flashing or intermittent lights shall be located at least two hundred (200) feet from residential district boundaries.

73.3 Maintenance and Removal: All signs and sign structures shall be kept in good repair and maintained in proper state of preservation. The Zoning Enforcement Officer shall have the authority to cause the removal of any sign unsafe or such signs to be repaired and made otherwise to comply with the requirements of this Section. Any sign, which is no longer functional or has been abandoned shall be repaired or removed within thirty (30) days following such abandonment.

73.4 Administration: The Zoning Enforcement Officer shall refuse a permit for the erection or construction of any sign or structure which does not meet the requirements of this Section. The Zoning Enforcement Officer shall order the removal of any signs that are not constructed or maintained in accordance with the provisions of this Ordinance.

73.5 Permit Required: Applications for permits shall be submitted on forms obtained at the office of the Zoning Enforcement Officer. Each application shall be accompanied by plans which shall:

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

d. If warranted, the Zoning Enforcement Officer may require additional information that will enable him to determine whether the sign will be erected in conformance with this section.

73.6 Non-Conforming Signs: Non-conforming on-site signs shall be removed at the discontinuation of business use. Property owners are responsible for removal of non-conforming signs.

73.7 Signs Permitted in Residential Districts:

a. One nameplate sign shall be permitted, provided the surface area does not exceed two (2) square feet.
b. One identification sign not to exceed twenty-four (24) square feet in surface area shall be permitted for each major entrance to a subdivision, school, recreational facility, public safety facility or other permitted uses.
c. One identification sign per lot for customary home occupations, kindergartens and rest home, etc. Such signs shall not exceed three (3) square feet in area. No sign shall be illuminated.
d. Church bulletin boards.
    (1) One sign shall be allowed per street, road or right-of-way frontage
    (2) Maximum size of single sign shall be 120 sq. ft.
    (3) Maximum height of sign shall be 25 ft.
    (4) Signs may be illuminated but may not have blinking type lighting.
    (5) Signs shall be located a minimum of 5 ft. behind any rights-of-way or easement.
    (6) These signs shall require a permit.
e. Billboards (off-site business signs).
    (1) Zoning District where permitted - R-A (Residential Agricultural).
    (2) Maximum size of single sign - thirty-two (32) square feet.
    (3) Spacing between signs - each billboard shall be at least one thousand (1000) feet radius from another billboard.
    (4) Setbacks - billboards shall be located a minimum of five (5) feet behind any rights of ways or easements.
    (5) No billboards shall be allowed in any required front, side, or rear yard setbacks.
    (6) Signs are restricted to legal businesses as allowed by the Stokes County Zoning Ordinance. (Not for in-home occupations, or backyard workshops.)
    (7) Persons installing signs must have permission from property owner.
    (8) Signs shall not be illuminated.
    (9) These signs shall require a permit.
    (10) Height – maximum height of any sign shall be twenty-five (25) feet.

73.71 Private Directional Signs

Free-standing signs that direct people to businesses or instructional facilities such as churches may be allowed provided they do not exceed two (2) square feet in area. Such signs shall not be illuminated. (No Permits Required)

73.8 Signs permitted in Commercial and Industrial Districts

a. Wall and projecting business signs shall be permitted, provided that the total area of such signs for any one building shall not exceed one square foot per linear foot of lot frontage. (Amended 10-3-00)

b. One freestanding business sign shall be permitted for each separate street frontage of an establishment. The area of any such sign shall not exceed one and a half (1.5) square feet of surface area for each linear foot of lot frontage of the street. In the case of more than one establishment per lot, the area of individual freestanding signs shall be based on the street frontage of that portion of the lot used by each establishment. In no case shall the total area in freestanding business signs on a lot exceed three (3) square feet of each linear foot of lot frontage.

(Amended 10-3-00)

1) Setback- signs shall be located a minimum of five (5) feet behind any rights-of-way or easement

Amended 10-3-00)

2) Height- Maximum height of signs shall be limited to twenty-five (25) feet.
(Amended 10-3-00)

c. Signs projecting at right angles from a building shall be allowed when suspended from a canopy provided the sign is at least eight (8) feet above the sidewalk. Otherwise, signs must be mounted flat with building walls and must not project more than eighteen (18) inches from such walls.

d. Roof business signs shall be permitted provided no portion of such signs extends beyond the edge of any exterior wall, the height of the sign above the roof does not exceed one third (1/3) of the height of the building on which it is located, and free passage from any part of the roof to any other part is not prevented.

e. Billboards, provided not more than one (1) billboard structure will be allowed per one hundred (100) feet or less of lot frontage in single ownership with one (1) additional billboard structure allowed per additional one hundred (100) feet of lot frontage.

Section 74 Off-Street Parking and Storage

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

74.1 Certification of Minimum Parking Requirements

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

74.2 Combination of Required Parking Space

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

74.3 Remote Parking Space

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

74.4 Requirements for Parking Lots in Residential Districts

Where parking lots for more than five (5) automobiles are permitted or required in residential districts, the following provisions shall be complied with:

74.4.1 The lot may be used only for parking and not for any type of commercial loading, sales, repair work, dismantling or servicing.

74.4.2 All entrances, exits, barricades at sidewalks, and drainage works shall be approved by the Zoning Enforcement Officer prior to construction.

74.4.3 A buffer strip as defined in Subsection 41 shall be required along all side and rear lot lines.

74.4.4 Only one (1) entrance and one (1) exit sign not larger than four (4) square feet in area prescribing parking regulations may be erected at each entrance or exit.

74.4.5 Minimum Parking Requirements

The required number of off-street parking spaces for each land use is specified below:

LAND USE	**REQUIRED PARKING SPACE**
Automobile sales and repair garages	One (1) space for each two (2) employees at maximum employment on a single shift, plus, two (2) spaces for each 300 square feet of repair or maintenance space.
Automobile washeterias	One (1) space for each two (2) employees at maximum employment on a single shift. Reserve spaces equal to five (5) times the capacity of the facility at the location of ingress and egress.
Bed and Breakfast Homes	One (1) space for each bedroom plus one space for each two (2) employees. (#28) Amendment #28--Amended February 2, 1993
Bowling Alleys	Two (2) spaces for each lane, plus one (1) additional space for each two (2) employees.
Camps for tents and camping trailers	One (1) parking space for each site provided for tents and camping trailers plus ten (10) additional parking spaces.
Funeral Homes	One (1) space for each four (4) seats in the main chapel.
Elementary Schools and Middle Schools (both public and private)	One (1) space for each classroom and administrative office.
Group Camp Facility	One (1) space for each camper in which the facility is designed.

Hospital	One (1) space for each four (4) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space for each four (4) employees.
Hotels	One (1) space for each two (2) rooms, plus one (1) additional space for each five (5) employees.
Kindergartens or Nurseries	One (1) space for each employee and four (4) spaces for off-street drop-off and pickup.
Libraries	One (1) space for each four (4) seats provided for patron use.
Medical Offices and Clinics	Four (4) spaces for each doctor participating at the clinic, plus one (1) space for each employee.
Mobile Homes	One (1) space for each mobile home.
Mobile Home Park	Two (2) spaces for each unit.
Motels, Tourist Homes and Tourist Courts	One (1) space for each accommodation plus two (2) additional spaces for employees.
Offices, Business Professional or Public, Including Banks	One (1) space for each 200 square feet of gross floor area.
Outdoor Recreation Areas and Amusement Parks	One (1) space for each three (3) persons able to use such facility at its maximum capacity, plus ten (10) spaces for waiting plus one (1) space for each two (2) employees.
Places of Public Assembly Including Private Clubs, and Lodges, Auditoriums, Dance Halls, Pool Rooms, Theaters, Stadiums, Gymnasiums, Amusement Parks, Community Centers, and all similar places of Public Assembly	One (1) space for each four (4) seats provided for patron use, plus one (1) space for each 100 square feet of floor of ground area used for amusement or assembly, but not containing fixed seats.
Rescue Squads and Armories	Parking space equivalent to three (3) times the floor space in the main building.

Residential Dwellings, Single-Family and Two-Family	Two (2) spaces for each dwelling unit.
Residential Dwellings, Multi-Family	One and one-half (1 ½) spaces for each dwelling unit.
Restaurants, Drive-In	Parking space equivalent to five (5) times the floor space in the main building.
Restaurants, Indoor	One (1) space for each three (3) seats or stools, plus one (1) space for each two (2) employees on the shift with the largest employment.
Retail Business and Consumer Service Outlets	One (1) space for each 200 square feet of gross floor area.
Sanitariums, Rest and Convalescent Homes for the Aged, and similar Institutions	One (1) space for each six (6) patient beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each four (4) employees.
Senior High Schools and Colleges, both Public and Private	One (1) space for each ten (10) students for whom the school was designed, plus one (1) space for each classroom and administrative office.
Service Stations	Two (2) spaces for each gas pump plus three (3) spaces for each grease rack or similar facility.
Shopping Centers	Three (3) square feet of parking space for each square foot of gross floor area.
Wholesaling and Industrial Uses	One (1) space for each two (2) employees at maximum employment on a single shift.

Section 75 Off-street Loading and Unloading Space

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

Retail Operations	One (1) loading space for each twenty thousand (20,000) square feet of gross floor area or fraction thereof.
Industrial and Wholesale Operations	One (1) loading space for each fifty (50,000) square feet of gross floor area or fraction thereof.

Section 76 Regulations Governing Mobile Home Parks

The purpose of these mobile home park regulations is to provide an acceptable environment for what are in fact small communities of mobile homes. Mobile home parks shall be located in the MHP (Manufactured Housing Park) zoning district.

76.1 Definitions

For the purpose of interpreting this Ordinance certain words or terms are herein defined:

76.1.1 Mobile Home

A mobile home shall mean a movable or portable over thirty-two (32) feet in length and at least eight (8) feet in width, constructed to be towed on its chassis and designed without a permanent foundation for year-round occupancy, which includes one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity or of two (2) or more units separately towable but designed to be joined into one integral unit, as well as a portable dwelling composed of a single unit. Such vehicle shall contain as an integral part of its construction kitchen facilities and a completely equipped bathroom consisting of a flush toilet, lavatory, and bathtub or shower. All units constructed since 1976 shall comply with the National Mobile Construction and Safety Standards adopted by the U.S. Department of Housing and Urban Development. Units constructed prior to 1976, and do not meet the construction standards of the U.S. Department of Housing and Urban Development (HUD), shall not be permitted in mobile home parks. (# Amendment #-- December 20, 1999

76.1.2 Trailer

A trailer shall mean any vehicle or structure designed to be transported and intended for human occupancy as a dwelling for short periods of time. Such vehicles contain limited or no kitchen and bathroom facilities.

76.1.3 Mobile Home Space

A plot of land within a mobile home park designed for the accommodation of one mobile home in accordance with the requirements set forth in this Ordinance.

76.1.4 Mobile Home Park

Any site or tract of land where three (3) or more mobile homes are located that are utilized as dwelling units and a rental fee is paid to the landowner or park operator.

76.2 Compliance with Regulations

All mobile home parks existing at the time of adoption of this Ordinance are not required to comply with these regulations. However, before any existing park can add additional mobile home sites, or a new park constructed, all requirements of this Ordinance must be met.

76.3 Approval Process

76.3.1 Development Plan

A development plan shall be presented to the administrative office (County Manager or his designated representative). The development plan shall comply with the specifications listed in Section 76.6. A fee shall be paid to the county for each proposal to cover the cost of advertising and administrative costs. (#8) Copies of the development plan shall be forwarded to the Stokes County Planning Board for review and to the County Board of Commissioners for action.

Amendment #8--Amended August 15, 1993 (Amended 12-8-98)

76.3.2 Public Hearing

The administrative officer shall schedule a public hearing on the proposal within sixty (60) days after the proposal is filed. Public notice of the hearing shall be published in a newspaper of general circulation in the community at least once each week for two successive weeks prior to the public hearing. The administrative officer shall also post notice on the property involved for a period of one week prior to the hearing.

76.3.3 Action by the Planning Board

The Planning Board shall review the proposal prior to the public hearing and negotiate with the developer for any changes that might be needed to comply with the Ordinance. The recommendations of the planning board shall be presented to the Board of County Commissioners prior to the public hearing. The planning board may revise its recommendations following the public hearing and present such recommendations to the Commissioners before final action is taken.

76.3.4 Action by the County Board of Commissioners

The Commissioners shall approve, modify, or deny the application for a mobile home park following the public hearing. In making their final decision, the Board of County Commissioners shall insure:

a. The mobile home park will not impair the integrity or character of the surrounding or adjoining land uses, nor be detrimental to the health, morals, or welfare of residents of the area.
b. Careful consideration has been given to the impact of the mobile home park on the community, particularly the additional requirements for transportation, schools, parks and playgrounds.
c. That development will not occur in natural or fragile areas, such as in flood plains.
d. That adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being approved.
e. That adequate measures have been taken or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

76.4 Revocation of Approval

In any case where the requirements of this Ordinance are not being met, the administrative officer shall give the park owner notice of intention to revoke approval at least ten (10) days prior to the review by the County Board of Commissioners. After review, the Board may revoke approval of the mobile home park.

76.5 Expiration

In the case where an approval has not been exercised within one (1) year, the approval shall be null and void. "Exercised" as set forth in this section shall mean that the binding contracts for the construction of the main building have been let; or in the absence of contracts that the main building is under construction to a substantial degree; or that prerequisite conditions involving substantial investment are contracted for or completed (sewage, drainage, etc.). When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the requirements set forth in this Ordinance.

76.6 Development Plan

A plan clearly indicating the developer's intention to comply with the provisions of this Ordinance shall be submitted for approval. Such plans shall be drawn at a scale of not less than one (100) feet to the inch and shall show the following on one or more sheets that are either 15 X 18 inches or 20 X 24 inches in size.

76.6.1 A site plan of the proposed mobile home park.

76.6.2 The name of the mobile home park, the names and addresses of the owner(s) and the designer of the park.

76.6.3 Date, approximate north arrow, and scale.

76.6.4 The boundary line of the tract with accurate linear and angular dimensions drawn to scale.

76.6.5 The locations of existing and platted property lines, streets, buildings, water courses, railroads, bridges, water mains, sewers, culverts, drain pipes and any utility easements, both on the land to be developed into a mobile home park and on land immediately adjoining. The names of adjoining sub-divisions or the names of record or owners of adjoining parcels of un-subdivided land.

76.6.6 The names, proposed location and approximate dimensions of proposed streets, alleys, driveways, entrances, exits, walkways, easements, recreation areas, parks and other spaces, reservations, mobile home spaces, and building lines within the park. This information should be graphically shown only. It is not required to prepare detailed computations or fieldwork above that required to obtain the above information.

76.6.7 Plans of proposed utility layouts (sewer lines, septic tank drainfields, and water and storm drainage) showing feasible connections to existing and proposed utility systems.

76.6.8 Where public water and public sewer is not available, a written statement from the health department shall be submitted with the mobile home park plans that indicate that the park has adequate land area and suitable topography to accommodate the proposed methods of water supply and sewage disposal.

76.6.9 Location and number of garbage receptacles.

76.6.10 Plans for electric lighting.

76.7 **Specifications for Mobile Home Parks**

76.7.1 Mobile Home Space

Each mobile home in a mobile home park shall occupy a designated space having at least five thousand (5,000) square feet, and a width of at least fifty (50) feet, exclusive of common driveways.

76.7.2 Roads

All roads serving a manufactured home park should be paved. Roads should have a fifteen (15)-ft.-paved roadway with at least six (6)-inches compacted ABC stone with a turn around sufficient to allow emergency vehicles to navigate. (Certification shall include but is not limited to receipts showing the amount of stone placed on the road as well as engineering and surveying data, when necessary). The Stokes County Planning & Community Development Department shall determine if the roads are in compliance with the applicable standards. The park owner shall sign a Road Maintenance Agreement, which must be approved by the county attorney.

76.7.3 Parking Spaces

Two (2) off-street driveway parking spaces with not less than four (4) inches of crushed stone or other suitable material on a well-compacted sub-base shall be provided for each mobile home space. Required parking spaces may be included within the five thousand (5,000) square feet required for each mobile home space.

76.7.4 Recreation Area

At least four hundred (400) square feet of recreation space shall be provided for each mobile home.

76.7.5 Spacing

No mobile home or other structures within a mobile home park shall be closer to each other than twenty-five (25) feet, except that storage or other auxiliary structure for the exclusive use of the mobile home may be closer to that mobile home than twenty-five (25) feet.

76.7.6 Spacing from Exterior Boundary

No mobile home shall be located closer than thirty (30) feet to the exterior boundary of the park or a bounding street or highway right-of-way. Buildings used for laundry or recreation purposes shall be located no closer than forty (40) feet to the exterior boundary of the park or the right-of-way of a boundary street or highway.

76.7.7 Flood Prevention

Mobile home parks shall be located on ground not susceptible to flooding and graded so as to prevent any water from ponding or accumulating on the premises.

76.7.8 Lighting

All mobile home parks shall be adequately lighted.

76.7.9 Tiedowns

All mobile homes shall have tiedowns, which comply with North Carolina Regulations for Mobile Homes.

76.7.10 Underpinning

All units shall be underpinned (skirted) by a solid, non-flammable material.

76.8 **Utilities Required**

76.8.1 Water

An adequate and safe supply of water shall be readily available at each mobile home park space. Each mobile home park shall obtain water from a public water supply when available, and when unavailable, from a source approved by the County Health Department. The supply shall be adequate for the park requirements. The drinking, cooking, laundry and general bathroom water supply for each individual mobile home shall be obtained from faucets or other plumbing connections located within each mobile home.

76.8.2 Sanitary Sewer

Each mobile home park shall be provided with an adequate sewage disposal system, either by connecting to a public sewage system or septic tank system approved by the County Health Department and/or North Carolina Department of Natural Resources and Community Development, Division of Environmental Management. All sewage waste from toilets, showers, bathtubs, lavatories, wash basins, refrigerator drains, sinks, faucets, and water using appliances not herein mentioned, shall be piped into the mobile home park sewage disposal system.

76.8.3 Electricity

Each mobile home located in a mobile home park shall be provided with electricity sufficient enough to safely meet the maximum anticipated requirements of a mobile home. All wiring connections from the meter to mobile home must comply with the National Electrical Codes.

76.9 **Facilities Required**

76.9.1 Garbage and Trash Containers

One (1) covered garbage and trash container twenty-four (24) gallon maximum capacity shall be provided for each mobile home; containers shall be placed on racks which are approved by the County Health Department, and such racks shall be located within the mobile home park at a point which is readily accessible for collection. In lieu of requiring individual garbage and trash container for each mobile home, other approved garbage and trash disposal facilities may be provided with the approval of the County Manager.

76.9.2 Concrete Pads

Each mobile home must be provided with a minimum ten- (10) feet by ten (10) feet concrete pad at the front entrance.

Section 77 Individual Mobile Home-Temporary Permits

Not more than one (1) mobile home may be permitted in a rear yard of residential district as an accessory use on a temporary basis, provided the Board of Adjustment shall make a finding that a personal hardship situation justifying such a special exception exists. Such hardship shall involve the need to care for elderly parents or other dependents of the family occupying the principal building. Reasons justifying separate quarters shall be incompatibility, contagious disease, illness, or lack of adequate space within the principal building. Temporary use for permits may be issued in such cases for one (1) year, (#9) but may be renewed for successive one (1) year periods so long as the hardship continues to exist. Application for renewal of a temporary use permit shall be made thirty (30) days prior to the expiration date of said permit. All applications shall be made to the Zoning Enforcement Officer and, in turn, shall be reviewed by the Board of Adjustment to determine relative need. All such mobile homes must have access to water and sewer systems approved by the municipality in which it is located or the County Health Department if location is beyond the corporate limits, and said mobile homes must be maintained in such a way as to create no nuisance conditions. Furthermore, if any such mobile home must be situated closer to the side or rear yard line than permitted by the dimensional requirements of the district, a variance must be obtained from the Board of Adjustment.

Section 77A Permits

The Stokes County Health Department shall not issue a permit on a site or tract of land, until the mobile home park enforcement officer has determined that the mobile home lot complies with the county mobile home park regulations.
The Stokes County Inspection Department shall not issue a permit to hook up electricity for a mobile home until the mobile home park enforcement officer has determined that the mobile home lot has been constructed in compliance with the county mobile home park regulations.

Amendment #9--Amended December 5, 1983

Section 78 Temporary Uses (#26)

Intent

Certain uses shall not be allowed as permanent uses but may be allowed on a temporary basis if conditions are met that will minimize their impact on neighboring land uses.

78.1 **Turkey Shoots**

78.1.1 Definition

A place or event where contestants discharge shotguns in competition for prizes.

78.1.2 Time Limits on Activity

This activity shall be limited to 90 consecutive days of operation once a year. If the 90 day period goes from one year to the next, then applicant must wait at least 6 months before applying for a new permit.

Amended August 3, 2010

78.1.3 Zoning Districts Where Allowed

(R-A) Residential Agricultural District. Turkey Shoots on vacant tracts of land shall not be allowed unless the event is associated and supplemental to some other use, club, church, civic organization, recreational use.

Amended August 3, 2010

78.1.4 Operating times

No later than 10:30 P.M. on Friday or Saturday.

Amended August 3, 2010

78.1.5 Separation Distance From Property Line

All turkey shoots shall be established with the firing line to target area perpendicular to a road right-of-way with the following exception: Sites which have more than one road right-of-way must designate the road on which the front yard is to be located. A firing line must be established perpendicular to that road and for a distance of 200 feet from and parallel to any other intersecting road right-of-way. The minimum distance from the firing point measured in the direction of fire to the nearest property line shall be 300 feet. If a backstop is used, this separation may be reduced to 200 feet.

Amended October 2, 1990
Amended August 3, 2010

However, the Zoning Enforcement Officer can still deny a permit if he determines that there exists special circumstances which create a risk of harm to life and/or property at or around the site of the turkey shoot even though all dimensional requirements are met.

78.1.6 Backstop Standard

All backstops shall be constructed of a material that will allow the shot to penetrate and not pass through it, shall be of a minimum thickness of two feet and maintained at a height of four feet above the target.

78.1.7 Health Requirements

Provisions for adequate and proper health standards shall be met in disposal of garbage and refuse and in sanitary facilities. Any food service shall be approved by the Stokes County Health Department Environmental Health Section.

Amended August 3, 2010

78.1.8 Off-Street Parking

Adequate off-street parking shall be provided outside of a public right-of-way.

78.1.9 Limited Access

The property where the turkey shoot is located shall be fenced, posted or otherwise controlled to insure the safety of contestants, spectators and the public at large.

78.2 **Mobile home on residential lot while rebuilding or constructing a permanent site-built home.**

78.2.1 Conditions When Allowed

During the construction of a new site-built home or after a home has been substantially damaged by fire or other disaster so as to make the same inhabitable, a property owner may live temporarily in a mobile home during the construction phase. This activity is permitted only in zoning districts where mobile homes are allowed by right.

78.2.2 Time Limitation on Use

The mobile home may be used as a dwelling for a maximum of 2 years. Also, it shall be removed within 30 days after the principal dwelling is occupied.

78.2.3 Health and Safety Requirements

The mobile home shall be connected to an approved septic tank system and to an approved electrical source.

78.3 Contractors' Offices and Storage Trailers

Modular units may be used as temporary offices and storage trailers on construction sites until the permanent buildings are finished. This unit shall be removed within thirty (30) days of completion of the project.

Amended August 3, 2010

78.4 Temporary Storage Units (Portable On-site Storage Unit)

Portable On-site Storage Unit, (Pods or other similar containment units). Road trailers intended for highway use, mobile homes and camper trailers are not permitted as temporary storage units. Temporary Storage Trailers are not to be set up as permanent structures. Electrical service, plumbing fixtures or mechanical service is not permitted on temporary storage units. Time limit is one (1) year.

Amended August 3, 2010

78.5 Classrooms

Modular units used as temporary classrooms may be permitted in any residential district. The local school board shall determine how long they remain on the site.

Amended August 3, 2010

78.6 Circuses and Carnivals

Circuses and carnivals may be permitted in any residential-agriculture, business or industrial district for a period not to exceed one (1) week.

78.7 Sale Lots (Nonprofit Organizations)

Any nonprofit charitable, civic organization, religious, or educational organization may operate a sales lot for Christmas trees, baked goods, or collected clothing, and the like in any residential-agriculture, commercial or industrial district provided no structure is erected other than tents or temporary booths.

Amended August 3, 2010

78.8 Seasonal/Outdoor Markets

1) The establishment of temporary sales lots, and seasonal agricultural product sales are permitted for a period of ninety days upon the issuance of a temporary use permit by the Stokes County Department of Planning and Community Development.
2) The use shall not require the construction of a permanent building.
3) Off-street parking shall be required and be determined by Article VII Section 74.
4) The use shall, including all sales items, parking, and maneuvering shall meet a minimum 15 foot setback from any abutting residential property line and street rights of way.

78.9 Temporary Signs

Any use allowed under this section may provide temporary signs, both on-site and off-site. However, they shall not exceed 24 square feet in area and shall be removed within 24 hours of the completion of the temporary activity.

78.10 Political Signs

Non-illuminated temporary political signs and posters are permitted. Such signs shall be removed within 14 days after the election for which they were made.

Approval Process

No permit shall be required for any of the temporary uses listed, except turkey shoots, classrooms, contractors' offices and storage trailers, seasonal/outdoor markets; however, the Enforcement Officer shall require any temporary use to cease operation if it clearly violates the conditions specified in this section.

The Zoning Enforcement Officer shall approve all temporary uses as follows:

With Permit

*Classrooms
*Contractors' office and storage trailers
* Seasonal/Outdoor Markets
*Turkey Shoots

Without Permit

*Sales lots in commercial districts
*Circuses and carnivals
*Temporary signs

ARTICLE VIII

Use Requirements by District

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

Section 80 R-A—Residential-Agricultural District

The RA Residential Agricultural district is intended to accommodate crop and livestock production, forestry, as well as scattered non-farm development on traditional rural lots. Site-built, modular, or multi-sectional Class A, and single - wide Class B manufactured dwelling units situated on scattered individual lots and in minor subdivisions shall be the principal residential use permitted provided they meet the required lot and yard size requirements. Any proposal for a major single-family subdivision, manufactured home park or multi-family development shall require a rezoning from the RA Residential Agricultural district to an appropriate residential district that will accommodate a more intense use.

80.1 Permitted Uses

Agricultural Tourism (Agritourism):
Any activity carried out on a bona fide farm or ranch as defined by NC General Statute 160D-903 (a) (1-4) that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities. these activities include farming, ranching, historic, cultural, harvest your own activities, or natural activities and attractions, or an agricultural use where agricultural products are processed, treated sorted, blended, made, stored, sold at wholesale or retail for consumption on or off the premises, offers tours to the public, provides samples and or sales of agricultural products or similar uses that will enhance the over-all property for agricultural tourism. See North Carolina General Statute references, GS106-581.1 Agriculture defined, and GS99E-30 Definitions, GS99e-31 Liability, GS99E-32 Warning required concerning Agritourism Activity Liability. (Amended 12-3-13), (Amended 6-1-21)

1) **Where Allowed:** RA (Residential Agricultural) District
2) **Minimum Area:** 5 Acres
3) **Eligibility:** Property must meet eligibility requirements as a bona fide farm as defined in NCGS 160D-903 (a) (1-4) to be considered for an Agricultural tourism facility or site.

Site Plan (Minor Agricultural facility): A development sketch plan is required for all Minor Agricultural Tourism proposals unless otherwise noted.

Minor Facility Development Plan – Sketch plan of property including the following items.

- Proposed activities
- Access and parking
- Sanitation

Site Plan (Major Agricultural facility): A development site plan is required for all Conditional Zoning proposals for a Major Agricultural Tourism facility. (See section 80.2- Conditional Zoning Site Development Requirements)

Agricultural Tourism – Minor Facilities

Agricultural Tourism – Minor facility -A minor facility includes the production, sale and display of agricultural products, offers tours or provides an agricultural related activity.

(Activities may include but are not limited to the following activities)

- Agricultural crop mazes
- Barnyard and Fiber animals
- Farm Roadside stands (products produced on site)
- Horse riding & walking trails
- Greenhouse & Nurseries (products produced on site)
- Hayrides
- Historic Farms
- Holiday Farms – (Christmas trees produced on site)
- Orchards
- Organic farming
- Pick Your Own Farms
- Pumpkin patches
- School Field Trips
- Vineyards
- Weddings (Catering from permitted establishment only)
- Wineries

Agricultural Tourism – Major Facilities – (Conditional Zoning approval required)

Agricultural Tourism – Major facility - A major facility includes the uses listed under a minor facility plus a proposal for restaurants, tourist homes, outdoor event or activity/centers or similar uses associated with agricultural tourism activity. These uses should enhance the over-all property in relation to tourism and is subject to the issuance of a conditional zoning permit.

(Activities may include but are not limited to the following activities)

- Permitted uses listed under Minor Agricultural Facility
- Hunting clubs & lodges
    - (10) ten acre minimum
- Zip Lines
    - (10) ten acre minimum

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

Backyard workshops

Bed and Breakfast Home (28)

1) The Bed and Breakfast Home shall be operated by the landowners, or their agent who shall reside on the property.
2) The use shall be located in a structure which was originally constructed as a dwelling.
3) Meals served on the premises shall be only for guests of the facility.

Amendment #28--Amended February 2, 1993

4) All facilities shall comply with the rules governing the sanitation of Bed and Breakfast Homes as specified in 15A NCAC 18A.2200.
5) Signage shall be limited to one home occupation sign or one free standing sign not to exceed three square feet in area. Either it may be directly or indirectly illuminated.

Churches and their customary related uses including cemeteries,

1) Provided that all buildings and graves shall be set back at least twenty (20) feet from any property line

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

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

Kindergartens and day nurseries,

1) Provided that not less than one hundred (100) square feet of play area is provided for each child,
2) Provided further said aggregate play space is surrounded by a sturdy fence at least four (4) feet in height.

Manufactured Home on individual Lots

The intent of the standards set forth in this ordinance is to ensure that manufactured homes are compatible with other dwellings in residential areas and meet a minimum construction, placement and architectural standard while providing an alternative means of affordable housing.

It is intended that any single section manufactured home that is a home of record with the Stokes County Tax and the Planning and Community Development Department as of December 31, 1999, shall be considered "grand fathered "and shall not need to meet these requirements. However, if this home of record is moved or placed on any new lot or parcel the requirements listed below shall apply with the exception to requirements **# 2, 6, and 7**.

Mobile Homes may be situated on individual lots in the R-A Residential Districts, provided they meet the same lot and yard size requirements as immobile homes and meet the following requirements.

1. The single section home shall be on a lot/parcel located in an area in which the majority of the surrounding housing uses are of the same type.
2. The manufactured home shall have a minimum nominal width of fourteen (14) feet.
3. The towing apparatus, wheels, axles, and transporting lights shall be removed.
4. The manufactured home shall be oriented parallel or within a ten (10) degree deflection of being parallel to lot frontage. Any request to vary this requirement shall be made to the BOA. This requirement shall only apply to tracts that are of one (1) acre of size or smaller or if the location of the home is within 125 feet from the center of the road or street.
5. The home shall have a continuous, permanent masonry foundation or masonry curtain wall installed under the perimeter of the manufactured home and be constructed in accordance with the NC building code, being unpierced except for required access and ventilation. Installation must be completed prior to final electrical service is approved.

