

Town of Belhaven



Zoning Code Development Regulation Ch. 152 Land Use

Presented to Council: November 14, 2022
Adopted: March 13, 2023

Adopted 3/13/2023

Uses	Commercial Overlay (CO)	General Business District (GB)	Residential District (R-5)	Residential Mobile Home District (R-2M)	Marine Business District (MB)	Highway Business District (HB)	Industrial District (I)	RESIDENTIAL-AGRICULTURAL WATERFRONT DISTRICT (RAW)	Residential-Agricultural (RA)
ACCESSORY DWELLING UNIT (ADU)			P	P	S			P	P
ACCESSORY USES	P	P	P	P	A	P	P	P	P
AIRPORT									S
AMBULANCE SERVICE						P	P		S
ANIMAL MEDICAL CARE						P	P		S
BANKS, SAVINGS AND LOANS, FINANCIAL ACTIVITIES		P				P	P		
BARBER SHOPS, BEAUTY SHOPS, NAIL SALONS AND SPAS	S	P				P	P		
BED AND BREAKFASTS, TOURIST HOMES, BOARDING HOMES	S	P	S	S	S	P		S	S
BOAT AND ACCESSORY SALES AND SERVICE						P	P		
BOAT AND MOTOR DISPLAY AND SALES					S				
BOAT RAMPS							P		
BOATYARDS INCLUDING BOAT BUILDING AND REPAIRS					S				
BONA FIDE FARM PURPOSES							S	P	P
BUILDING SUPPLIES						P	P		
BUS TERMINALS						P	P		
CEMETERIES				S			S		S
CHURCHES AND RELATED USES	S	S	S	S	S	P	P		
CLINIC		P				P	P		
CLUBS OR LODGES						P			
COLLEGE, UNIVERSITIES, AND RELATED USES		S			S		S		
COMMERCIAL STORAGE, FLAMMABLE FLUID AND GASES						S	S		
COMMUNICATION TOWERS							S		S
CONVALESCENT HOMES						S			
CONVENIENCE STORES, RETAIL SALES							P		
CULTURAL OR COMMUNITY FACILITY		P			S	P			
DAYCARE CENTERS, KINDERGARTENS, CHILDCARE FACILITIES		S		S		S			
DRY CLEANING AND LAUNDRY SERVICES	S	P				P			
DWELLING; MOBILE HOME				P					P
DWELLING; MULTI-FAMILY		P		P	S				
DWELLING; SINGLE-FAMILY	P	S	P	P	S			P	P
DWELLING; UPPER-STORY, ABOVE GROUND FLOOR NON-RESIDENTIAL		P							
DWELLING; TWO-FAMILY				P	S				
FABRICATION SHOPS						P	P		
FARM MACHINERY							P		
FARM SUPPLY SALES						P			
FIRE STATIONS		P				P	P		S
FISHING PIERS AND FISH HOUSES							P	S	S
FOOD SALES, RETAIL		P							
FUNERAL HOMES AND MORTUARIES				S		P	S		
GREENHOUSE OPERATIONS							P		
HOME OCCUPATIONS	S		S	P				S	S
HOSPITALS		S				S			
HOTELS		S			S	P	P		
IN HOME CHILD CARE				P					
INDUSTRIAL SALES AND REPAIR OF EQUIPMENT						S	P		
KENNELS							S		
LABORATORY FOR RESEARCH							P		
LODGE		S	S						
MARINE FUEL STORAGE AND SALES					S				
MARINE SUPPLY SALES					P				
MOBILE HOME SALES						P	P		
NURSERY (PLANTS)		S				P			S
PARKING LOTS		S				P	P		S
PLANNED UNIT DEVELOPMENT (PUD)					S				
POOL ROOM AND SPORTS BAR						S			
PROFESSIONAL OFFICES		P				P	P		
PRIVATE RECREATION FACILITY						P	P	S	S
PROCESSING ESTABLISHMENTS						S			S
PUBLIC RECREATIONAL FACILITIES		P		S	P	P		S	S
PUBLIC UTILITIES	S	S	S	P	P	S	P		S
RESIDENTIAL FAMILY CHILD CARE HOMES	S								
RESTAURANTS		P			P	P		S	
RETAIL OR SERVICING NOT OTHERWISE LISTED						S	S		
RETAIL SALES	S	P			S	P			
SCHOOL, ELEMENTARY, SECONDARY OR RELATED USES		S							S
SCHOOL, TRADE OR VOCATIONAL		S				P	P		
SHOPPING CENTERS		S				P			
SHORT TERM RENTAL			S	P	S				
SIGN, PRINCIPLE USE						P	P		
SIGN, OUTDOOR ADVERTISING									S
STORAGE WAREHOUSE						P	P		
TEMPORARY STORAGE UNIT		S							

Uses	Commercial Overlay (COO)	General Business District (GB)	Residential District (R-5)	Residential Mobile Home District (R-5M)	Marine Business District (MB)	Highway Business District (HB)	Industrial District (I)	RESIDENTIAL-AGRICULTURAL WATERFRONT DISTRICT (RAW)	Residential-Agricultural (RA)
VEHICLE SERVICES- MINOR						P			
VEHICLE SERVICES-MAJOR						S			
WHARVES, DOCKS, AND PIERS					P				
WHOLESALE OPERATIONS NOT OTHERWISE LISTED		S				S	P		
YACHT CLUB AND MARINAS					P			S	
YOUTH ACTIVITIES	S	P			S	P		S	
	Commercial Overlay (COO)	General Business District (GB)	Residential District (R-5)	Residential Mobile Home District (R-5M)	Marine Business District (MB)	Highway Business District (HB)	Industrial District (I)	RESIDENTIAL-AGRICULTURAL WATERFRONT DISTRICT (RAW)	Residential-Agricultural (RA)

ARTICLE I. GENERAL PROVISIONS

152.001 TITLE

This chapter shall be known as the Zoning Code of the Town. The map herein referred to, which is identified by the title "Official Zoning Map of Belhaven, North Carolina," shall be known as the "zoning map."

This chapter shall be known as the Zoning Regulations for the Town of Belhaven, North Carolina, and may be cited as the Zoning Regulations.

152.002 AUTHORITY AND ENACTMENT CLAUSE

The Town Board, pursuant to the authority granted by N.C.G.S. Chapter 160D and Chapter 160A, Article 8, does hereby ordain and enact into law these sections. This chapter shall invalidate and/or supersede all previous chapters pertaining to the matters herein.

152.003 JURISDICTION

This chapter shall apply to all lands within the Town's corporate limits and that land located between those limits and the boundaries established in the municipal chapter establishing extraterritorial jurisdiction boundaries, as now or hereafter fixed as shown on the official zoning map of the Town, by the Town Council. The provisions of this chapter shall in no way regulate or prohibit any bona fide farm and its related issues. Residences for non-farm use or occupancy and other non-farm uses shall be subject to the provisions of this chapter.

152.004 PURPOSE

This chapter is made in accordance with a comprehensive land use plan designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and to promote the health, safety, morals, or general welfare of the community. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of structures and encouraging the most appropriate use of land throughout the local government's planning and development regulation jurisdiction. The regulations may not include, as a basis for denying a zoning or rezoning request from a school, the level of service of a road facility or facilities abutting the school or proximately located to the school.

152.005 RULES OF INTERPRETATION

The following rules shall apply for construing or interpreting the terms and provisions of this chapter: In their application, the provision of this Chapter shall be held to be the minimum requirements for the promotion and protection of the public health, safety and general welfare, and shall be construed to achieve the purposes for which this Chapter is adopted.

In the event of any conflict between the limitations, requirements, or standards contained in different provisions of this Chapter and applying to an individual use or structure, the more restrictive provision shall apply. However, the regulations for overlay districts which are set forth in this chapter shall control in the event of any conflict between those regulations and the regulations which are set forth for the underlying zoning district, regardless of whether they are more or less strict than the regulations for the underlying district.

The words shall, must, and will are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The word may is permissive in nature. Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words use in the masculine gender include the feminine gender, and vice versa.

Any act authorized by this Chapter to be carried out by a specific official of the Town is implicitly authorized to be carried out by a designee of such official.

DEFINITIONS SEE Appendix A.

152.006 CONFLICT WITH OTHER REGULATIONS

This Chapter shall not interfere with, abrogate or annul any easements, covenants or other agreements between any parties, except where this Chapter imposes a greater restriction, the provisions of this chapter shall govern. Should any provisions of this chapter conflict with the provision of any county, state or federal regulations, statute or law, the county, state or federal provision shall govern. Where the provisions of this chapter conflict with the provision of any other chapter of the Town, the Town Council shall apply and interpret the provision.

152.007 SEVERABILITY

If for any reason one or more parts of this chapter are ruled invalid by the courts, the judgment shall not affect the remaining portions of this chapter.

152.008 ERRORS AND OMISSIONS

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word to which no meaning can be attached; or the use of a word when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

152.009 EFFECTIVE DATE

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

ARTICLE II. ZONING MAP

152.020 INCORPORATION BY REFERENCE

The boundaries of the established zoning districts are officially shown upon a map titled "Zoning Map, Town of Belhaven, North Carolina." The official zoning map and all notations, references and amendments thereto and other information shown thereon is made a part of this chapter the same as if such information set forth on the map were fully described and set out in this chapter. The zoning map, properly attested, shall be kept on file in the office of the Town Clerk and shall be available for inspection by the public.

152.021 OFFICIAL MAP ESTABLISHED

For the purposes of this chapter, the Town and its extraterritorial jurisdiction are hereby divided into zones or districts as shown on the official zoning map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.

The official zoning map shall be identified by the signature of the Mayor and attested by the Town Clerk and bearing the seal of the Town under the following words: "This is to certify that this is the Official Zoning Map referred to in article II of the Zoning Ordinance of Belhaven, North Carolina," together with the date of adoption of the ordinance from which this chapter is derived.

The official zoning map, which shall be located in the municipal building in the office of the Town Clerk, shall be the final authority as to the current zoning status of land, water areas, and buildings in the Town and its extraterritorial jurisdiction.

152.022 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

The boundaries of the various zones as shown on the Zoning Map are adopted and the provisions of this chapter governing the use of land and buildings, the height of buildings, building site areas, the sizes of yards about buildings and other matters as hereinafter set forth are established and declared to be in effect upon land included within the boundaries of each and every zone shown upon the Zoning Map.

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

- (1) Boundaries indicated as approximately following the center lines of streets, highways, alleys, or railroads shall be construed to follow such center lines;
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (3) Boundaries indicated as approximately following town limits shall be construed as following such town limits;
- (4) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, creeks, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- (5) Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (4) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map;

- (6) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in other circumstances not covered by subsections (1) through (5) of this section, the Board of Adjustment shall interpret the district boundaries.
- (7) If a district boundary divides a lot, the requirements for the district in which the greater portion of the lot lies shall be extended to the balance of the lot, provided that such extension shall not include any part of such lot which lies no more than 100 feet beyond the district boundary; and, further, that the remaining parcel shall not be less than the minimum required for the district in which it is located.

152.023 AMENDMENTS OF THE OFFICIAL ZONING MAP(S)

Amendment of the official zoning map(s) shall follow the procedures as outlined in N.C. General Statutes 160D-602.

If changes are made in zoning districts, the changes shall be made on the official zoning map(s) after amendment has been approved by the Town Council, together with proper documentation as the changes on the official zoning map(s). No amendment shall become effective until approved by the Town Council. Any unauthorized change by any person(s) shall be considered a violation of this chapter.

If, in accordance with sections Article XXV, changes are made in the zoning district boundaries or other matter shown on the map, such changes shall be made together with an entry on the map as follows:

"On (date), by official action of the Board of Aldermen, the following changes were made in the Official Zoning Map: (brief description of change)."

The entry shall be signed by the Mayor and attested by the Town Clerk. No amendment to this chapter which involves a matter portrayed on the map shall become effective until after such change and entry has been made on said map. The Board of Aldermen shall give official notice of the zoning change to the Zoning Administrator within 24 hours after passage of said change.

152.024 ZONING ADMINISTRATOR RESPONSIBLE FOR MAINTENANCE

The Zoning Administrator shall be responsible for the maintenance of and revision of the official zoning map. Upon notification by the Board of Aldermen that a zoning change has been made, the Zoning Administrator shall make the necessary changes on the official zoning map within 24 hours following notification.

152.025 REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret, the Town Council may, by resolution adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting errors or omissions in the prior official zoning map, but no corrections shall have the effect of amending the original official zoning map, or any subsequent amendment thereof. Unless the prior official zoning map has been lost or destroyed, the prior map or any significant parts thereof remaining, shall be preserved and retained by the Town Clerk as public record. All previous official zoning maps shall be kept on file with the official records of the Town.

ARTICLE III. ZONING DISTRICTS AND USES ESTABLISHED

Generally. The following zoning districts include the description, various permitted and special uses, and the dimensional regulations within each district. No land, use, or building shall be used, operated, erected, altered or enlarged unless it is listed specifically among the uses on the charts found in Sections Article IV through Article XIII.

Uses not listed under any district may only be added to this chapter by amendment as defined in Article XXV.

152.031 USE DESIGNATIONS

When designated in Article IV through Article XIII as a Permitted Use, the use is permissible in the indicated zone with a zoning permit issued by the Zoning Administrator. When designated as Special Use, approval must be obtained from the Town Board of Adjustment prior to a zoning permit being issued by the Zoning Administrator.

ARTICLE IV. COMMERCIAL OVERLAY DISTRICT (COD)

(a) *District description. This district is established as a district in which the principal use of land is for small scale commercial, retail, office and service uses to serve the surrounding residential districts and in which traffic and parking congestion can be reduced to a minimum in order to preserve residential values and promote the general welfare of the surrounding residential districts. In promoting the general purposes of this article, the specific intent of this district is:*

(1) To prohibit heavy commercial use of the land and to prohibit any other business use which would substantially interfere with the development or continuation of the residential structures in the district;

(2) To prohibit any use which, because of its characteristics, would interfere with the use of the land in the district as a commercial, office and/or professional center for surrounding residential districts;

(3) To prohibit any use which will create unmanageable congestion of adjacent streets, residential and public areas and recreational facilities; and

(4) To encourage low intensity local business development which is compatible with and supports the Comprehensive Long Range Plan of the Town and the needs of adjacent residential communities.

(b) *P—Permitted uses.*

(1) Accessory uses;

(2) Dwellings, single-family.

(c) *S—Special uses.*

(1) Barber shops, beauty shops, nail salons and spas;

- (2) *Bed and breakfasts, tourist homes or boarding houses;*
- (3) *Churches and related uses;*
- (4) *Retail sales;*
- (5) *Dry cleaning and laundry services;*
- (6) *Home occupations;*
- (7) *Public Utility*
- (8) *Residential family child care homes;*
- (9) *Youth activities.*

(d) *Dimension regulations. The following are the dimension regulations for the COD:*

<i>District</i>	<i>Use</i>	<i>Minimum Sq. Ft. Per Bldg. Lot</i>	<i>Minimum Sq. Ft. Width Per Bldg. Lot</i>
<i>R5-M COD</i>	<i>All Uses</i>	<i>5,000</i>	<i>50 ft.</i>

<i>Minimum Side, Front and Rear Yards</i>						
<i>District</i>	<i>Use</i>	<i>Interior Side</i>	<i>Corner</i>	<i>Front Bldg. Side</i>	<i>Rear Setback</i>	<i>Max Bldg. Height</i>
<i>R5-M COD</i>	<i>All Uses</i>	<i>8'</i>	<i>15'</i>	<i>25'</i>	<i>20'</i>	<i>45'</i>

(e) *Additional requirements. In this district, all provisions of this article, including permitted and special uses, apply with the following additional provisions and conditions:*

- (1) *Activities that are considered offensive, incompatible, or undesirable within the local residential community may be prohibited, including, but not limited to, the sale of beer, wine, and other alcohol products, drug paraphernalia, and pornographic materials.*
- (2) *All business operations shall be of a size appropriate for the structure in which the operations shall take place.*

PROHIBITED USES

The following uses are prohibited:

- (1) *Street vending;*
- (2) *Peddling;*
- (3) *Nightclubs, bars.*

ARTICLE V. GENERAL BUSINESS (GB)

152.040 District Description.

The purpose of this district shall be to provide for the proper grouping and development of those uses which are related to central or neighborhood business districts.

152.041 P-Permitted

- (A) Accessory uses;
- (B) Bank, savings and loan, financial activities;
- (C) Barber shops, beauty shops, nail salons and spas;
- (D) Bed and breakfast, tourist homes, or boarding houses;
- (E) Clinics;
- (F) Cultural or Community Facility;
- (G) Dry cleaning and laundry service;
- (H) Dwelling, upper-story, above ground floor non-residential
- (I) Dwelling, multi-family residential;
- (J) Fire stations;
- (K) Food sales, retail;
- (L) Professional offices;
- (M) Public recreational facilities;
- (N) Restaurants;
- (O) Retail Sales;
- (P) Youth activities.

152.042 S – Special Use

- (A) Churches and related uses;
- (B) Colleges, universities and related facilities;
- (C) Day care centers, kindergartens, and childcare facilities;
- (D) Dwelling, single-family;
- (E) Hospitals;
- (F) Hotels and motels;
- (G) Lodges;
- (H) Nursery (plants);
- (I) Parking lots (commercial);
- (J) Public Utilities;
- (K) School, business or commercial; School, trade or vocational;
- (L) School, elementary or secondary and related uses;
- (M) Shopping centers;
- (N) Temporary storage unit;
- (O) Wholesale operations, not otherwise listed.

152.043 Dimensional Requirements

The following are the dimensional requirements:

- (A) Minimum lot size: business lots created after the date of passage of this chapter shall be of sufficient size to provide adequate siting for structures and to provide off-street loading and maneuvering space for vehicles. Where a business lot abuts a residential district or residential use, the buffer requirements contained in [section 152.120](#) shall apply.

- (B) Minimum front yard: Ten feet, except that if a sidewalk is provided, none is required.
- (C) Minimum side yard: Eight feet, except that if the commercial building is constructed with a common wall, no side yard is required.
- (D) Overall roof peak height not to exceed 45 feet and that the maximum height for emergency egress window sill shall not exceed 28 feet.

152.044 PROHIBITED USES

- (A) Street vending;
- (B) Peddling;
- (C) Other non-appropriate commercial activities.

ARTICLE VI. RESIDENTIAL DISTRICT (R-5)

152.050 DISTRICT DESCRIPTION.

The Single-Family Residential District (R-5) is established as a district in which the principal use of land is for single-family residence. The regulations of this district are intended to discourage any use which, because of its character, would interfere with the development of single-family residency in the district and which would be detrimental to the quiet residential nature of the areas included within this district.

152.051 PERMITTED USE.

- (1) Accessory use;
- (2) Dwelling, single-family
- (3) Accessory Dwelling Unit (ADU).

152.052 SPECIAL USE.

- (1) Bed and breakfast, tourist homes, or boarding houses;
- (2) Churches and related uses;
- (3) Home occupations;
- (4) Public utility facilities;
- (5) Short Term Rental;
- (6) Lodge.

152.053 DIMENSIONAL REQUIREMENTS.

District	Use	Min. Square Ft. Per Building Lot	Min. Width per Building Lot
R5	All Uses	5,000	50 ft.

Minimum Side, Front, and Rear Yards						
District	Use	Interior Side	Corner Side	Front	Rear	Max Height

R5	All Uses	8'	15'	25'	15'	45'
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ARTICLE VII. RESIDENTIAL MOBILE HOME DISTRICT (R-5M)

152.060 DISTRICT DESCRIPTION.

The purposes of the Residential Mobile Home District (R-5M) shall be to allow single-family dwellings, including individual mobile homes, two-family and multifamily dwellings and such other uses that will not interfere with the development of residences in the district and which would not be detrimental to the quiet, residential nature of the areas included within the district and to prevent the development of blight and slum conditions.

152.061 PERMITTED USES.

- (1) Dwelling, mobile home;
- (2) Dwelling, single-family;
- (3) Dwelling, two-family;
- (4) Dwelling, multi-family;
- (5) Accessory use;
- (6) Home occupations;
- (7) In-home child care;
- (8) Public utility facilities;
- (9) Short term rental;
- (10) Accessory Dwelling Unit (ADU).