6. The exterior appearance of the home shall consist of a siding that is made of one or more of the following: vinyl, aluminum, wood, press board, stucco, brick or stone, but in no case shall the reflectivity of the siding be greater than a flat white paint.
7. The main roof of each manufactured home shall be a gable or hip roof pitch of at least a minimum nominal vertical rise of three (3) feet for each twelve (12) feet or greater horizontal run. The roof shall be covered with material that is residential in appearance, including but not limited to approved wood, asphalt composition or fiberglass shingles, but excluding corrugated aluminum, fiberglass or metal roofs.
8. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the manufactured home shall be installed or constructed in compliance with the standards of the NC State building code, attached and anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum size of twenty (20) square feet. It is the intention to prohibit the use of wood stairs only at the entrance to a manufactured home.

Amendment -- December 20, 1999

Manufactured Home, Class A

Amendment –August 1, 1997

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

Public safety facilities such as fire and police stations and rescue squad headquarters,

1) Provided that all vehicles and equipment shall be stored indoors.
2) Provided further that all buildings shall be set back at least twenty (20) feet from all property lines
3) Shall be designed and landscaped in such a way as to blend in with the surrounding area.

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

1) Such facilities are essential to the service of the community, and no vehicles or materials shall be stored on the premises. (#13)
2) All buildings and apparatus shall be set back at least twenty (20) feet from all property lines and shall be designed and landscaped in such a way as to blend in with the surrounding area.

ACCESSORY DWELLINGS
STANDARDS FOR ACCESSORY DWELLINGS

Only one (1) accessory dwelling shall be permitted on a tract containing a single-family dwelling unit (the principal dwelling) and conforming accessory structures in any single-family zoning district. Accessory dwelling units (ADU's) shall conform to the following standards:

1. Accessory dwellings shall not be considered a separate unit for the purpose of determining minimum lot size or maximum density.

2. Home occupations allowed under the zoning district of the principal dwelling may be located within the Accessory dwelling. The Accessory dwelling shall not be used for the sole purpose of an occupation.
3. The maximum gross floor area for the ADU shall be 1500 sq. ft. The minimum gross floor area for the UDO shall be 210 sq. ft. and must meet the minimum requirements of the North Carolina State Residential Building Code.

4. The Accessory dwelling may be located within an attached or detached garage or attached / detached from the principal dwelling. Accessory dwellings attached to the principal dwelling shall be of like construction (connection of a manufactured structure to the principal dwelling shall not be allowed.)
5. A secondary drive may provide access to the Accessory dwelling.

6. The use of travel trailers, campers, or similar units as an ADU is prohibited. In the RA zoning district, manufactured (mobile) homes would be allowed as ADUs; maximum gross floor area standards would not be applicable, minimum square footage of 840 square feet.

7. The use of class A and class B mobile homes as Accessory dwellings are only allowed in the RA zoning district, on a minimum lot size of two acres. Mobile homes as accessory dwellings shall conform to all standards set forth in this ordinance and must conform to RA zoning setbacks.

8. The design and construction of the accessory structure housing the ADU shall be compatible with the design and construction of the principal dwelling unit. To ensure compatibility, the following standards shall be met:

9. The design of the accessory structure housing the ADU shall be of the same architectural style as that of the principal dwelling unit.

10. The roof style and pitch of the accessory structure housing the ADU shall be the same as that of the principal dwelling unit.

11. The exterior building materials used for the accessory structure housing the ADU shall be the same as those used for the principal dwelling unit. When the principal dwelling unit is predominantly brick or stone, the use of smooth wood or fibrous cement siding for the accessory structure housing the ADU is appropriate to reinforce the secondary nature of the ADU.

12. Windows and doors used for the accessory structure housing the ADU shall be the same style and design as those used for the principal dwelling unit. Window and door placement on the accessory structure housing the ADU shall mimic that of the principal dwelling unit.

13. Exterior paint colors for the accessory structure housing the ADU shall be the same as (or complementary to) those for the principal dwelling unit. In the RA zoning district, manufactured (mobile) homes would be allowed as ADUs; maximum gross floor area standards would not be applicable.

14. The Accessory dwelling shall not be deeded and/or conveyed to separate and/or distinct ownership separately from the principal dwelling unit unless there is sufficient property to be surveyed to meet all minimum property sizes, zoning ordinance, environmental health codes and minimum NC Building codes.

    Accessory dwellings are allowed in residential zoning districts (but must conform to the North Carolina Residential Code for single-family dwellings and are subject to environmental health regulations, regulations pertaining to the zoning district where the accessory dwelling will be constructed, subdivision regulations, deed restrictions, HOA restrictions and regulations where applicable).

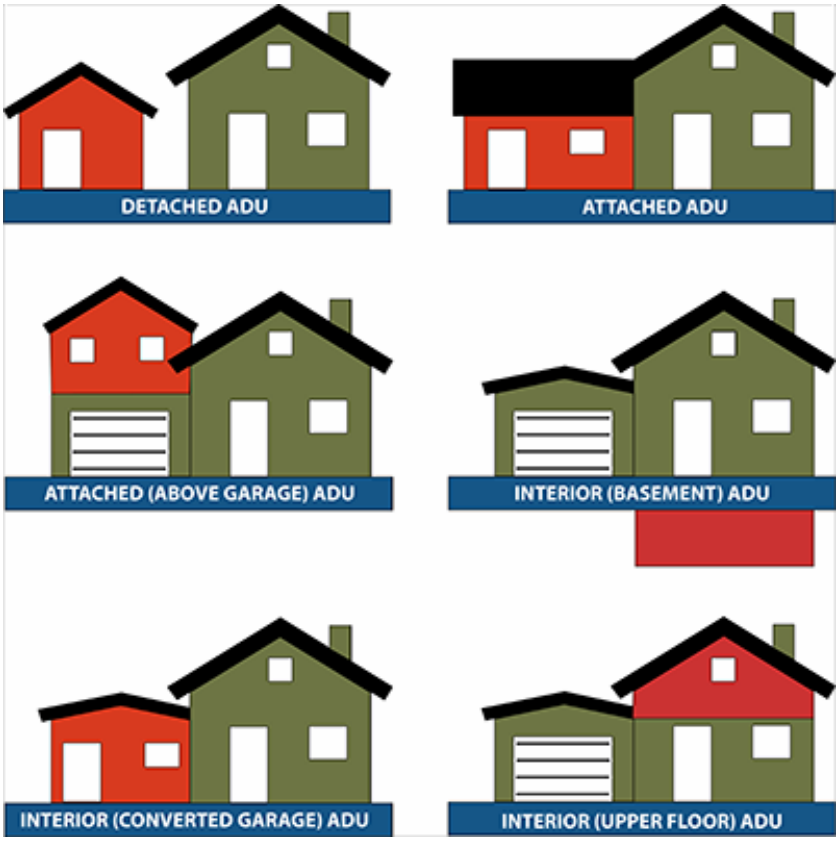
Residential Zoning Districts
(Where Accessory dwellings are allowed)

RA - *Residential Agricultural*
R20 – *Residential Low Density*
R15 – *Residential Moderate Density*
R8 – *Residential High Density*
RE – *Residential Exclusive*
RR – *Restricted Residential*
RM – *Residential Mixed*

1. Adequate off-street parking shall be provided for any vehicles owned by occupants of the Accessory dwelling. Such parking areas shall not include grass or turfed areas.

2. Setbacks for Accessory dwellings are as follows. The front setback will be equal to the minimum front; rear and side setbacks imposed generally upon lots in the same zoning classification.
3. Accessory dwellings must have a permanent continuous masonry foundation or masonry curtain wall installed under the perimeter of the home.

(19.1) Examples of Accessory Dwellings.



(19.2) - **This ordinance will replace Stokes County Zoning Ordinance*

80.1 (page 42) under the paragraph stating "Single section manufactured homes used as an accessory structure on tracts of 10 acres or larger" as it pertains to a two-year temporary permit. This will also replace ordinance in the list of permitted uses for RA zoning district under "Manufactured Home on Individual Lots" page 43 stating "single section mobile homes used as an accessory structure on tracts ten acres or larger shall be issued a temporary permit valid for a period of two years".

Signs, subject to Section

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Single Family Dwellings

Temporary Sawmill

80.1.1 **Recreational Vehicle (RV) Temporary Stay**

1. Recreational Vehicle (RV) Temporary Stay permit is for constructing a new residence or reconstruction of a residence that is no longer habitable or has been substantially damaged.

2. A permit for a Recreational Vehicle (RV) Temporary Stay can be obtained once a building permit has been issued for new construction or for renovation or repair. This does not apply for obtaining permits for double-wide or single-wide mobile homes.

3. At the time a site plan is submitted for a building permit, the location of the Recreational Vehicle (RV) Temporary Stay must be shown on the site plan and meet the set-back requirements. All Recreational Vehicle (RV) Temporary Stay permits for renovations will need a separate temporary saw service (***electrical permit***). (***Temporary saw is already included with all new construction permits***).

4. The Recreational Vehicle (RV) Temporary Stay is valid for a maximum period of eighteen (**18**) months. The cost is five hundred dollars (**$500.00**) for the permit. A property owner may request a one-time extension of six (**6**) months for delays caused by exceptional reasons beyond the control of the property owner or contractor as to be determined and approved by the Planning & Inspections Director. The cost for the six (**6**) month extension is two hundred and fifty dollars (**$250.00**)

5. A permit will not be issued without a finalized septic system from Environmental Health with the site plan showing Single-Family Dwelling and Recreational Vehicle (RV) that both were approved for use of septic system.

6. The Septic approval for renovations will be determined by Environmental Health. Septic system should be marked off in a manner to prevent encroachment during the period of construction.

7. The Recreational (RV) Temporary Stay must have an approved potable water supply, well or public water finalized through the Environmental Health Department.

8. No more than one (**1**) Recreational Vehicle (RV) Temporary Stay permit may be issued per individual parcel under these provisions. A pop up or pop out camper will not be allowed.

9. The RV for a recreational Vehicle (RV) Temporary Stay permit will expire thirty (**30**) days after receiving certificate of occupancy for the permanent residential structure; at which time the electrical, water and septic connection must be removed.

10. If the property is located in a special flood hazard area as determined by the official FIRM or DFIRM maps for Stokes County the location of the Recreational Vehicle (RV) Temporary Stay unit must comply with the standards of the Stokes County Flood Damage Prevention Ordinance.

Recreational vehicle use is prohibited inside the Stokes County Zoning District with two exceptions:

1. Recreational Vehicles are permitted to be used in approved campgrounds.

2. Recreational Vehicles are permitted to be used if complying with the Recreational Vehicle Temporary Stay Permit in the Residential Agricultural District only.

11. Recreational Vehicle shall NOT be used for camping, “man caves”, or as a primary or secondary residence within the Stokes County Zoning District.

12. Recreational Vehicle shall NOT have any structure added to the RV such as porches, patios, decks, rooms, roofs, or any other structure is to be added to an RV within the Stokes County Zoning District.

Recreational Vehicle Definitions:

Any Class A, Class B, Class C, Fifth Wheel, Travel Trailer, Pop Up, or any combination of the before mentioned is considered a Recreational Vehicle.

Amendment – June 6,2023

80.2 Conditional Zoning Site Development Requirements

A site plan as defined in Section 41 of this Ordinance shall be prepared for all conditional zoning applications and be sealed by an Architect, Engineer, or Surveyor licensed in the State of North Carolina.

■ **Agritourism – Restaurant/Lodging**

1) A Restaurant or Lodging facility associated with and located on property that qualifies as an Agritourism venue site.
2) The primary purpose of the Restaurant and or Lodging facility is to serve the Agritourism venue site.
3) If the Agritourism venue site ceases operation then the Restaurant and or Lodging facility no longer qualifies to operate under the zoning classification of RA-CZ.
4) The Restaurant and or Lodging facility must meet all applicable federal, state and local laws.
5) All parking shall be on site and designated for that use.
6) Any signage, which identifies the use shall be in accordance with standards of the underlying zoning district. (Amended 10-2-18)

■ **Airstrip/Landing facility, Private Accessory Use**

1) That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property.
2) That the proposed use will not constitute a nuisance to properties located in residential districts with respect to noise, dust fumes, light, vibration, or traffic.
3) That the proposed use and design will comply with all applicable Federal Aviation Administration regulations.
4) All appropriate FAA permit (s) shall be included with site plan submission.
5) Access to the runway and taxiway shall be controlled by an approved method of either a vegetative or natural buffer or by fencing of at least six (6) feet in height as determined by the Boards.
6) There shall be a minimum three hundred (300) foot setback from the airstrip and any adjoining residential property.
7) Accessory structures associated with the use shall meet the setback requirements for primary structures for the underlying zoning district.

■ **Amusements/Recreational Facilities For Profit (Outdoors) (swimming pools, fishing lakes, etc.)**

1) Outdoor amusement facilities shall be separated by an opaque screen from any abutting property that is located in a residential district, if required by the Boards.
2) No amusement facilities, such as miniature golf courses, skateboard courses, or mechanical rides shall be located within 100 feet of any adjoining property line.
3) Hours of operation shall be no earlier than 7:00 a.m. and no later than 12:00 midnight.
4) No motorized vehicles, such as motorcycles, dirt bikes, go-carts, all terrain vehicles, and similar uses shall not be allowed.
5) The site shall have a minimum of ten (10) acres, unless otherwise determined by the Board.
6) Ancillary support activities, such as the provision of food and beverages, parking and other concessions or vending operations shall permitted on a

temporary basis and only during the operation of the use and shall meet all applicable state health codes.

7) All parking shall be on site in a designated area for that purpose.
8) Any signage, which identifies the use, shall be in accordance with standards of the underlying zoning district.

■ **Cemeteries (For profit)**

1) Burial sites, tombstones, crypts, monuments and mausoleums must be located at least 100 feet from any street right-of-way line or abutting property line.
2) Buildings for maintenance, management, rent and/ or sale of cemetery lots must conform to building type permitted in the zoning district. The owners of the property, and their agents, heirs, or assignees shall be responsible for the continual maintenance and up keep of all facilities and grounds.
3) The proposed use shall be located on a tract no less than ten (10) contiguous acres exclusive of transportation easements and rights of ways.
4) Burial sites shall be located 100 feet from any surrounding well and 15 feet from any part of a septic system.
5) A plat shall be recorded with the Register of Deeds naming the cemetery and describing the location of the burial site(s).

Amended 10-2-07

■ **Cemeteries (Church-off site)**

1) Burial sites, tombstones, crypts, monuments and mausoleums, or other structures must be located at least 30 feet from any public street right-of-way line or abutting property line.
2) Burial sites shall be located 100 feet from any surrounding well and 15 feet from any part of a septic system.
3) Buildings for maintenance, management of cemetery lots must conform to building type permitted in the zoning district. The owners of the property, and their agents, heirs, or assignees shall be responsible for the continual maintenance and up keep of all facilities and grounds.
4) The proposed use shall be located on a tract no less than one (1) contiguous acre exclusive of transportation easements and rights of ways.
5) A plat shall be recorded with the Register of Deeds naming the cemetery and describing the location of the burial site(s).

Adopted 10-2-07

■ **Campground, RV park (Temporary Occupancy)**

1) Property shall be accessed from a street/road maintained and approved by the North Carolina Department of Transportation and able to serve any emergency vehicle (s).
2) The park shall have all weather roads and driveways that directly abut all spaces.
3) Parking space shall be provided to accommodate at least one (1) automobile and camping vehicle for each camping spaces.
4) A safe, adequate and conveniently located water supply shall be provided for each park in compliance with applicable regulations.

5) Each park shall provide a sewage disposal/dumping facility, approved by the Stokes County Environmental Health Department. Any dumping facility shall be located one hundred (100) feet from any adjoining property line, structure or campsite.
6) No Class A, B, manufactured home shall be allowed to be set-up or stored in a recreational park, except for a home being used exclusively for the park manager or operator dwelling.
7) The recreational park may contain a retail sales counter and/or a coin operated machines for the park residents' use only, provided they are completely enclosed within a structure and there is no exterior advertising.
8) Garbage and refuse disposal shall be provided in a permanent dumpster container (s). Each dumpster shall be enclosed by a wood fence of at least six (6) feet in height to prevent debris from leaving the containment area.
9) The use shall be of a temporary nature and the same occupant shall not occupy any campsite, cabin, or vehicle for a period of more than ninety (90) days.
10) All parking shall be on site in a designated area for that purpose.
11) The use shall be located on tracts of land that are at least 10 contiguous acres, unless otherwise determined by the Board.

■ **Commercial/Private Outdoor Kennel (Boarding and breeding of animals, birds and reptiles)**

1) The outdoor containment of animals shall be at least 100 feet from any abutting property line.
2) Any outside containment areas shall be screened with a solid fence that is at a height of no less than six (6) feet.
3) Review and inspection by Stokes County Animal Control.
4) Minimum lot area of (3) three acres shall be required and the use shall be considered an accessory use on a lot containing a principal single family dwelling and shall be located in the rear of the property.

■ **Community Centers, Clubs, and Lodges**

■ **County Governmental Uses / Board of Commissioners**

■ **Driving ranges and accessory uses**

1) The use shall be located at least 200 feet from any exterior property line.
2) The use shall be located on tracts that are at least 10 contiguous acres, unless otherwise approved by the Board.
3) The minimum lot depth from the tees to the end of the driving area shall be one thousand (1000) feet or the end shall be controlled with netting and/or berms to prevent golf balls from leaving the property.
4) Fencing, netting, trees, or other control measures shall be provided around the perimeter of the driving area so as to prevent golf balls from leaving the driving area.
5) Driveway access to the facility shall be paved and must directly connect to a road that is maintained the NC DOT. Residential and gravel roads shall not be allowed for access.

■ **Golf Courses and Accessory Uses**

1) Fencing, netting, trees, or other control measures shall be provided around the perimeter of the golf course so as to prevent golf balls from leaving the course area.
2) There shall be a minimum distance of fifty (50) feet between any clubhouse or other principle building (s) and any adjacent residentially zoned property.
3) Driveway access to the facility shall be paved and must directly connect to a road that is maintained the NC DOT. Residential and gravel roads shall not be allowed for access.

■ **Hunting Clubs & Lodges**

1) (10) ten acre minimum

■ **Land Clearing / Inert Debris Landfill Minor (Off-site) For Profit**

1) Any landfill shall obtain all applicable permits and comply with the standards of the Stokes County Environmental Health Department and the State of North Carolina. All approved permits shall be submitted in the site plan to the Planning Department prior to issuance of the Conditional Zoning permit.
2) Driveway access to the facility shall be paved and must directly connect to a road that is maintained the by NC DOT. Residential and gravel roads shall not be allowed for access.
3) All driveways which serve the site shall be wide enough to accommodate two way traffic at all times and an area on the site shall be provided accommodate vehicles entering the site so that no traffic waiting to enter the site will be backed up on any public right-of-way.
4) The maximum area of the site shall be limited to two (2) acres.
5) A minor landfill shall be limited to a maximum period of operation of three (3) years from the date of issuance of the Conditional Zoning permit.
6) No portion of any such landfill shall be located within 100 feet of any exterior property line. This includes structures, equipment storage, parking areas, and fill areas. Access drives may cross this area but not be placed laterally through this area.
7) The fill area shall be located at least 100 feet from any existing drinking water well at the time of approval.
8) A fifteen (15) foot evergreen tree buffer of at least 6 ft. in height shall be retained around the exterior property line.
9) Vehicular and pedestrian access to the site must be controlled; the site must be closed and secured during hours of non-operation.
10) Operation of use shall be between the times of 7:00am and 5:00pm, Monday through Saturday.
11) No filling of any kind is allowed within 100 feet of the regulatory flood plain or floodway fringe or within any drainage ways.
12) The landfill operator shall be responsible for removal of any and all debris, dirt, or other materials that fall from vehicles entering or leaving the landfill from all adjoining streets. Failure to comply shall constitute a

violation of this ordinance and shall constitute grounds for revocation of the operating permit.

13) A surety bond or irrevocable letter of credit in an amount to be determined by the County Manager and with consultation with a consulting engineer shall be provided to ensure that any active landfill area will be closed in an approved fashion. The amount of the bond will be based upon the maximum acreage expected to be in use at any given time. No more than 25% of the total area to be filled may be actively used at any one time.
14) A reclamation plan shall be provided to show how the site will be reclaimed upon the closing of the landfill. Upon closure, a minimum of one (1) foot of clean soil, graded to maximum slope of three to one (3:1), and stabilized with vegetation or by other approved means.

■ **Land Clearing / Inert Debris Landfill Major (Off-site) For Profit**

1) Any landfill shall obtain all applicable permits and comply with the standards of the Stokes County Environmental Health Department and the State of North Carolina. All approved permits shall be submitted in the site plan to the Planning Department prior to issuance of the Conditional Zoning permit.
2) Driveway access to the facility shall be paved and must directly connect to a road that is maintained the by NC DOT. Residential and gravel roads shall not be allowed for access.
3) All driveways which serve the site shall be wide enough to accommodate two way traffic at all times and an area on the site shall be provided accommodate vehicles entering the site so that no traffic waiting to enter the site will be backed up on any public right-of-way.
4) No portion of any such landfill shall be located within 100 feet of any exterior property line. This includes structures, equipment storage, and parking areas. Access drives may cross this area but not be placed laterally through this area.
5) The fill area shall be located at least 300 feet from any residential district and any existing drinking water well at the time of approval.
6) A fifteen (15) foot evergreen tree buffer of at least 6 ft. in height shall be retained around the exterior property line.
7) Vehicular and pedestrian access to the site must be controlled; the site must be closed and secured during hours of non-operation.
8) Operation of use shall be between the times of 7:00am and 5:00pm, Monday through Saturday.
9) The fill area of the site shall be limited to a maximum of 10 acres.
10) No filling of any kind is allowed within 100 feet of the regulatory flood plain or floodway fringe or within any drainage ways.
11) The landfill operator shall be responsible for removal of any and all debris, dirt, or other materials that fall from vehicles entering or leaving the landfill from all adjoining streets. Failure to comply shall constitute a violation of this ordinance and shall constitute grounds for revocation of the operating permit.
12) A surety bond or irrevocable letter of credit in an amount to be determined by the County Manager and with consultation with a consulting engineer

shall be provided to ensure that any active landfill area will be closed in an approved fashion. The amount of the bond will be based upon the maximum acreage expected to be in use at any given time. No more than 25% of the total area to be filled may be actively used at any one time.

13) A reclamation plan shall be provided to show how the site will be reclaimed upon the closing of the landfill. Upon closure, a minimum of one (1) foot of clean soil, graded to maximum slope of three to one (3:1), and stabilized with vegetation or by other approved means.

■ **Motor Cross Course (Including bicycles without motors)**

1) Outdoor amusement facilities shall be separated by an opaque screen from any abutting property that is located in a residential district, if required by the Boards.
2) All structures and accessory structures shall be located at least 100 feet from any adjoining property lines.
3) No portion of the riding course shall be located within 100 feet of any adjoining property line.
4) Hours of operation shall be no earlier than 7:00 a.m. and no later than 12:00 midnight.
5) The site shall have a minimum of ten (10) acres, unless otherwise determined by the Board.
6) Ancillary support activities, such as the provision of food and beverages, parking and other concessions or vending operations shall permitted on a temporary basis and only during the operation of the use and shall meet all applicable state health codes.
7) All parking shall be on a permanent site in a designated area for that purpose.
8) Any signage, which identifies the use, shall be in accordance with standards of the underlying zoning district.

■ **Parks (Public or Private)**

■ **Planned Recreational Resort**

Board of Commissioners subject to the following conditions:

1) All conditional use requests are subject to the requirements and procedures as set forth in Article XIII (Conditional Uses).
2) A site plan reviewed by the Planning Board and approved by the Board of Commissioners.
3) The minimal tract shall be ten (10) acres unless otherwise determined by the board.
4) Any structure (including parking areas or swimming pools shall be at least one hundred (100) feet from any exterior property line.
5) Each dwelling unit shall comply with the off-street parking requirements found in Article VII, Section 74.
6) Recreational facilities such as trails, swimming pools, golf courses shall be secondary activities to the residential uses and be primarily for the benefit

of the people residing there. Such uses as skeet, and firing ranges, motor cross, and go-cart tracts shall not be permitted.

7) Common open space shall be a part of the project.
8) Overall density shall not exceed that allowed in the current zoning classification, although clustering is allowed.
9) Roads within the project shall be public or private and comply with the development standards in the county subdivision regulations.
10) No billboards or freestanding commercial signs shall be permitted on site; however, one (1) identification sign shall be permitted at each entrance, directional signs shall be allowed on site as needed.

Amendment #231—amended 2-7-2012

■ **Stables/Riding Academies (Commercial)**

1) Stables with more than 10 stalls shall be located on tracts that are 10 contiguous acres or larger, unless otherwise determined by the Board.
2) All structures and accessory structures shall be located at least 100 feet from any adjoining property lines.

■ **Rest and Convalescent homes not used primarily for the treatment of contagious diseases, alcoholics, drug addicts or psychotics**

■ **Wireless Telecommunications Facilities** (See Appendix B)

■ **Zip Lines**

1) (10) ten acre minimum

80.3 Dimensional Requirements

80.3.1 One-acre (43,560) square feet minimum required lot area per dwelling unit. Lots with access to public water will be allowed a minimum thirty thousand (30,000) square feet lot area per dwelling unit provided that there is an adequate supply of water to provide fire suppression. (According to NFPA 1142)

(Amended 12-8-98 & 12-2-03)
Amendment #3--Amended June 20, 1983
Amendment #15--Amended August 20, 1984
Amendment #16--Amended January 7, 1985
Amendment #5--Amended June 20, 1983

80.3.2 One hundred (100) feet minimum required mean lot width per dwelling unit.

80.3.3 Forty (40) feet minimum required front yard.

80.3.4 Minimum required rear yard shall be twenty (20) percent of the mean lot depth, provided that such rear yard need not exceed thirty (30) feet.

80.3.5 Minimum required side yards for the principal building shall be at least fifteen (15) feet.

80.3.6 Maximum permissible lot coverage by the principal building shall not exceed twenty (20) percent of the total area.

80.3.7 Height of buildings shall not exceed thirty-five (35) feet unless the depth of the front and total width of the side yards required herein shall be increased by one (1) foot for each two (2) feet or fraction thereof of the buildings height in excess of thirty-five feet.

80.3.8 Accessory building shall not be erected in any required front or side yard or within twenty (20) feet of any street or highway line or within ten (10) feet of any lot line not a street or highway line. An accessory building or use may be located not less than (10) feet from any property line. Manufactured housing shall not be used as an accessory building. Accessory buildings shall not be located on lots less than five (5) acres unless there is a principal building (dwelling) on the lot.

80.3.9 Off-street parking shall be provided as required in Section 74 of this Ordinance.

Section 81 R-20 Residential—Low-Density

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

81.1 Permitted Uses

All uses permitted in the R-A (Residential-Agricultural) District except mobile homes, mobile home parks, rest homes, clubs and lodges, and backyard workshops.

The raising of livestock for commercial or non-commercial use including, but not limited to the following: cows, pigs, horses, chickens, turkeys, ducks, sheep, goats, and other similar type animals shall not be a permitted use in the R-20 zoning district. On parcels of land five (5) acres and greater horses are permitted for the personal use of the property owner. This does not permit commercial boarding, breeding, or training of horses.

(Amended 2-2-99)

Bed and Breakfast Home

1) The Bed and Breakfast Home shall be operated by the landowners, or their agent who shall reside on the property.
2) The use shall be located in a structure which was originally constructed as a dwelling.
3) Meals served on the premises shall be only for guests of the facility.

Amendment #28--Amended February 2, 1993

4) All facilities shall comply with the rules governing the sanitation of Bed and Breakfast Homes as specified in 15A NCAC 18A.2200.
5) Signage shall be limited to one home occupation sign or one free standing sign not to exceed three square feet in area. Either may be directly or indirectly illuminated.

81.2 Conditional Zoning

County Governmental Uses/Board of Commissioners

81.3 Dimensional Requirements

81.3.1 Twenty thousand (20,000) sq. ft. minimum required lot area per dwelling unit. Public sewer and water systems are required. Where there is not an adequate supply of water for fire suppression, (Reference NFPA 1142) the minimum lot size shall be one-acre (43,560) sq. ft.

81.3.2 One hundred (100) feet minimum lot width.

81.3.3 Thirty (30) feet minimum front yard.

81.3.4 Minimum required side yards for the principal building shall be at least fifteen (15) feet.

81.3.5 Minimum required rear yard shall be twenty (20) percent of the mean lot depth, provided that such yard need not exceed thirty (30) feet.

81.3.6 Maximum permissible lot coverage by the principal building and all accessory buildings shall not exceed thirty (30) percent of the total lot area.

81.3.7 Height of buildings shall not exceed thirty-five (35) feet unless the depth of the front and total width of the side yard required herein shall be increased by one (1) foot for each two (2) feet, or fraction thereof, of building height in excess of thirty-five (35) feet.

81.3.8 Accessory buildings shall not be erected in any required front or side yard or within twenty (20) feet of any street or highway line or within ten (10) feet of any lot line not a street or highway line. An accessory building or use may be located in a rear yard provided it is located not less than ten (10) ten feet from any property line.

81.3.9 Off-street parking shall be provided as required in Section 74 of this Ordinance.

Section 82 R-15 Residential-Moderate Density

This district is intended to be a quiet, medium-density neighborhood consisting of limited home occupations, and limited private and public community uses. It is expected that public water and sewer facilities will be available to each lot, providing a healthful environment.

82.1 Permitted Uses

All uses permitted in the R-20 Residential District.

Bed and Breakfast Home

1) The Bed and Breakfast Home shall be operated by the landowners, or their agent who shall reside on the property.
2) The use shall be located in a structure which was originally constructed as a dwelling.
3) Meals served on the premises shall be only for guests of the facility.

Amendment #28--Amended February 2, 1993

4) All facilities shall comply with the rules governing the sanitation of Bed and Breakfast Homes as specified in 15A NCAC 18A.2200.
5) Signage shall be limited to one home occupation sign or one free standing sign not to exceed three square feet in area. Either may be directly or indirectly illuminated.

82.2 Conditional Zoning

County Government Uses (#15)/Board of Commissioners (#16)

82.3 Dimensional Requirements

82.3.1 Fifteen thousand (15,000) square feet minimum lot area per dwelling unit.

82.3.2 Ninety (90) feet minimum mean lot width.

Amendment #15--Amended August 20, 1984.
Amendment #16--Amended January 7, 1985.
Amendment #28--Amended February 2, 1993.

82.3.3 Thirty (30) feet minimum front yard.

82.3.4 Minimum required side yards for the principal building shall be at least twelve (12) feet, except that any side yard abutting a street or highway shall be at least fifteen (15) feet.

82.3.5 Minimum required rear yard shall be twenty (20) percent of the mean lot depth, provided that such yard need not exceed thirty (30) feet.

82.3.6 Maximum permissible lot coverage by the principal building and all accessory buildings shall not exceed thirty (30) percent of the total lot area.

82.3.7 Height of buildings shall not exceed thirty-five (35) feet unless the depth of the front and total width of the side yard required herein shall be increased by one (1) foot for each two (2) feet, or fraction thereof, of the building height in excess of thirty-five (35) feet.

82.3.8 Accessory buildings shall not be erected in any required front or side yard within twenty (20) feet of any street or highway line or within ten (10) feet of any lot line not a street or highway line. An accessory building or use may be located in a rear yard provided it is located not less than ten (10) feet from any property line.

82.3.9 Off-street parking shall be provided as required in Section 74 of this Ordinance.

Section 83 R-8 Residential High Density District

Residential District is established as a district where two family and multi-family dwellings will be permitted along with single family dwellings. It is required that public water and sewer facilities will be available to each lot in such districts.
Amendment #28--Amended February 2, 1993.