152.062 SPECIAL USES.

- (1) Bed and breakfast;
- (2) Cemeteries;
- (3) Churches and related uses;
- (4) Day care centers, kindergartens, and childcare facilities;
- (5) Funeral homes and mortuaries;
- (6) Public recreational facilities;

Sec. 152.063. DIMENSIONAL REQUIREMENTS.

District	Use	Min. Square Ft. Per Building Lot	Min. Width per Building Lot
R5M	All Uses	5,000	50 ft.

Minimum Side, Front, and Rear Yards						
District	Use	Interior Side	Corner Side	Front	Rear	Max Height
R5M	All Uses	8'	15'	25'	20'	45'

ARTICLE VIII. MARINE BUSINESS DISTRICT (MB)

152.070 DISTRICT DESCRIPTION

The purpose of this district is to provide for the orderly development of residential and commercial properties that require a waterfront location or are related to, or serve, marine interests.

152.071 PERMITTED USES

- (1) Accessory uses;
- (2) Marine supply sales;
- (3) Public recreational facilities;
- (4) Public utility facilities;
- (5) Restaurants;
- (6) Wharves, docks, and piers,
- (7) Yacht clubs and marinas.

152.072 SPECIAL USES

- (1) Bed and breakfast inn or tourist home;
- (2) Boatyards including boat building and repairs;
- (3) Boat and motor display and sales;
- (4) Churches and related uses;
- (5) Colleges, universities and related uses;
- (6) Dwellings, single-family;
- (7) Dwellings, two-family;
- (8) Dwellings, multi-family;
- (9) Retail sales;
- (10) Hotels;
- (11) Marine Fuel storage and sales;
- (12) Cultural or community facility;
- (13) Planned Unit Development (PUD);
- (14) Short Term Rental;
- (15) Youth Activities
- (16) Accessory Dwelling unit (ADU).

152.073 DIMENSIONAL REQUIREMENTS

District	Use	Min. Square Ft. Per Building Lot	Min. Width per Building Lot
MB	All Uses	5,000	50 ft.

Minimum Side, Front, and Rear Yards						
District	Use	Interior Side	Corner Side	Front	Rear	Max Height
MB	All Uses	5'	10'	25'	0' if located on shoreline or bulkhead; 20' if not located on shoreline or bulkhead.	45'

152.074 ADDITIONAL REQUIREMENTS IN THE MARINE BUSINESS DISTRICT

Prior to the use of any lot within the MB district, a site plan shall be reviewed by the Planning Board. This review will allow the Planning Board to determine that adequate space is available for the intended use and to ensure that the water quality will not be deteriorated. Recommendations of the Planning Board shall be forwarded to the Board of Aldermen for final action.

The site plan must include:

- (a) Use of building or lot;
- (b) Location arrangement and dimensions and number of truck loading and unloading spaces and docks, including refuse collection container spaces if required;
- (c) Location and dimensions of vehicular entrances, exits, and drives;
- (d) Location, dimensions and materials of walls and fences;
- (e) Location, arrangement and dimensions of automobile parking spaces, width of aisles, width of bays, angle of parking and number of spaces;
- (f) Location of buildings and their general exterior dimensions and elevations;
- (g) Adjoining properties and buildings;
- (h) Drainage plan
- (i) Professional scale drawing site plans, stamped by a professional engineer, may be required prior to issuance of a permit.

152.075 SITE PLAN REVIEW

The procedure for review shall be as follows:

- (1) The site plan specified in section 152.074 shall be filed with the Zoning Administrator who shall forward a request for site plan review to the Planning Board.
- (2) The Board shall review the site plan and make its recommendation to the Board of Aldermen

within 30 days of the request for review. Failure to recommend within 30 days shall constitute a favorable recommendation.

- (3) The Board of Aldermen shall consider the recommendations of the Planning Board and approve or reject the site plan as part of the administrative review.
- (4) Approved site plans automatically shall qualify for zoning permits specified in section 152.271.
- (5) Major alterations in an approved site plan shall require a new review and approval process. Major alterations shall be changes in section 152.074(a-i).

ARTICLE IX. HIGHWAY BUSINESS DISTRICT (HB)

152.080 DISTRICT DESCRIPTION

The purpose of this district shall be to provide for the proper grouping and development of roadside business uses, and for uses not basically related to central or neighborhood business areas.

152.081 PERMITTED USES

- (a) Accessory use;
- (b) Ambulance service;
- (c) Animal medical care (no kennels);
- (d) Banks, savings and loans financial activities;
- (e) Barber shops, beauty shops, nail salons and spas;
- (f) Bed and breakfast, tourist homes, or boarding houses;
- (g) Boat and accessory sales and service;
- (h) Building supplies;
- (i) Bus terminals;
- (j) Professional Services;
- (k) Churches and related use;
- (l) Clubs or lodges (civic or fraternal)
- (m) Clinic;
- (n) Cultural or community facility;
- (o) Dry cleaning and laundry service;
- (p) Fabrication shops;
- (q) Farm machinery and supply(sales and service);
- (r) Fire stations;
- (s) Funeral homes and mortuaries;
- (t) Hotels, motels;
- (u) Mobile home sales;
- (v) Nursery (plants);
- (w) Public recreational facilities;
- (x) Parking lots;
- (y) Private recreation facility;
- (z) Restaurants
- (aa) Retail Store;
- (bb) School, business or commercial;

- (cc) School, trade or vocational;
- (dd) Shopping centers;
- (ee) Sign, principle use;
- (ff) Storage warehouse;
- (gg) Vehicle services – minor;
- (hh) Youth Activities.

152.082 SPECIAL USES

- (a) Industrial sales and repair of equipment;
- (b) Commercial storage, flammable fluids and gases;
- (c) Convalescent homes;
- (d) Day care centers, kindergartens, and childcare facilities;
- (e) Hospitals;
- (f) Pool halls and sports bars;
- (g) Processing establishments;
- (h) Public utility facilities;
- (i) Retail sales not otherwise listed;
- (j) Vehicle services – major;
- (k) Wholesale operations not otherwise listed.

152.083 DIMENSIONAL REQUIREMENTS

District	Use		Min. Square Ft. Per Building Lot	Min. Width per Building Lot
HB	All Uses		8,000	50 ft.

		Minimum Side, Front, and Rear Yards					
District	Use		Interior Side	Corner Side	Front	Rear	Max Height
HB	All Uses		10'	20'	25'	10'	45'

ARTICLE X. INDUSTRIAL DISTRICT (I)

152.090 DISTRICT DESCRIPTION

The purpose of this district shall be to establish areas for offices, warehousing, mixed industrial, industrial/heavy commercial and outlying industrial establishment-type uses. The specific intent of this district is to encourage the construction and continued use of land for industrial purposes.

152.091 Permitted Uses

- (a) Accessory uses;
- (b) Ambulance service;
- (c) Animal medical care (no kennels);

- (d) Bank, savings and loan financial institutions;
- (e) Barber shops, beauty shops, nail salons and spas;
- (f) Boat and accessories (retail sales and service);
- (g) Boat ramp;
- (h) Building supplies;
- (i) Bus terminals;
- (j) Churches and related uses;
- (k) Clinic;
- (l) Convenience stores;
- (m) Fabrication shops (wood, metal, upholstery, boats, and the like);
- (n) Farm machinery and supply (sales and service);
- (o) Fire stations;
- (p) Fishing piers and fish houses;
- (q) Greenhouse operations;
- (r) Hotels, motels;
- (s) Industrial sales and repair of equipment;
- (t) Laboratory (research);
- (u) Mobile home sales;
- (v) Professional Offices;
- (w) Public recreational facilities;
- (x) Parking lots;
- (y) Public utility facilities;
- (z) School, trade or vocational;
- (aa) Sign, outdoor advertising;
- (bb) Sign, principle use;
- (cc) Storage warehouse;
- (dd) Wholesale operations not otherwise listed;

152.092 Special uses

- (a) Bona fide Farm Purposes;
- (b) Commercial storage-flammable fluids and gases;
- (c) Cemeteries;
- (d) Colleges, universities and related facilities;
- (e) Communication towers;
- (f) Funeral homes and mortuaries;
- (g) Kennels;
- (h) Retail sales or services, not otherwise listed.

152.093 DIMENSIONAL REQUIREMENTS

District	Use	Min. Square Ft. Per Building Lot	Min. Width per Building Lot
I	All Uses	20,000	100'

Minimum Side, Front, and Rear Yards

District	Use	Interior Side	Corner Side	Front	Rear	*Between other zoning district
I	All Uses	20'	20'	20'	20'	50'

ARTICLE XI. RESIDENTIAL-AGRICULTURAL WATERFRONT DISTRICT (RAW)

152.100 DISTRICT DESCRIPTION

The purpose of this district shall be to set aside and protect those lands that are primarily suited for larger single family lots and agricultural related uses of lands that have waterfront exposure.

152.101 PERMITTED

- (a) Accessory uses;
- (b) Bona fide farm purposes;
- (c) Dwelling, single family;
- (d) Accessory Dwelling Unit (ADU).

152.102 SPECIAL USE

- (a) Bed and breakfast, tourist homes, or boarding houses;
- (b) Fishing piers;
- (c) Home occupations;
- (d) Public recreational facilities;
- (e) Private recreation facilities;
- (f) Restaurant;
- (g) Yacht clubs and marinas;
- (h) Youth Activities.

152.103 DIMENSIONAL REQUIREMENTS

District	Use	Min. Square Ft. Per Building Lot	Min. Width per Building Lot
RAW	Residential	20,000 Sq. Ft.	100'
AW	Non-Residential	1 acre	200'

Minimum Side, Front, and Rear Yards						
District	Use	Interior Side	Corner Side	Front	Rear	Max Height
RAW	All Uses	20'	35'	40'	30'	45'

ARTICLE XII. RESIDENTIAL-AGRICULTURAL DISTRICT (RA)

152.110 DISTRICT DESCRIPTION

The purpose of this district shall be to set aside and protect those lands that are primarily suited for larger single family lots and agricultural related uses of lands.

152.111 PERMITTED

- (a) Accessory uses;
- (b) Bona fide farm purpose;
- (c) Dwelling, mobile homes;
- (d) Dwelling, single-family.
- (e) Accessory dwelling unit (ADU).