83.1 Permitted Uses

Clubs and lodges, catering exclusively to members and their guests
Multi-family dwellings
Offices for doctors, dentists, chiropractors, lawyers, accountants, insurance persons and similar professional persons
Rest and convalescent homes not used primarily for the treatment of contagious diseases, alcoholics, drug addicts, or psychotics
Rooming and boarding houses and tourist homes
Signs, subject to Section 73
Two family dwellings
Single family dwellings (#14)

Bed and Breakfast Home

1) The Bed and Breakfast Home shall be operated by the landowners, or their agent who shall reside on the property.
2) The use shall be located in a structure which was originally constructed as a dwelling.
3) Meals served on the premises shall be only for guests of the facility.

Amendment #28--Amended February 2, 1993

4) All facilities shall comply with the rules governing the sanitation of Bed and Breakfast Homes as specified in 15A NCAC 18A.2200.
5) Signage shall be limited to one home occupation sign or one free standing sign not to exceed three square feet in area. Either may be directly or indirectly illuminated.

83.2 Conditional Zoning

County Governmental Uses (#15)/Board of Commissioners (#16)

83.3 Dimensional Requirements

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

Amendment #14--Amended February 6, 1984
Amendment #15--Amended August 20, 1984
Amendment #16--Amended January 7, 1985

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

83.3.3 Thirty (30) feet minimum required front yard.

83.3.4 Minimum required side yard for the principal building shall be at least ten (10) feet except that any side yard abutting a public thoroughfare shall be at least fifteen (15) feet.

83.3.5 Minimum required rear yard shall be twenty percent of the mean lot depth, provided that such rear yard need not exceed thirty (30) feet.

83.3.6 Maximum permissible lot coverage by the principal building and all accessory buildings shall not exceed forty (40) percent of the total lot area.

83.3.7 Height of buildings shall not exceed thirty-five (35) feet unless the depth of the front yard and total width of the side yards required herein shall be increased by one (1) foot for each two (2) feet or fraction thereof, of building height in excess of thirty-five (35) feet.

83.3.8 Accessory buildings shall not be erected in any required front or side yard or within twenty (20) feet of any street or highway line or within five (5) feet of any lot line not a street or highway line. An accessory building or use may be located in a rear yard provided it is located not less than ten (10) feet from the rear yard line.

83.3.9 Off-street parking shall be provided as required in Section 74 of this Ordinance.

Section 84 Residential Exclusive District

RE - Residential Exclusive - The residential exclusive district is intended primarily for major single-family subdivisions (see definition of major subdivision) consisting of only site-built or modular dwellings. Doublewides (Class A-multi-sectional) and singlewides (Class B with HUD label or Class C without HUD label) manufactured units are specifically excluded. Other compatible uses as specified in the Table of Uses by districts are permitted, but the range of uses is limited and the development criteria may be higher than in the RA (Residential Agricultural) district.

84.1 Permitted Uses

Site -built homes
Modular homes

All uses permitted in the R-A (Residential-Agricultural) District except mobile homes, rest homes, clubs, lodges, and backyard workshops.

The raising of livestock for commercial or non-commercial use including, but not limited to the following: cows, pigs, horses, chickens, turkeys, ducks, sheep, goats, and other similar type animals shall not be a permitted use in the RE zoning district. On parcels of land five (5) acres and greater horses are permitted for the personal use of the property owner. This does not permit commercial boarding, breeding, or training of horses.

Bed and Breakfast Home

1) The Bed and Breakfast Home shall be operated by the landowners, or their agent who shall reside on the property.
2) The use shall be located in a structure which was originally constructed as a dwelling.
3) Meals served on the premises shall be only for guests of the facility.
   Amendment #28--Amended February 2, 1993
4) All facilities shall comply with the rules governing the sanitation of Bed and Breakfast Homes as specified in 15A NCAC 18A.2200.
5) Signage shall be limited to one home occupation sign or one free standing sign not to exceed three square feet in area. Either may be directly or indirectly illuminated.

84.2 Conditional Zoning

County Governmental Uses/Board of Commissioners

84.3 Dimensional Requirements

84.3.1 One-acre (43,560) square feet minimum required lot area per dwelling unit. Lots with access to public water will be allowed a minimum thirty thousand (30,000) square feet lot area per dwelling unit provided that there is an adequate supply of water to provide fire suppression. (According to NFPA 1142)

(Amended 12-8-98 & 12-2-03)

84.3.2 One hundred (100) feet minimum required mean lot width per dwelling unit

84.3.3 Forty (40) feet minimum front yard

84.3.4 Minimum required side yards for the principal building shall be at least fifteen (15) feet.

84.3.5 Minimum required rear yard shall be twenty (20) percent of the mean lot depth, provided that such yard need not exceed thirty (30) feet.

84.3.6 Maximum permissible lot coverage by the principal building and all accessory buildings shall not exceed thirty (30) percent of the total lot area.

84.3.7 Height of buildings shall not exceed thirty-five (35) feet unless the depth of the front and total width of the side yard required herein shall be increased by one (1) foot for each two (2) feet, or fraction thereof, of building height in excess of thirty-five (35) feet.

84.3.8 Accessory buildings shall not be erected in any required front or side yard or within twenty (20) feet of any street or highway line or within ten (10) feet of any lot line not a street or highway line. An accessory building or use may be located in a rear yard provided it is located not less than ten (10) ten feet from any property line.

84.3.9 Off-street parking shall be provided as required in Section 74 of this Ordinance.

Section 85 Residential Restricted

RR Residential Restricted - The residential restricted district is intended primarily for major single-family subdivisions (see definition of major subdivision) consisting of only site-built, modular dwellings or Class A manufactured units. Other compatible uses as specified in the Table of Uses by districts are permitted, but the range of uses is limited and the development criteria may be higher than in the RA (Residential Agricultural) district.

85.1 Permitted Uses

Site -built homes
Modular homes
Class A - manufactured housing, (multi-sectional doublewide and triple-wide)

All uses permitted in the R-A (Residential-Agricultural) District except, rest homes, clubs, and lodges.
The raising of livestock for commercial or non-commercial use including, but not limited to the following: cows, pigs, horses, chickens, turkeys, ducks, sheep, goats, and other similar type animals shall not be a permitted use in the RR zoning district. On parcels of land five (5) acres and greater horses are permitted for the personal use of the property owner. This does not permit commercial boarding, breeding, or training of horses.

Bed and Breakfast Home

1) The Bed and Breakfast Home shall be operated by the landowners, or their agent who shall reside on the property.
2) The use shall be located in a structure which was originally constructed as a dwelling.
3) Meals served on the premises shall be only for guests of the facility.
   Amendment #28--Amended February 2, 1993
4) All facilities shall comply with the rules governing the sanitation of Bed and Breakfast Homes as specified in 15A NCAC 18A.2200.
5) Signage shall be limited to one home occupation sign or one free standing sign not to exceed three square feet in area. Either may be directly or indirectly illuminated.

85.2 Conditional Zoning

County Governmental Uses/Board of Commissioners

85.3 Dimensional Requirements

85.3.1 One-acre (43,560) square feet minimum required lot area per dwelling unit. Lots with access to public water will be allowed a minimum thirty thousand (30,000) square feet lot area per dwelling unit provided that there is an adequate supply of water to provide fire suppression. (According to NFPA 1142)

(Amended 12-8-98 & 12-2-03)

85.3.2 One hundred (100) feet minimum required mean lot width per dwelling unit

85.3.3 Forty (40) feet minimum front yard

85.3.4 Minimum required side yards for the principal building shall be at least fifteen (15) feet.

85.3.5 Minimum required rear yard shall be twenty (20) percent of the mean lot depth, provided that such yard need not exceed thirty (30) feet.

85.3.6 Maximum permissible lot coverage by the principal building and all accessory buildings shall not exceed thirty (30) percent of the total lot area.

85.3.7 Height of buildings shall not exceed thirty-five (35) feet unless the depth of the front and total width of the side yard required herein shall be increased by one (1) foot for each two (2) feet, or fraction thereof, of building height in excess of thirty-five (35) feet.

85.3.8 Accessory buildings shall not be erected in any required front or side yard or within twenty (20) feet of any street or highway line or within ten (10) feet of any lot line not a street or highway line. An accessory building or use may be located in a rear yard provided it is located not less than ten (10) ten feet from any property line.

85.3.9 Off-street parking shall be provided as required in Section 74 of this Ordinance.

Section 86 Residential Mixed

RM - Residential Mixed - The residential mixed district is intended primarily for major single-family subdivisions (see definition of major subdivision) consisting of only site-built, modular dwellings or Class A (Multi-sectional) and Class B (single wides) manufactured units. Other compatible uses as specified in the Table of Uses by districts are permitted, but the range of uses is limited and the development criteria may be higher than in the RA (Residential Agricultural) district.

86.1 Permitted Uses

Site -built homes

Modular homes

Class A - manufactured housing, (multi-sectional doublewide and triple-wide)

Class B - manufactured housing, (singlewides that meet HUD standards)

Bed and Breakfast Home

1) The Bed and Breakfast Home shall be operated by the landowners, or their agent who shall reside on the property.
2) The use shall be located in a structure which was originally constructed as a dwelling.
3) Meals served on the premises shall be only for guests of the facility.

Amendment #28--Amended February 2, 1993

4) All facilities shall comply with the rules governing the sanitation of Bed and Breakfast Homes as specified in 15A NCAC 18A.2200.
5) Signage shall be limited to one home occupation sign or one free standing sign not to exceed three square feet in area. Either may be directly or indirectly illuminated.

The intent of the standards set forth in this ordinance is to ensure that manufactured homes are compatible with other dwellings in residential areas and meet a minimum construction, placement and architectural standard while providing an alternative means of affordable housing.

Single section manufactured homes used as an accessory structure on tracts ten (10) acres or larger shall be issued a temporary permit valid for a period of two (2) years. When the two- (2) year duration period has ended a new two (2) year temporary permit must be issued and so forth until the home is removed.

The use of a single section Class B manufactured home may be used as an accessory structure for the purpose of building a new or rebuilding a damaged home with the issuance of a temporary permit valid only for a period of two (2) years. Any variance to this requirement shall be made to the Board of Adjustment. It is the intent that the requirements 1-12 shall not apply to homes being used for this purpose.

It is intended that any single section manufactured home that is a home of record with the Stokes County Tax and the Planning and Community Development Department as of December 31, 1999 shall be considered "grand fathered" and shall not need to meet these requirements. However, if this home of record is moved or placed on any new lot or parcel the requirements listed below shall apply with the exception to requirement # 2, 6, and 7.

Mobile Homes may be situated on individual lots in the R-M Residential Districts, provided they meet the same lot and yard size requirements as immobile homes and also meet the following requirements.

1) The single section home shall be on a lot/parcel located in an area in which the majority of the surrounding housing uses are of the same type.
2) The manufactured home shall have a minimum nominal width of fourteen (14) feet.
3) The towing apparatus, wheels, axles, and transporting lights shall be removed.
4) The manufactured home shall be oriented parallel or within a ten (10) degree deflection of being parallel to lot frontage. Any request to vary this requirement shall be made to the BOA. This requirement shall only apply to tracts that are of one (1) acre of size or smaller or if the location of the home is within 125 feet from the center of the road or street.
5) The home shall have a continuous, permanent masonry foundation or masonry curtain wall installed under the perimeter of the manufactured home and be constructed in accordance with the NC building code, being unpierced except for required access and ventilation. Installation must be completed prior to the final electrical service is approved.
6) The exterior appearance of the home shall consist of a siding that is made of one or more of the following: vinyl, aluminum, wood, press board, stucco, brick or stone, but in no case shall the reflectivity of the siding be greater than a flat white paint.
7) The main roof of each manufactured home shall be a gable or hip roof pitch of at least a minimum nominal vertical rise of three (3) feet for each twelve (12) feet or greater horizontal run. The roof shall be covered with a material that is residential in appearance, including but not limited to

approved wood, asphalt composition or fiberglass shingles, but excluding corrugated aluminum, fiberglass or metal roofs.

8) Stairs, porches, entrance platforms, ramps and other means or entrance and exit to and from the manufactured home shall be installed or constructed in compliance with the standards of the NC State building code, attached and anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum size of twenty (20) square feet. It is the intention to prohibit the use of wood stairs only at the entrance to a manufactured home.

9) The home shall have a minimum nominal heated square footage size of 840 square feet.

10) Manufactured homes constructed before July 1, 1976 that do not meet the construction standards of the U.S Department of Housing and Urban Development (HUD), will be permitted only for agricultural uses only.

11) Two (2) accessory mobile homes are allowed on parcels ten (10) acres or greater. If the primary residence is a singlewide mobile home, only one accessory mobile is allowed (Individual lot requirements are waived for the accessory mobile home).

12) Parcels less than ten (10) acres will be required to provide each home site with an individual recorded lot.

All uses permitted in the R-A (Residential-Agricultural) District except rest homes, clubs and lodges.

The raising of livestock for commercial or non-commercial use including, but not limited to the following: cows, pigs, horses, chickens, turkeys, ducks, sheep, goats, and other similar type animals shall not be a permitted use in the RM zoning district. On parcels of land five (5) acres and greater horses are permitted for the personal use of the property owner. This does not permit commercial boarding, breeding, or training of horses.

Amendment # -- December 20, 1999

86.2 Conditional Zoning

County Governmental Uses/Board of Commissioners

86.3 Dimensional Requirements

86.3.1 One-acre (43,560) square feet minimum required lot area per dwelling unit. Lots with access to public water will be allowed a minimum thirty thousand (30,000) square feet lot area per dwelling unit provided that there is an adequate supply of water to provide fire suppression. (According to NFPA 1142)

(Amended 12-8-98 & 12-2-03)

86.3.2 One hundred (100) feet minimum required mean lot width per dwelling unit.

86.3.3 Forty (40) feet minimum front yard

86.3.4 Minimum required side yards for the principal building shall be at least fifteen (15) feet.

86.3.5 Minimum required rear yard shall be twenty (20) percent of the mean lot depth, provided that such yard need not exceed thirty (30) feet.

86.3.6 Maximum permissible lot coverage by the principal building and all accessory buildings shall not exceed thirty (30) percent of the total lot area.

86.3.7 Height of buildings shall not exceed thirty-five (35) feet unless the depth of the front and total width of the side yard required herein shall be increased by one (1) foot for each two (2) feet, or fraction thereof, of building height in excess of thirty-five (35) feet.

86.3.8 Accessory buildings shall not be erected in any required front or side yard or within twenty (20) feet of any street or highway line or within ten (10) feet of any lot line not a street or highway line. An accessory building or use may be located in a rear yard provided it is located not less than ten (10) ten feet from any property line.

86.3.9 Off-street parking shall be provided as required in Section 74 of this Ordinance.

Section 87 Residential Multi-family

RMF - Residential Multi-family - The residential multi-family district is intended primarily for high-density uses such as apartments, townhouses, and condominiums. Other compatible uses as specified in the table of uses are permitted, but the range of uses is more limited and the development criteria may be higher than the RA district. Any multi-family development shall meet the supplemental development criteria as specified in Article XIII, Section 135 of this ordinance.

87.1 Permitted Uses

Duplexes
Apartments
Townhouses
Condominiums

87.2 Dimensional Requirements

For multi-family development, the minimum lot shall be 30,000-sq. ft. for the first dwelling, 20,000-sq. ft. for the second through fifth dwelling, and 15,000 sq. ft. per unit in excess of five. However, the Stokes County Health Department may require larger lot sizes where public water and sewer is not available.

87.3 Conditional Zoning
County Governmental Uses/Board of Commissioners

Section 88 Manufactured Housing Park

MHP - Manufactured Housing Park - The manufactured housing park district is intended primarily for manufactured housing parks. Other compatible uses as specified in the table of uses are permitted, but the range of uses is more limited and the development criteria may be higher than the RA district. Any manufactured housing park development shall meet the supplemental development criteria as specified in Article VII, Section 76 of this ordinance.

88.1 Permitted Uses

Manufactured Housing Park for Class B and C manufactured homes

88.2 Conditional Zoning
County Governmental Uses/Board of Commissioners

Section 89 H-B Highway Business District

Highway Business District is established as a district in which the principal use of land is for retail trade establishments and the provisions of services to the traveling public. A development plan shall be prepared for all uses in the H-B Highway Business District and sealed by an Architect, Engineer, or Surveyor licensed in the State of North Carolina containing the following information:

A. The location, floor plans and general exterior dimensions of main and accessory buildings.
B. Location, arrangement, and dimensions of truck loading and unloading spaces and docks.
C. Architectural plans all for proposed buildings.
D. Location, design and dimensions of vehicular entrances, exits, and drives.
E. Ground cover, streams topography, slopes, banks, and ditches.
F. The location, dimensions, and arrangements of areas to be devoted to plantings, lawns, trees, and other plants.
G. Location and materials of walls and fences.
H. Specific drainage systems, as it relates to the site and adjoining properties.
I. Location, arrangements and dimensions of automobile parking spaces, width of aisles, width of bays, angled parking and sidewalk layouts.
J. The plans for proposed utility layouts, including sanitary sewers, storm sewers, water distribution lines and electrical service.
K. Plans for refuse disposal equipment and method of refuse disposal such as compactors or dumpsters. An opaque or decorative fence of a least six (6) feet in height shall enclose all dumpsters.
L. Preliminary sediment control plan. Developer must submit a copy of the approved sediment control plan prior to development or construction.
M. Delineation of areas to be constructed in phases and sequential order.
N. An analysis of anticipated traffic volume.
O. The plans for proposed utility layouts, including sanitary sewer, storm sewers, water distribution lines, natural or propane gas lines, telephone and electrical service (all utilities shall be constructed to local government body standards, if applicable).
P. Evidence that the North Carolina Department of Transportation has been made aware of the proposed development and that the developer will coordinate for the development with this agency.

89.1 Permitted Uses

Airport and Flying Field (Commercial, Principal Use)

1) That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property.
2) That the proposed use will not constitute a nuisance to properties located in residential districts with respect to noise, dust fumes, light, vibration, or traffic.
3) The site shall have a minimum of fifty (50) acres and/or airstrip size and layout shall conform to current FAA requirements. The appropriate FAA permit (s) shall be included with site plan submission.
4) There shall be a minimum three hundred (300) foot distance between the airport property and the nearest existing residential uses.
5) Security fencing shall be provided, sufficient to control access to runways and taxiways. The fencing shall be a minimum six (6) feet in height.

Amusement/Recreational Facilities (Outdoors) (swimming pools, fishing lakes, playgrounds, etc.)

1) Outdoor amusement facilities shall be separated by an opaque screen from any abutting property that is located in a residential district, if required by the Boards.
2) No amusement facilities, such as miniature golf courses, skateboard courses, or mechanical rides shall be located within 100 feet of any adjoining property line.
3) Hours of operation shall be no earlier than 7:00 a.m. and no later than 12:00 midnight.
4) No motorized vehicles, such as motorcycles, dirt bikes, go-carts, all terrain vehicles, and similar uses shall not be allowed.
5) The site shall have a minimum of ten (10) acres.
6) Ancillary support activities, such as the provision of food and beverages, parking and other concessions or vending operations shall permitted on a temporary basis and only during the operation of the use and shall meet all applicable state health codes.
7) All parking shall be on site in a designated area for that purpose.
7) Any signage, which identifies the use, shall be in accordance with standards of the underlying zoning district.

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

Apple packaging shed.

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

Automobile, vehicle repair/service garage

1) No storage of materials, parts, tires or dismantled vehicles shall be allowed in the front yard of any vehicle repair/service garage.
2) Storage of all materials, parts, tires and dismantled vehicles shall be in the rear of the primary structure and shall be enclosed by a solid fence no less than eight (8) feet in height. No more than ten (10) motor vehicles shall be stored on the premises at any one time.
3) No storable materials, parts, tires or dismantled vehicles shall be stacked or placed to reach a height of six (6) feet.
4) Lighting for the use shall not have a direct beam of light from outdoor fixtures, signs or vehicles maneuvering on the site that will shine into any abutting property located in a residential zoning district or an abutting residential use. The height limit of any light shall be limited to thirty-five (35) feet.

Automobile sales, new and used

1) Parcels used for the purpose of the sale of new or used vehicles/recreational vehicles shall provide off street parking according to Article VII Section 74.
2) The use and accessory uses shall be separated a minimum of thirty (30) feet from any adjoining residential property line.
3) All exterior lighting shall be turned off, except those that are needed for security when the use is not in operation.
4) Lighting for the use shall not have a direct beam of light from outdoor fixtures, signs or vehicles maneuvering on the site that will shine into any abutting property located in a residential zoning district or an abutting residential use. The height limit of any light shall be limited to thirty-five (35) feet.

Bars (On site alcoholic beverage consumption)

1) No such establishment shall be located within two-hundred (200) feet of a church; school (private or public), park, or existing residentially zoned properties or structures.
2) A minimum six (6) foot high opaque fence shall be placed at any adjoining residential property.
3) Lighting for the use shall not have a direct beam of light from outdoor fixtures, signs or vehicles maneuvering on the site that will shine into any abutting property located in a residential zoning district or an abutting residential use. The height limit of any light shall be limited to thirty-five (35) feet.

Barber and beauty shops

Bed and Breakfast Home (#28)

1) The Bed and Breakfast Home shall be operated by the landowners, or their agent who shall reside on the property.
2) The use shall be located in a structure which was originally constructed as a dwelling.
3) Meals served on the premises shall be only for guests of the facility.
4) All facilities shall comply with the rules governing the sanitation of Bed and Breakfast Homes as specified in 15A NCAC 18A 2200.
5) Signage shall be limited to one home occupation sign or one free standing sign not to exceed three (3) square feet in area. Either may be directly or indirectly illuminated.

Boat, motor, and boat trailer sales and service establishments

Building Supply Sales (with storage yard)

1) All outside storage shall be completely screened from view from all streets and adjacent residentially zoned property.
2) Security fencing of at least six (6) feet in height shall be provided around all outside storage areas.
3) All storage areas shall be maintained in a manner so as to limit dust from drifting onto adjoining properties.
4) Lighting for the use shall not have a direct beam of light from outdoor fixtures, signs or vehicles maneuvering on the site that will shine into any abutting property located in a residential zoning district or an abutting residential use. The height limit of any light shall be limited to thirty-five (35) feet.
4) All exterior lighting shall be turned off, except those that are needed for security when the use is not in operation.

Campground, RV park (Temporary Occupancy)

1) Property shall be accessed from a street/road maintained and approved by the North Carolina Department of Transportation and able to serve any emergency vehicle (s).
2) The park shall have all weather roads and driveways that directly abut all spaces.
3) Parking space shall be provided to accommodate at least one (1) automobile and camping vehicle for each camping spaces.
4) A safe, adequate and conveniently located water supply shall be provided for each park in compliance with applicable regulations.
5) Each park shall provide a sewage disposal/dumping facility, approved by the Stokes County Environmental Health Department. Any dumping facility shall be located one hundred (100) feet from any adjoining property line, structure or campsite.
6) No Class A, B, manufactured home shall be allowed to be set-up or stored in a recreational park, except for a home being used exclusively for the park manager or operator dwelling.

7) The recreational park may contain a retail sales counter and/or a coin operated machines for the park residents' use only, provided they are completely enclosed within a structure and there is no exterior advertising.
8) Garbage and refuse disposal shall be provided in a permanent dumpster container (s). Each dumpster shall be enclosed by a wood fence of at least six (6) feet in height to prevent debris from leaving the containment area.
9) The use shall be of a temporary nature and the same occupant shall not occupy any campsite, cabin, or vehicle for a period of more than ninety (90) days.
10) All parking shall be on site in a designated area for that purpose.

Car Wash

1) Building (s) and equipment associated with the use shall have a minimum setback of a least thirty (30) feet from any side and rear yard when abutting a residentially zoned property.
2) A minimum six (6) foot high opaque fence shall be placed at any adjoining residential property.
3) All washing operations shall be contained in a building.
4) Specific areas shall be provided for the manual drying, waxing, polishing and vacuuming of automobiles and other motor vehicles when these services are offered on site. These areas shall not conflict with on site circulation patterns.
5) Hours of operation shall be limited between the hours of 7:00 a.m. and 10:00p.m. when adjoining developed residentially zoned property.
6) Adequate provisions shall be made for the safe and efficient disposal of waste products.

Cemeteries (For profit)

1) Tombstones, crypts, monuments and mausoleums must be located at least 100 feet from any street right-of-way line or abutting property line.
2) Buildings for maintenance, management, rent and/ or sale of cemetery lots must conform to building type permitted in the zoning district. The owners of the property, and their agents, heirs, or assignees shall be responsible for the continual maintenance and up keep of all facilities and grounds.
3) The proposed use shall be located on a tract no less than ten (10) contiguous acres.

Child Care Centers

1) Providing that not less than one-hundred (100) square feet of play area is provided for each child
2) Provided further said aggregate space is surrounded by a sturdy fence at least four (4) feet in height, and provided that each establishment is licensed by the North Carolina Department of Human Resources. (#21)

Amendment #21--Amended May 5, 1986

Churches and their customary accessory uses, but excluding cemeteries.

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

Craft, curio, and sporting goods stores

Commercial/Private Outdoor Kennel

1) The outdoor containment of animals shall be at least 100 feet from any abutting property line.
2) Any outside containment areas shall be screened with a solid fence that is at a height of no less than six (6) feet.
3) Review and inspection from the Stokes County Animal Control.

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

1) All exterior lighting shall be turned off, except those that are needed for security when the use is not in operation.
2) Lighting for the use shall not have a direct beam of light from outdoor fixtures, signs or vehicles maneuvering on the site that will shine into any abutting property located in a residential zoning district or an abutting residential use. The height limit of any light shall be limited to thirty-five (35) feet.

Convenience Store (with gasoline pumps)

1) The use shall be separated at least thirty- (30) feet from any residential use district.
2) Gasoline pumps, canopies (including overhangs), and associated service areas shall not be allowed in any required setback.
3) Lighting for the use shall not have a direct beam of light from outdoor fixtures, signs or vehicles maneuvering on the site that will shine into any abutting property located in a residential zoning district or an abutting residential use. The height limit of any light shall be limited to thirty-five (35) feet.
4) All exterior lighting shall be turned off, except those that are needed for security when the use is not in operation.
5) Lighting for the use shall not have a direct beam of light from outdoor fixtures, signs or vehicles maneuvering on the site that will shine into any abutting property located in a residential zoning district or an abutting residential use. The height limit of any light shall be limited to thirty-five (35) feet.
6) All lighting under canopies shall be recessed.
7) There shall be no more than six (6) fuel service islands containing no more than six (6) fuel pumps each per establishment.
8) No outside storage of materials shall be permitted.
9) All storage tanks shall be located at least 100 feet from any exterior property line.

Convenience Store (without pumps)

1) The use shall be separated at least thirty- (30) feet from any residential use district.
2) Lighting for the use shall not have a direct beam of light from outdoor fixtures, signs or vehicles maneuvering on the site that will shine into any abutting property located in a residential zoning district or an abutting residential use. The height limit of any light shall be limited to thirty-five (35) feet.
3) All exterior lighting shall be turned off, except those that are needed for security when the use is not in operation.
4) Lighting for the use shall not have a direct beam of light from outdoor fixtures, signs or vehicles maneuvering on the site that will shine into any abutting property located in a residential zoning district or an abutting residential use. The height limit of any light shall be limited to thirty-five (35) feet.
5) No outside storage of materials shall be permitted.
6) All storage tanks shall be located at least 100 feet from any exterior property line.

Contractor's office and storage yards

1) Provided any storage yards are fenced by a solid fence not less than six (6) feet in height.
2) No storage shall be allowed in any required setback, and be located at least twenty (20) feet from any public right-of-way.

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

Driving ranges and accessory uses

1) The use shall be located at least 200 feet from any exterior property line.
2) The use shall be located on tracts that are at least 10 acres.
3) The minimum lot depth from the tees to the end of the driving area shall be one thousand (1000) feet or the end shall be controlled with netting and/or berms to prevent golf balls from leaving the property.
4) Fencing, netting, trees, or other control measures shall be provided around the perimeter of the driving area so as to prevent golf balls from leaving the driving area.
5) Driveway access to the facility shall be paved and must directly connect to a road that is maintained the NC DOT. Residential and gravel roads shall not be allowed for access

Essential public safety or public utility facilities, including offices and storage of vehicles and apparatus on the premises

1) Provided all structure shall be set back at least thirty (30) feet from any property line
2) All exposed apparatus shall be enclosed by a woven wire fence at least eight (8) feet in height.

Funeral homes and mortuaries

Funeral Home with Crematorium

1) Must meet all applicable local, state and federal regulations

Fruit stands and produce stands

Golf Courses and Accessory Uses

1) Fencing, netting, trees, or other control measures shall be provided around the perimeter of the golf course so as to prevent golf balls from leaving the course area.
2) There shall be a minimum distance of fifty (50) feet between any clubhouse or other principle building (s) and any adjacent residentially zoned property.
3) Driveway access to the facility shall be paved and must directly connect to a road that is maintained the NC DOT. Residential and gravel roads shall not be allowed for access.

Greenhouses and horticultural nurseries

Grocery and sundries stores

1) Out door lighting associated with the use shall not shine directly into yards or windows of a residential structure.
2) All exterior lighting shall be turned off, except those that are needed for security when the use is not in operation.

Limousine Service (Amended 12-2-03)

Mini-Storage Warehouses

1) The maximum height of the building (s) shall be (20) ft.
2) Outside storage shall be limited to non-commercial RV's and watercraft.
3) Storage of hazardous, toxic, or explosive substances shall be prohibited.
4) No business activity other than rental of storage units shall be conducted on the premises.

Amended December 6, 2005

Motels and tourist cottages

Real estate sales and rental offices

Repair shops for household appliances and fabricating shops for building trades

1) Provided any storage yards are fenced by a solid fence not less than six (6) feet in height.
2) No storage shall be allowed in any required setback, and be located at least twenty (20) feet from any public right-of-way.

Restaurants, including drive-in restaurants

1) Out door lighting associated with the use shall not shine directly into yards or windows of a residential structure.
2) All exterior lighting shall be turned off, except those that are needed for security when the use is not in operation.

Retail Sales and Services

Signs, subject to Section 73

Single Family Dwellings

Stables/Riding Academies (Commercial)

1) The use shall be located on a tract of ten (10) acres or larger.
2) All structures and accessory structures shall be located at least 100 feet from any adjoining property lines.

Truck Stops

1) The minimum area for the use shall be two (2) acres.
2) Lighting for the use shall not have a direct beam of light from outdoor fixtures, signs or vehicles maneuvering on the site that will shine into any abutting property located in a residential zoning district or an abutting residential use. The height limit of any light shall be limited to thirty-five (35) feet.
3) A minimum six (6) foot high opaque fence shall be placed at any adjoining residential property.
4) All parking and circulation areas shall be located at least fifty (50) feet from any adjoining residential property.
5) Building (s) and equipment associated with the use shall have a minimum setback of a least thirty (30) feet from any side and rear yard when abutting a residentially zoned property.
6) Gasoline pumps, canopies (including overhangs), and associated service areas shall not be allowed in any required setback.
7) All lighting under canopies shall be recessed.
8) There shall be no more than two (2) fuel service islands containing no more than four (4) fuel pumps each per establishment.
9) All exterior lighting shall be turned off, except those that are needed for security when the use is not in operation.

And those uses permitted in Section 90.1 C-S (Community Shopping) District. (#22)

89.2 Conditional Zoning

Adult Oriented Establishment (principal or accessory use) including adult arcades, adult bookstores or adult video stores, adult cabarets, adult massage parlors, adult motels, adult motion picture theaters, adult theaters, escort agencies, or any combination or these uses as defined in NC GS 14.202.10 as amended.