152.112 SPECIAL USE

- (a) Airports;
- (b) Ambulance service;
- (c) Animal medical care; Kennels;
- (d) Bed and breakfast, tourist homes, or boarding houses;
- (e) Cemeteries;
- (f) Communication towers;
- (g) Dairy products (sales and processing);
- (h) Fire stations;
- (i) Fishing piers and fish houses;
- (j) Home occupations;
- (k) Nursery and Greenhouse operations;
- (l) Public recreational facilities;
- (m) Parking lots;
- (n) Private recreation facilities;
- (o) Public utility facilities;
- (p) School, elementary or secondary and related uses;
- (q) Signs, outdoor advertising;

152.113 DIMENSION REQUIREMENTS

District	Use	Min. Square Ft. Per Building Lot	Min. Width per Building Lot
RA	All Uses	20,000	100'

Minimum Side, Front, and Rear Yards						
District	Use	Interior Side	Corner Side	Front	Rear	Max Height
RA	All Uses	20'	35'	40'	30'	45'

ARTICLE XIII. WATER USE DISTRICT (W-1)

152.120 DISTRICT DESCRIPTION

The Water Use District (W-1) is established to provide for the safe and orderly use of public trust waters within the zoning jurisdiction of the Town. The Water Use District (W-1) is intended to provide for a wide range of activities and uses while protecting the public rights of access, health and safety.

152.121 PERMITTED USES

- (a) Private bulkheads and piers which have received a permit under the North Carolina Coastal Area Management Act.
- (a) Traditional water activities, such as bathing, fishing and boating.

152.122 SPECIAL USES

- (a) Special events, such as boat races, regattas, water ski shows, boat parades, and historic reenactments.
- (b) Commercial marinas only in the Marine Business District as regulated by sections 152.071 TO 152.072.

152.123 MOORING OF BOATS

- (a) The unattended mooring of vessels within the zoning jurisdiction of the Town for periods longer than seven days is prohibited subject to those allowed in section 152.123(b). The occupancy of vessels within the zoning jurisdiction of the Town for longer than seven days is prohibited.

The mooring of boats within public trust waters creates safety hazards for boat traffic and can interfere with public rights access to, and use of, navigable waters and public resources. The long- term occupancy of moored vessels within the public trust waters is a hazard to water quality and public health. All temporarily moored boats must be lighted between sunset and sunrise.

- (b) Permanent, privately owned moorings are hazardous to navigation, increase congestion of the public trust waters, and create potential water quality degradation. Therefore, no privately owned permanent mooring shall be allowed.

ARTICLE XIV. REGULATIONS

152.130 APPLICATION OF REGULATIONS

The regulations set forth in this chapter affect all land, every building or structure and every use of the land and/or building within all the areas that are zoned by the Town.

152.131 NEW USES OR CONSTRUCTION

After the effective date of this chapter, all new construction and use of land shall conform to the use and dimensional requirements for the district in which it is to be located.

152.132 CONFORMING USES

After the effective date of this chapter, land or structures, and uses of land or structures which conform to the regulations for the district which it is located may be continued, provided that any structural alteration or change in use shall conform to the regulations herein specified.

152.134 SUBSTANDARD LOTS OF RECORD

Any lot of record as of January 1, 1989, which has an area or width, or both, which is less than required by this chapter shall be subject to the following exceptions and modifications:

- (a) Adjoining lots. Where two or more adjoining lots with continuous frontage are in one ownership at any time on or after January 1, 1989, and such lots individually are less than the minimum square footage or have less than the minimum width required in the district in which they are located, then such group of lots shall be considered as a single lot or several lots of minimum permitted area and width for the district in which located.
- (b) Lot not meeting minimum lot size requirements. Except as set forth in the subsection (1) of this section, in any district in which single-family dwellings are permitted, any lot of record existing on January 1, 1989, which has an area or width which is less than required by these regulations may be used as a building site for a single-family dwelling in an R District.
- (c) Side yard requirements. Except as set forth in subsection (1) of this section, where a lot has a width less than that required in the district in which it is located, then the Building Inspector shall be authorized to reduce the side yard requirements for such lot, provided that no side yard shall be less than six feet wide.

152.135 REDUCTION OF LOT AND YARD AREAS

No yard or lot existing at the time of the passage of this chapter shall be reduced in size or area below the minimum requirements set forth in the chapter, unless otherwise stated.

152.136 STRUCTURES IN PUBLIC RIGHT-OF-WAY PROHIBITED

No building, fence, or other structure, or part thereof, shall be erected or installed in any public road, street, lane, alley, or other public right-of-way.

152.137 LOT COVERAGE

No building or structure, group of building or structures and other impervious surfaces shall cover more than 50% of any lot. However, the maximum impervious cover shall not exceed state and federal guidelines on any lot.

152.138 VISION CLEARANCE AT INTERSECTIONS

On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 2 ½ feet and ten (10) feet in a triangular area formed by the intersection of the right-of-way of two streets or a street and railroad, and a diagonal line which intersects the right-of-way lines at two points 25 feet from the point at which the rights-of-way intersect.

152.139 FENCES AND WALLS IN RESIDENTIAL DISTRICTS

An open fence or wall shall be defined as one through which clear vision is possible from one side to the other on a horizontal plane occupying 75% or more of the side area of the wall.

Open or solid fences or walls shall be limited to six feet in height. In the General Business, Highway Business, or Industrial districts, no fence shall exceed 10 feet in height.

No fence shall be built nor shall any vegetation be grown that significantly impairs vision within ten feet of a street or highway right-of-way.

152.140 SCREENING AND BUFFER REQUIREMENTS

Multi-family, commercial, and industrial uses may be required by the Planning Board to provide a buffer and/or screening as defined in this chapter. If existing vegetation is equal to or above the requirements of this chapter, additional vegetation may not be required.

Buffers shall be required for solid waste collection dumpsters, which are (i) located on sites used for multi-family residential, commercial, or industrial purposes and (ii) abutting a residence, residentially zoned lot, or street right-of-way shall be screened from the view of adjoining residences, residentially zoned lots, or street rights-of-way. Such screening may consist of natural vegetation, fences, walls, or berms and shall be installed, located, or constructed so as to create an effective screen.

Buffers shall be required for multi-family residential uses when three (3) or more multi-family residential dwelling units are proposed to be located directly abutting a property which is used for single-family residential purposes.

152.141 FRONT YARD SETBACKS FOR DWELLINGS

If the average setback of existing dwellings on lots located immediately adjacent to and on both sides of the vacant lot, or within 100 feet, whichever is closer, is less than the minimum required front yard depth, then the Zoning Administrator or his/her designee may grant an exception to the front yard setback requirement. In no manner shall the vacant lot owner's front yard be less than 50% its original required front yard depth setback according to its zoning classification. In the event that the vacant lot owner desires a greater reduction in the front yard setback than the exception allows, the owner may request a variance from the Board of Adjustment.

152.142 MINIMUM LOT SIZE

No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter, unless otherwise stated.

152.143 NUMBER OF PRINCIPAL BUILDINGS PER LOCATION

Every principal building hereafter erected, established or moved shall be located on a separate lot and in no case shall there be more than one principal building on a lot. Every principal building erected or moved shall be on a lot adjacent to a dedicated street right-of-way.

152.144 CAMPERS, MOTOR HOMES AND OTHER NONPRINCIPAL STRUCTURES

Campers, tents, travel trailers and motor homes are not principal structures and therefore cannot be used as permanent housing. All such housing shall be permitted only as disaster related emergency housing and shall be utilized for a period not to exceed 180 days. It shall be unlawful to camp on any rights-of-way, environmental sensitive areas, beaches, or government property.

152.145 SETBACK REQUIREMENTS EXCLUDE FENCES AND RETAINING WALLS

The setback requirements of these regulations shall not prohibit any necessary retaining wall or prohibit any wall or fence. However, within or abutting the residential district, no wall or fence shall exceed six feet in height within a front or side yard and in the general business, highway business or industrial districts, no fence shall exceed ten feet in height.

152.146 ACCESSORY BUILDINGS

- (a) No accessory building or use shall be erected in any required front or side yard within five feet of the rear lot line or within eight feet of any side lot line, and no separate accessory building or use shall be erected within ten feet of any other accessory building or use.
- (b) No lot shall have in excess of two accessory buildings.
- (c) Carports of any type shall not encroach into the required side yard setback.
- (d) Accessory buildings may be erected in any side or rear yards provided that no separate accessory building.
- (e) No accessory building shall be located on the side yard required on a street side of a corner.

152.147 Accessory Uses and Structures

Permitted Accessory Uses

The uses listed in Column A, below, shall be permitted by right (unless noted otherwise) in any of the zoning districts set forth in Column B, below:

(A) Accessory Use	(B) Zoning Districts
Accessory Dwellings	R5, R5-M, RA, RAW
Garages or carports (non-commercial)	R5, R5-M, RA, RAW
Greenhouses (non-commercial)	R5, R5-M, RA, RAW
Off-Street parking and driveways	R5, R5-M, RA, RAW
Satellite Dishes	R5, R5-M, RA, RAW
Storage Buildings (residential)	R5, R5-M, RA, RAW
Swimming Pools	R5, R5-M, RA, RAW
Any other building or use customarily incidental to the permitted primary use or building (subject to the location standards of this section)	R5, R5-M, RA, RAW

Accessory buildings or uses shall not be constructed or established on a lot until construction of the principal building has commenced or the primary use is established, except as provided in 152.148. Accessory buildings shall not be used for dwelling purposes, except as provided in section 152.148.

Location. Accessory structures shall be required to meet the setback standards for accessory structures as set forth in 152.146. Accessory structures may be located within a setback yard for principal structures and shall be regulated in accordance with the standards below. No accessory structure shall be located less than 36 inches from the exterior wall of the principal structure. Structures that are located closer than 36 inches shall be considered as additions to the principal structure and shall conform to all applicable setbacks for the principal structure.

Residential Lots Below Two Acres. For residential lots not exceeding two acres, detached accessory buildings shall not be located in the front yard and shall not occupy more than 30 percent of the required rear yard. Residential Lots Two Acres or More. For residential lots that are two acres or more, detached accessory buildings may be located in the front yard but not closer than 75 feet from the front property line/street right-of-way. Detached accessory buildings may be closer than the distance specified above if they are not visible from a public street.

Non-residential Accessory Structures. The location of permitted accessory structures associated with a non-residential use shall be governed by the same dimensional regulations as set forth for the principal use structure(s). Double Frontage Lots. Accessory buildings on double frontage lots shall not be closer to either street than the required front yard setback.

Size. An accessory building shall not exceed the ground floor area of the principal building.

Materials. No accessory use of a structure shall be permitted that involves or requires any construction features or materials, which are not primarily residential in nature or character.

152.148 Accessory Dwelling Units (ADUs)

- a) Zoning Districts. ADUs are allowed in accordance with the use tables in 152.147 Zoning Districts and Standards.
- b) Housing Standards. ADUs shall comply with all applicable local, State, and Federal housing codes. Number. Only one ADU shall be permitted per lot.
- c) Size of Unit. The ADU shall not exceed 50 percent of the square footage of the livable area of the primary structure or 1,200 square foot of gross floor area, whichever is less.
- d) Location of the ADU on the Lot. A detached ADU shall be sited to the rear of the principal building.
- e) ADU Location. The Accessory Dwelling unit may be sited to the side of the principal building only if the lot exceeds 10 acres in size. The ADU shall meet all setback requirements as established for a principal use within the zoning district within which it is located.
- f) Manufactured Homes. A manufactured home shall not be pulled up to or attached to a primary residence and considered an ADU. A manufactured home, as a principal or accessory dwelling unit, shall be permitted only in the MH Manufactured Home Overlay District.
- g) Parking. Adequate off-street parking shall be provided for any vehicles owned by occupants of the ADU. The ADU shall not be served by a driveway separate from that serving the principal dwelling.
- h) Owner-Occupied Restriction. ADUs shall only be allowed on parcels that contain owner-

occupied single-family dwelling units that are allowed as a principal permitted use.

152.149 LOTS WITH MULTIPLE FRONTAGE

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

152.150 PROHIBITED USES

If either a use or class of use is not specifically indicated as being permitted in a district, either as a matter of right or as a conditional use, then such use or class of use shall be prohibited in such district. (Code 1979, § 152.046; Ord. of 6-26-1989)

152.151 STATE GUIDELINES FOR AREAS OF ENVIRONMENTAL CONCERN (AEC)

Prior to the issuance of any zoning permit or conditional use permit, the Zoning Administrator shall determine whether the proposed use or structure is located within an Area of Environmental Concern as indicated on North Carolina Zoological Resources Overlay (I-63) -Belhaven Quadrangle, provided by the state department of natural resources and community development. If the proposed use or structure is located in an Area of Environmental Concern, the Zoning Administrator shall certify that the proposed use or structure is in accordance with the state Guidelines for Areas of Environmental Concern prior to issuing the zoning permit.

ARTICLE XV. WATER SUPPLY AND SEWAGE DISPOSAL REQUIREMENTS

152.170 APPROVAL

Unless the lot is served by a public water and sewer system, each application for a zoning permit or a conditional use permit or a certificate of occupancy shall be accompanied with plans of the proposed methods of water supply and sewage disposal in a form acceptable to the appropriate authorizing agency. No excavation or construction for any building or use of land shall be commenced until subsequent approval is noted on the plan of proposed development and a zoning permit is issued

152.171 APPLICATION TO SPECIFY METHOD

Any such application shall specify the method to be used and shall describe any special conditions to be met. Such method, and the approval required, includes the following:

- (1) Connection to public sewerage or water systems operated by a municipality, sanitary district, or other governmental agency: connection approval by an authorized officer of such systems.
- (2) Connection to community sewerage or water systems operated by a responsible person, firm or corporation other than a governmental agency: connection approval by an authorized officer of such system.

- (3) Installation of other than public or community sewerage systems: design approval by the County Health

152.172 PROCEDURES FOR SYSTEM APPROVAL

The sewerage and water systems to which connections are to be made shall be authorized as follows:

- (1) Water supply.
 - a. Individual supply approval by the County Health Department.
 - b. For ten to 25 dwelling units, approval by the state Board of health.
 - c. For 25 or more dwelling units, approval by the state Board of health and the state utilities commission.

- (1) Sewage collection and treatment.
 - a. For a septic tank, approval by the County Health Department,
 - b. For a sewerage system serving facilities regulated by the state Board of health (i.e., institutions, restaurants, motels, and the like), approval by the County Health Department.
 - c. For a sewerage system serving all other uses (i.e., industry, commerce, communities, and the like), approval by the state department of natural resources and community development, division of environmental management, water quality section, when applicable.

ARTICLE XVI. OFF-STREET PARKING AND LOADING STANDARDS

152.180 PURPOSE

The purpose of these off-street parking and loading requirements is to relieve traffic congestion in the streets; to minimize any detrimental effects of off-street parking and loading areas on adjacent properties; and to assure a proper and adequate development of off-street parking and loading areas throughout the area. The standards contained in this subchapter are minimum standards and should not be regarded as optimum standards.

152.181 OFF-STREET PARKING REQUIREMENTS

- (1) Permanent off-street parking spaces shall be provided as specified by this Section:
 - (a) at the time a building is erected;
 - (b) at the time any principal building is enlarged or increased in capacity, such as by adding dwelling units, guest rooms, seats, floor area, or other units of measurement used in this chapter;
 - (c) before conversion from one type of use or occupancy to another if the new use requires additional parking space.

- (2) Such parking spaces may be provided in a parking garage or in an improved open area.

- (3) Each site plan that is submitted shall include information as to the number, location, and dimensions

of all off-street parking and loading spaces and the means of ingress and egress to such spaces. This information shall be in sufficient detail to indicate whether or not the requirements of this Section are met.

- (4) The required number of parking spaces shall be calculated based on the Use(s) of the site. If a property is used for several uses, all uses shall be taken into account. The required parking shall be calculated separately for each use and then added to determine the total required parking.
- (5) All parking areas required under this Section shall be completed prior to the issuance of a Certificate of Occupancy for the use or uses which they serve.
- (6) Parking spaces for the handicapped shall be provided in conformance with the State of North Carolina Accessibility Code.
- (7) Each parking space, exclusive of access and circulation aisles, shall be at least 10 feet by 18 feet in dimension, and shall be hard-surfaced, gravel or grassed.
- (8) All parking areas shall be separated at least ten (10) feet from buildings and all associated driveways and aisles shall be separated at least five (5) feet from buildings in order to allow room for sidewalks, landscaping, and other plantings between the building and the parking area.
- (9) All stacking lanes for Day care centers, kindergartens, and childcare facilities, schools, etc. shall be located at least ten (10) feet from the principal building with separate points of ingress and egress.
- (10) The parking area may be used only for parking and not for any type of loading, sales, dead storage, repair work, dismantling, or servicing of vehicles;
- (11) All entrances, exits, and drainage plans shall be reviewed and approved by the Town Building Inspector and shall be constructed before issuance of a Certificate of Occupancy.
- (12) All parking spaces, aisles between parking spaces, and parking space modules, shall meet the minimum dimensional requirements and design standards set forth in this chapter.
- (13) Any off-street parking space required by any use permitted in any residential district shall be provided on the same lot with the use by which it is required. Off-street parking space in conjunction with commercial and industrial uses in other districts shall not be permitted in a residential district.
- (14) Each parking space shall be permanently marked and maintained so as to be distinguishable.
- (15) The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use; except, that one-half of the parking space required for churches, theaters or assembly halls whose peak attendance will be at night or on Sundays may be assigned to other uses at non-peak times.
- (16) Any off-street parking space required by any use permitted in any residential district shall be provided on the same lot with the use by which it is required. Off-street parking space in conjunction with commercial and industrial uses in other districts shall not be permitted in a

residential district

- (17) If the off-street parking space required by this article in any district except a residential district cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred feet of the main entrance to such principal use.
- (18) Each principal and accessory use of land shall be provided with the number of off-street parking spaces indicated for that use in the Table below. For uses not specifically mentioned, the Building Inspector based upon requirements for similar uses established herein shall apply off- street parking.

USE	REQUIRED PARKING
RESIDENTIAL RELATED USES	
Dwellings: single-family	One parking space for every two occupants authorized by the septic improvement permit issued by the Town of Belhaven or the appropriate permitting agency.
Dwellings: two-family	One parking space for every two occupants authorized by the septic improvement permit issued by the Town of Belhaven or the appropriate permitting agency.
Dwelling: multi-family	2.5 parking spaces on the same lot for each unit.
Hotel, motel, tourist home rooming or boarding house or Bed and breakfast	1.5 parking spaces for each room to be rented, plus one additional parking space for each three employees.
Home Occupation: Professional office	Two parking spaces per office or home occupation, in addition to residence requirements.
Public and Institutional uses	
Hospital	One parking space for each two beds intended for patient use, one space for each resident physician and one space for each two employees.
Clinics (medical)	Ten parking spaces minimum, plus five parking spaces for each doctor assigned, plus one parking space for each employee.
Convalescent Homes	One parking space for each five (5) beds intended for patient use and one space per three
Churches	One parking space for each four (4) seats in the sanctuary.
School, elementary or secondary and related uses	One parking space for each five students for which the building was designed, plus one parking space for each classroom and administrative office.
Public or private recreation facility	One parking space for each two hundred square feet of gross floor space.
Public utility buildings	One parking space for each employee. For customer service facilities, a minimum of five (5) additional spaces.
Day care centers, kindergartens, and childcare facilities	One space for every three children and one space for each employee.
COMMERCIAL USES	
Professional Offices	One parking space for each two hundred (200) square feet of gross floor space, plus one space per two (2) employees.

Restaurants	One parking space for every three (3) customer seats, plus one additional parking space for each three (3) employees. Seasonal outdoor dining areas that are appurtenant to restaurants shall require no parking in addition to the existing restaurant parking provided that such outdoor dining area shall not increase the seating capacity of the restaurant by more than 25%.
Retail sales	One parking space for each five hundred (500) square feet of gross floor space.
Fishing piers and fish houses	A minimum of 25 parking spaces, with one additional parking space for each two hundred square feet of gross floor space under cover.
Indoor Recreation Facilities	One parking space for each one hundred square feet of gross floor area and one additional space for each two (2) employees.
Recreation Area	One parking space per 200 square feet of principal use ground area plus 1 for each two employees.
Theaters	One parking space for each three seats in the auditorium.
Funeral Home	One parking space for each four seats in the chapel or parlor.
Retail use not otherwise listed	One parking space for each two hundred square feet of floor area.