1) The location shall not be located within the following areas:
   a) Within 1000 feet of any public or private school
   b) Within 1000 feet of any child care center
   c) Within 500 feet of any church, chapel, or other publicly recognized place of worship.
   d) Within 500 feet of any park or building used by the public and owned by a public entity.
   e) Within 500 feet of any residential zoning district.
   f) Within 1000 feet of any other Adult Establishment.
2) The distance for the separation from the protected uses and adult uses shall be measured form the closest property line of the building occupied by an adult establishment to the nearest property line of the protected use.
3) No more than one Adult Establishment shall be located within the same structure.
4) No non-conforming structure shall be converted for use as an adult business.
5) No residence, apartment, living quarters, or manufactured home shall be located on the parcel where an adult business is located.
6) No other principal or accessory use may occupy the same building, structure, or property within any adult establishment.
7) The entire exterior grounds, including the parking lot, shall be lighted in such a manner that all areas are clearly visible at all times.
8) Any exterior signage shall conform to the requirements of Article VII Section 73, and shall not contain depictions of specified sexual activities, specified anatomical areas, or sexually oriented devices.
9) No loudspeakers or sound equipment shall be used by an adult establishment for the amplification of sound to a level audible beyond the walls of the building in which the business is located.
10) No adult establishment shall be operated in any manner that permits the observation of any persons or material depicting, describing, or related to specified sexual activities, specified anatomical areas, or sexually oriented devices inside the premises from any location outside the building or area of such establishment. This shall apply to any display, decorating, and sign, show window or other opening.
11) The adult establishment shall not conduct or sponsor any special events, promotions, festivals, concerts, or similar activities, which would create a demand for parking spaces beyond the number of spaces, required for the business.
12) The Stokes County Board of Commissioners or Planning Board may require any other condition to help ameliorate the impact of the adult establishment to its surrounding uses.

County Governmental Uses (#15)/Board of Commissioners (#16)

Land Clearing / Inert Debris Landfill Minor (Off-site) Commercial

1) Any landfill shall obtain all applicable permits and comply with the standards of the Stokes County Environmental Health Department and the State of North Carolina. All approved permits shall be submitted in the site plan to the Planning Department prior to issuance of the conditional zoning permit.
2) Driveway access to the facility shall be paved and must directly connect to a road that is maintained the by NC DOT. Residential and gravel roads shall not be allowed for access.
3) All driveways which serve the site shall be wide enough to accommodate two way traffic at all times and an area on the site shall be provided accommodate vehicles entering the site so that no traffic waiting to enter the site will be backed up on any public right-of-way.
4) The maximum area of the site shall be limited to two (2) acres.
5) A minor landfill shall be limited to a maximum period of operation of three (3) years from the date of issuance of the conditional zoning permit.
6) No portion of any such landfill shall be located within 75 feet of any exterior property line. This includes structures, equipment storage, parking areas, and fill areas. Access drives may cross this area but not be placed laterally through this area.
7) The fill area shall be located at least 100 feet from any existing drinking water well at the time of approval.
8) A fifteen (15) foot evergreen tree buffer shall be retained around the exterior property line.
9) Vehicular and pedestrian access to the site must be controlled; the site must be closed and secured during hours of non-operation.
10) Operation of use shall be between the times of 7:00am and 5:00pm, Monday through Saturday.
11) No filling of any kind is allowed within 100 feet of the regulatory flood plain or floodway fringe or within any drainage ways.
12) The landfill operator shall be responsible for removal of any and all debris, dirt, or other materials that fall from vehicles entering or leaving the landfill from all adjoining streets. Failure to comply shall constitute a violation of this ordinance and shall constitute grounds for revocation of the operating permit.
13) A surety bond or irrevocable letter of credit in an amount to be determined by the County Manager and with consultation with a consulting engineer shall be provided to ensure that any active landfill area will be closed in an approved fashion. The amount of the bond will be based upon the maximum acreage expected to be in use at any given time. No more than 25% of the total area to be filled may be actively used at any one time.
14) A reclamation plan shall be provided to show how the site will be reclaimed upon the closing of the landfill. Upon closure, a minimum o one (1) foot of clean soil, graded to maximum slope of three to one (3:1), and stabilized with vegetation or by other approved means.

Land Clearing / Inert Debris Landfill Major (Off-site) Commercial

1) Any landfill shall obtain all applicable permits and comply with the standards of the Stokes County Environmental Health Department and the State of North Carolina. All approved permits shall be submitted in the site plan to the Planning Department prior to issuance of the conditional zoning permit.
2) Driveway access to the facility shall be paved and must directly connect to a road that is maintained the by NC DOT. Residential and gravel roads shall not be allowed for access.
3) All driveways which serve the site shall be wide enough to accommodate two way traffic at all times and an area on the site shall be provided accommodate vehicles entering the site so that no traffic waiting to enter the site will be backed up on any public right-of-way.
4) No portion of any such landfill shall be located within 100 feet of any exterior property line. This includes structures, equipment storage, and parking areas. Access drives may cross this area but not be placed laterally through this area.
5) The fill area shall be located at least 300 feet from any residential district and any existing drinking water well at the time of approval.
6) A fifteen (15) foot evergreen tree buffer shall be retained around the exterior property line.
7) Vehicular and pedestrian access to the site must be controlled; the site must be closed and secured during hours of non-operation.
8) Operation of use shall be between the times of 7:00am and 5:00pm, Monday through Saturday.
9) The fill area of the site shall be limited to a maximum of 10 acres.
10) No filling of any kind is allowed within 100 feet of the regulatory flood plain or floodway fringe or within any drainage ways.
11) The landfill operator shall be responsible for removal of any and all debris, dirt, or other materials that fall from vehicles entering or leaving the landfill from all adjoining streets. Failure to comply shall constitute a violation of this ordinance and shall constitute grounds for revocation of the operating permit.
12) A surety bond or irrevocable letter of credit in an amount to be determined by the County Manager and with consultation with a consulting engineer shall be provided to ensure that any active landfill area will be closed in an approved fashion. The amount of the bond will be based upon the maximum acreage expected to be in use at any given time. No more than 25% of the total area to be filled may be actively used at any one time.

13) A reclamation plan shall be provided to show how the site will be reclaimed upon the closing of the landfill. Upon closure, a minimum of one (1) foot of clean soil, graded to maximum slope of three to one (3:1), and stabilized with vegetation or by other approved means.

Wireless Telecommunication Facilities (See Appendix B)

All those permitted uses and conditionally permitted uses in Section 90.2 C-S Community Shopping

89.3 Dimensional Requirements

89.3.1 Twenty thousand (20,000) square feet minimum lot area.

89.3.2 One hundred (100) feet minimum mean lot width.

Amendment #15--Amended August 20, 1984
Amendment #16--Amended January 7, 1985
Amendment #22--Amended March 3, 1987
Amendment #23--Amended February 20, 1990
Amendment #28--Amended February 2, 1993

89.3.3 Thirty (30) feet minimum front yard.

89.3.4 Ten (10) feet minimum side yard setback.

89.3.5 Twenty (20) feet minimum rear yard setback.

89.3.6 The total ground area covered by the principal building and all accessory buildings shall not exceed fifty (50) percent of the total lot area.

89.3.7 No building shall exceed thirty-five (35) feet in height unless the depth of the front and total width of the side yards required herein shall be increased by one (1) foot for each two (2) feet, or fraction thereof, of building height in excess of thirty-five (35) feet.

89.3.8 Buildings constructed or converted to uses permitted in this district shall provide off-street loading and unloading space as required in Section 75 of this Ordinance.

89.3.9 Off-street parking space shall be provided as required in Section 74 of this Ordinance.

Section 90 C-S Community Shopping District

The Community Shopping District is established as the district in retail trade and consumer service uses that serve the community's and the region's population needs. It is characterized by clustering its units unlike highway business where commercial activities are located in individual structures.

90.1 Permitted Uses

- Alcoholic beverages, packaged, retail sales.
- Automobile parking lots and structures.
- Automobile parts and supplies, new.
- Bakeries, retail.
- Banks and other financial institutions, including loan and financing companies.
- Barber and beauty shops.
- Bed and breakfast homes.
    1) The Bed and Breakfast Home shall be operated by the landowners, or their agent who shall reside on the property.
    2) The use shall be located in a structure which was originally constructed as a dwelling.
    3) Meals served on the premises shall be only for guests of the facility.
    4) All facilities shall comply with the rules governing the sanitation of Bed and Breakfast Homes as specified in 15A NCAC 18A 2200.
    5) Signage shall be limited to one home occupation sign or one free standing sign not to exceed three (3) square feet in area. Either may be directly or indirectly illuminated.

- Billiard or pool halls.
- Bus Stations.
- Business colleges, barber and beauty colleges, art schools, music and dance studios and similar uses, but excluding industrial trade schools.
- Catalogue sales.
- Cabinet, woodworking and upholstery shops.
- Child Care Centers
    1) Providing that not less than one hundred (100) square feet of play area is provided for each child
    2) Provided further said aggregate space is surrounded by a sturdy fence at least four (4) feet in height, and provided that each establishment is licensed by the North Carolina Department of Human Resources. (#21)
- Customary accessory uses and structures.
- Dairy bars and ice cream manufacturing for retail sales on the premises only.
- Dry cleaning and laundry pickup stations and dry cleaning plants having not more than two thousand (2,000) square feet.
- Electric repair shops.
- Exterminators.
- Farm machinery, sales and repairs, provided all open storage areas are screened

- From view by a solid fence not less than six (6) feet in height.
- Floral shops, but not commercial greenhouses.
- Food stores and meat markets, retail only, but excluding the killing or dressing of any flesh or fowl.
- Furriers and fur storage.
- Hotels, inns and motels.
- Jewelry repair and pawn shops.
- Launderettes and Laundromats.
- Libraries, museums and art galleries.
- Locksmiths and gunsmiths.
- Medical and dental clinics and laboratories.
- Newspaper offices and printing plants incidental to such offices.
- Offices, business, professional and public.
- Office supplies and equipment, sales and service.
- Opticians and optical goods stores.
- Photographic studios and camera supply stores.
- Physical culture and reducing salons.
- Printing and publishing and reproduction establishments.
- Public safety.
- Public works and utility facilities, but excluding service and storage yards.
- Radio and television repair shops.
- Restaurants, including drive-in restaurants
    1) Provided such drive-in restaurants are fenced on all sides which abuts residential districts, except that side which abuts a public street. Such fences shall be solid from the ground to a height of six (6) feet.
- Retail establishments such as department, clothing, fabric, shoe, variety, notion, drug, hardware, furniture, appliance, floorcovering, paint, antique, art goods, jewelry, gift, music, toy, sporting goods, book and stationary, magazine, candy, tobacco, pet and hobby and craft stores, but not excluding similar retail outlets.
- Shoe repairs and shine shops.
- Sign, subject to Section 73.
- Stamp redemption stores.
- Tailor, dressmaking and millinery shops.
- Taxicab stands.
- Telephone and telegraph offices.
- Post Offices (#17)
- Theaters, indoor.

90.2 Conditional Zoning

County Governmental Uses (#15)/Board of Commissioners (#16)

90.3 Dimensional Requirements

90.3.1 No other yards are required except that where a lot abuts any residential district there shall be a side yard or rear yard clearance of at least ten (10) feet. Furthermore, upon any side or rear lot line which abuts a residential district shall be a densely planted and maintained buffer strip. No such buffer shall, however, extend nearer to a street right-of-way line than the established buildings line of the adjoining residential lots, and no buffer shall be required upon any yard which abuts a public street.

90.3.2 Every building hereafter erected or structurally altered to exceed fifty (50) feet in height, shall be set back from the front lot line on the ratio of one (1) foot for each two (2) foot rise above said fifty (50) feet, but in no case shall the required setback exceed ten (10) feet.

90.3.3 Buildings converted or constructed to commercial use after the effective date of this Ordinance shall provide off-street loading and unloading berths as required in Section 75 of this Ordinance.

90.3.4 Off-street parking space shall be provided as required by Section 74 of this Ordinance.

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

Section 91 M-I Light Manufacturing District

The M-I Light Manufacturing District is established as a district in which the principal use of the land is for light manufacturing and warehousing uses which normally seek locations on large tracts of land where the operations involved do not detract from the development potential of nearby undeveloped properties. A development plan shall be prepared for all uses in the M-1 Light Manufacturing District and sealed by an Architect, Engineer, or Surveyor licensed in the State of North Carolina containing the following information:

A. The location, floor plans and general exterior dimensions of main and accessory buildings.
B. Location, arrangement, and dimensions of truck loading and unloading spaces and docks.
C. Architectural plans all for proposed buildings
D. Location, design and dimensions of vehicular entrances, exeunt, and drive.
E. Ground cover, streams topography, slopes, banks, and ditches.
F. The location, dimensions, and arrangements of areas to be devoted to plantings, lawns, trees, and other plants.
G. Location and materials of walls and fences.
H. Specific drainage systems, as it relates to the site and adjoining properties.
I. Location, arrangements and dimensions of automobile, width of aisles, width of bays, angled parking and sidewalk layouts.
J. The plans for proposed utility layouts, including sanitary sewers, storm sewers, water distribution lines and electrical service.
K. Plans for refuse disposal equipment and method of refuse disposal such as compactors or dumpsters.
L. Preliminary sediment control plan. Developer must submit a copy of the approved sediment control plan prior to development or construction.
M. Delineation of areas to be constructed in phases and sequential order.
N. An analysis of anticipated traffic volume.
O. The plans for proposed utility layouts, including sanitary sewer, storm sewers, water distribution lines, natural or propane gas lines, telephone and electrical service (all utilities shall be constructed to local government body standards, if applicable).
P. Evidence that the North Carolina Department of Transportation has been made aware of the proposed development and that the developer will coordinate for the development with this agency.
Q. Or any other requirement the Board may deem necessary

91.1 Permitted Uses

- Auction sales, except livestock.
- Banks and other financial institutions, including loan and finance companies.
- Barber and beauty shops.
- Boat and trailer works and sales.
- Building materials storage and sales yards

1) Provided all open storage is fenced by a solid fence not less than six (6) feet in height and not located in any required setback
2) Located at least twenty (20) feet from any public right-of way.

- Contractors' office and storage yards
  1) Provided all open storage is fenced by a solid fence not less than six (6) feet in height and not located in any required setback
  2) Located at least twenty (20) feet from any public right-of way.
- Electrical supply houses and repair shops
  1) Provided all open storage is fenced by a solid fence not less than six (6) feet in height and not located in any required setback
  2) Located at least twenty (20) feet from any public right-of way.
- Exterminators
- Food stores, fruit stands and produce markets.
- Industrial supplies and equipment, sales and service,
  1) Provided all open storage is fenced by a solid fence not less than six (6) feet in height.
- Plumbing and heating supply houses, provided all open storage is fenced by a solid fence not less than six (6) feet in height *and not located in any required setback and be located at least twenty (20) feet from any public right-of-way.*
- Public safety facilities such as fire and police stations and rescue squads.
- Public works and public utility facilities, including service and storage yards, provided they are fenced by a solid fence not less than six (6) feet in height.
- Restaurants, including drive-in restaurants.
- Service stations, including major repair work, provided that all gasoline pumps shall be located at least twelve (12) feet behind the property line.
  1. No storage of materials, parts, tires or dismantled vehicles shall be allowed in the primary structure and shall be enclosed by a solid fence no less than eight (8) feet in height.
  2. No storable materials, parts, tires or dismantled vehicles shall be stacked or placed to reach a height of six (6) feet.
- Signs subject to Section 73.
- Sign painting and fabricating shops.

91.2 Conditional Zoning

- Air Conditioning and heating equipment manufacturing.
- Alcohol and alcohol beverages manufacturing.
- Amusement, recreational and sporting goods manufacturing.
- Apparel and clothing manufacturing, including hosiery.
- Automobile parking lots and structures.
- Automobile parts and accessories manufacturing.
- Bakeries and other establishments manufacturing prepared food products for wholesale distribution.
- Bedding and carpet manufacturing and cleaning establishments.
- Belting and brake linings, manufacturing.
- Boat and trailer works and sales.

- Bookbinding.
- Bottling works.
- Business machines manufacturing.
- Cabinet, casket, woodworking and upholstery shops.
- Cafeterias and snack bars to serve employees of the industrial concern in which they are employed.
- Candy and confectioneries manufacturing.
- Carbon and battery products manufacturing.
- Coffee, tea and spices processing.
- County Government Uses (#15) Board of Commissioners (# 16)
- Customary accessory uses and structures, including open storage, provided the area devoted to open storage is enclosed by a fence at least six (6) feet in height.
- Dairy products processing and distributing facilities.
- Drugs, medicines and cosmetics manufacturing.
- Dry cleaning and laundry plants.
- Electrical appliances and electronic equipment manufacturing.
- Electrical power generation facilities, coal, gas, hydroelectric, solar and wind.
  1) Facilities shall be located on minimum tract of ten (10) acres.
- Felt and sandpaper manufacturing.
- Flour and feed mills.
- Freezer lockers and ice plants.
- Furniture manufacturing.
- Glass, ceramic and tile manufacturing.
- Greenhouses and horticultural nurseries.
- Hardware and house wares manufacturing.
- Insulation materials and wallboard manufacturing.
- Industrial trade schools and research laboratories.
- Laboratories for researching and testing of products, the manufacturing or processing of which is permitted in this district.
- Leather products, including luggage and shoe manufacturing.
- Light machine tool manufacturing.
- Machine and welding shops.
- Mini-Storage Warehouses
  1) The maximum height of the building (s) shall be (20) ft.
  2) Outside storage shall be limited to non-commercial RV's and watercraft.
  3) Storage of hazardous, toxic, or explosive substances shall be prohibited.
  4) No business activity other than rental of storage units shall be conducted on the premises.
- Monument works and sales.
- Musical instruments manufacturing.
- Offices pertaining to any permitted use.
- Oilcloth and linoleum manufacturing.
- Paper products manufacturing.
- Pickle processing.
- Plastic products manufacturing.
- Pottery, porcelain or vitreous china manufacturing.

- Precision instruments and jewelry manufacturing.
- Printing, engraving and publishing establishments.
- Raceways/Drag strips
    1) That the proposed use will not endanger the public health and safety, nor substantially reduce the value of surrounding properties.
    2) That the use shall be located on a lot/parcel of at least fifty (50) acres.
    3) That vehicular access to the use will be provided only by way of a North Carolina State Maintained Major/Main thoroughfare.
    4) That no direct beams of light from outdoor lighting fixtures, signs, or vehicle maneuvering on the site will shine into any abutting property located in a residential district.
    5) The site shall be screened from the street and abutting properties by a masonry wall, or solid wood fence. A twenty (20) foot wide semi-opaque vegetative screen with an expected height of at least eight (8) feet at maturity and shall be placed on the exterior of the fence or wall. If a chain link or similar material is used, the vegetative screen shall be placed on the interior side of the fence.
    6) The use shall have a minimum separation of at least two hundred (200) feet from any adjoining property line.
    7) The hours of operation will be no earlier than 7:00 AM and no later than 11:00 PM.
- Recycling Center
    1) Must meet all applicable local, state, and federal regulations.
    2) Processing center storage yards are required to be fenced by a solid fence not less than six (6) feet and not located in any public right-of-way.
- Rodenticides, insecticides and pesticides manufacturing.
- Soap, detergent and washing compounds.
- Textile and cordage manufacturing.
- Tire recapping shops.
- Trailer manufacturing.
- Trucking terminals.
- Vinegar and yeast manufacturing.
- Wholesale and warehousing establishments, except for the storage of dangerous or offensive items such as uncured hides and explosives.
- Wholesale storage of gasoline and oil products, including bottled gas and oxygen.
- Windows and doors manufacturing.
- Wireless Telecommunication Facilities (See Appendix B)

Amendment #15--Amended August 20, 1984
Amendment #16--Amended January 7, 1985

91.4 Dimensional Requirements

91.4.1 One (1) acre minimum lot area.

91.4.2 Two hundred (200) feet minimum mean lot width.

91.4.3 Fifty (50) feet minimum front yard.

91.4.4 Fifteen (15) feet minimum side yard on each side of every principal building.

91.4.5 Twenty (20) feet minimum required rear yard.

91.4.6 The total ground area covered by the principal building and all accessory buildings shall not exceed forty (40) percent of the total lot area.

91.4.7 No building shall exceed fifty (50) feet in height unless the depth of the front and total width of the side yards herein shall be increased by one (1) foot for each two (2) feet, or fraction thereof, of building height in excess of fifty (50) feet.

91.4.8 Buildings constructed or converted to uses permitted in this district shall provide off-street loading and unloading space as required in Section 75 of this Ordinance.

91.4.9 Off-street parking space shall be provided as required in Section 74 of this Ordinance.

Section 92 Heavy Manufacturing District and Heavy Manufacturing Conditional Zoning District

The M-2 Heavy Manufacturing District and M-2-CZ Heavy Manufacturing Conditional Zoning District is designed to accommodate all but the most intense industries. However, it is expected that industries permitted here by right, as well as those permitted conditionally, will minimize their emission of smoke, dust, fumes, glare, noise and vibrations. A site plan as defined in Section 41 of this Ordinance shall be prepared for all uses in the M-2 Heavy Manufacturing District or M-2-CZ Heavy Manufacturing Conditional Zoning District and sealed by an Architect, Engineer, or Surveyor licensed in the State of North Carolina.

92.1 Permitted Uses

- All permitted and conditional zoning uses permitted in the M-1 Light Manufacturing District.
- Animal hospitals.
- Automobile repair garages, including body works, but excluding open storage of wrecked cars unless a solid fence at least six (6) feet in height encloses them.
    1) No storage of materials, parts, tires or dismantled vehicles shall be allowed in the front yard of any vehicle repair/service garage.
    2) Storage of all materials, parts, tires and dismantled vehicles shall be in the rear of the primary structure and shall be enclosed by a solid fence no less than eight (8) feet in height.
    3) No storable materials, parts, tires or dismantled vehicles shall be stacked or placed to reach a height of six (6) feet.
- Circuses, carnivals and fairs.
- Coal and wood yards, pole treating plants.
- Contractors' offices and storage yards.
    1) Provided any storage yards are fenced by a solid fence not less than six (6) feet in height.
    2) No storage shall be allowed in any required setback, and be located at least twenty (20) feet from any public right-of-way.
- Motorcycle, lawnmower, and power saw sales and service.
- Plating works.
- Public works and public facilities, including service and storage yards.
- Rubber products manufacturing.
- Sheet metal, roofing, plumbing, heating and refrigeration shops.

92.2 Conditional Zoning

- Airports/Landing facility
- Automobile wrecking yards or junk yards and similar types of used material industries when conducted within a structure or on a lot enclosed by a solid fence at least six (6) feet in height.
- Brick, tile and pottery yards.
- Building materials and specialties manufacturing.
- Chemical manufacturing, household or industrial.
- Coal and wood yards, pole treating plants.
- Concrete and asphalt products plants.
- County Governmental Uses (#15)/Board of Commissioners (#16)
  Amendment #15--Amended August 20, 1984
  Amendment #16--Amended January 7, 1985
- Customary accessory uses and structures including open storage.
- Data Center
- Environmentally sensitive uses not expressly permitted
- Farm machinery assembly, sales and repairs.
- Feed and seed stores and hatcheries.
- Fertilizer manufacturing and sales.
- Foundries producing iron, steel, copper, brass and aluminum products.
- Livestock sale barn.
- Machine tool manufacturing.
- Manufacturing uses not otherwise named herein, provided no use shall be permitted in this district which is likely to be dangerous or detrimental to the health, safety, welfare, or general character of this zoning district or of the community.
- Meatpacking and poultry processing plants.
- Metal fabricating plants, including boiler and tank works.

- Mining and Quarrying Operations, provided:
  1) Buffer strips shall be provided. Furthermore, all mine openings and quarries shall be enclosed by a cyclone-type fence not less than eight (8) feet in height and located not less than ten (10) feet from the excavation edge wherever in the judgment of the Zoning Enforcement Officer says shall be necessary for safety.
  2) Blasting operations shall be conducted only between the hours of 8 A.M. and 6 P.M. Furthermore, all blasting, drilling, and other sources of noise, vibrations, flying debris, and dust shall be conducted in such a way as to cause the minimum nuisance or hazard to adjacent or neighboring properties at any time.
  3) The proposed use will not endanger the public health and safety, nor substantially reduce the value or nearby property.
  4) The quarry and all its buildings, pits and processing equipment will be separated by a 300 foot buffer from the street and from any adjacent property.
  5) Minimum Lot Size: 100 acres minimum.
  6) Spacing from Protected Facilities: 1,500 feet from schools, dwellings, churches, and medical facilities.
  7) Operations Setback from Property Line: 500 feet from the property line; no operations within the setback.
  8) Stream Setback: 150 feet from any perennial or intermittent stream.
  9) Landscaping and Vegetative Screening: 200 feet minimum; 3 staggered rows of native plantings.
  10) Perimeter Fencing and Gate: 6-foot minimum fence with a self-locking gate.
  11) Noise Limits and Blasting Hours: 70 dB(A) day / 65 dB(A) night; blasting limited to 8:00 a.m.–5:00 p.m., weekdays only.
  12) Exterior Lighting – No Light Trespass: No light trespass onto neighboring parcels.
  13) Traffic Impact and Road Access: Direct access from a state-maintained road; a traffic impact analysis (TIA) is required if projected trips exceed capacity.
  14) Prohibited Operations Areas: No operations within SFHA floodplains, USACE wetlands, or SGCN habitat.
  15) Groundwater and Well Study: required if triggered by a state or federal permit.
  16) Decommissioning and Reclamation Plan: Required at permit application; completion within 5 years of cessation.
  17) State and Federal Permit Compliance: Proof of all NC DEQ, USACE, NCDOT, and other required permits before issuance of the operations permit.
  18) Access to the quarry shall be from a state maintained road and be approved by the NC Department of Transportation.
  19) A copy of the reclamation plan shall be submitted to the Planning Department Upon termination of mining/quarrying operation.
  20) All applicable permits shall be obtained and comply with all the standards of the Stokes County Environmental Health Department and the State of North Carolina. A copy of approved permits and subsequent amendments shall be provided to the Planning Department.

- Raceways/Drag strips
  1) That the proposed use will not endanger the public health and safety, nor substantially reduce the value of surrounding properties.
  2) That the use shall be located on a lot/parcel of at least fifty (50) acres.
  3) That vehicular access to the use will be provided only by way of a North Carolina State Maintained Major/Main thoroughfare.
  4) That no direct beams of light from outdoor lighting fixtures, signs, or vehicle maneuvering on the site will shine into any abutting property located in a residential district.
  5) The site shall be screened from the street and abutting properties by a masonry wall, or solid wood fence. A twenty (20) foot wide semi-opaque vegetative screen with an expected height of at least eight (8) feet at maturity and shall be placed on the exterior of the fence or wall. If a chain link or similar material is used, the vegetative screen shall be placed on the interior side of the fence.
  6) The site shall be screened from the street and abutting properties by a masonry wall, or solid wood fence. A twenty (20) foot wide semi-opaque vegetative screen with an expected height of at least eight (8) feet at maturity and shall be placed on the exterior of the fence or wall. If a chain link or similar material is used, the vegetative screen shall be placed on the interior side of the fence.
  7) The use shall have a minimum separation of at least two hundred (200) feet from any adjoining property line.
  8) The hours of operation will be no earlier than 7:00 AM and no later than 11:00 PM.

- Sawmills, planing mills pallet and basket factories.
- Wireless Telecommunication Facilities (See Appendix B)

92.4 Dimensional Requirements

92.4.1 No building shall be less than forty (40) feet from the right-of-way line of a street or highway. No other minimum building setbacks are required except that where the rear of a lot abuts a residential district there shall be a twenty-five (25) foot rear minimum building setback and where a lot abuts a side minimum building setback of a lot zoned residential there shall be a side minimum building setback of a least fifteen (15) feet. In cases where a side minimum building setback, not required, is provided, it shall be at least eight (8) feet in width.

92.4.2 Buildings constructed or converted to uses permitted in this district shall provide off-street loading and unloading space as required in Section 75 of this Ordinance.

92.4.3 Off-street parking space shall be provided as required in Section 74 of this Ordinance.

92.5 Operational Performance Standards

All uses in the M-2 Heavy Manufacturing District and the M-2-CZ Heavy Manufacturing Conditional Zoning District shall comply with the following operational performance standards. Compliance shall be measured at the boundary of the zoning lot on which the use is located, or at any point on or beyond a property line abutting a non-industrial district, as specified below for each standard. The thresholds in Subsections 92.5.1 through 92.5.8 below are set as a minimum baseline applicable to all M-2 and M-2-CZ uses; the Planning Board and Board of Commissioners retain authority under G.S. 160D-703 to impose additional, stricter, site-specific conditions on individual M-2-CZ uses.

92.5.1 Noise.

(a) No use shall produce a continuous sound level exceeding 75 dB(A), measured at any point on or beyond the boundary of the zoning lot on which the use is located, applicable at all times regardless of the zoning classification of the adjacent property.
(b) No use shall create a sound level exceeding this threshold for more than 10% of any measurement period, which shall not be less than ten minutes; the maximum intermittent sound level shall not exceed the permissible sound level above by more than 15 dB(A).
(c) These standards do not apply to temporary construction activity, emergency response equipment, or the operation of motor vehicles and transportation facilities on public rights-of-way.

92.5.2 Vibration.

(a) No use shall produce ground-transmitted vibration exceeding a maximum peak particle velocity (PPV) of 1.0 inches per second, steady-state, measured at the boundary of the zoning lot on which the use is located. Impact vibrations — discrete impulses not exceeding 60 per minute — are limited to 2.0 inches per second PPV.
(b) The maximum particle velocity shall be the product of two times the frequency in cycles per second times the sum of three mutually perpendicular displacement components recorded simultaneously. Where more than one vibration standard could apply, the more stringent standard shall govern.
(c) These standards shall not apply to vibration resulting from the operation of on-road vehicles, temporary construction activity and equipment, or roadway maintenance and repair equipment.

92.5.3 Smoke and Visible Emissions.

(a) No use shall emit smoke or visible emissions with an opacity exceeding 40 percent, as determined by EPA Reference Method 9 (40

CFR Part 60, Appendix A) or its designated successor method.

(b) During equipment start-up, cleaning of fireboxes, or a documented breakdown of emission control equipment, emissions not exceeding 60 percent opacity are permitted for a cumulative period not to exceed 6 minutes in any 60-minute period, provided the operator takes prompt corrective action.

(c) All uses shall comply with the visible emissions standards established under 15A NCAC 02D .0521, as amended, which are hereby incorporated by reference. Where state standards are more restrictive, the state standard shall control.

92.5.4 Dust, Particulate Matter, and Fugitive Emissions.

(a) No use shall discharge fugitive dust, fly ash, cinders, or other particulate matter in quantities that are plainly and substantially visible beyond the property line of the lot on which the use is located. Occasional or de minimis visible dust that does not accumulate on adjacent property does not, by itself, constitute a violation.

(b) Unpaved internal access roads, material storage areas, and stockpiles associated with uses generating substantial fugitive emissions shall be maintained using reasonable dust-control methods, including paving or gravel surfacing, approved dust suppressants, or water application at appropriate intervals.

(c) All uses shall comply with applicable NC DEQ particulate matter standards, including 15A NCAC 02D .0515 and 15A NCAC 02D .0540, as amended, both incorporated herein by reference. Where state standards are more restrictive, the state standard shall control.

92.5.5 Odor.

(a) No use shall emit odorous gases or other odor-causing substances in concentrations that are strongly and persistently detectable at the property line by a person of normal sensitivities. Brief or intermittent detection at low intensity does not, by itself, constitute a violation.

(b) Any process that involves the creation or emission of odors shall be equipped with a primary odor-control system.

(c) An odor emission lasting no more than 15 continuous minutes in any one day, and no more than two days out of any calendar month, shall not by itself constitute a violation of this section.