152.182 LIGHTING

Access ways, walkways and parking areas shall be lighted adequately by lighting fixtures which shall be so installed as to protect the street and neighboring properties from direct glare or hazardous interference. Cut-off lighting and cut-off type luminaires shall be used when possible.

152.183 SAFETY BARRIERS

Curbs or other similar devices shall be located along the perimeter of parking lots, when safety requires it, except at entrances and exits. The barrier shall be located to prevent parked vehicles from extending or rolling beyond the boundaries of parking lots. Each parking space shall be provided with curbing, a curb-stop, or in the case of unpaved spaces, railroad ties or similar material.

152.184 IMPROVEMENT, DESIGN AND LOCATION STANDARDS

- (a) All off-street parking, including entrances, exits, maneuvering and parking areas shall meet the following requirements:
- (b) Have access to a dedicated street;
- (c) Have all-weather access drives or lanes that are at least 10 feet wide or single-lane movement and 18 feet wide for double-lane movement;
- (d) Be graded (to include proper drainage). Parking lots shall not drain onto or across public roads, streets or sidewalks or into adjacent property, except into a natural watercourse or a drainage easement in accordance with state and federal rules, laws or regulations. Site plans for parking lots must demonstrate adequate drainage facilities.
- (e) Be permanently maintained by owner.
- (f) Off-street parking areas for more than ten vehicles shall be effectively screened on each side

which adjoins or faces any residential district by a suitable fence or evergreen hedge of at least six feet high. The fence or hedge shall be maintained in good condition.

- (g) All parking lots that are used regularly at least five days per week shall be graded initially with at least four-inch gravel base or other suitable base material and be permanently maintained by the owner.
- (h) All parking facilities shall be designed so that the required access to public streets shall be by forward motion of vehicles exiting the parking facility.

ARTICLE XVII. SPECIAL USES

152.200 General Restrictions

Special uses add flexibility to the zoning ordinance by allowing uses which would otherwise be undesirable to be established in designated districts under special conditions imposed by the Board of Adjustment. Applications for Special Use Permits shall be filed with the Zoning Administrator who shall transmit the application to the Planning Board and the Board of Adjustment. The Planning Board review is to provide a preliminary forum for review prior to the quasi-judicial hearing and decision of the Board of Adjustment. The recommendation of the Planning Board made not be considered in the decision of the Board of Adjustment in the quasi-judicial decision process. After an evidentiary hearing by the Board of Adjustment, the Board of Adjustment may grant permission to establish special uses permitted in the district if it makes a written finding that:

- (1) The proposed use does not adversely affect the general plans for the physical development of the planning area as embodied in these regulations and in any plan or portion thereof adopted by the Planning Board;
- (2) The proposed use will not be contrary to the purposes stated in these regulations;
- (3) The proposed use will not affect adversely the health and safety of residents and workers in the zoned area;
- (4) The proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses;
- (5) The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of said use;
- (6) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such a facility, vehicular movement, noise or fume generation, or type of physical activity;

152.201 ADDITIONAL REQUIREMENTS

- (1) To encourage thorough disclosure and maximum opportunity for public input, statements must be provided to all contiguous property owners and occupants advising them of the special use request and describing the nature of the proposed use, including any known hazards of exposure and listing any hazardous wastes. The Board of Adjustment evidentiary hearing date, if known, should be included.
- (2) To protect the health, safety, and general welfare of residents and workers in zoned areas the applicant must certify that the proposed special use will not unduly burden public services in the area not expel into the air, water, or ground toxic or noxious substances beyond the standards

of the Environmental Protection Agency (EPA), the state or the Town.

- (3) To protect the aesthetic values of residents and workers in zoned areas, activities inherently offensive with regard to visual enjoyment, noise and odor shall be subject to buffer and distance requirements from other uses.
- (4) With regard to all special uses, no exceptions to dimensional requirements in a given zone shall be permitted.
- (5) The Board of Adjustment may impose or require such reasonable and appropriate conditions and safeguards necessary to protect the health and safety of workers and residents in the Town, and to protect the value and use of property in the general neighborhood. Reasonable and appropriate conditions and safeguards may be imposed upon these permits. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made for recreational space and facilities. Conditions and safeguards imposed under this subsection shall not include requirements for which the local government does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the local government, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land.

152.202 FAILURE TO COMPLY WITH CONDITIONS

Wherever the Board of Adjustment shall find, in the case of any permit granted pursuant to the provisions of these regulations, that any of the terms, conditions or restrictions upon which such permit was granted are not being complied with, the Board shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

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

In the event of failure to comply with the plans approved by the Board of Adjustment or with any conditions imposed upon the special use permit, the Board may rescind or revoke the permit, after the Building Inspector notifies the petitioner in writing giving petitioner 30 days to comply with requirements, after giving due notice to all parties concerned, granting full opportunity for a public hearing. No further permits or certificates shall be issued until all requirements are complied with.

152.203 REQUIREMENTS FOR SOME SPECIAL USES

The following are the requirements for some special uses:

- (1) Bulk fuel storage areas. Aboveground fuel tanks used for commercial wholesale or retail purposes shall be enclosed with a fence at least six feet in height.
- (2) Church and other places of worship:
 - a) The structure shall have minimum side and rear yards of not less than 30 feet; and a front yard at least 15 feet greater than that required for other principal structures within the district.

- b) Plans are required and must show:
 - i) Topography including well drained site and adequate storm drainage facilities (including retention pond facilities, when applicable).
 - ii) Structures including location of signs, entrance, and buildings.
 - iii) Circulation including proposed points of access, ingress, and egress and parking layout.
 - iv) Buffering when adjacent to residential structures or when located in residential zones.
- (3) Home occupations
- a) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than 25% of the floor area or 400 square feet of the floor area, whichever amount is less, shall be used to conduct the home occupation.
 - b) One sign, not to exceed six square feet in area shall be permitted if it is non- illuminated and mounted flat against the wall of the principal building or in any yard at least ten feet from any right-of-way or property line.
 - c) Only two (2) people other than those residing in the home shall be engaged in the occupation.
 - d) Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in any required yard.
 - e) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, or electrical interference in any greater degree than may be produced from normal residential activities.
 - f) No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.
 - g) No home occupation shall be conducted that creates a private or public hazard.
 - h) No display of products may be visible from the street or from an adjacent lot.
 - i) The occupation shall not involve the retail sales of products, except that in an RA District, farm products raised and prepared on the premises may be sold; and in approved bed and breakfast establishments home occupations may include retail sales of art, crafts, or antiques, provided such sales do not constitute outdoor displays, and, provided that parking is adequate to accommodate such activity;
 - j) Home occupation signs shall meet the requirements of sections 152.090 through 152.093;
 - k) The occupation shall not constitute any undue disturbance in the neighborhood;
 - l) The dwelling shall provide one parking space in addition to the residential requirement, except for barber, beauty, and hair styling shops, according to sections 152.105 through 152.107;
 - m) Home occupations shall consist of the services, including, but not limited to:
 - i) Accounting service;
 - ii) Addressing service;
 - iii) Art teacher;
 - iv) Attorney;
 - v) Babysitting;
 - vi) Beauty shop;
 - vii) Drafting service;
 - viii) Dressmaking or sewing service;
 - ix) Insurance agent;
 - x) Manufacturer's representative;
 - xi) Music teacher;
 - xii) Notary public;
 - xiii) Photographer;

- xiv) Real estate agent;
- xv) Professional office, secretarial or typing service;
- xvi) Tax consultant;
- xvii) Tutor.

- (4) Hospitals, clinics
 - a) The lot size shall be at least two acres and the structure shall have minimum side and rear yard requirements of 50 feet and a front yard requirement of at least 25 feet greater than that required of principal structures within the district.
 - b) The location and size of all existing and proposed building and structures on the lots adjacent thereto and also across the street shall be shown on the required site plan.
 - c) The minimum distances between these uses and commercial or manufacturing uses which generate heavy traffic flows or extensive congestion shall be 300 feet.
 - d) An off-street drop-off, pick-up area shall be required in such manner so as to be safe and convenient.

- (5) Light manufacturing or industrial uses. In general business or highway business districts these uses are subject to the following conditions:
 - a) Noise, odor, smoke and vibration levels must be unobtrusive to permitted uses.
 - b) The use must be generally compatible with existing permitted uses. If the stated intent of the district is diminished, rezoning of the property should be pursued.
 - c) Health and safety risks to surrounding uses must be low.
 - d) Flow of traffic must not be unduly impeded.
 - e) Manufacturing activities must be conducted entirely inside the building.
 - f) Waste products or production byproducts must be properly stored or removed from the area in a timely manner.

- (6) Nursing home, convalescent home
 - a) The lot size shall be at least two acres and the structure shall have minimum side and rear yard requirements of 50 feet and a front yard requirement of at least 25 feet greater than that required of principal structures within the district.
 - b) The location and size of all existing and proposed building and structures on the lots adjacent thereto and also across the street shall be shown on the required site plan.

- (7) Schools
 - a) All structures shall have minimum side and rear yards of 50 feet and a front yard of at least 25 feet greater than that required for a principal structure within the district.
 - b) Elementary and middle schools/hospitals/emergency service ingress-egress areas. The minimum distances between these uses and commercial or manufacturing uses which generate heavy traffic flows or extensive congestion shall be 300 feet.
 - c) An off-street drop-off, pick-up area shall be required in such manner so as to be safe and convenient.