92.5.6 Glare and Heat.

(a) No use shall produce a direct glare source from any light source, floodlight, welding or cutting operation, furnace, or molten material that is directly visible beyond the property line of the lot on which the use is located. Incidental sky-reflected glow does not, by itself, constitute a violation.

(b) All exterior lighting fixtures shall be directed downward and oriented inward toward the site; no exterior lighting shall be directed so as to shine directly into any abutting residential, agricultural, or commercial district.

(c) No use shall emit heat sufficient to raise the ambient air temperature at any adjacent property line by more than 1.8°F (1°C) above ambient measured at the same location and time.

92.5.7 Electromagnetic Interference.

(a) No use shall produce electromagnetic interference that adversely affects the operation of equipment on adjacent or nearby properties, or that fails to conform to applicable regulations of the Federal Communications Commission (FCC). Uses that generate significant electromagnetic fields shall comply with all applicable FCC Part 15 and Part 18 rules governing unintentional and industrial radiators.

92.5.8 Compliance with State and Federal Standards.

(a) Nothing in this Section shall be construed to exempt any use from compliance with all applicable state and federal environmental, air quality, water quality, or public health standards, including but not limited to rules of the NC Department of Environmental Quality, Division of Air Quality (15A NCAC 02D); NC Division of Water Resources standards; the federal Clean Air Act and EPA implementing regulations; and all applicable permit conditions. Where state or federal standards impose requirements more restrictive than those set forth in §92.5.1 through §92.5.7, the more restrictive standard shall control. This provision directly replaces the deleted catch-all prohibition in §92.2 as applied to both the M-2 and M-2-CZ Districts.

Section 93 Floodplain District

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

93.1 Creation of Floodway and Floodway Fringe Districts

The official zoning map of Stokes County shall show a floodplain district, which shall consist of a floodway area and a floodway fringe area. In areas presently zoned, the floodplain district shall be superimposed upon other use districts. The existing use district will determine the type of land use—residential, commercial, or industrial—while the floodway and floodway fringe areas will specify the conditions that buildings and other structures must meet to protect the water-carrying capacity of floodways and the water-storage capacity of floodway fringe areas during flood periods.

93.2 District Boundaries

The boundaries of the floodway and floodway fringe areas have been established from the most recent information provided by the Federal Emergency Management Agency.

93.3 General Standards

In the floodplain the following provisions are required:

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
b. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
c. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
d. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
e. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
f. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

93.4 Flood Fringe Areas

In the flood fringe areas where base flood elevation data has been provided, the following provisions are required. (Until the base flood elevation are precisely defined, only reasonable estimates need to be followed.)

a. Residential Construction - New construction or substantial improvement of any residential structures shall have the lowest floor, including basement, elevated to or above base flood elevation.

b. Non-residential Construction - New construction or substantial improvements of any commercial, industrial or other non-residential structure shall either have the lowest flood, including basement, elevated to the level of the base flood elevation, or together with attendant utility and sanitary facilities, be flood-proofed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

c. Mobile Homes - All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be: (1) over-the-top ties at each corner of a mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long shall need only one tie per side; (2) frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long shall require only four additional ties per side; (3) and all components of the anchoring system shall have a capability of carrying a force of 4,800 pounds.

For new mobile home parks and subdivisions, for expansions to existing mobile home parks and subdivisions; for existing mobile home parks and subdivisions where the repair, reconstruction, or improvement of the streets, utilities and pads equals or exceeds 50 percent (50%) of value of the streets, utilities, and pads before the repair, reconstruction or improvements has commenced; and for mobile homes not placed in a mobile home park or subdivision require: (1) stands or lots are elevated on compacted fill or on pillage so that the lowest floor of the mobile home will be at or above the base flood level; (2) adequate surface drainage and access for a hauler; (3) and in the instance of elevation on pilings lots are large enough to permit steps and piling foundations are placed in stable soil no more than ten feet apart and reinforcement is provided for pilings more than six feet above the ground level.

93.5 Floodway Areas

a. All encroachment, including fill, new construction, substantial improvements and other development are prohibited, unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

b. If subsection (a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 93.

c. The placement of mobile homes is prohibited, except in an existing mobile home park or existing mobile home subdivision.

93.6 Conditional Zoning

County Governmental Uses

ARTICLE IX

Exceptions and Modifications

Section 94 Substandard Lots

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

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

Lots of record that are twenty thousand (20,000) square feet or larger shall be exempt from recombination requirements.

Section 95 Front Yard Setbacks for Dwellings

The front yard setback requirements of this Ordinance for dwellings shall not apply to any lot where the average setback of existing buildings located wholly or partially within one hundred (100) feet on either side of the proposed dwelling and on the same side of the street in the same block and use district as such lot is less than the minimum required front yard depth. In such case the setback on such lots may be less than the required setback but not less than the average of the existing setbacks on the aforementioned lots, or a distance of ten (10) feet from the street right-of-way, whichever is greater.

Amendment # --Amended March 7, 1995

Section 96 Height Limitations

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

Section 97 Visibility at Intersections

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

Section 98 Fences in Residential Zones

In any residential district, fences or walls may be erected in a required front, side, or rear yard adjacent to a lot line.

Section 99 Group Development

This section has been deleted from ordinance.

Section 100 Planned Unit Development
Conditional Zoning District

Ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers can produce residential developments which are in keeping with overall land use intensity and open space objectives while departing from the strict application of use, setback, height and minimum lot size requirements of several zones. The intent of this Section is to permit such flexibility and provide performance criteria for Planned Residential Development which: permits a creative approach to the development of residential land; accomplish a more desirable environment than would be possible through the strict application of minimum requirements of the Zoning Ordinance; provide for an efficient use of lower housing costs; enhance the appearance of neighborhoods through preservation of natural features, the provision of underground utilities where feasible and the provision of recreation areas and open space in excess of existing zoning and subdivision requirements; provide an opportunity for new approaches to living environment; and provide an environment of stable character compatible with surrounding residential areas.

100.1 Voluntary Alternate Procedure

The use of the Planned Residential Development procedures contained herein is not mandatory for the development of any parcel of ground. The intent and purpose of this process is to provide a voluntary alternate procedure which maximizes the utilization of land primarily for the benefit, use and enjoyment of the future residents of that area and the existing residents of Stokes County. In a Planned Residential Development, open space and common recreational areas and facilities are the environment and livability benefits furnished to the resident and the community in lieu of large individual lots.

100.2 Location

Planned Residential Developments are permitted in any residential zone requiring a lot size of ten thousand (10,000) square feet or more.

100.3 Principles of Planned Residential Development

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

100.4 Standards and Criteria

Subject to the provisions set forth herein, Planned Residential Developments are permitted uses on sites consisting of no less than forty (40) contiguous acres.

100.4.1 Residential Uses

Permitted land use requirements of the zone within which a Planned Residential Development is located shall apply, with the following exceptions: (1) open space reservations may be considered for population density and building intensity increases; (2) permitted types of dwelling units may include single-family detached homes, town houses, garden apartments or high rise apartments; (3) condominium, cooperative, individual, municipal or any other type of ownership hereby is permitted.

100.4.2 Non-Residential Uses

Non-residential uses, limited to those permitted by the Zoning Ordinance, are permitted in a Planned Residential Development provided that such uses primarily are for the service and convenience to the residents of the development and further provided that:

(a) No store shall exceed ten thousand (10,000) square feet of gross floor area; and
(b) The total mercantile and office space permitted within a Planned Residential Development shall not exceed forty (40) square feet of gross floor area under roof per dwelling unit in the development, excluding in such computation buildings used for educational, recreational or cultural purposes.

100.4.3 Minimum Requirements

(a) Yard, setback, lot size, typing of dwelling unit, height frontage requirements, and use restrictions hereby are waived for the Planned Residential Development, provided that the spirit and intent of this Section are complied with in the total development plan, as determined by the Planning Board. The Planning Board may determine that certain setbacks be required within all or a portion of the perimeter of the site, and shall exercise ultimate discretion as to whether the total development plan does comply with the spirit and intent of this Section.
(b) Every dwelling unit either shall have access to a public street, walkway or other area dedicated to common use.
(c) The approximate location of structures, shown on the conceptual development plan, shall be so arranged as not to be detrimental to existing or other proposed structures or to the development of the neighborhood.

100.4.4 Privacy

Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views, or uses and reduction of noise. High-rise buildings shall be located within a Planned Residential Development in such a way as to dissipate any adverse impact on adjoining low-rise buildings and shall not invade the privacy of the occupants of such low-rise buildings.

100.4.5 Perimeter Requirements

If topographical or other barriers within two hundred (200) feet of the perimeter of the development do not provide reasonable privacy for existing uses adjacent to the development, the Planning Board shall impose either of the following requirements:
(a) Structures located on the perimeter of the development must be set back in accordance with the provisions of the Zoning Ordinance, if adopted, controlling the area within which the development is situated; and
(b) Structures located on the perimeter of the development must be well screened in a manner, which is approved by the Planning Board.

100.4.6 Sidewalks

Sidewalks shall be provided as deemed necessary by the Planning Board.

100.4.7 Density

Density (dwelling units per acre) may be increased if the character of the development and/or amenities incorporated in the development warrant such increases provided that in no case shall the density increase cause the density of the Planned Residential Development to be more than thirty-three percent (33%) in excess of the density which would be achieved under standard zoning regulations.

The Planning Board shall determine the density which may be constructed within the Planned Residential Development by dividing the gross project area minus fifteen percent (15%) of the total for roadways by the required lot area per dwelling unit which is required in the zone in which the Planned Residential Development is located, and modified by any increases in density permitted under Subsection 100.4.9 of this Ordinance.

100.4.8 Planned Residential Development in More than One Zone

If the Planned Residential Development is in more than one zone, the number of allowable dwelling units must be separately calculated for each portion of the planned development that is in a separate zone, and must then be combined to determine the number of dwelling units allowable in the entire Planned Residential Development.

100.4.9 Density Increases

Density increases shall be governed by the precepts listed below, which are to be treated as additive, and not compounded.

These increases do not apply where the average cross slope is sixteen percent (16%) or greater.

Open space reservation shall be considered for density increases according to the following provisions:

FOR UNIMPROVED COMMON OPEN SPACE

(a) Maximum increase of six percent (6%) for first acre of open space per twenty (20) acres gross of development.

(b) Maximum increase of three percent (3%) for second acre of open space per twenty (20) acres gross of development.

(c) Maximum increase of two percent (2%) for each additional acre of open space per twenty (20) acres gross of development for the total Planned Residential Development.

FOR IMPROVED OPEN SPACE

(a) Maximum increase of eight percent (8%) for first acre of improved open space per twenty (20) acres gross of development.

(b) Maximum increase of four percent (4%) for second acre of improved open space per twenty (20) acres gross of development.

(c) Maximum increase of three percent (3%) of each additional acre of improved open space per twenty (20) acres gross of development for the total Planned Residential Development.

CHARACTER, IDENTIFY, ARCHITECTURE AND SITING

Variation incorporated in a development shall be considered cause for density increases not to exceed fifteen percent (15%), providing these factors make a substantial contribution to the objectives of a Planned Residential Development. The degree of distinctiveness and the desirable variation achieved shall govern the amount of density increase which the Planning Board may approve. Such variations may include, but are not limited to, the following:

(a) Landscaping [a maximum increase of five percent (5%)], streetscape, open spaces and plazas, use of existing landscape, pedestrian way treatment, and recreational areas.

(b) Siting [a maximum increase of five percent (5%)], visual focal points, use of existing physical features such as topography, view, sun and wind orientation, circulation pattern, physical environment, variation in building setbacks, and building groups such as clustering.

(c) Design features [a maximum increase of five percent (5%)], street sections, architectural styles, harmonious use of materials, parking areas broken by landscape features and varied use of house types.

WHEN DENSITY INCREASE IS NOT PERMITTED

If the Planning Board finds that any of the following conditions would be created by an increase in density permitted in Subsection 96.52, it may either deny any application for increase in density, or limit the increase in density by an amount sufficient to avoid the creation of any of the following conditions:

(a) Inconvenient or unsafe access to the development.

(b) Traffic congestion in streets adjoining the development.

(c) An excessive burden imposed on parks, recreational areas, schools, and other public facilities which serve or are proposed to serve the development.

100.5 Utility and Continuity for Common Use

All common open space proposed for dedication to Stokes County must be acceptable to it with regard to the size, shape, location, and improvement. In addition, the applicant must show that the dedication of such areas as common open space will be of benefit to the general public of Stokes County.

100.6 Improvements

100.6.1 Circulation Facilities

The arrangement of public and common ways for pedestrian and vehicular circulation in relation to other existing or planned streets in the area, together with provisions for street improvements, shall be in compliance with standards set forth in Stokes County Subdivision Regulations. Upon application by the developer and good cause shown, the Planning Board may permit changes or alterations of such standards which are consistent with the spirit and intent of this Section.

100.6.2 Utilities

Whenever reasonably possible, all Planned Residential Developments shall provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of storm sewer facilities including grading, gutters, piping, and treatment of turf to handle storm waters, prevent erosion and the formation of dust. Utilities and maintenance of facilities shall be in accordance with the requirements and regulations of the appropriate municipal authority having jurisdiction thereof. A Planned Residential Development application shall not be approved unless adequate assurance is given that public or quasi-public water and sanitary sewer service will be available, except that upon application by the developer and good cause shown, the Planning Board may modify or waive this requirement provided such action is consistent with the spirit and intent of this Section.

100.6.3 Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be insulated as completely and as reasonably as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement. This shall include when deemed to be necessary by the Planning Board, pedestrian underpass or overpass in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses which generate a considerable amount of pedestrian traffic.

100.7 PUD Review

It is the intent of this regulation that review under applicable County codes and ordinances be carried out as an integral part of the review of a Planned Residential Development under this Section. The plans required under this Section must be submitted in a form, which substantially will satisfy requirements of the County codes and ordinances for the preliminary and final plan approvals.

However, if any provisions of this Section are in conflict, the more restrictive or detailed requirements shall be met, unless specifically waived or altered by the Planning Board.

It is the intent of this Section to permit the submission of subdivision applications for the whole, a part, or parts of the overall Planned Residential Development

ARTICLE X

Administration and Enforcement

Section 101 Zoning Enforcement Officer

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

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

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

Section 102 Certification of Zoning Compliance Required

No building, sign or other structure shall be erected, moved, added to, or structurally altered until a certificate of a zoning compliance shall be issued except in conformity with the provisions of this Ordinance except after written order from the Board of Adjustment.

Section 103 Application for Certificate of Zoning Compliance

All applications for certificate of zoning compliance shall be accompanied by two (2) sets of plans showing the dimensions and shape of the parcel to be built upon, the exact sizes, uses and locations of the parcel or buildings already existing, if any, and the location and dimensions of the proposed building or alterations. The application shall include a Zoning Permit/Certificate of Occupancy fee of thirty dollars ($30.00) (#1) and such other information as may be necessary to determine conformance with and provide for the enforcement of this Ordinance.

Amendment #1--Amended June 20, 1983

Section 104 Health Department Approval of Water Supply and Sewage Disposal Facilities

The Zoning Enforcement Officer shall not issue a Certificate of Zoning Compliance for any use, building or purpose proposed for location outside of any incorporated municipality without written approval of any and all needed or proposed water supply and sewage disposal facilities from the County Sanitarian. Issuance and use of a Certificate of Zoning Compliance shall be subject to all terms and qualifications imposed by the County Sanitarian.

Section 105 Certificate of Occupancy Required

A Certificate of Occupancy issued by the Zoning Enforcement Officer is required in advance of:

105.1 Occupancy or use of a building hereafter erected, altered or moved.

105.2 Change of use of any building or land.

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

Section 106 Remedies Available

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

ARTICLE XI

Board of Adjustment

Section 110 Establishment of Board of Adjustment

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

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

Section 111 Proceedings of the Board of Adjustment

111.1 The Board shall elect a chairman and vice-chairman from among its members, who in turn will appoint a secretary and such other subordinates as may be authorized by the Board of County Commissioners. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence, the Vice-Chairman may administer oaths. (#10) All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and also keep records of its examinations and other official action. All proceedings and actions taken by the Board of Adjustment shall be in accordance with NCGS 160D-705

Amendment #10--Deleted February 6, 1984
(Amended 6-1-21)

111.2 **Board of Adjustment 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 the subsection, 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 majority if there are no qualified alternates available to take the place of such member. A member of the board or any other exercising quasi-judicial functions pursuant to this section shall not

participate in or vote on any quasi-judicial matter in manner that would violate affected persons' constitutional right 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.

111.3 **Appeals**

The Board of Adjustment shall hear and decide appeals decisions of administrative officials charged with enforcement of the zoning or unified development ordinance and may hear appeals arising out of any other ordinance that regulates land use or development, pursuant to all of the following:

1. Any person who has standing under G.S. 160D-1402 or the county may appeal a decision to the Board of Adjustment. An appeal is taken by filing a notice of appeal with the clerk to the Board of Commissioners. The notice of appeal shall state the grounds for the appeal. (Amended 6-1-21)
2. The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.
3. The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.
4. The official who made the decision shall transmit to the board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.
5. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the Board of Adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within 15 days after such a request is

filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

6. Subject to the provisions of subdivision (6) of this subsection, the Board of Adjustment shall hear and decide the appeal within a reasonable time.
7. The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the city would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing. The Board of Adjustment 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.
8. When hearing an appeal pursuant to G.S. 160D-1402 or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in G.S. 106A-393(k). (Amended 6-1-21)
9. The parties to an appeal that has been made under the subsection may agree to mediation or other forms of alternative dispute resolution. The ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

111.4 **Notice of Hearing**

Notice of hearing conducted pursuant to this section 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 subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the zoning or unified development ordinance. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine owners of property entitled to mailed 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 city shall also prominently post a notice of the hearing on the site that is subject of the hearing or on an adjacent street or highway right-of-way.

Section 112 Powers and Duties of the Board of Adjustment

The Zoning Board of Adjustment shall have the following powers and duties:

112.1 Administrative Review

To hear and decide appeals of decisions or determination made by the Zoning Enforcement officer in the enforcement of this Ordinance.

112.2 Conditional Uses

To hear and decide Conditional Use applications in accordance with the standards and conditions specified in this ordinance. When deciding on Conditional Use permits the Board of Adjustment shall follow quasi-judicial procedures. The Board may impose reasonable and appropriate conditions and safeguards on Conditional Use permits. Notice of hearings on Conditional Use permits shall follow statutory requirements. A majority vote shall be required to issue a Conditional Use permit.

112.3 Variances

When unnecessary hardships would result from carrying out the strict letter of the zoning ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

a. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that in the absence of the variance, no reasonable use can be made of the property.

b. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make reasonable accommodation under Federal Fair Housing Act for a person with a disability. (Reference) 160D-705 (d) (2). (Amended 6-1-21)

c. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

d. The requested variance is consistent with the spirit, purpose and the in tenet of the ordinance, such that public safety is secured, and substantial justice is achieved.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other development regulation that regulates land use or development may provide for variances from

provisions of those ordinances consistent with the provisions of this subsection. (Reference) 160D-705 (d) (2). (Amended 6-1-21)

Section 113 Quasi-Judicial Decisions and Judicial Review

1. The board shall determine contested facts and make its decision within a reasonable time. 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 and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the ordinance specifies. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.
2. Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160A-393. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy there of is given in accordance with subdivision (1) of this subsection. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

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

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

ARTICLE XII

Amendments and Changes

Section 120 Motion to Amend

The County Board of Commissioners may, on its own motion, or upon recommendations to the Planning Board, or upon petition by any person within the zoning jurisdiction, after public notice and hearing amend, supplement, change, modify or repeal the regulations herein established or the maps which are a part of this Ordinance, subject to the rules prescribed in Section 122 of this Article. No regulation or maps shall be amended, supplemented, changed, modified, or repealed until after a public hearing in relation thereof, at which all parties in interest and citizens shall have an opportunity to be heard. A notice of such public hearing shall be given once a week for two (2) successive weeks in a newspaper of general circulation in the county, said notice to be published for the first time not less than ten (10) days (#11) not more than twenty five (25) days prior to the date fixed for such public hearing.

Section 121 Protest Against Amendment

Delete Entire Section 121. (#12)

Section 122 Planning Board Action

Every proposed amendment, supplement, change, modification, or repeal to this Ordinance shall be referred to the Planning Board for its recommendations and report, provided that no proposal shall be considered by the Planning Board within five (5) days from the filing of the proposal with the Zoning Enforcement Officer. Failure of the Planning Board to make recommendations for a period of thirty (30) days after the amendment has been referred to it shall constitute a favorable recommendation. As part of any petition to amend a zoning classification, a currently accurate survey or map shall be filed showing all parcels of land included in the petition and all parcels of land abutting those parcels included in the petition (including those properties directly across a street or road from those parcels included in the petition), with the name and address of each owner of each such parcel as certified by the Tax Supervisor of Stokes County from the records in the tax office. In addition to a filing fee for advertising and administrative expenses (#2), a fee for each owner indicated above will be charged to defray the costs of the research, preparation and mailing of a notice of the pending zoning classification action to each. (#20)

(Amended 12-8-98)

Amendment #11--Amended February 6, 1984
Amendment #12--Deleted February 6, 1984
Amendment #2--Amended June 20, 1983
Amendment #20--Amendment January 6, 1999

ARTICLE XIII

Conditional Zoning

Section 130 Purposes

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

Section 131 Jurisdiction

The responsibility of evaluating conditional zoning applications is handled by the governing body after a review and recommendation by the Planning Board.

Section 132 Procedure for Obtaining a Conditional Zoning Approval

132.1 Application for Conditional Zoning

Applications for new conditional zoning districts or expansion of existing conditional zoning districts shall be processed, considered and voted upon using the following procedure. Before filing an application for a conditional zoning district, the applicant(s) is encouraged to meet with the Planning Department Staff to discuss the nature of the proposed reclassification, the standards for development under the existing and proposed classification, and concerns that persons residing in the vicinity of the property may have regarding the proposed reclassification, if known.

132.2 Public Information Meeting (PIM)

1. The applicant is required to hold a public information meeting prior to the application deadline for a conditional zoning district rezoning. The applicant shall provide notice of the meeting as follows:
   a. Notice of the date, time, and place of the meeting shall be provided to owners of all abutting property, as listed with the Stokes County Tax Department, as well as owners of all properties directly across a street, easement or public or private right of way.
   b. Notice may be sent to additional property owners by the applicant.
   c. At a minimum, the notice shall be sent by first class mail and be postmarked at least fourteen (14) days prior to the date of the public information meeting. Additional types of notice may be provided by the applicant.

d. A sign shall be posted at least fourteen (14) days prior to the meeting on the property of the proposed Conditional Zoning request advertising the Public Information Meeting giving notice of the date, time, and place of the meeting.

2. A written report of the public information meeting shall be included as part of the application.

   a. The written report of the meeting shall include a listing of the persons and organizations notified of the meeting and the manner and date of the notification; the time, date, and location of the meeting; a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting; and a description of any changes to the rezoning application made by the applicant as a result of the meeting.

3. Revisions to exiting Conditional Zoning Districts and existing Conditional or Special Use Permits shall not require a public information meeting if the physical boundaries of the district or permit are not proposed to be expanded.

132.3 Public Hearing

The Planning Department shall schedule a public hearing on the application for a conditional district rezoning to be held within sixty (60) days after the application is filed. Public notice of the hearing shall be in accordance with G.S. 160D-602. (Amended 6/22/26)

132.4 Action by the Planning Board

The Planning Board shall review the application prior to the public hearing and shall present its recommendations to the responsible body prior to or at the public hearing. A member of the Planning Board shall not vote on any application where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. The Planning Board may reverse its recommendations following the public hearing and present such recommendations to the responsible body before final action is taken.

132.5 Board of Commissioners Action

Once the Public Hearing is closed by the Board of Commissioners, the Board of Commissioners shall review the application. The Board of Commissioners shall not consider the application until after the Planning Board makes a recommendation, or fails to make a recommendation within the time allowed. A member of the Board of Commissioners shall not vote on any application where the outcome of the matter being considered is reasonably likely to have a direct, substantial, identifiable financial impact on the member. Prior to approving or denying any application for conditional rezoning, the Board of Commissioners shall comply with G.S. 160D-605(a).

Prior to the granting of any conditional zoning application, the Planning Board may recommend, and the Board of Commissioners may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the conditional zone as it deems necessary for the protection of the public interest. In all cases in which conditional zoning is granted, the Board of Commissioners shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated are being met. All conditions must be mutually agreed upon by the county and petitioner/property owner as set forth in GS 160D-703 (b). (Amended 6-1-21)

Conditions may include, but not limited to, the following:

a. Conditions may be imposed to abate or restrict noise, smoke, dust, or other elements that may affect surrounding properties.

b. Establish setback, side, front, and rear yard requirements necessary for orderly expansion and to prevent traffic congestion.

c. Provide adjoining property with a buffer or shield from view of the proposed use if necessary.

d. Establish a time limit at expiration of which the permit or approval shall no longer be valid, or shall require renewal based on the requirements as set forth in Section 133 (Vested Rights).

132.6 Effect of Approval

1. If an application for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's classification, the approved site plan for the district, and any additional approved rules, regulations and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and the zoning maps.
2. If an application is approved, only those uses and structures indicated in the approved application and site plan shall be allowed on the subject property. A change of location of any structures may be authorized.
3. Following the approval of a rezoning application for a conditional zoning district, the subject property shall be identified on the Zoning Map by the appropriate district designation.
4. Any conditional zoning district shall have vested right pursuant to vested rights section.

132.7 Withdrawal of Application

An application may withdraw his application at any time by written notice to the Planning Department. However, for any withdrawal of an application after the giving of the first advertised notice of the petition, any fees paid are non-refundable.

132.8 Removed

Section 133 Vested Rights

Pursuant to G.S. 160D-108 a vested right shall be deemed to be established with respect to any property upon the valid approval, or conditional approval, of a site specific development plan or phased development plan following notice and public hearing. Such 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 or the phased development plan including any amendments thereto. (Amended 6-1-21)

133.1 Definitions

For the purpose of this section only, the following definitions shall apply:

1. Landowner or owner: The holder of the title in fee simple. Absent evidence to the contrary, a local government may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals. (Amended 6-1-21)
2. Property: All real property subject to land-use regulation by a local government. The term includes any improvements or structures customarily regarded as a part of real property. (Amended 6-1-21)
3. Vested Right: The right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in GS 160D-108 or under common law. (Amended 6-1-21)

133.2 Submission of a site specific vesting development plan or multiphase development plan

1. A landowner shall first submit to the administrator a site specific vesting development plan or multiphase development plan as defined in GS 160D-108. Such plan shall describe 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 be limited to, any of the following plans or approvals; A planned unit development plan, a subdivision plat, a preliminary or general development plan, a conditional district zoning plan, or any or any other land-use approval designation as the County may specify. 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. The plan shall be submitted in completed form to the Planning Department and processed in the same manner, except as herein provided, as a conditional zoning application in accordance with Article XIII or this ordinance. (Amended 6-1-21)

2. After public hearing, the Board of Commissioners may approve a site specific development plan or phased development plan upon such conditions as may reasonably be necessary to protect the public health, safety and welfare.
3. Such conditional approval shall result in vested right, and the County shall issue a Vested Right Certificate for the subject property.

4. A Vested Right Certificate shall be issued for two years unless one or more factors described in Subsection 133.3 exist, in which case the certificate may be issued for up to 5 years.

133.3 Vested Right Certificate

1. The effect of the issuance of Vested Right Certificate 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 an approved site specific development plan or an approved phased development plan except as set forth in subparagraph 3 herein. Any vesting for a period of greater than two years shall be at the request of the applicant and upon determination by the Board of Commissioners that such greater period of vesting is needed based on:

a. the sizing and phasing of the development
b. the level of investment
c. the need for the development
d. economic cycles

2. The issuance of Vested Right Certificate 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 plan or phased development plant as provided for in this section. Failure to abide by the terms and conditions placed upon such approval will result in the forfeiture and revocation of the vested right certificate previously issued.

3. Upon the enactment or promulgation of a state or federal law or regulations that precluded development as contemplated in the site specific development plan. In such case the county may (after having advertised and conducted a public hearing per Subsection 132.3 of this ordinance) modify the affected provisions upon an evidentiary hearing that the change in state or federal law has had a fundamental effect on the plan. (Amended 6-1-21)

4. Upon the enactment of a state of federal law or regulation that precludes development as contemplated in the plan, the county may after having advertised and conducted a public hearing per Subsection 132.3 of this ordinance, modify the Vested Right Certificate upon conducting an evidentiary hearing an finding that the change in state or federal law or regulation has had a fundamental effect on the plan. (Amended 6-1-21)

5. Once a vested right certificate is issued, nothing in the ordinance 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.

133.4 Revocation or Expiration

In addition to the revocation provisions cited in Subsection 133.3, a vested right certificate may be revoked 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 Stokes County Zoning Ordinance or Stokes County Subdivision Regulations. The vested right certificate shall otherwise expire at the end of the approval period established by the Board Commissioners.

133.5 Expiration or Revocation of building permit

A building permit issued by Stokes County shall not expire or be revoked because of the running of time while as vested right certificate is outstanding on property for which the permit was issued.

133.6 Establishment of vested rights

The establishment of vested right on a piece of property for a site specific development plan shall not preclude the county from establishing and putting into place one or more overlay districts which may impose additional restrictions on said property, provided such restrictions do not affect the allowable type or intensity or use. Otherwise such regulations shall become effective with respect to the subject property upon the expiration or termination of the vested right certificate. The county may also enforce on the property additional regulations (adopted during the time the vest right certificate was in effect) that are general in nature an applicable to all property subject to the regulations of this ordinance.

133.7 Zoning map amendment process

General district zoning When considering a petition for the reclassification of property to a general zoning district (i.e., other than parallel conditional zoning district), neither the Planning Board nor the Board of Commissioners shall evaluate the petition based on any specific proposal for the use or development of the affected property and the petitioner shall refrain from using any graphic materials or descriptions of the proposed use development except for those which would apply to any use permitted in the requested district.

Section 134 General Provisions in Granting Conditional Use

Entire section Deleted

Section 135 Regulations Governing Duplex and Multi-Family Dwellings

135.1 Intent

In rural areas of the county, without public water or sewer systems, other types of housing are needed besides single family detached dwelling units. Duplexes and other types of multi-family dwellings provide needed forms of housing as long as adequate safeguards can be imposed to protect the rural environment.

135.2 Conditional Zoning Permits

The Stokes County Planning Board and the Stokes County Board of Commissioners shall review and act upon all requests for multi-family projects. Any expansion of a previously issued permit of the Board of Adjustment or any other board shall require the approval of the Board of Commissioners.

(Amended 10-3-00)

135.3 Site Plan Required
(When Two or More Buildings are Located on Single Lot)

A site plan clearly indicating the developer's intention to comply with the provisions of this Ordinance shall be submitted for approval to the Planning Department with this application for a Conditional Zoning. This site plan shall contain the following:

a. Name of the project and the name and address of the developer and/or owner(s),

b. Date, approximate North Arrow, and scale,

c. Boundary lines of the tract,

d. The names, proposed location and approximate dimensions of proposed streets, driveways, and parking spaces,

e. The location and general exterior dimensions of the principal building(s) and any accessory building(s) or structure(s), and

f. Certifications that an approved water and sewer systems can be provided to service the project.

135.4 Development Requirements

135.4.1 Density

Thirty Thousand (30,000) square feet shall be provided for the first dwelling unit; twenty thousand (20,000) square feet shall be provided for the second through fifth dwelling units; and fifteen thousand (15,000) square feet for six or more dwelling units. The overall density of development shall not exceed three (3) units per acre, where wells or community water systems and septic sewer systems are utilized. However, the final authority for approving building lots shall be with the Stokes County Health Department when public water or public sewer are not available.

135.4.2 Mean Lot Width

One hundred (100) feet minimum required mean lot width for the first dwelling unit. An additional ten (10) feet shall be provided for each unit in excess of one (1). However, the mean lot width shall not be required to exceed one thousand (1,000) feet.

135.4.3 Building Setback Lines

All principal buildings shall have a minimum front yard setback of forty (40) feet. In all other cases, principal buildings shall be located at least thirty (30) feet from any property lines.

135.4.4 Building Heights

Thirty-five (35) feet shall be the maximum building height (2 ½) stories.

135.4.5 Buffer Strips

Buffer strips may be required when a multi-family development adjoins an existing or potential single family residential area.

135.4.6 Control of Potential Nuisance Uses

Mechanical equipment rooms, air conditioning units or cooling towers, swimming pools, water filtration systems, children's play areas, and sporting facilities shall not be placed within fifty (50) feet of adjacent land used or anticipated to be used as single-family residential areas.

135.4.7 Internal Relationships

Structures, uses, and facilities shall be grouped in a safe, efficient, convenient and harmonious relationship in order to preserve desirable natural features and minimum disturbances of the natural topography.

135.4.8 Interior Circulation System

Streets, drives, parking and service areas shall provide safe and convenient access to dwelling units. Specifically, streets should be laid out not to encourage outside traffic to traverse the development on minor streets and streets should not create unnecessary fragmentation of the development into small blocks.

135.4.9 Vehicular Access to Public Roads

When possible, vehicular access to a public road from off-street parking or service areas shall be so combined, limited, located, designed and controlled as to channel traffic from and to such areas in a manner which minimizes the number of access points and promotes the free flow of traffic on streets without excessive interruption.

135.4.10 Signs

Any of the conditional zoning application permitted by this Section may provide signs identifying the project, but only in accordance with the requirements specified in Section 73.

135.4.11 Off-Street Parking

Any of the conditional zoning application permitted by this Section shall provide off-street parking in accordance with Section 74. (#7)

Amendment #7--Amended August 1, 1983

Section 136 Procedures for obtaining a Special Use

Special Use permits already issued shall remain in effect and be subject to the conditions and standards under the special use permit they were issued. No new Special Use permit applications shall be accepted.

ARTICLE XIV

Legal Provisions

Section 140 Conflict with Other Ordinances

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

Section 141 Validity

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

Section 142 Penalties

142.1 General Authority

a. Civil Penalty

The County has the power to impose fines and penalties for violation of any provision of the Zoning Ordinance as they may be amended from time to time, and may secure injunctions and abatement orders to further insure compliance with the regulations, as provided by North Carolina General Statute 153A-123.

b. Criminal Penalty

Violation of any of the provisions of the Zoning Ordinance is a misdemeanor as provided by North Carolina General Statute 14-4. The offender shall be subject to the maximum fine, term of imprisonment, and infraction penalty as provided in North Carolina General Statute 14-4 et seq.

142.2 Civil Penalty Procedure

a. Offender

An offender is any person or entity who violates any provisions of the Zoning Ordinance.

b. Warning Citation

Prior to issuing a civil citation for violation of the Zoning Ordinance, the Zoning Enforcement Officer shall issue and serve upon the offender a warning citation which shall provide the following information: (1) nature of the violation, (2) the ordinance(s) violated, (3) a reasonable period of time within which the violation(s) shall be cured, which reasonable time shall be deemed to be 30 days unless there is risk to public safety or health, in which case the warning citation can require the violations to be cured immediately, (4) shall state that if the violations are not cured within the prescribed time, that subsequent citation(s) shall be issued causing the offender to incur penalties in the amount of fifty dollars ($50.00) per day until the violation(s) are cured, and (5) a time, place and date for a hearing to be held before the Zoning Enforcement Officer, which is no more than 30 days from the date of the warning citation.

c. Warning Citation Hearing

At the hearing noticed in the warning citation, the offender and any party in interest shall have the right to appear before the Zoning Enforcement Officer and give evidence concerning the alleged violations. Rules of evidence applicable in courts of law and equity shall not apply. At the hearing, the Zoning Enforcement Officer can rescind, modify, or take no action with respect to the warning citation. If no action is taken, or if the offender fails to attend the hearing, the warning citation shall remain in full force and effect and the violations cited therein must be cured within the time prescribed by the original warning citation.

d. Civil Citation

If the violations are not cured within the time prescribed by a warning citation, the Zoning Enforcement Officer may issue a civil citation, which shall be served upon the offender requiring the offender to pay the sum of fifty dollars ($50.00) per day for each day that the violation has continued after the deadline for curing the violation stated in the warning citation. Said penalty shall be due and payable in full within fifteen (15) days after the date of service of the civil citation.

e. Subsequent Civil Citations

Each day's continuing violations shall be a separate and distinct offense. Provided, however, that once a warning citation has been issued for a continuing violation, subsequent civil citations may be issued to the offender concerning the violation(s) without issuing additional warning citations or without having additional warning citations or without having additional warning citation hearings.

f. Failure to Comply

If the offender fails to pay the fine assessed in the civil citation within 15 days from the date of service, the County may institute a civil action in the nature of debt, and shall be entitled to collect the fine or fines upon which the suit is brought, interests, costs, and attorney's fees.

g. Service

Warning citations and civil citations shall be served upon the offender(s) by any manner allowed under Rule 4 of the North Carolina Rules of Civil Procedure. Additionally, if the identities or whereabouts of any offenders are unknown and cannot be ascertained by the Zoning Enforcement Officer after due diligence or if the offenders refuse service, and the Zoning Enforcement Officer makes an affidavit to that effect, then services of the warning citation or civil citation may be posting the citation in a conspicuous place on the affected property. With respect to the issuance of warning citation, service must be perfected 10 days prior to the hearing scheduled therein, unless the Zoning Enforcement Officer deems the public health and safety is at risk, in which case service must be perfected 24 hours prior to the time of the hearing.

142.3 Injunction and Abatement

a. Appropriate Equitable Remedy

Any provision of the Zoning Ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the General Court of Justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the County for equitable relief that there is an adequate remedy at law.

b. Enforcement by Injunction or Abatement

Any provision of the Zoning Ordinance may be enforced by injunction and order of abatement by a General Court of Justice. When a violation of such a provision occurs, the County may apply to the appropriate division of the General Court of Justice for a mandatory 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.

c. Abatement as Part of Judgment in the Cause

In addition to an injunction, the court may enter an order of abatement as 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; taken that is necessary to bring the property into compliance with the Zoning Ordinance.

d. Failure to Comply

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 an order of abatement. The County shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and material-man's lien. 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 is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction.

142.4 Method of Enforcement

This Ordinance may be enforced by any one, all, or a combination of the remedies authorized and prescribed herein.

Section 143 Effective Date

This Ordinance shall take effect and be in force from and after its passage and adoption.

Duly adopted by the Board of Commissioners of the County of Stokes, North Carolina, this the 1st day of March, 1983.

ATTEST:

_____

County Clerk

_____

Chairman, County Board of Commissioners

_____

County Attorney

ARTICLE XV

DRINKING SUPPLY WATERSHED PROTECTION

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ARTICLE XV

DRINKING SUPPLY WATERSHED PROTECTION

Section 1 Establishment of Watershed Overlay Districts.

Within the Stokes County Planning Jurisdiction the following watershed overlay districts shall be established:

UT at Camp Sertoma WS-II-CA (Critical Area)
UT at Camp Sertoma WS-II-BW (Balance of Watershed)
Tom's Creek WS-II-BW (Balance of Watershed)
Mayo River WS-IV-PA (Protected Area)
Dan River WS-IV-PA (Protected Area)
Yadkin River WS-IV-PA (Protected Area)

Section 2 Definitions.

The following definitions apply specifically to the drinking supply watershed overlay districts.

Agricultural Use of Water: The use of waters for stock watering, irrigation, and other farm purposes.

Animal units: A unit of measurement developed by the U.S. Environmental Protection Agency that is used to compare different types of animal operations. One hundred (100) animal units equals to 70 dairy cows, 100 beef cattle, 250 hogs, 50 horses, 1000 sheep, 5500 turkeys, 3000 chickens with liquid manure systems, 10,000 chickens with continuous overflow waterers, or 500 ducks.

Balance of Watershed: The area adjoining and upstream of the critical area in the WS-II or WS-III watersheds.

Best Management Practices: (BMP's). A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

Built-upon Area: (impervious area) Built-upon areas shall 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), etc. (Note: wooden slatted decks and the water area of a swimming pool are considered pervious.)

Critical Area: The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

Development: Any land disturbing activity which adds to the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Discharging Landfill: A landfill which discharges treated leachate and which discharges treated leachate and which requires a National Pollution Discharge Permit.

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 at least one of the following:

(1) substantial expenditures of resources (time, labor, or money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or

(2) having an outstanding valid building permit as authorized by the General Statutes *(G.S. 153A-344.1)*; or

(3) Having an approved site specific or phased development plan as authorized by the General Statutes *(G.S. 153A-344.1).*

Hazardous Material: Any substance listed as such in: SARA (Superfund Amendments and Reauthorization Act) Section 302, Extremely Hazardous Substances, CERCLA (Comprehensive Environmental Response, Compensation and Liability Act of l980) Hazardous Substances, or Section 311 of CWA (Clean Water Act) (oil and hazardous substances).

Industrial development: Any non-residential development that requires an National Pollutant Discharge Elimination System (NPDES) permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

Landfill: A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the N.C. General Statutes. For the purpose of this ordinance this term does not include composting facilities.

Non-conforming Lot of Record: A lot described by plat or deed that was recorded prior to the effective date of this ordinance (or amendments) that does not meet minimum lot size or other development requirements of this ordinance.

Non-residential Development: All development other than residential development, agriculture and silviculture.

Protected Area: The area adjoining and upstream of the critical area in a WS-IV watershed. The boundaries are defined as 10 miles upstream and draining to the intake located directly in the stream or river.

Residential Development: Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

Residential Development, Single-Family: Any development where: 1) no building contains more than one dwelling unit, 2) every dwelling unit is on a separate lot, and 3) where no lot contains more than one dwelling unit.

Stream Buffer: An area of natural or planted perennial vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Structure: Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land.

Toxic Substance: Any substance or combination of substances (including disease 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 the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their off spring or other adverse health effects.

Variance, Major Watershed: A major variance would completely eliminate a management requirement, or reduce a management requirement by more than ten percent (10%). A major variance shall be reviewed by the County Board of Adjustment and approved by the N.C. Environmental Management Commission.

Variance, Minor Watershed: Any reduction not considered a major one. It shall be reviewed and approved by the County Board of Adjustment.

Water Dependent Structure: Any structure for which the use requires access to or proximity to or citing 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.

Watershed: The entire land area contributing surface drainage to a specific point (e.g. the water supply intake.)

Section 3 Intent

The watersheds overlay districts are established to impose higher development standards around or upstream from drinking water supplies than generally imposed on land uses in the planning area. The intent is to maintain current development patterns in order to prevent the risks of pollution from more intense land uses (urbanization). The classifications of watersheds are based on current or expected land development patterns. A W-S II will have a predominantly undeveloped land-use pattern and a W-S IV will have a moderate to high land-use intensity pattern, or be a part of a larger watershed. Because the risk of pollution is directly related to the proximity to the water supply, development standards are higher in the critical area than in the balance of the watershed.

Section 4 Applicability

These watershed overlay district regulations shall apply to land-use activities within the areas designated as a Public Water Supply Watershed by the N.C. Environmental Management Commission in accordance with G.S. 143 214.5. These watersheds shall be defined and established on the map entitled, “Watershed Protection Map of Stokes County, North Carolina”, which is adopted simultaneously herewith. The Watershed Map and all explanatory matter contained thereon accompanies and is hereby made a part of these regulations.

Section 5 **Exceptions and Applicability**

(a) The watershed overlay districts imposes an additional layer of regulations over existing zoning requirements. When a conflict occurs between the zoning district standards and the overlay district standards, the more restrictive shall prevail. Under no situations will development be permitted in designed drinking supply watersheds that violate the Water Supply Watershed Rules as adopted by the N.C. Environmental Management Commission.

(b) It is not the intent that these regulations interfere with any easement, covenants 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.

(c) All land use activities shall be regulated by the watershed protection regulations in designated drinking supply watersheds except existing development, as defined in Section 2 Definitions above, is not subject to the requirements of this Article. Expansions to structures classified as existing development must meet the requirements of this Article, however, the built upon area of the existing development is not required to be included in the density calculations.

Section 6 **Watershed II- Critical Area (WS-II-CA).**[1]

(a) Permitted Uses:

1. All uses allowed in the underlying zoning districts where the watershed is located, unless specifically excluded in (b) below.

2. Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990. Agricultural activities conducted after January 1, 1993 shall maintain a minimum ten (10) foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G. S. 1:24,000 (7.5 minutes) scale topographic maps or as determined by local government studies. Animal operations greater than 100 animal units shall employ BMPs by July 1, 1994 recommended by the Soil and Water Conservation Commission.

3. Silviculture, using Best Management Practices required to implement the provisions of the Forest Practices Guidelines Related to Water Quality *(15 NCAC 1I.6101 - .0209).*

[1] WS II -CA designation applies to the public water supply for Camp Sertoma

(b) Prohibited uses:

The Water Supply Watershed Protection Rules specifically exclude the following uses in designated drinking water supply watersheds.

1. Landfills.

2. Sites for land application of residual application sites or petroleum contaminated soils.

(c) Density and Built-upon Limits:

1. Single-family residential development shall not exceed one dwelling unit per two (2) acres on a project-by-project basis. No residential lot shall be less than two (2) acres, except within an approved cluster development.

2. All other residential and non-residential development shall not exceed six percent (6%) built-upon area on a project-by-project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

Section 7 WS-II Watershed-Balance of Watershed (WS-II - BW).[2]

(a) Permitted Uses:

1. All uses allowed in the underlying zoning districts where the watershed is located, unless specifically excluded in (b) below.

2. Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.

3. Silviculture, using best management practices required to implement the provisions of the Forest Practices Guidelines Related to Water Quality *(15 NCAC 1I.6101 - .0209).*

(b) Prohibited Uses:

The Water Supply Watershed Protection Rules specifically exclude the following uses in designated drinking water supply watersheds.

1. Discharging landfills.

2. The storage of toxic and hazardous materials unless a spill containment plan is implemented.

(c) Density and Built-upon Limits:

[2] WS-II -BW designation applies to Camp Sertoma and Tom's Creek Water Supply Watersheds.

1. Single-family residential development shall not exceed one dwelling unit per acre on a project by project basis. No residential lot shall be less than one acre, except in a cluster development.

2. All other residential and non-residential development shall not exceed twelve percent (12%) built upon area on a project-by-project basis except that up to **ten percent (10%) of the balance of the watershed may be developed for residential and non-residential development to seventy percent (70%) built-upon area on a project-by-project basis**. This allocation shall be determined by the Stokes County Board of Commissioners. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

Section 8 **WS-IV Watershed - Protected Area (WS-IV-PA)**

(a) Application:
Only new development activities that require an erosion/sedimentation control plan under State Law or approved local program are required to meet the provisions of these watershed regulations when located in the WS-IV watershed.

(b) Permitted Uses:

1. All uses allowed in the underlying zoning districts where the watershed is located, unless specifically excluded in © below.

2. Agriculture, subject to the provisions of the food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.

3. Silviculture, using Best Management Practices required to implement the provisions of the Forest Practices Guidelines Related to Water Quality *(15 NCAC 1I.6101 - .0209).*[1]

(c) Prohibited uses:

The Water Supply Watershed Protection Rules specifically exclude the following uses in designated drinking water supply watersheds.

1. The storage of toxic and hazardous materials unless a spill containment plan is implemented.

(d) Density and Built-upon Limits:

1. Single-family residential development shall not exceed one dwelling unit per one-half (1/2) acre, with curb and gutter or one-third (1/3) acre, without curb and gutter, except within an approved cluster development.

2. All other residential and non-residential development shall not exceed twenty-four percent (24%) built-upon area on a project-by-project basis with curb and gutter street system, or thirty-six (36%) built-upon area, without a curb and gutter system, **except that up to ten percent (10%) of the balance of the watershed may be developed for residential and non-residential development to seventy percent (70%) built-upon area on a project-by-project basis.** For the purpose of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed.

Section 9 <u>Cluster Development</u>

Clustering of development is allowed in all drinking supply watershed area 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 WS-II or WS-IV Watersheds. Build-upon area or stormwater control requirements of the project shall not exceed that allowed for the critical area or balance of watershed, whichever applies.

(b) All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow. ***Maximize the use of sheetflow through vegetated areas, and maximize the flow length through vegetated areas.***

Amended 6-7-11

(c) The remainder of the tract shall remain in a vegetated or natural state. Where the development has an incorporated property owners association, title of the open space areas 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 preservation in a permanent easement.

(d) ***Cluster developments that meet the applicable low density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.***

Amended 6-7-2011

Section 10 **Stream Buffer Areas Required.**

(a) Stream Buffer:
A minimum ***one hundred (100) foot*** vegetative buffer is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial stream bank or shoreline stabilization is permitted.

Amended 6-7-2011

(b) Development in Buffers:
No new development is allowed in the buffer, except that water dependant structures, other structures such as flag poles, signs, and security lights which result in only diminutive increases in impervious area, and public works projects.

Section 11 **Administration.**

(a) Record keeping:
The zoning enforcement officer shall enforce the provisions of the zoning ordinance as specified in Article X, Section 100. Within the watershed overlay districts, he shall have the following additional duties:

1. Submit copies of all amendments upon adoption to the Supervisor of the Classification and Standards Group, Water Quality Section, Division of Environmental Management;

2. Keep a record of variances and submit this record for each calendar year to the Division of Water Quality on or before January 1st of the following year and provide a description of each project receiving a variance and the reasons for granting the variance.

3. Keep records of the jurisdiction's utilization of the provision that a maximum of **ten** percent (**10%**) of the non-critical area of Camp Sertoma and Tom's Creek Watersheds (WS-II) may be developed with non-residential development to a maximum of seventy percent (70%) built-upon area;

4. Calculate the following information for each watershed: the total acres of non-critical area, total acres eligible to be developed under the 10/70 option, and maintain individual records for each project with the following information: location, acres, site plan, and use; and,

5. Monitor land-use activities in the watershed to identify situations that may threaten water quality, and shall report these situations to the agency with direct regulatory responsible for these activities.

(b) Appeals:

All appeals from the decision of the zoning enforcement officer shall be submitted to the Board Of Adjustment (see Article XI, Section 112.1). Further, any appeals from the board of adjustment shall be to the Superior Court within 30 days, not to the Stokes County Board of Commissioners.

(c) Amendments:
All amendments to the watershed regulations shall be handled as specified in Article XII. Under no circumstances shall the Stokes County amend supplement or change the watershed regulations that would cause the regulations to violate the watershed protection rules as adopted by the N.C. Environmental Management Commission. All amendments shall be filed with the N.C. Division of Environmental Management, N.C. Division of Environmental Health, and the N.C. Division of Community Assistance.

(d) Watershed Variances:

1. The Board Of Adjustment shall handle minor variances as specified in Article XI, Section 112.3.

2. If a major variance (See definition) is requested, the board of adjustment, after making a favorable decision in granting the request, shall prepare a preliminary record of the hearing. The preliminary record of the hearing shall include:

   (a) the variance application;
   (b) the hearing notices;
   (c) the evidence presented;
   (d) motions, offers of proof, objections to evidence, and rulings on them;
   (e) proposed findings and exceptions;
   (f) the proposed decision, including all conditions proposed to be added to the permit.

The information shall be sent to the NC Environmental Management Commission (EMC) for its review as follows:

The EMC shall review the preliminary record and determine whether or not: (1) the request qualifies as a major variance; (2) the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted; and (3) the variance, if granted, will not result in a serious threat to the water supply. Based on its findings the EMC shall approve the variance as proposed or approve the proposed variance with conditions and stipulations, or disapprove it. The EMC shall prepare a decision and send it to the Stokes County Board of Adjustment. This Board shall prepare a final decision, based on the determination of the EMC.

3. *In designated drinking water supply watersheds, the zoning enforcement officer shall notify all jurisdictions within the watershed of a proposed variance to the watershed regulations.* Local governments may submit any comments to the zoning enforcement officer before the public hearing by the Stokes County Board of Adjustment.

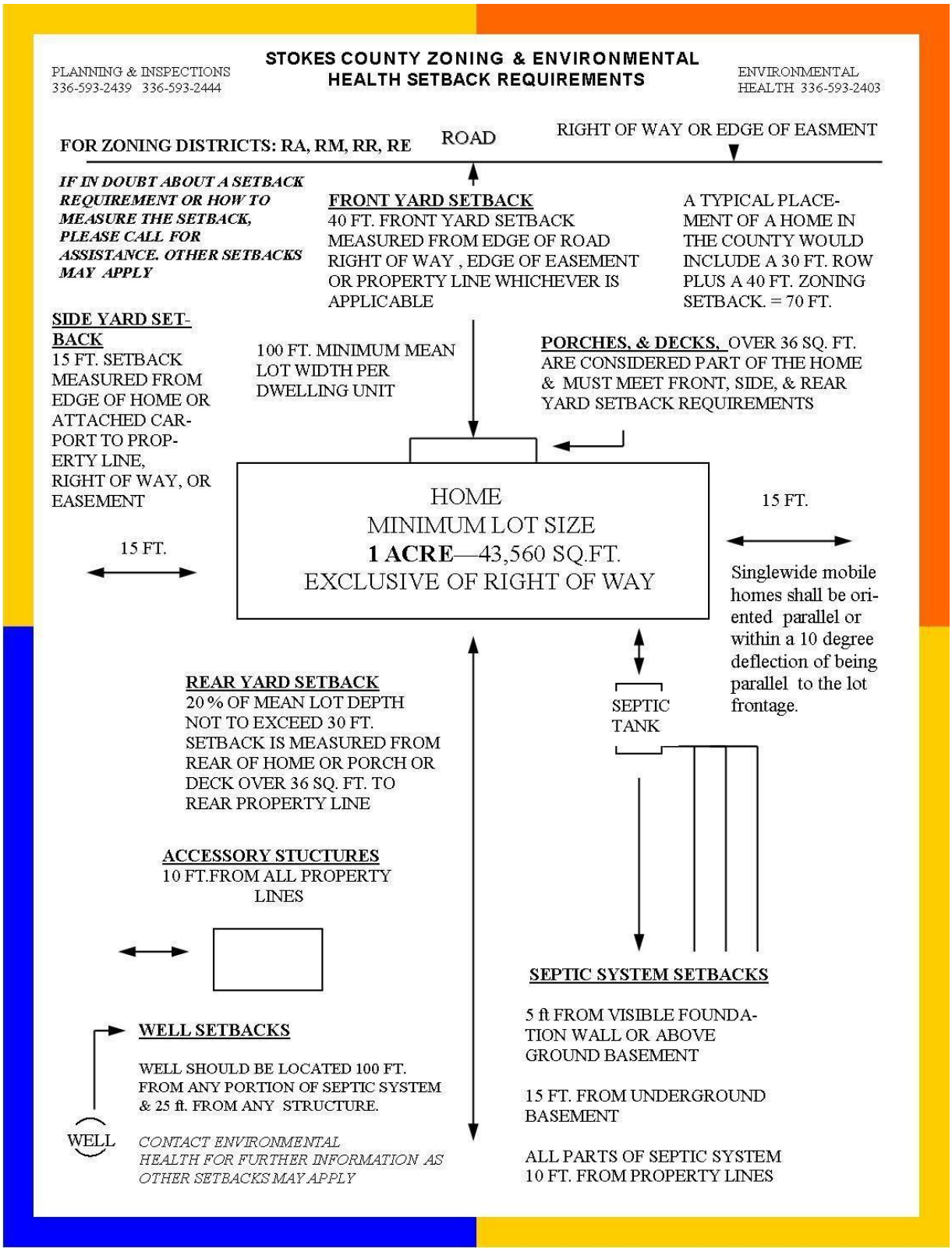
(e) Boundary Determination:

The watershed boundaries are delineated on Stokes County Zoning Maps. Boundaries were drawn to avoid dividing tracts in single ownership so some parts of a tract may be outside the watershed or protected area. If a property owner can demonstrate his land drains into another watershed or into the receiving stream below the intake in the same watershed, the zoning enforcement officer can exempt that specific area from the watershed regulations.

Section 12 Adoption and Effective Date

This Article was duly adopted on **December 7, l993** by the Stokes County Board of Commissioners with an effective date of **January 1, l994 and subsequently amended August 8, 1995, November 4, 1997 and June 7, 2011.**

Appendix-A Dimensional Requirements



PLANNING & INSPECTIONS
336-593-2439 336-593-2444

STOKES COUNTY ZONING & ENVIRONMENTAL HEALTH SETBACK REQUIREMENTS

ENVIRONJv!ENTAL
HEALTH 336-593-2403

FOR ZONING DISTRICTS: R20

ROAD

RIGHT OF WAY OR EDGE OF EASMENT

IF IN DOUBT ABOUT A SETBACK REQUIREMENT OR HOW TO MEASURE THE SETBACK, PLEASE CALL FOR ASSISTANCE. OTHER SETBACKS MAY APPLY

FRONT YARD SETBACK
30 FT. FRONT YARD SEIBACK MEASURED FROM EDGE OF ROAD RIGHT OF WAY , EDGE OF EASEMENT OR PROPERTY LINE WHICHEVER IS APPLICABLE

SIDE YARD SET•

BACK
15 FT. SEIBACK MEASURED FROM EDGE OF HOME OR ATTACHED CAR•

PORT TO PROP• ERTY LINE, RIGHT OF WAY, OR EASEMENT

100 FT. MINIMUM MEAN LOT WIDTH PER DWELLING UNIT

PORCHES, & DECKS, OVER 36 SQ. FT. ARE CONSIDERED PART OF THE HOME & IVIUST MEET FRONT, SIDE, & REAR YARD SEIBACK REQUIREMENTS

HOME

MINIMUM LOT SIZE

1 ACRE-43,560 SQ.FT.
EXCLUSIVE OF RIGHT OF WAY

15 FT.

15 FT.

REARYARD SETBACK
20 % OF MEAN LOT DEPTH NOT TO EXCEED 30 FT. SEIBACK IS MEASURED FROM REAR OF HOME OR PORCH OR DECK OVER 36 SQ. FT. TO REAR PROPERTY LINE

SEPTIC TANK

ACCESSORYSTUCTURES 10 FT.FROM ALL PROPERTY LINES

D

WELL SETBACKS

\VELL SHOULD BE LOCATED 100 FT. FROM ANY PORTION OF SEPTIC SYSTEM & 25 ft. FROM ANY STRUCTURE.

W EL L

CONTACT ENVIRONMENTAL HEALTH FOR FURTHER INFORMATION AS OTHER SETBACKSJY[AY APPLY

SEPTIC SYSTEM SETBACKS

5 ft FROM VISIBLE FOUNDA• TION WALL OR ABOVE GROUND BASEMENT

15 FT. FROM UNDERGROUND BASEMENT

ALL PARTS OF SEPTIC SYSTEM 10 FT. FROM PROPERTY LINES

PLANNING & INSPECTIONS
336-593-2439 336-593-2444

STOKES COUNTY ZONING & ENVIRONMENTAL HEALTH SETBACK REQUIREMENTS

ENVIRONJv!ENTAL
HEALTH 336-593-2403

FOR ZONING DISTRICTS: HB
HIGHWAY BUSINESS

ROAD

RIGHT OF WAY OR EDGE OF EAS1\1ENT

IF IN DOUBT ABOUT A SETBACK

REQUIREMENT OR HOW TO MEASURE THE SETBACK, PLEASE CALL FOR ASSISTANCE. OTHER SETBACKS MAY APPLY

FRONT YARD SETBACK
30 FT. FRONT YARD SEIBACK MEASURED FROM EDGE OF ROAD RIGHT OF WAY , EDGE OF EASE1\1ENT OR PROPERTY LINE WHICHEVER IS APPLICABLE

SIDE YARD SET•

BACK
10 FT. SEIBACK MEASURED FROM EDGE OF BUILDThfG TO PROPERTY LINE, RIGHT OF WAY, OR EASEMENT

100 FT. MThflMUM MEAN LOTWIDTH

PORCHES,&

DECKS, OVER 36 SQ. FT. ARE CONSID• ERED PART OF THEBUILDThfG &MUST MEET FRONT, SIDE, & REAR YARD SEIBACK REQUIREMENTS

BUILDING

MINIMUM LOT SIZE
20,000 SQ FT
EXCLUSIVE OF RIGHT OF WAY

10FT.

10 FT.

REARYARDSETBACK
20 FT. SEIBACK IS MEASURED FROM REAR OF BUILDThfG OR PORCH OR DECK OVER 36 SQ. FT. TO REAR PROPERTY LINE

SEPTIC TANK

ACCESSORYSTUCTURES
10 FT.FROM ALL PROPERTY LINES

WELL SETBACKS

\VELL SHOULD BE LOCATED 100 FT. FROM ANY PORTION OF SEPTIC SYSTEM & 25 ft. FROM ANY STRUCTURE.

W EL L

CONTACT ENVIRONMENTAL HEALTH FOR FURTHER INFORMATION AS OTHER SETBACKSJY[AY APPLY

SEPTIC SYSTEM SETBACKS

5 ft FROM VISIBLE FOUNDA• TION WALL OR ABOVE GROUND BASE1\1ENT

15 FT. FROM UNDERGROUND BASEMENT

ALL PARTS OF SEPTIC SYSTEM 10 FT. FROM PROPERTY LINES

PLANNING & INSPECTIONS
336-593-2439 336-593-2444

STOKES COUNTY ZONING & ENVIRONMENTAL HEALTH SETBACK REQUIREMENTS

ENVIRONJv!ENTAL
HEALTH 336-593-2403

FOR ZONING DISTRICTS: MI LIGHT MANUFACTURING

ROAD

RIGHT OF WAY OR EDGE OF EAS1\1ENT

IF IN DOUBT ABOUT A SETBACK REQUIREMENT OR HOW TO MEASURE THE SETBACK, PLEASE CALL FOR ASSISTANCE. OTHER SETBACKS MAY APPLY

FRONT YARD SETBACK
50 FT. FRONT YARD SEIBACK MEASURED FROM EDGE OF ROAD RIGHT OF WAY , EDGE OF EASE1\1ENT OR PROPERTY LINE WHICHEVER IS APPLICABLE

SIDE YARD SET• BACK
15 FT. SEIBACK MEASURED FROM EDGE OF BUILDThfG TO PROPERTY LINE, RIGHT OF WAY, OR EASEMENT

200 FT. MThflMUM MEAN LOTWIDTH

PORCHES,& DECKS, OVER 36 SQ. FT. ARE CONSID• ERED PART OF THEBUILDThfG &MUST MEET FRONT, SIDE, & REAR YARD SEIBACK REQUIREMENTS

LDI
BUI NG
MINIMUM LOT SIZE
1 ACRE-43,560 SQ.FT.
EXCLUSIVE OF RIGHT OF WAY

15 FT.

15 FT.

REARYARDSETBACK
20 FT. SEIBACK IS MEASURED FROM REAR OF BUILDThfG OR PORCH OR DECK OVER 36 SQ. FT. TO REAR PROPERTY LINE

SEPTIC TANK

ACCESSORYSTUCTURES
10 FT.FROM ALL PROPERTY LINES

WELL SETBACKS

\VELL SHOUID BE LOCATED 100 FT. FROM ANY PORTION OF SEPTIC SYSTEM & 25 ft. FROM ANY STRUCTURE.