- (8) Multifamily dwellings.
 - a) A site plan of the proposed project shall be submitted to the Planning Board for review. The Planning Board may provide a preliminary forum for review of quasi-judicial decisions, provided that no part of the forum or recommendation may be used as a basis for the deciding board.
 - b) Accessory buildings, garbage and trash facilities, and recreation facilities may be located in the

- required rear yard, provided that such uses shall be at least 15 feet from the principal building and 15 feet from any lot line;
- c) Garbage and trash facilities shall be subject to the approval of the County Health Department if not served by municipal garbage collection. If serviced by municipal garbage collection, the facilities shall be approved by the Town Manager;
 - d) All parking shall be off-street.
- (9) Public safety and utility facilities. All water treatment and sewage disposal facilities and electric substations shall be set back 100 feet from all exterior property lines. This area shall be planted with evergreen shrubs as a buffer strip. The entire perimeter inside the buffer shall be enclosed with a fence at least six feet in height.
- (10) Separate use signs. Separate use signs (billboards) will not be allowed in any district.
- (11) Veterinary hospitals/clinics/animal boarding.
- a) Subject to the provisions of section 152.092(g) Minimum lot size: 16,000 square feet; and the following conditions:
 - i) Minimum lot width: 100 feet;
 - ii) Minimum front setback: 50 feet;
 - iii) Maximum height of building: 35 feet;
 - iv) Maximum lot coverage: 50 percent.
 - b) Where this use abuts another district, the conditional use must meet the side and area setback requirements of the abutting district.
 - c) Visual buffers will be required for this conditional use when boarding space is provided outside the principal use structure.
 - d) This use may be allowed on a limited basis within mall or shopping center locations at the discretion of the Board of Adjustment.
- (12) Planned Unit Developments (PUDs).
- a) Planned Unit Developments (PUDs) are characterized by the orderly integration of residential, commercial, office, institutional, and/or open space land uses within a walkable community setting which conforms to the design requirements herein. It permits the planning of a project over the entire development rather than on a lot-by-lot basis.
 - b) Permitted uses.
 - i) Single-family dwellings, excluding mobile homes;
 - ii) Multifamily dwellings;
 - iii) Condominiums;
 - iv) Accessory use buildings;
 - v) Private swimming pools;
 - vi) Bed and breakfast inns;
 - vii) Daycare centers and pre-schools;
 - viii) Primary and secondary schools;
 - ix) Churches and similar places of worship;
 - x) Private clubs or lodges;
 - xi) Seafood markets;
 - xii) Butchers markets;
 - xiii) Bakery shops;
 - xiv) Food stores;

- xv) Convenience stores/neighborhood stores;
 - xvi) Drug stores;
 - xvii) Antique stores;
 - xviii) Gift shops;
 - xix) Book stores;
 - xx) Hobby shops;
 - xxi) Florists;
 - xxii) Clothing stores;
 - xxiii) Other small retail establishments;
 - xxiv) Laundromats;
 - xxv) Dry cleaning establishments;
 - xxvi) Offices for professional and business activities;
 - xxvii) Physician and dentist offices;
 - xxviii) Restaurants;
 - xxix) Personal service establishments, such as barber and beauty shops;
 - xxx) Public infrastructure facilities; e.g., pumping stations, transformer banks, water tanks, drainage improvements, and the like;
 - xxxi) Public parks and picnic areas;
 - xxxii) Docks and piers;
 - xxxiii) Marinas;
- b) Dimensional requirements.
- i) Minimum setback at project boundary from dedicated street: 15 feet.
 - ii) Minimum lot size: None.
 - iii) Minimum front yard: Five feet, except that when adjacent to a sidewalk, no front yard is required.
 - iv) Minimum side yard: Three feet, except that if a commercial building or attached housing is constructed with a common wall, no side yard is required. An additional three-foot side yard adjacent to the street is required for a corner lot.
 - v) Minimum rear yard: Three feet, except that if a commercial building or attached housing is constructed with a common wall or adjacent to water or a bulkhead, no rear yard is required.
- c) Other requirements.
- i) Sidewalks or alternate pedestrian ways must be provided within the PUD. Bicycle lanes and street landscaping are encouraged but not required.
 - ii) At least ten percent of the gross site shall be open space or other recreation facilities suitable for the intended use shall be provided within the PUD. Open space, sidewalks, Boardwalks, pocket parks or other similar facilities shall be considered if appropriately designed and amenitized.
 - iii) Each lot must front or abut a public or private street.
- d) Parking.
- i) All parking requirements in sections 152.180 to 152.184 must be satisfied with the exception of the following:
 - ii) Permeable pavement or reinforced grass pavers may be used in lieu of traditional paving when required by section 152.181(7)
 - iii) The required number of parking spaces for residential uses in section 152.181 may be reduced by 50 percent.
 - iv) The required number of parking spaces for commercial, office, and institutional uses in

section 152.181 may be reduced by 25 percent. If bicycle lanes are provided adjacent to every street within the PUD in addition to sidewalks, the number of required parking spaces for commercial, office, and institutional uses in section 152.181 may be reduced by 50 percent.

- e) Signs. All sign requirements Article XIX must be satisfied.
 - f) Street and sidewalk design standards.
 - i) All sidewalks shall meet the requirements of the Americans with Disabilities Act.
 - ii) Streets to be publicly dedicated shall meet all design standards for secondary subdivision streets required by NCDOT.
 - iii) All private streets must be dedicated to a homeowners' association, which meets the following:
 - iv) The homeowners' association shall be established before the lots are sold.
 - v) Membership in the association shall be mandatory for each lot buyer and all successive buyers.
 - vi) The association shall be responsible for the maintenance and upkeep of all private streets.
 - vii) Private streets must meet the following design standards:
 - viii) Private streets must meet all the requirements outlined in the section 153.043.
 - ix) Private streets shall have a minimum right-of-way width of 28 feet.
 - x) Private streets shall have a minimum pavement width of 20 feet for two-way streets and 18 feet for one-way streets.
 - xi) Loop configuration or turnarounds shall be provided to accommodate fire and emergency services access per the state fire code.
- (12) Pool halls and sports bars
- a) appropriate hours of operation
 - b) appropriate security
 - c) compliance with all ABC, health and fire codes and regulations;
 - d) Not to be located closer than 100 feet of a residence, church or school;
 - e) all other applicable requirements as outlined in this chapter.
- (13) Short Term Rentals shall be located not less than 200 feet of an existing short term rental.

152.204 PROVISIONS FOR SPECIAL USE PERMITS

- (1) The Board of Adjustment shall hold an evidentiary hearing using the quasi-judicial procedures required in NCGS 160D-406 to decide upon special use permit requests.
- (2) In granting a special use permit, the Board of Adjustments shall give due regard to the nature and state of all adjacent structures and uses, and the district within which the proposed use is to be located, and shall make written findings of fact concerning the existence or absence of the following criteria:
 - a. The special use permit is allowed pursuant to the zoning district regulations and meets all required conditions and specifications, including without limitation, those set out in 152.203.
 - b. The special use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.

- c. The special use will not substantially injure the value of adjoining or abutting property or the special use of a public necessity.
 - d. The location and character of the special use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is located and in general conformity with the land use plan of the Town and in general conformity with any long range plan in effect at the time of the issuance of the special use permit.
- (3) Upon the issuance of any special use permit, the Board of Adjustments shall consider whether it is necessary or appropriate to affix conditions thereto for the purpose of protecting neighboring properties and/or the public interest and shall affix to such permit such conditions as it finds are necessary for either or both of those purposes. These requirements shall follow the parameters of NCGS 160D-705(c).
- (4) If any conditions affixed to any special use permit or any part thereof is held invalid by competent authority, then said special use permit shall be void.
- (5) Upon its determination that all of the criteria set out in section 152.204(2)a-d above are met, the Board of Adjustments shall enter a written order with findings of fact and conclusions of law, and shall issue the special use permit as requested or with such conditions as it finds necessary and appropriate pursuant to 152.204(3) above. An agreement of the approved conditions shall be signed by the Town and the applicant.
- (6) Upon its determination that one or more of the criteria set out in this section are not met, the Board of Adjustments shall issue its written order with finding of fact and conclusions of law and shall deny the requested special use permit.
- (7) The Board of Adjustments shall have the authority to establish rules of procedure governing the submission and hearing of applications for special use permits that follow the procedures outlined in NCGS 160D-406.

152.205 ORDERS OF BOARD; ADMINISTRATION

Upon its determination that all of the criteria set out in this chapter are met, the Board of Adjustments shall enter a written order with findings of fact and conclusions of law, and shall issue the special use permit as requested or with the conditions as it finds necessary and appropriate.

Upon its determination that one or more of the criteria set out in this chapter are not met, the Board of Adjustments shall issue its written order with findings of fact and conclusions of law and shall deny the requested special use permit.

Any special use permit approved or approved with conditions shall be recorded in the office of the Register of Deeds of Beaufort County.

The Board of Adjustment shall have the authority to establish rules of procedure governing the submission and hearing of applications for special use permits that follow the procedures outlined in NCGS 160D-406.

152.206 TIME LIMIT

A special use permit shall continue in effect for a period of one year after the date upon which it is approved or approved with conditions. If the applicant or his/her successor in interest has not obtained a building permit within the period of one year in the case of new construction, or if the applicant or his/her successor in interest has not commenced the special use within the period of one year in the case of an existing structure or structures, then the special use permit shall be void. If, after commencement of a special use permit or any successor in interest ceases to utilize the property for the use set out in the special use permit for a continuous period of one year, then the special use permit shall be void. When fairness and justice require, the Board of Adjustment, in its sound discretion, may order an extension of a special use permit beyond either of the one-year periods.

152.207 NOTICE OF REVOCATION

In any case where the conditions of a special use permit have not been or are not being complied with, the Building Inspector shall give the permittee notice of intention to revoke the permit at least ten days prior to a Board of Adjustments review thereon. After conclusion of the review, the Board of Adjustments may revoke the permit. Failure to comply with conditions attached to a special use permit shall be deemed a violation of this chapter and shall be punishable upon conviction as provided in this chapter.

152.208 APPEAL TO SUPERIOR COURT

If the special use permit is denied or the applicant is not satisfied with the decision, an appeal may be taken to Superior Court. Appeal from the decision of the Board of Adjustments in regard to special use permits shall be by petition for certiorari to the Beaufort County Superior Court. Any such petition to the Superior court shall be filed with the court clerk no later than 30 days after the date the decision of the Board of Adjustments is filed with the Town, or after the date a written copy of the decision is delivered to every aggrieved party who has filed a written request for such copy with the Board of Adjustments at the public hearing, whichever is later. The copy of the decision shall be delivered to the aggrieved party either by personal service or registered or certified mail, return receipt requested.