W EL L

CONTACT ENVIRONMENTAL HEALTH FOR FURTHER INFORMATION AS OTHER SETBACKSJY[AY APPLY

SEPTIC SYSTEM SETBACKS

5 ft FROM VISIBLE FOUNDA• TION WALL OR ABOVE GROUND BASE1\1ENT

15 FT. FROM UNDERGROUND BASEMENT

ALL PARTS OF SEPTIC SYSTEM 10 FT. FROM PROPERTY LINES

PLANNING & INSPECTIONS
336-593-2439 336-593-2444

STOKES COUNTY ZONING & ENVIRONMENTAL HEALTH SETBACK REQUIREMENTS

ENVIRONJv!ENTAL
HEALTH 336-593-2403

FOR ZONING DISTRICTS: M2
HEAVY MANUFACTURING

ROAD RIGHT OF WAY OR EDGE OF EASMENT

IF IN DOUBT ABOUT A SETBACK REQUIREMENT OR HOW TO MEASURE THE SETBACK, PLEASE CALL FOR ASSISTANCE. OTHER SETBACKS MAY APPLY

FRONT YARD SETBACK
40 FT. FRONT YARD SEIBACK
MEASURED FROM EDGE OF ROAD
RIGHT OF WAY , EDGE OF EASEMENT
OR PROPERIT LThfE WHICHEVER IS
APPLICABLE

SIDE YARD SETBACK
15 FT. SEIBACK
MEASURED FROM
EDGE OF BUILDThfG OR
ATTACHED CARPORT
TO PROPERIT LThfE,
RIGHT OF WAY, OR
EASEMENT
IF LOT ABUTS TO A
RESIDENTAL DISTRICT

PORCHES, & DECKS, OVER 36 SQ. FT.
ARECONSIDEREDPARTOFTHE
BUILDThfG & MUST MEET FRONT,
SIDE, & REAR YARD SEIBACK RE•
QUIREMENTS

15 FT.

BUILDING

SIDE YARD SETBACK
IF SIDE YARD SEIBACK
IS NOT REQUIRED MUST
BEAT LEASTS FT

REARYARDSETBACK
25 FT SEIBACK IS MEASURED
FROM REAR OF BUILDThfG OR
PORCH OR DECK OVER 36 SQ. FT.
TO REAR PROPERIT LThfE
1F LOT ABUTS TO A RESIDENTAL
DISTRICT

SEPTIC
TANK

ACCESSORYSTUCTURES
10 FT.FROM ALL PROPERIT
LThfES

WELL SETBACKS

\VELL SHOULD BE LOCATED 100 FT.
FROM ANY PORTION OF SEPTIC SYSTEM
& 25 ft. FROM ANY STRUCTURE.

W EL L

CONTACT ENVIRONMENTAL HEALTH FOR FURTHER INFORMATION AS OTHER SETBACKSJY[AY APPLY

SEPTIC SYSTEM SETBACKS

5 ft FROM VISIBLE FOUNDA•
TION WALL OR ABOVE
GROUND BASEMENT

15 FT. FROM UNDERGROUND
BASEMENT

ALL PARTS OF SEPTIC SYSTEM
10 FT. FROM PROPERIT LThfES

For the following zoning districts please contact the Planning & Community Development Department for the setback requirements:

R-15
R-8
RMF
MHP
CS

Appendix B
Wireless Telecommunication Requirements and Guidelines
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Wireless Telecommunications Facilities or Complexes

Purpose and Legislative Intent

1. The Telecommunications Act of 1996 affirmed the County of Stokes' authority concerning the placement, construction and Modification of Wireless Telecommunications Facilities or Complexes. This ordinance provides for the safe and efficient integration of Wireless Facilities or Complexes Necessary for the provision of advanced wireless telecommunications services throughout the community and to ensure the ready availability of reliable wireless services to the public, government agencies and first responders, with the intention of furthering the public safety and general welfare.

2. The County of Stokes finds that Wireless Telecommunications Facilities and Complexes may pose significant concerns to the health, safety, public welfare, character and environment of the County and its inhabitants. The County also recognizes that facilitating the development of wireless service technology can be an economic development asset to the County and of significant benefit to the County and its residents. In order to assure that the placement, construction or Modification of a Facility or Complex is consistent with the County's land use policies, the County utilizes a comprehensive Wireless Telecommunications Facility or Complex application and permitting process. The intent of this Appendix is to minimize the physical impact of Wireless Telecommunications Facilities on the community, protect the character of the community to the extent reasonably possible, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the County of Stokes.

Severability

1. If any word, phrase, sentence, part, section, subsection, or other portion of this Appendix or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Appendix, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

2. Any Conditional Zoning Permit issued pursuant to this Appendix shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect, by a competent authority, or is overturned by a competent authority, the permit shall be void in total, upon determination by the County.

Definitions

For purposes of this Section, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word "shall" is always mandatory, and not merely directory.

1. **Accessory Facility** or **Structure**: means an accessory facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities or Complexes, including but not limited to utility or transmission equipment storage sheds or cabinets.

2. **Amend, Amendment** and **Amended:** mean and shall relate to any change, addition, correction, deletion, replacement or substitution, other than typographical changes of no effect.

3. **Applicant:** means any Wireless service provider submitting an Application for a Wireless Telecommunications Facility (ies).

4. **Application:** means all Necessary and required documentation that an Applicant submits in order to receive a Conditional Zoning Permit or a Building Permit for Wireless Telecommunications Facilities.

5. **Antenna:** means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.

6. **Board:** means the Board of County Commissioners.

7. **Board of Adjustment:** means the Board established by adoption of the Stokes County Zoning Ordinance. March 1, 1983.

8. **Certificate of Completion** or **COC:** means a required document issued by the County that confirms that all work represented in the application i) was properly permitted; ii) was done in compliance with and fulfilled all conditions of all permits, including any final completion deadline; iii) was fully constructed as approved and permitted; and iv) a final inspection was requested, conducted and the Facility or Complex passed the final inspection.

9. **Co-location:** means the use of an approved telecommunications structure to support Antenna for the provision of wireless services.

10. **Commercial Impracticability** or **Commercially Impracticable:** means the inability to perform an act on terms that are reasonable in commerce, the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone and for a single site, shall not deem a

situation to be "commercially impracticable" and shall not render an act or the terms of an agreement "commercially impracticable".

11. **Completed Application:** means an Application that contains all necessary and required information and/or data necessary to enable an informed decision to be made with respect to an Application.

12. **Complex:** means the entire site or Facility, including all structures and equipment located at the site.

13. **Conditional Zoning Approval:** means approved by the Stokes County Board of Commissioners.

14. **Conditional Zoning permit:** means the actual permit issued for an approved conditional zoning use by the Stokes County Planning & Community Development Department.

15. **County:** means the County of Stokes

16. **DAS** or **Distributive Access System:** means a technology using antenna combining technology allowing for multiple carriers or Wireless Service Providers to use the same set of antennas, cabling or fiber optics.

17. **Eligible Facility** means an existing wireless tower or base station that involves collocation of new transmission equipment or the replacement of transmission equipment that does not constitute a Substantial modification.

18. **FAA** means the Federal Aviation Administration, or its duly designated and authorized successor agency.

19. **Facility** means a set of wireless transmitting and/or receiving equipment, including any associated electronics and electronics shelter or cabinet and generator.

20. **FCC:** means the Federal Communications Commission, or its duly designated and authorized successor agency.

21. **Height:** means, when referring to a Tower or wireless support structure, the distance measured from the pre-existing grade level to the highest point on the Tower or structure, even if said highest point is an Antenna or lightening protection device.

22. **Maintenance:** means plumbing, electrical or mechanical work that may require a building permit but that does not constitute a Modification to the WTF.

23. **Modification** or **Modify:** means, the addition, removal or change of any of the physical and visually discernible components or aspects of a wireless Facility or Complex with identical components, including but not limited to antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernible components, vehicular access, parking and/or an upgrade

or change-out of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to an existing support structure or Tower as a co-location is a Modification, unless the height, profile or size of the compound is increased, in which case it is not a Modification.

24. **Necessary** or **Necessity or Need:** means what is technologically required for the equipment to function as designed by the manufacturer and that anything less will result in prohibiting the provision of service as intended and described in the narrative of the Application. Necessary or Need does not mean what may be desired, preferred or the most cost-efficient approach and is not related to an Applicant's specific chosen design standards. Any situation involving a choice between or among alternatives or options is not a Need or a Necessity.

25. **NIER:** means Non-Ionizing Electromagnetic Radiation.

26. **Person:** means any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.

27. **Personal Wireless Facility**: See definition for 'Wireless Telecommunications Facilities'.

28. **Personal Wireless Services** or **PWS** or **Personal Telecommunications Service** or **PTS:** shall have the same meaning as defined and used in the 1996 Telecommunications Act.

29. **Planning Board:** means the Stokes County Planning Board.

30. **Private Personal Tower:** means any tower that transmits and receives radio signals less than 90 ft. in height used for non-commercial purposes i.e. citizens band, short wave, amateur, or other similar radio signals. Setbacks for such towers shall be at least the height of the tower plus ten (10) percent of tower height from any property line, highway right of way or transportation easement. Private personal towers are not permitted in any required front yard setback.

31. **Property:** means the entire deeded and recorded land area on which a leased or purchased area designated for the location of a wireless telecommunication facility.

32. **Repairs and Maintenance:** means the replacement or repair of any components of a wireless Facility or Complex where the replacement is identical to the component being replaced, or for any matters that involve the normal repair and maintenance of a wireless Facility or Complex without the addition, removal or change of any of the physical or visually discernible components or aspects of a wireless Facility or Complex that will impose new visible burdens of the Facility or Complex as originally permitted.

33. **Stealth** or **Stealth Technology:** means a design or treatment that minimizes adverse aesthetic and visual impacts on the land, property, buildings, and other facilities

adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean building the least visually and physically intrusive facility and Complex that is not technologically or commercially impracticable under the facts and circumstances. Stealth technology includes such techniques as DAS or its functional equivalent or camouflage where the Tower is disguised to make it less visually obtrusive and not recognizable to the average person as a Wireless Facility or Complex.

34. State: means the State of North Carolina. .

35. Structural Capability or **Structural Capacity:** means, notwithstanding anything to the contrary in any other standard, code, regulation or law, up to and not exceeding a literal 100% of the designed loading and stress capability of the support structure.

36. Substantial Modification: means a change or Modification that

a. increases the existing vertical height of the structure by the greater of (a) more than ten percent (10%) or (b) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet; or

b. except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance; or

c. increases the square footage of the existing equipment compound by more than 2,500 square feet.

37. Telecommunications: means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

38. Telecommunications Site: See definition for Wireless Telecommunications Facilities.

39. Telecommunications Structure: means a structure used to support equipment used to provide wireless communications.

40. Temporary: means not permanent in relation to all aspects and components of this Section, something intended to, and that does, exist for fewer than ninety (90) days.

41. Tower: means any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.

42. Wireless Telecommunications Facility or **Facilities <u>(WTF or WTFs) or Complex</u>** means and includes a **Telecommunications Site** and **Personal Wireless Facility Site:** It means a specific location at which a structure that is designed or intended to

be used to house or accommodate antennas or other transmitting or receiving equipment is located. This includes without limit, towers of all types and kinds and support structures, including but not limited to buildings, church steeples, silos, water towers, signs or other any other structure that is used or is proposed to be used as a support structure for antennas or the functional equivalent of such. It expressly includes all related facilities and equipment such as cabling, radios and other electronic equipment, equipment shelters and enclosures, cabinets and other structures associated with the complex used to provide, though not limited to, radio, television, cellular, SMR, paging, 911, Personal Communications Services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.

43. **Written Authorization:** means the official document or permit by which an applicant is allowed to use existing Wireless Telecommunications Facilities, (ex. co-location) as granted or issued by the county. This is an administrative procedure not requiring Board action.

General Policies and Procedures for Applications under this Section

In order to ensure that the placement, construction and Modification of a Facility or the components of a Complex do not endanger or jeopardize the County's health, safety, public welfare, environmental features, the nature and character of the community and neighborhood and other aspects of the quality of life specifically listed elsewhere in this Section, the County hereby adopts an overall policy and related procedures with respect to the submittal, review, approval and issuance of permits or Administratively granted authority for Wireless Facilities for the express purpose of achieving the policies and goals set forth herein:

1. A Conditional Zoning approval/permit for any new Complex, Facility or any Substantial Modification of a Facility or Complex or for a Co-located Facility;

2. An Administrative approval and a properly issued Building Permit for any co-location or Modification of a Facility or Complex that is not a Substantial Modification or Co-location.

3. The implementation of an Application process and requirements;

4. The establishment of procedures for examining an Application and issuing a Conditional Zoning permit or Administrative approval that is both fair and consistent;

5. The ability to promote and require wherever possible, the sharing and/or co-location of support structures among service providers;

6. The ability to require, promote and encourage wherever possible, the placement, height and quantity of a Facility or Complex in such a manner as to minimize the physical and visual impact on the community, including but not limited to the use of stealth technology.

7. The ability to require that a Facility and Complex shall be the least visually intrusive among those options available in the County given the facts and circumstances.

8. The Board of County Commissioners is the officially designated agency or body of the County to whom applications for a Conditional Zoning approval for a Facility or Complex must be made, and that is authorized to make decisions with respect to all aspects of Conditional Zoning applied for under this Section. The Board of Commissioners may at its discretion delegate or designate other official agencies or officials of the County or outside consultants to accept, review, analyze, evaluate and make recommendations to the Board with respect to the granting or not granting a Conditional Zoning application for Wireless Telecommunications Facilities.

9. All applications for new Wireless Telecommunications Facilities shall follow the procedures for Conditional Zoning petitions as set forth in Article V, Section52, (Procedures for Conditional Zoning Districts) and Article XIII , Section 132, (Procedure for Obtaining Conditional Zoning) of this ordinance.

10. There shall be a pre-application meeting for all intended applications. The pre-application meeting may be held either on site, or telephonically as deemed appropriate by the County or its designee. The purpose of the pre-application meeting will be to address i) issues that will help to expedite the review; and permitting process; and ii) certain issues or concerns the County or the Applicant may have.

11. If there has not been a prior site visit for the requested Complex within the previous six (6) months a site visit shall be conducted.

12. An Applicant shall submit to the County the number of completed Applications determined to be needed at the pre-application meeting. If Board action is required, applications will not be transmitted to the Board for consideration until the application is deemed complete.

13. If the proposed site is within two (2) miles of another jurisdiction, written notification of the Application shall be provided to the legislative body of all such adjacent jurisdictions as applicable and/or requested.

14. The owner(s) of the support structure to which antennas or related equipment are to be attached must be an official Applicant of Record.

15. All Applicants shall closely follow the instructions for preparing an Application. Not following the instructions without permission to deviate from such shall result in the application being deemed incomplete and a tolling of the time allowed for action on an Application until a Complete Application is received.

16. The Applicant shall be notified in writing of any deficiencies within forty-five days of the submission of an Application as regards any deficiencies related to the completeness of the Application. Remediation of deficiencies in an Application shall be deemed an amendment of the Application that was received.

17. The County may deny applications not meeting the requirements stated herein or which are otherwise not complete after proper notice and a reasonable opportunity to make the Application complete has been afforded.. Applications will be deemed abandoned if left incomplete for more than ninety (90) days after the date of notice of incompleteness.

18. No work of any kind on a Facility or Complex shall be started until the Application is reviewed and the Board of Commissioners has granted Conditional Zoning approval if applicable and a Building Permit has been issued.

19. Any and all representations made by the Applicant or that are made in support of the Application shall be deemed to be on the record, whether written or verbal, and shall be-deemed to have been relied upon in good faith by the County. Any verbal representation shall be treated as if it were made in writing.

20. Other than to remediate non-compliant situations related to matters of safety or the conditions of a permit, no permits for work at a Facility or Complex shall be issued

where the Facility or Complex is not in full compliance with all applicable local, state and federal laws, rules, regulations and orders. A Facility or Complex not in full compliance with this Section shall be required to be brought into full compliance before any permit of any kind will be issued.

21. An Application shall be signed on behalf of the Applicant(s) by a person vested with the authority to bind and commit the Applicant attesting to the truthfulness, completeness and accuracy of the information presented

22. The Applicant must provide documentation to substantiate that it has the right to proceed as proposed on the site or at the Complex in the form of an executed copy of the lease with the landowner or landlord or a signed letter of agency granting authorization. If the applicant owns the site or Complex, a copy of the ownership record is required.

23. Applications shall include written commitment statements to the effect that:

1) the applicant's Facility or Complex shall at all times and without exception be maintained in a safe manner, and in compliance with all conditions of all permits, as well as all applicable and permissible local codes, ordinances, and regulations and all applicable County, State and Federal Laws, rules, and regulations, unless specifically granted relief by the Commission in writing;

2) the construction of the Facility or Complex is legally permissible, including, but not limited to the fact that the Applicant is licensed to do business in the State.

24. Where a certification is called for in this section, such certification shall bear the signature and seal of a Professional Engineer licensed in the State.

25. A support structure and any and all accessory or associated structures shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and to harmonize with the natural surroundings. This shall include the utilization of stealth or camouflage or concealment technology as may be required by the County.

26. All utilities at a Complex or site shall be installed underground and in compliance with all Laws, ordinances, rules and regulations of the County, including specifically, but not limited to applicable electrical codes.

27. At a Facility or Complex needing vehicular access, an access road, parking and turn around space for emergency vehicles shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion. If the current access road or turn around space is deemed in disrepair or in need of remedial work to make it serviceable and safe and in compliance with any applicable regulations as determined at a site visit, the Application shall contain a commitment

to remedy or restore the road or turn around space so that it is serviceable and safe and in compliance with applicable regulations.

28. All work at a Facility or Complex shall be done in strict compliance with all current applicable technical, safety and safety-related codes adopted by the County, State, or United States, including but not limited to the most recent edition of the TIA ANSI Code, National Electric Safety Code, the National Electrical Code and the Occupational and Safety and Health Administration (OSHA) regulations, recommended practices of the National Association of Tower Erectors and accepted and responsible workmanlike industry practices. The codes referred to are the codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.

29. A holder of a Conditional Zoning approval or Administratively granted authority granted under this Section shall obtain, at its own expense, all permits and licenses required by applicable law, ordinance, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the County or other governmental entity or agency having jurisdiction over the applicant.

30. Unless such is proven to be technologically impracticable, the County requires the co-location of new antenna arrays on existing structures, as opposed to the construction of a new complex or support structure or increasing the height, footprint or profile of a facility or complex beyond the conditions of the approved Conditional Zoning permit for an existing facility or complex. In instances not qualifying for the Streamlined process the Applicant shall submit a comprehensive report inventorying all existing structures more than fifty feet (50') in height within one-half (1/2) mile of the location of any proposed new Facility or Complex.

31. An Applicant intending to co-locate on or at an existing facility or complex shall be required to document the intent of the existing owner to permit its use by the Applicant.

32. Co-located equipment shall consist only of the minimum antenna array technologically needed to provide service primarily and essentially within the County, to the extent practicable, unless good cause is shown in the form of clear and convincing evidence.

33. DAS systems that are owned or operated by a commercial carrier and are part of a commercial wireless system, or are used for commercial purposes, are expressly included in the context of this Section, regardless of the location or whether the Facility or any of its components is located inside or outside a structure or building.

34. The existence of a lease or an option to lease shall not be deemed justification for not complying with the siting priorities set forth in this Section. An applicant may not by-pass sites of higher priority solely because the site proposed is under lease or an option to lease exists. If a site other than the number (1) one priority is proposed, the applicant must explain to the reasonable satisfaction of the County why co-location is

technically or commercially impracticable. Build-to-Suit agreements between carriers and a proposed tower owner shall not be a valid basis for any claim of exemption, exception or waiver from compliance with this Section.

35. New towers or other support structures shall be prohibited in Residential Districts, Historic Districts, and areas officially deemed to be visual or scenic sensitive areas, unless the Applicant provides clear and convincing technical evidence demonstrating that:

- **a.** a new Tower as proposed is Necessary
- **b.** that the intended area cannot be served from outside the District or sensitive area
- **c.** that no existing or previously approved Facility or Complex can reasonably be used to serve the intended area within the County
- **d.** that not to permit a new Tower would result in or would preclude eliminating a significant gap in service.

Responsible Party(s)

The owner(s) of a Facility or Complex, any support structure used to accommodate wireless Facilities, and of the land upon which a Facility support structure or Complex is located, shall at all times be jointly and severally responsible for: (1) the physical and safe condition of the Facility or Complex, support structure and all components on the site related to the Facility or Complex; (2) assuring that all activities of owners, users, or lessees occurring on the site, and all components on the site related to the Facility or Complex, are at all times in compliance with all applicable laws, ordinances, rules, regulations, orders, and permits related to the Facility or Complex; and (3) assuring the proper permitting as required by this Article and other County regulations by all lessees and users of the Facility or Complex, including but not limited to any upgrades and/or Modifications of equipment. Said owner(s) shall regularly and diligently monitor activities at the site to assure that the Facility or Complex is operated in compliance with this Ordinance, other County regulations, and any Conditional Zoning Permit.

Application Fee

All fees and charges, including but limited to Application fees, Expert Assistance fees, Inspection fees and Permit fees, shall be as set forth in the County's Schedule of Fees.

Existing Facilities and Complexes

1. Any legally permitted Facility, Tower or other support structure or Complex that exists on the effective date of this Section shall be allowed to continue as it presently exists, provided that:
   a. all work was properly permitted
   b. the Facility or Complex is in compliance with all applicable local, State and federal laws, rules regulations, orders and permit conditions
   c. a Certificate of Completion (COC) was issued for the most recent work performed

2. Any work not properly previously permitted prior to the adoption of this Section must be permitted within ninety (90) days of the effective date of this Section.

3. Any Substantial Co-location or Modification of a Facility, Tower or other support structure or Complex, must be permitted under this Section and will require the entire Facility or Complex and any new Co-location or Modification to comply with this Section, including obtaining a valid COC.

4. Any proposed Eligible Facility shall not require a permit granted under this Section, but shall be required to obtain a Building Permit and a Certificate of Completion.

Certificate of Completion

1. No work shall be allowed to be done at or on any Facility or Complex, excepting normal repair and maintenance work as defined in this Section, for which the owner cannot produce the COC for the most recent work, until a final inspection has been conducted and a COC has been issued. If the Facility or Complex does not pass the initial final inspection, the owner shall be required to pay for any subsequent re-inspection fees prior to the inspection being conducted. A passing final inspection is required prior to the issuance of a COC.

2. If no COC can be produced for previously done work, the COC may be withheld until the Facility or Complex is compliant and the required information is provided and a final inspection has been performed.

Exclusions
The following shall be exempt from this Section:

1. Any facilities expressly exempt from the County's zoning, land use, siting, building and permitting authority.

2. The area located between the 185 ft and 199 ft. elevation situated on the county owned tower located on Booth Mountain, (1429 Mounce Rd., Walnut Cove, NC 27052) leased by Cellco Partnership D/B/A Verizon Wireless.

3. Any reception or transmission devices expressly exempted under the Telecommunications Act of 1996.

4. A Facility used exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio and other similar non-commercial Telecommunications that is less than 90ft above ground.

5. Facilities used exclusively for providing unlicensed spread spectrum technologies where:
   a. there is no charge for the use of the wireless service
   b. the Facility or Complex does not require a new Tower or increase the height of the structure being attached to
   c. the service is not intended to be useable more than one-hundred feet (100') from the Antenna(s).

Application Requirements for a New Tower or Support Structure or For a Substantial Modification or Co-location

1. All Applicants for Conditional Zoning approval for a new Wireless Facility or Complex, including for a new Tower or other support structure or that constitutes a Substantial Modification, shall comply with the requirements set forth in this Section. In addition to the required information set forth in this Section, all applications for the construction or installation of new Facility or Complex shall contain the information hereinafter set forth prior to the issuance of a Building Permit.

   A. **Ownership and Management**
      1. The Name, address and phone number of the person preparing the Application;

      2. The Name, address, and phone number of the property owner and the Applicant, including the legal name of the Applicant. If the owner of the structure is different than the applicant, the name and all Necessary contact information shall be provided;

      3. The Postal address and tax map parcel number of the property;

      4. A copy of the FCC license applicable for the intended use(s) of the Wireless Telecommunications Facilities, including all FCC licensed frequency bands;

5. The Applicant shall disclose in writing any agreement in existence that would limit or preclude the ability of the Applicant to share any new Telecommunication Tower that it constructs or has constructed for it;

B. Zoning and Planning

1. The Zoning District or designation in which the property is situated;

2. The size of the property footprint on which the structure to be built or attached is located, stated both in square feet and lot line dimensions, and a survey showing the location of all property lines;

3. The location, size and height of all existing and proposed structures, enclosures and cabinets on the property on which the structure is located and that are related to the subject of the Application;

4. A site plan to scale, not a hand drawn sketch, showing the footprint of the Support Structure and the type, location and dimensions of access drives, landscaping and buffers, fencing and any other requirements of site plans;

5. Elevation drawings showing the profile or the vertical rendition of the Tower or support structure at the Facility or Complex and identifying all existing and proposed attachments, including the height above the existing grade of each attachment and the owner or operator of each, as well as all lighting;

6. The type and design of the Tower or support structure, the number of antenna arrays proposed to be accommodated and the basis for the calculations of the Tower's or support structure's capacity to accommodate the required number of antenna arrays for which the structure must be designed;

7. Disclosure in writing of any agreement in existence prior to the submission of the Application that would limit or preclude the ability of the Applicant to share any new Telecommunication Tower that it constructs.

8. A certified statement of:
   a. the total cost of construction for the work associated with the Application
   b. the total cost of all equipment of the Applicant at the Facility. To verify the accuracy of the information, the County reserves the right to require copies of applicable invoices or other clear and convincing corroborating evidence.

C. Safety

1. The age of the Tower or support structure and Complex stated in years, including the date of the grant of the original permit; A description of the type of Tower, e.g. guyed, self-supporting lattice or monopole, or other type of support structure;

2. A dated and signed copy of the last valid Certificate of Compliance for the last previously permitted work.

3. The make, model, type and manufacturer of the Tower and the structural design analysis and report, including the calculations, certified by a Professional Engineer licensed in the State and proving the Tower or support Structure's capability to safely accommodate the Facilities of the Applicant without change or Modification .

4. If a Substantial Co-location, change or Modification of a Facility or Complex is needed, a detailed narrative explaining what changes are needed and why they are needed;

5. A complete, unredacted copy of the foundation design and report for the Tower or other structure, including a geotechnical sub-surface soils investigation report and foundation design;

6. If Substantially Modifying or Co-locating on an existing Tower or other support structure, a complete, unredacted and certified TIA ANSI 222 Report regarding the physical condition of the Complex and its components done within the previous six (6) months. If such report has not been done within the previous six (6) months, one shall be done and submitted as part of the Application. No Building Permit shall be issued for any Wireless Facility or related equipment where the structure being attached to is in need of remediation to comply with the requirements of this subsection and other adopted standards of the County, unless and until all remediation work that is deemed needed has been completed or a schedule for the remediation work has been approved by the Stokes County Planning & Community Development Department.

7. In an instance involving a Tower with only a single array of antennas, or for the first antenna array to be attached to a Tower where the array will be ten (10) meters (approx. 33 ft.) or more above ground level and not within 100 feet of areas to which the public has or could reasonably have or gain access to, signed documentation in the form of the FCC's "Checklist to Determine whether a Facility may be Categorically Excluded" shall be provided to verify that the Facility and Complex with the proposed installation will be in full compliance with the FCC's current RF Emissions regulations;

8. In certain instances the County may deem it appropriate to have an on-site RF survey of the Facility or Complex done after the construction or modification

and activation of the Facility or Complex, such to be done under the direction of the County or its designee, and an un-redacted copy of the survey results provided, along with all calculations, prior to issuance of a Certificate of Compliance;

9. If not previously submitted, a signed statement that the Applicant will expeditiously remedy any physical or RF interference with other telecommunications or wireless devices or services.

2. A written copy of an analysis completed by a qualified individual or organization to determine if the proposed Wireless Telecommunications Facility or Complex ~~is~~ in compliance with Federal Aviation Administration Regulation Part 77, and if it requires lighting. Unless already lighted, this requirement shall also be for any Facility or Complex where the application proposes to increase the height of the Tower or support structure. If this analysis determines that an FAA determination is required, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided with the application.

3. All Applications for a proposed Facility or Complex applicable to this Section shall contain clear and convincing evidence that the Facility or Complex is sited and designed so as to create the least visual intrusiveness reasonably possible given the facts and circumstances involved, and thereby will have the least adverse visual effect on the environment and its character, on existing vegetation, and on the nature and character of the community in the area of the Facility or Complex. To achieve this goal the County expressly reserves the right to require the use of Stealth or Camouflage siting techniques such as, but not limited to, DAS (Distributive Antenna System technology) or its functional equivalent and such shall be subject to approval by the County Commissioners.

4. If proposing a new Tower or support structure, or a Substantial Co-location or Modification of an existing structure, the Applicant shall be required to submit clear and convincing evidence that there is no alternative solution within one-half (1/2) mile of the proposed site that would be less visually intrusive and that not to permit the proposed new Tower or support structure, or a Substantial Co-location or Modification would result in the prohibition of service or the perpetuation of a significant gap in service primarily within the County.

5. In order to better inform the public, in the case of a new Tower, the applicant shall hold a "balloon test" prior to the initial public hearing on the application. The Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a ten (10) foot in length brightly colored balloon at the maximum height of the proposed new Tower.

6. At least fourteen (14) days prior to the balloon test, a sign shall be erected so as to be clearly visible from the road nearest the proposed site and shall be removed no later than fourteen (14) days after the conduct of the balloon test. The sign shall be at least four feet (4') by eight feet (8') in size and shall be readable from the road by a person with 20/20 vision.

a. Such sign shall be placed off, but as near to, the public right-of-way as is possible.

b. Such sign shall contain the times and date(s) of the balloon test and contact information.

c. The dates, (including a second date, in case of poor visibility or wind in excess of 15 mph on the initial date) times and location of this balloon test shall be advertised by the Applicant seven (7) and fourteen (14) days in advance of the first test date in a newspaper with a general circulation in the County and as agreed to by the County. The Applicant shall inform the County in writing, of the dates and times of the test, at least fourteen (14) days in advance. The balloon shall be flown for at least four (4) consecutive hours between 10:00 am and 2:00 p.m. on the dates chosen. The primary date shall be on a week-end, but the second date, in case of poor visibility on the initial date, may be on a week day. A report with pictures from various locations of the balloon shall be provided with the application.

d. The Applicant shall notify all property owners and residents located within one-thousand five hundred feet (1,500) of the nearest property line of the subject property of the proposed construction of the Tower and Facility or Complex and of the date(s) and time(s) of the balloon test. Such notice shall be provided at least fourteen (14) days prior to the conduct of the balloon test and shall be delivered by first-class mail.

e. The Wireless Telecommunications Facility or Complex shall be structurally designed to accommodate at least four (4) Antenna Arrays, with each array to be flush mounted or as close to flush-mounted as is reasonable possible.

7. The Applicant shall provide certified documentation in the form of a structural analysis and report, including all calculations, showing that the Facility or Complex will be constructed to meet all local, state and federal structural requirements for loads, including wind and ice loads and including, but not limited to all applicable ANSI (American National Standards Institute) TIA 222 guidelines. In the event of a conflict the more stringent shall apply.

8. All Applications for a proposed Facility or Complex submitted under this section shall contain clear and convincing evidence that the Facility or Complex is sited and designed so as to create the least visual intrusiveness reasonably possible given the facts and circumstances involved, and thereby will have the least adverse visual effect on the environment and its character, on existing vegetation, and on the community in the area of the Facility or Complex. The County expressly reserves the right to require the use of Stealth or Camouflage siting techniques such as, but not limited to, DAS

(Distributive Antenna System technology) or its functional equivalent to achieve this goal and such shall be subject to approval by the Commission.

9. The Applicant shall furnish a Visual Impact Assessment, which shall include:

a. a computer generated "Zone of Visibility Map" at a minimum of one mile radius from the proposed structure shall be provided to illustrate locations from which the proposed installation may be seen, with and without foliage;

b. Pictorial representations (photo simulations) of "before and after" views from key viewpoints inside of the County as may be appropriate and required, including but not limited to state highways and other major roads, state and local parks, other public lands, historic districts, preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided concerning the appropriate key viewpoints at the pre-application meeting. In addition to photographic simulations to scale showing the visual impact, the applicant shall provide a map showing the locations of where the pictures were taken and the distance(s)of each location from the proposed structure;

10. The Applicant shall provide a description in writing and a visual rendering demonstrating how it shall effectively screen from view the bottom fifteen feet (15') of the Facility or Complex and all related equipment and structures associated with the Facility or Complex.

11. A Building Permit shall not be issued for construction of a new Tower or other support structure until there is an Application for or by a specific carrier that documents that the Facility or Complex is Necessary for that carrier to serve the community and that co-location on an existing Structure is not feasible.

12. Co-location on an existing structure is not reasonably feasible if co-location is technically or commercially impractical or the owner of the Structure is unwilling to enter into a contract for such use at fair market value. Sufficient documentation in the form of clear and convincing evidence to support such claims shall be submitted with an Application for the first carrier in order to determine whether co-location on existing structures is reasonably feasible and to document the need for a specific stated height, and that less height will serve to prohibit or have the effect of prohibiting the provision of service.

Application Requirements for Eligible Facility Co-locations or Modifications

1. No Conditional Zoning approval shall be required for an Eligible Facility. However, a Building Permit, a COC and all other applicable permits and authorizations shall be required. The following represent the County's policy(s) regarding Eligible Facilities.

2. The County shall not be required to issue a Building Permit for any Eligible Facility, the service area for which is not primarily and substantially within the County.

3. Attachments to Buildings: To preserve and protect the nature and character of the area and create the least visually intrusive impact reasonably possible under the facts and circumstances, any attachment to a building or other structure with a fascia, the antennas shall be flush-mounted on the facie without increasing the height of the building or other structure, unless it can be proven that such will prohibit or have the effect of prohibiting the provision of service, and all such attachments and exposed cabling shall use camouflage or stealth techniques to match as closely as possible the color and texture of the structure.

4. Attachments to Towers: So as to be the least visually intrusive reasonably possible given the facts and circumstances involved, and thereby have the least adverse visual effect, all antennas attached to a Tower or other structure shall be flush mounted or as near to flush mounted as is possible so as to create the smallest profile reasonably possible under the facts and circumstances, unless it can be proven that such would prohibit or serve to prohibit the provision of service or be technologically impracticable.

5. Attachments to Water Tanks: If attaching to a water tank, in order to maintain the current profile and height, mounting on the top of the tank or the use of a corral shall only be permitted if the Applicant can prove that to locate elsewhere less visually on the tank will prohibit or have the effect of prohibiting the provision of service.

6. Structural Analysis and Report: The Applicant shall provide a certification by a Professional Engineer licensed in the State, along with documentation in the form of a structural analysis, including calculations, that prove that the support structure and its foundation as proposed to be utilized are designed and were constructed to meet all local, County, State, Federal and TIA ANSI 222 structural requirements for loads, including wind and ice loads and the placement of any equipment on the roof a building after the addition of the proposed new equipment.

7. ANSI Inspection: A complete, unredacted TIA ANSI 222 Report regarding the physical condition of the Facility or Complex and its components done within the previous six (6) months. If such report has not been done within the previous six (6) months, one shall be done and submitted as part of the Application. No Building Permit shall be issued for any Wireless Facility or related equipment where the structure being attached to is in need of remediation to comply with the requirements of this subsection and other adopted standards of the County, unless and until all remediation work that is deemed needed has been completed or a schedule for the

remediation work has been approved by the Stokes County Planning & Community Development Department.

8. Compliance: Other than to remediate non-compliant situations related to matters of safety or the conditions of a permit, no permits for work at a Facility or Complex shall be issued for any work related to an Eligible Facility where the Facility and Complex are not in full compliance with all applicable local, State and federal laws, rules, regulations and orders. A Facility and Complex not in full compliance shall be required to be brought into full compliance before a Building Permit will be issued for work related to an Eligible Facility request or application. To enable the County to comply with the required time frames under applicable law, at all times and under all circumstances it shall be the responsibility of the Applicant to provide the required information, correctly and accurately, in a timely manner. Any information provided later than one (1) week prior to the deadline(s) for County action under applicable law shall automatically toll the time for the County to Act for thirty (30) days.

9. The following information shall accompany an application for a Building Permit for an Eligible Facility**.**

- **a.** A detailed narrative description and explanation of the specific objective(s) of the new equipment, expressly including and explaining the purpose of such, such as coverage and/or capacity, technical requirements, and the identified boundaries of the specific geographic area of intended coverage;
- **b.** Technical documentation that shows by clear and convincing technical evidence that the service will be to serve primarily and essentially within the County.
- **c.** All of the modeling information (i.e. data) inputted into the software used to produce the evidence required under the immediately preceding Subsection shall include all modeling information used to produce the evidence and any assumptions made such as ambient tree height;
- **d.** A copy of the FCC license for each frequency band applicable for the intended use of the Wireless Telecommunications Facility;
- **e.** The frequency, modulation and class of service of radios or other transmitting equipment;
- **f.** The maximum transmission power capability at which all of the radios are designed to operate, or the maximum transmission power capability, as designed, of all transmission facilities;
- **g.** The actual intended transmission power stated as the maximum effective radiated power (ERP), both in dBm's and watts;
- **h.** The number, type and model of the Antenna(s) proposed, along with a copy of the specification sheet(s) for the antennas;
- **i.** A statement from the owner of the Complex certifying that the Complex and all components thereof are currently in compliance with the conditions of an approved permit or setting forth any non-compliant situation.

Ownership and Management

j. The Name, address and phone number of the person preparing the Application;

k. The Name, address, and phone number of the property owner and the Applicant, including the legal name of the Applicant. If the owner of the structure is different than the applicant, the name and all Necessary contact information shall be provided;

l. The Postal address and tax map parcel number of the property;

m. A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities.

Safety

n. the age of the Tower or other Non-Building support structure in years, including the date of the grant of the original permit;

o. a description of the type of Tower, e.g. guyed, self-supporting lattice or monopole, or a description of the other type of support structure;-

p. a structural design analysis and report, including the supporting calculations, certified by a Professional Engineer licensed in the State and proving the Tower or other support structure's capability to safely accommodate the equipment of the Applicant. For the purposes of determining structural adequacy, no support structure of any kind may exceed a literal one hundred percent (100%) of its designed loading and stress capability;

q. if a change or Modification of a Facility or Complex is needed whereby the height, profile or size of the Facility or Complex is increased, a detailed narrative explaining what changes are needed and why they are needed, along with clear and convincing technical evidence of the need;

r. a copy of the installed foundation design, including a geotechnical sub-surface soils investigation report and foundation As-Built design for the Tower or other Non-Building structure;

s. In an instance involving a Tower with only a single array of antennas, or for the first antenna array to be attached to a Tower, where the antennas will be ten (10) meters,(approx. 33 ft.) or more above ground level and not within 100 feet of areas to which the public has or could reasonably have or gain access to, signed documentation in the form of the FCC's "Checklist to Determine whether a Facility may be Categorically Excluded" shall be provided to verify that the Facility and the Complex with the proposed installation will be in full compliance with the current FCC's RF Emissions regulations;

t. In certain instances the County may deem it appropriate to have an on-site RF survey of the Facility and Complex done after the construction or Modification and activation of the Facility, such to be done under the direction of the County or its designee, and an un-redacted copy of the survey results provided, along with all calculations, prior to issuance of a Certificate of Compliance;

u. A signed statement that the Applicant will expeditiously remedy any physical or RF interference with other telecommunications or wireless devices or services.

v. A written copy of an analysis, completed by a qualified individual or organization, to determine if the proposed Wireless Telecommunications Facility and Complex are in compliance with Federal Aviation Administration Regulation Part 77 and if it requires lighting. Unless already lighted, this requirement shall also be for any Facility or Complex where the application proposes to increase the height of the

Facility or Complex. If this analysis determines that an FAA determination is required, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided with the application.

w. A complete, unredacted TIA ANSI 222 Report regarding the physical condition of the Complex and its components done within the previous six (6) months. If such report has not been done within the previous six (6) months, one shall be done and submitted as part of the Application. No Building Permit shall be issued for any Wireless Facility or related equipment where the structure being attached to is in need of remediation to comply with the requirements of this subsection and other adopted standards of the County, unless and until all remediation work that is deemed needed has been completed or a schedule for the remediation work has been approved by the Stokes County Planning & Community Development Department.

Location of Wireless Telecommunications Facilities

Applicants shall locate, site and erect all Facilities and associated equipment in accordance with the following priorities, in the following order:

a. On existing structures without increasing the height of the tower or structure.
b. On County-owned properties or facilities.
c. On existing structures without increasing the height of the structure by more than is technically needed.
d. On properties in areas zoned for commercial or industrial use.
e. On properties in areas zoned for agricultural use.
f. On properties in areas zoned for residential use without increasing the height of the support structure and only if camouflaged or stealth technology is utilized to the satisfaction of the Board of Commissioners.
g. On properties in designated Historic Districts.

1. If the proposed site is not proposed for the highest priority listed above, then a detailed narrative and technical explanation must be provided as regards why a site from all higher priority designations was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why a Conditional Zoning approval or Administrative Authorization should be granted for the proposed site.

2. Notwithstanding anything else to the contrary, the County may approve any site located within an area in the above list of priorities, provided that the County finds that the proposed site is in the best interest of the health, safety and welfare of the County and its inhabitants and will not have a deleterious effect on the nature and character of the community and neighborhood. Conversely, the County may direct that the proposed location be changed to another location that is more in keeping with the goals of this section and the public interest as determined by the County and that serves the intent of the applicant.

3. Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the County may disapprove an Application for any of the following reasons:

   a) Conflict with safety and safety-related codes and requirements, including but not limited to setback and Fall Zone requirements;
   b) Non-Compliance with zoning or land use regulations;
   c) The placement and location of Facilities which would create an unacceptable safety risk to residents or the general public, employees and agents of the County or employees of the service provider or other service providers, physical or financial damage to or trespass on private property, or the reasonable possibility of such;
   d) The placement and location of a Facility or Complex would result in a conflict with, compromise in or change in the nature or character of the adjacent surrounding area, and expressly including but not limited to loss in value as measured from the end of calendar year prior to the Application having been filed;
   e) Conflicts with the provisions of this Section;
   f) Failure to submit a complete application as required under this section, after proper notice and opportunity to make the application complete.

4. No tower shall be located within an adopted view shed protection zone as indicated on the adopted maps. This shall include:

   a. A one (1) mile exclusionary area around Hanging Rock State Park.
   b. The area around Brown Mountain measured 500 feet down from the ridge top.

   The location of any tower proposed within the two (2) and three (3) mile view shed protection zone shall be reviewed by the Hanging Rock Advisory Board for a recommendation to the Planning Board and Board of Commissioners.

5. No new tower shall be permitted to be constructed within two (2) miles of an existing tower or structure that has room for at least one (1) occupant, unless it can be proven that the existing tower or structure will not enable the gap in service to be filled, either in whole or in part, and that a new tower is needed.

6. Notwithstanding anything to the contrary in this section, for good cause shown such as the ability to utilize a shorter, smaller or less intrusive Facility or Complex elsewhere and still accomplish the primary service objective, the County may require the relocation of a proposed site, including allowing for the fact that relocating the site chosen by the applicant may require the use of more than one (1) site to provide substantially the same service if the relocation could result in a less intrusive Facility or Complex, singly or in combination with other locations.

Type and Height of Towers

1. All new Towers shall be of the monopole type. No new Towers of a lattice or guyed type shall be permitted, unless relief is otherwise expressly granted.

2. Based on the 1996 Telecommunications Act and subsequent case law related to the right to deny an application for cause, the Applicant for a new Tower shall submit clear and convincing technical evidence by a carrier or wireless service provider justifying the total height of the proposed Tower or other support structure requested and the basis therefore, including all attachments. If the Applicant chooses to provide evidence in the form of propagation studies, such must include all modeling information and support data used to produce the studies at the requested height and a minimum of ten feet (10') lower to enable verification of the Need for the requested height.

3. Based on the 1996 Telecommunications Act and subsequent case law related to the right to deny an application for cause, the County reserves the right to require a drive test to be conducted under the supervision of the County or its delegate as evidence of the technical Need for what is requested.

4. As the County has made the policy decision that more Facilities of a shorter height is in the public interest, as opposed to fewer taller Facilities, spacing or the distance between Facilities shall be such that the service can be provided without exceeding the maximum permitted height.

5. The maximum permitted total height of a tower or other proposed support structure shall be one hundred ninety nine feet (199') above pre-construction ground level, unless it can be shown by clear and convincing technical evidence that such height would prohibit or have the effect of prohibiting the provision of service in the intended service area within the County.

6. At no time shall a Tower or other support structure be of a height that requires lighting by the FAA.

7. Towers shall be structurally designed to support a minimum of four (4) carriers using functionally equivalent equipment to that used by the first carrier attaching to a Tower or other support structure and that can be increased in height if needed.

Visibility and Aesthetics

1. No Tower or support structure that is not a building and is constructed after the effective date of this Section shall be tall enough to require lighting by the FAA.

2. Stealth: All new Facilities, including but not limited to Towers, shall utilize Stealth or Camouflage siting techniques, unless such can be shown to be either commercially or technologically impracticable.

3. Finish/Color: Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this Section.

4. Lighting: Notwithstanding the prohibition of lighting, in the event lighting is subsequently required by the FAA, the Applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations. For any Facility or Complex for which lighting is required under the FAA's regulations, or that for any reason has lights attached, all such lighting shall be affixed with technology that enables the light to be seen as intended from the air, but that prevents the ground scatter effect so that it is not able to be seen from the ground to a height of at least 20 degrees vertical for a distance of at least 1 mile in a level terrain situation. Such device shall be compliant with or not expressly in conflict with FAA regulations. A physical shield may be used, as long as the light is able to be seen from the air, as intended by the FAA.

5. Retrofitting: In the event a Tower or other support structure that is lighted as of the effective date of this Section is modified, at the time of the Modification, the County may require that the Tower be retrofitted so as to comply with the lighting requirements of this Section or be reduced to a height that does not require lighting.

6. Flush Mounting: Except for Omni-directional whip antennas, all new or replacement antennas, shall be flush-mounted or as close to flush-mounted on the support structure as possible, unless it can be demonstrated by clear and convincing technical evidence that such has the effect of prohibiting the provision of service to the intended service area, alone or in combination with another site(s), or unless the Applicant can prove that it is technologically impracticable.

7. Placement on Building: If attached to a building, all antennas shall be mounted on the fascia of the building and camouflaged so as to match the color and, if possible, the texture of the building, or in a manner so as to make the antennas as visually innocuous and undetectable as is possible given the facts and circumstances involved.

Security

All Facilities shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:

1. All Facilities, including Antennas, Towers and other supporting structures, such as guy anchor points and guy wires, shall be made inaccessible to unauthorized individuals and shall be constructed or shielded in such a manner that they cannot be climbed or collided with; and

2. Transmitters and Telecommunications control points shall be installed so that they are readily accessible only to persons authorized to operate or service them.

Signage

Facilities shall contain a sign no larger than four (4) square feet and no smaller than two (2) square feet in order to provide adequate warning to persons in the immediate area of the presence of RF radiation. A sign of the same size is also to be installed bearing the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet of the Applicant and must be visible from the access point of the Facility or Complex and must identify the equipment owner of the shelter or cabinet. On Tower sites, an FCC registration sign, as applicable, is also to be present. The signs shall not be lighted, unless applicable law, rule or regulation requires lighting. No other signage, including advertising, shall be permitted.

Setback and Fall Zone

1. All proposed Towers and any other proposed Wireless support structures shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances: i) a distance equal to the height of the proposed Tower or support structure plus ten percent (10%) of the height of the Tower or other structure, otherwise known as the Fall Zone; or ii) the existing setback requirement of the underlying zoning district, whichever is greater. Any accessory structure shall be located within the fenced compound area as approved in the Conditional Zoning hearing and so as to comply with the applicable minimum setback requirements for the property on which it is situated. The Fall Zone shall be measured from the center-line of the Tower to the nearest portion of the right-of-way of any public road or thoroughfare and any occupied building or domicile, as well as any property boundary lines. Any access road leading to a Wireless Telecommunications facility shall be a recorded easement described by a metes and bounds description and shall comply with the applicable zoning setbacks for the district in which the tower is located.

2. There shall be no development of habitable buildings within the Setback area or Fall Zone.

3. Minimum acreage requirements and the subdivision of a separate lot shall not be required for the telecommunication facility as long as all required dimensional setbacks and Fall Zone requirements are being met.

Retention of Expert Assistance Cost to be Borne by Applicant

1. To prevent the taxpayers from having to bear the cost related to the issue of permitting and regulating Wireless Telecommunications Facilities, an Applicant shall pay to the County a fee as set forth in the County's Fee Schedule. The fee is intended to cover all reasonable costs of the consultant in connection with the review of any Application or the permitting, inspection, construction or Modification requested under this Ordinance , Application pre-approval evaluation requested by the Applicant and, when applicable, any lease negotiations. The payment of the Expert Assistance or Consultant fee to the County shall precede any work being done that is related to the intended Application, including a pre-application meeting or site visit.

2. The County may hire any consultant of its choice to assist the County in reviewing and evaluating applications.

3. The total amount of the funds needed for expert assistance as set forth in the County's Fee schedule may vary with the scope and complexity of the Application, the completeness of the Application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or Modification or the amount of time spent responding to an Applicant's arguments as regards its Application or the requirements of this Section.

4. The County will maintain accounting for the expenditure of all such funds.

5. Pursuant to N.C. 153A-349.52(f), if an Application is Amended at any time prior to the grant of the permit or authorization required under this Ordinance, the County reserves the right to require additional payment for review and analysis equal to, but not exceeding, the cost created for the County by the Amendment of the Application. Such amount shall be paid to the County prior to the issuance of the Conditional Zoning Approval/Permit or Administrative Authorization.

Procedural Requirements for Granting a Conditional Zoning Permit

1. The following procedures shall apply where Conditional Zoning approval is requested.

2. All Conditional Zoning applications shall follow the requirements as set forth in Article V, Section 52 and Article XIII, Section 132 Procedure for Obtaining Conditional Zoning

3. The County shall schedule any required public hearing(s) once it finds the Application is complete and there are no issues of non-compliance with applicable law, rule or regulation. The County is not required to set a date if the Application is not complete or if there are unresolved issues of non-compliance. The County may, at any stage prior to a Conditional Zoning hearing or on administrative authority, require such additional information as it deems necessary and is not prohibited from requiring by applicable law as relates to the issue of the siting, construction or Modification of or at a Wireless Telecommunications Facility or Complex.

4. Upon County Commissioner review and approval, a Conditional Zoning permit shall be issued for a new or Substantially Modified Wireless Support Structure or Substantial Co-location. Notwithstanding the preceding, the Building Permit for a new Tower or other proposed support structure shall not be issued until an applicant has provided clear and convincing substantiating documentation required by this Ordinance of the placement of the first antenna array prior to construction of a new Wireless Telecommunications Facility.

Action on an Application

1. The County will undertake a review of an Application pursuant to this Article in a timely fashion, consistent with its responsibilities and applicable law, and shall act within the time required by applicable law.

2. The County may refer any Application or part thereof to any advisory committee or consultant for a non-binding recommendation.

3. Either after the public hearing, if a hearing is required, or after Administrative review as applicable, and after formally considering the Application, the County may i) approve; ii) approve with conditions; or iii) deny a Permit or Administrative Authorization. The decision shall be in writing and shall be supported by substantial evidence contained in a written record. Throughout the Application and permitting process, the burden of proof for compliance with this ordinance or the need for something not allowed, shall always be upon the Applicant.

4. An Applicant shall not be permitted to refuse to provide information needed to establish the substantial written record required under federal law and applicable case law. Refusal shall result in denial of the Application.

5. Approval Notification: If the County approves the Conditional Zoning application or the application it is administratively approved for the Facility or Complex, then the Applicant shall be notified of approval of it's including any conditions, within 30 calendar days of the County's action.

6. Denial Notification: The Applicant shall be notified of a denial of its application at the County Commissioners meeting, and in writing within 30 calendar days of the Commissioner's action, which notice shall set forth in writing the reason or reasons for the denial.

Extent and Parameters of Conditional Zoning approval or Administrative Authorization for Wireless Telecommunications Facilities

The extent and parameters of a Conditional Zoning approval or Administrative Authorization for a Facility or Complex shall be as follows:

1. Such Conditional Zoning approval or Administrative Authorization shall not be assigned, transferred or conveyed without the express prior written notification to the County, such notice to be not fewer than thirty (30) business days prior to the intended assignment, transfer or conveyance.

2. A transfer, assignment or other conveyance of the Conditional Zoning approval or Administrative Authorization shall require the written commitment of the proposed new holder of the Conditional Zoning approval or Administrative Authorization to abide by all applicable laws, rules and regulations, including but not limited to this Ordinance.

3. Following notice and an opportunity to cure, a Conditional Zoning approval granted under this Ordinance may be revoked, canceled, or terminated for a violation of the conditions and provisions of the Conditional Zoning approval or other applicable law, rule, regulation or order, and if warranted the payment of a fine(s) as is permissible.

4. Following the original notice and an opportunity to cure, subsequent or repeated violations of a substantially similar nature shall not require an opportunity to cure prior to the imposition of fines.

Removal and Performance Security

Removal and Performance: The Applicant and the owner of record of any proposed new Tower or other support structure or Complex shall, at its sole cost and expense, be required to execute and file with the County a bond or other form of security that is acceptable to the County as to the type of security and the form and manner of execution, in an amount of at least $75,000.00 for a Tower or other support structure and with such sureties as are deemed adequate by the County to assure the faithful performance of the requirements of this Section and conditions of any Conditional Zoning Permit issued pursuant to this Section. The full amount of the bond or security shall remain in full force and effect throughout the term of the Conditional Zoning Permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that, which existed prior to the issuance of the original Conditional Zoning Permit.

Reservation of Authority to Inspect Wireless Telecommunications Facilities

1. In order to verify that the holder of a Conditional Zoning Permit for a Facility or Complex and any and all lessees, renters, and/or licensees of Wireless Telecommunications Facilities, place and construct such facility in accordance with all applicable technical, safety, fire, building codes, zoning codes, laws, ordinances and regulations and conditions of any permit granted under this Ordinance, the County or its designee shall have the right to inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, Modification and maintenance of such facilities, including, but not limited to, Towers, Antennas and buildings or other structures constructed or located on the permitted site.

2. Refusal to allow or grant access to the County's representative upon reasonable notice shall be deemed a violation of this ordinance.

Liability Insurance

1. A holder of a Conditional Zoning Permit for a Wireless Telecommunications Support Structure shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Conditional Zoning Permit in amounts as set forth below:

   a. Commercial General Liability covering personal injuries, death and property damage: $1,000,000 per occurrence/$3,000,000 aggregate; and
   b. Automobile Coverage: $1,000,000.00 per occurrence/ $3,000,000 aggregate; and
   c. A $3,000,000 Umbrella coverage; and
   d. Workers Compensation and Disability: Statutory amounts.

2. For a Facility or Complex located on County property, the Commercial General Liability insurance policy shall specifically name the County and its officers, Boards, employees, committee members, attorneys, agents and consultants as additional insured's.

3. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with an AM Best's rating of at least A.

4. The insurance policies shall contain an endorsement obligating the insurance company to furnish the County with at least thirty (30) days prior written notice in advance of the cancellation of the insurance.

5. Renewal or replacement policies or certificates shall be delivered to the County at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.

6. Before construction of a permitted Wireless Telecommunications Facility or Complex is initiated, but in no case later than fifteen (15) days prior to the grant of the Building Permit, the holder of the Conditional Zoning approval shall deliver to the County a

copy of each of the policies or certificates representing the insurance in the required amounts.

7. A Certificate of Insurance that states that it is for informational purposes only and does not confer rights upon the County shall not be deemed to comply with this Section.

Indemnification

1. Any application for Wireless Telecommunication Facilities that is proposed to be located on County property shall contain a provision with respect to indemnification of the County. Such provision shall require the applicant, to the extent permitted by applicable law, to at all times defend, indemnify, protect, save, hold harmless and exempt the County and its officers, Boards, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising there from, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, Modification , location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Facility or Complex, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the County, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the County.

2. Notwithstanding the requirements noted in subsection A of this section, an indemnification provision will not be required in those instances where the County itself applies for and secures a Conditional Zoning Permit for a Wireless Telecommunications Facility or Complex.

Penalties

In the event of a violation of this section, the county may impose penalties as set forth in Article XIV, Section 142 – Penalties.

Default and/or Revocation

If a support structure, Facility or Complex is repaired, rebuilt, placed, moved, re-located, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this Ordinance or of the Conditional Zoning permit or Administrative Authorization, then the County shall notify the holder of the Conditional Zoning permit or Administrative Authorization in writing of such violation. A Permit or Administrative Authorization holder found to be in violation may be considered in default and subject to fines as permitted under applicable State law, and if a violation is not corrected to the satisfaction of the County in a reasonable period of time the Conditional Zoning Approval/ Permit or Administrative Authorization shall be subject to revocation.

Removal or Moving of Co-located Facilities and Equipment

1. If attached to an existing tower or other support structure, unless the County Commissioner's deems doing so to be in the public interest, it shall be impermissible for a wireless service provider's or carrier's equipment to be relocated from one structure to another without clear and convincing evidence that not to do so would, for technical reasons, prohibit or serve to prohibit the provision of service in the service area served by the existing wireless facility.

2. If the lease for the existing co-location expires and is not renewed, thereby forcing the facility to be moved, such move shall be allowed upon i) the provision of clear and convincing evidence satisfactory to the County Commissioner's of the need to move or relocate the facility; and ii) clear and convincing evidence satisfactory to the County Commissioner's of the lack of impact on the neighborhood or area of intended new location. Cancellation or abandonment of a lease by a lessee shall not be deemed a permissible reason for relocating.

3. The owner of any Facility or Complex shall be required to provide a minimum of thirty (30) days written notice to the Planning Director prior to abandoning any Facility or Complex.

4. Under the following circumstances, the County may determine that the health, safety, and welfare interests of the County warrant and require the removal of Facilities.

    a. A Facility or Complex that has been abandoned (i.e. not used as Wireless Telecommunications Facilities) for a period exceeding ninety (90) consecutive days or a cumulative total of one hundred-eighty (180) non-consecutive days in any three hundred-sixty five (365) day period, except for periods caused by force majeure or Acts of God, in which case, repair or removal shall be completed within 90 days of abandonment;

    b. A Support Structure or Facility or Complex falls into a state of disrepair such that it creates a health or safety hazard or is deemed an attractive nuisance or a visual blight;

c. A Support Structure or Facility or Complex has been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required Conditional Zoning Permit, or Administrative Authorization, and the Conditional Zoning Permit or Administrative Authorization may be revoked.

d. If the County makes such a determination as noted in subsections (2) or (3) of this section, then the County shall notify the holder of the Permit or Administrative Authorization for the Facility or Complex in writing that said Facility or Complex is to be removed.

e. The holder of the Conditional Zoning permit or Administrative Authorization, or its successors or assigns, shall dismantle and remove such Facility or Complex and all associated structures and equipment from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability. Restoration shall be completed within ninety (90) days of receipt of written notice from the County. However, if the owner of the property upon which the Facility or Complex is located wishes to retain any access roadway to the Facility or Complex, the owner may do so with the approval of the County.

f. If a Facility or Complex has not been removed, or substantial progress has not been made to remove the Facility or Complex, within ninety (90) days after the permit holder has received notice, then the County may order officials or representatives of the County to remove the Facility or Complex at the sole expense of the owner or Conditional Zoning Permit holder.

g. If the County removes, or causes Facilities to be removed, and the owner of the Facility or Complex does not claim and remove it from the site to a lawful location within ten (10) days, then the County may take steps to declare the Facility or Complex abandoned, and sell them and their components.

h. Notwithstanding anything in this Section to the contrary, the County may approve a temporary use permit/agreement for the Facility or Complex for no more than ninety (90) days duration, during which time a suitable plan for removal, conversion, or re-location of the affected Facility or Complex shall be developed by the holder of the Conditional Zoning permit, subject to the approval of the County, and an agreement to such plan shall be executed by the holder of the Conditional Zoning permit or Administrative Authorization and the County. If such a plan is not developed, approved and executed within the ninety (90) day time period, then the County may take possession of and dispose of the affected Facility or Complex in the manner provided in this Section and utilize the bond in Section (BB).

RF Emissions

1. To assure the protection of the public health and safety, unless expressly prohibited by State or federal law, the County expressly reserves the right to require that an Applicant, a user of a Facility or Complex or the owner of the Facility or Complex verify compliance with the FCC's regulations regarding RF emissions as may be deemed appropriate from time to time, and that all users of the Facility or Complex cooperate with the party responsible for such verification. Failure to cooperate shall be deemed a violation of this Section and subject the non-cooperating party to all fines and other remedies at law or tort and shall further be deemed cause for the County to call upon the services of the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) to make a determination.

2. With respect to Support Structures other than Towers, if any section or portion of the structure to be attached to or area within 100' of such, is not in compliance with the FCC's regulations regarding RF radiation, that section or portion must be barricaded with a suitable barrier to discourage approaching into the area in excess of the FCC's regulations, and be marked off with brightly colored plastic chain or striped warning tape as appropriate, as well as placing RF Radiation signs as needed and appropriate to warn individuals of the potential danger.

Relief

1. Any Applicant desiring relief, waiver or exemption from any aspect or requirement of this Section shall address and identify such at the Pre-Application meeting. The relief or exemption must be contained in the submitted Application for either a Conditional Zoning permit or Administrative Authorization, or in the case of an existing or previously granted Conditional Zoning permit or Administrative Authorization, a request for Modification of the Facility or Complex and/or equipment. Such relief may be temporary or permanent, partial or complete. (Amended 6-1-21)

2. The burden of proving the need for the requested relief, waiver or exemption shall be solely on the Applicant to prove.

3. The Applicant shall bear all costs of the County in considering the request and the relief, waiver or exemption.

4. No relief or exemption shall be approved unless the Applicant demonstrates by clear and convincing evidence that, if granted, the relief, waiver or exemption will have no significant affect on the health, safety and welfare of the County, its residents and other service providers.

Adherence to State and/or Federal Rules and Regulations

1. To the extent that the holder of a Conditional Zoning permit or administrative authorization for a Wireless Telecommunications Facility or Complex has not received relief, or is otherwise exempt, from appropriate State and/or Federal agency rules or regulations, then the holder of such a Conditional Zoning permit shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any State or Federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.

2. To the extent that applicable rules, regulations, standards, and provisions of any State or Federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a Conditional Zoning permit or Administrative Authorization for Wireless Telecommunications Facilities, then the holder of such a Conditional Zoning permit or Administrative Authorization shall conform the permitted Facility or Complex to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

Conflict with Other Laws

Where this Section differs or conflicts with other Laws, rules and regulations, unless the right to do so is preempted or prohibited by the County, State or federal government, this Section shall apply.