ARTICLE XVIII. NONCONFORMITIES

152.220 INTENT; LIMITATIONS

Within the districts established by this chapter or amendments, there may exist lots, structures and uses of land and structures which were lawful before this chapter was passed or amended, but which are prohibited under the terms of this chapter. Such lots, structures and uses shall be termed nonconforming. It is the intent of this chapter to permit these nonconformities to continue in their present condition but they are not to be enlarged, expanded, extended, nor used as grounds for added other structures or uses prohibited elsewhere in the same district.

152.221 NONCONFORMING STRUCTURES AND USES

Nonconforming structures or lots may be used or continued provided they conform to the following provisions:

- (1) Minimum single lot requirements. Where the owner of a lot at the time of the effective date of this chapter, or his/her successor in title thereto does not own sufficient land to enable him/her to conform to the dimensional requirements of this chapter, the lot may be used as a building site for a single-family residence or a duplex in a district in which those residences are permitted, provided all setbacks are complied with.
- (2) Extension of nonconforming uses. Nonconforming uses shall not hereafter be enlarged or extended in any way.
- (3) Change of nonconforming uses. A nonconforming use shall not be changed to any but a use listed as permitted in the regulations for the district in which the nonconforming use is located.
- (4) Cessation of nonconforming uses. If active operations of the nonconforming use are discontinued because of reasons not due to damages or disaster for a continuous period of six months, the nonconforming use shall thereafter be used only for a conforming use.
- (5) Repair or alteration. Normal maintenance and repair of a building occupied by a nonconforming use is permitted provided it does not extend the nonconforming use.
- (6) Damage or destruction of nonconforming uses. Nonconforming uses damaged to an extent exceeding 50% of its replacement cost shall not be reconstructed as a nonconforming use.
- (7) Lawful use required. In order to qualify as a non-conforming use, the way in which the use was actually conducted as well as the purpose of the use must be lawful.

152.222 REPAIRS AND RESTORATION

Repairs and modernization are permitted on any building devoted in whole or part to any nonconforming use, providing that the cubical content of the building shall not be increased.

Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any public official charged with protecting the public safety, upon order of such official. Repair or restoration shall be considered to be started when building materials are placed on the site.

152.223 AVOIDANCE OF UNDUE HARDSHIP

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of an ordinance for the adoption or amendment of this chapter and upon which actual building construction has been diligently carried on.

ARTICLE XIX. SIGN REGULATIONS

152.230 INTENT

It is the intent of this article to permit signs of a commercial nature in appropriate locations and to regulate the size and placement of signs intended to be seen from a public right-of-way in the interest of

public safety and the general welfare. All signs within the jurisdictional area shall be covered by these regulations and shall be erected, constructed and maintained in accordance with the provisions of this article.

152.231 SPECIFIC REQUIREMENTS

- (1) No sign shall hereafter be erected or attached to, suspended from or supported on a building or structure nor shall any existing sign be structurally altered, remodeled or relocated until a certificate of compliance has been issued by the Zoning Administrator. No permits are required for signs enumerated in section 152.232.
- (2) All signs shall be constructed and designed according to generally accepted engineering practices, to withstand wind pressures and load distribution as specified in section 804 of the North Carolina Building Code, 1958, as amended.
- (3) Each sign may be subject to inspection by the Zoning Administrator for the purpose of ensuring that the structure is maintained in a safe and aesthetic condition. When a sign fails to meet the maintenance requirements of section 152.231(12) or is determined to be structurally unsafe for other valid reasons the Zoning Administrator shall give written notice to the owner of the sign or the owner of the premises on which the sign is located, that the sign shall be made in compliance or removed within 30 days of receipt of notice.
- (4) No sign shall be erected or constructed so as to obstruct corner visibility or visibility at a driveway between a height of 2½ and ten feet.
- (5) No sign or sign structure shall be located so as to obstruct a public right-of-way.
- (6) No sign or outdoor advertising structure shall be erected or maintained which is a copy or imitation of an official highway sign and carrying the words "stop," "go," "danger," or "slow."
- (7) No sign or advertising structure shall be permitted which would tend, by its location, color or nature, to be confused with or obstruct the view of traffic signs or signals, or would tend to be confused with a flashing light of an emergency vehicle.
- (8) No flashing or intermittent illumination shall be permitted on any sign or structure. Illumination devices such as, but not limited to, floodlights or spotlights shall be so placed and so shielded as to prevent the rays of illumination therefrom being cast upon neighboring buildings and/or vehicles approaching from either direction.
- (9) Nonconforming signs, when removed for other than normal maintenance, may not be erected again nor may any such signs be replaced with another nonconforming sign. No such nonconforming signs shall be altered, expanded or enlarged. Change in permanent copy, including the surface upon which the copy is adhered, shall not be considered an alteration when copy advertises the same business originally advertised. Permanent copy shall not include signs with changeable panels and reader Board type signs with removable letters. No nonconforming sign shall be repaired when such repairs exceed 50 percent of the value of the sign as determined by the Building Inspector.

- (10) Sign bases shall be at least ten feet from any right-of-way line or property line and 20 feet from a right-of-way intersection. No part of a freestanding sign shall extend beyond a line projected vertically from two feet inside the right-of-way line and no portion of such sign shall be less than ten feet above the finished grade of the pavement except as herein provided in the business district. In no way shall a sign hinder or obstruct visibility on the right-of-way or at intersections.
- (11) Separate use signs shall be allowed only in the RA or HB districts and total area shall be limited to 300 square feet. The minimum distance between separate use signs shall be 100 feet. No separate use sign shall be located within 100 feet of a residential use.
- (12) For aesthetics and safety the following maintenance requirements must be observed for all signs:
- a. No sign shall have more than 20 percent of its display surface area covered with disfigured, chipped, cracked, ripped or peeling paint or poster paper for a period of more than 30 successive days.
 - b. No sign shall be allowed to remain with bent or broken display areas, broken supports, loose appendages or struts, or be allowed to stand more than 15 degrees away from perpendicular for a period of more than 30 successive days.
 - c. No sign shall be allowed to have weeds, trees, vines or other vegetation growing upon it for a period of more than 30 successive days.
 - d. Wall signs placed against the exterior walls of buildings or painted on the walls shall not exceed 40 percent of the exposed finished wall surface area, including openings.
- (13) Civic and fraternal signs shall be allowed as long as they are located within 300 feet of the Town limits and the proper permits have been requested and received.

152.232 SIGNS NOT REQUIRING A PERMIT

The following type of signs may be allowed in any district without a permit:

- (1) Occupant and house number. Signs not exceeding three square feet in area and bearing only property numbers, post office box numbers, names of occupants or other identification not having commercial connotations.
- (2) Directional and information signs. Erected and maintained by public agencies and governmental bodies.
- (3) Professional and home occupation signs. One sign per lot not to exceed eight square feet, located at least ten feet from the street line and side property lines. Where side yards are required, no such sign may be erected in such side yards. Only indirect lighting shall be allowed in a residential district.
- (4) Temporary lease, rent or sale signs. One sign per lot, not to exceed six square feet in area, pertaining only to lease, rental, or sale of the property on which displayed. No such sign shall be illuminated in a residential district. Such signs may be indirectly illuminated in nonresidential districts.
- (5) Bulletin Boards. Churches, schools, community centers and similar public and institutional uses may erect one sign or bulletin Board not to exceed 16 square feet in area for the purpose of displaying the name of the institution and related information. Such signs shall be used as wall signs or shall be located a minimum of 12 feet from the street line and side lot lines. Where side yards are required, no such sign shall be erected in such side yards. Such signs may be indirectly illuminated.

- (6) Construction signs. During construction, repair or alteration of a structure, temporary signs which denote builder or other participants in the project or which denote the name of the structure and its occupants-to-be may be placed within the required yard setbacks as ground, wall or roof signs. The total area of such signs shall not exceed 50 square feet.
- (7) Subdivision signs. On-site subdivision signs advertising the sale of lots or buildings within new subdivisions are permitted, provided:
 - a. They are non-illuminated or indirectly illuminated;
 - b. They do not exceed 20 square feet;
 - c. Not more than one such sign may be erected at each major entrance to the subdivision;
 - d. They meet all requirements applicable to principal structures with respect to yard, setback and height requirements;
 - e. Display of such signs shall be limited to a period of two years, unless the signs are permanent with advertising restricted to the name of the subdivision only and are dedicated to and accepted by the county, a municipal government or a lawfully established homeowners' or community association responsible for the maintenance of commonly-owned properties of the development.
- (8) Window signs. Window signs shall be placed only inside a public or commercial building and shall not exceed 25 percent of the glass area of the pane upon which the sign is placed.

152.233 PRINCIPAL USE SIGNS

- (1) Principal use signs may be indirectly illuminated only.
- (2) If suspended from a canopy, the principal use sign must be at least seven feet above the sidewalk level.
- (3) Principal use signs shall have a maximum surface area of two square feet for each one linear foot of street frontage, but in no case exceeding a total of 200 square feet in sign area per lot.
- (4) Freestanding signs shall be limited to two per lot, per business, neither of which shall be located in any side yard or within ten feet of a side property line.
- (5) Freestanding signs meeting state building code provisions will be allowable.

ARTICLE XX. BUFFERS

152.240 REQUIRED

In order to lessen the impact of incompatible land use, a visual buffer of six feet or more in height shall be provided and maintained to separate those uses which are deemed to have a negative effect on residential or other areas. When new business or industrial construction will abut an existing residential district or use, a buffer strip with a visual buffer shall be provided and maintained by the business or industrial use. In addition, when new residential construction will abut an existing business or industrial use, the buffer strip and visual buffer shall be provided by the residential developer. This buffer strip shall be part of the lot and shall be maintained by the lot owner or the homeowners' association, in the case of commonly-owned land.

152.241 DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Buffers means solid, decorative, visual obstructions used to shield objectionable uses or use accessories from public view.

152.242 REQUIREMENTS

- (1) Buffers shall consist of:
 - a. Brick walls.
 - b. Wood or vinyl fences.
 - c. Berms (earthen barriers).
 - d. Light evergreen hedges.
 - e. Any combination of the above.
- (2) Minimum height requirements for buffers shall be six feet, except that on corner lots or near rights-of-way, nothing shall be placed, planted, or erected to exceed a height of 2½ feet nor protrude lower than ten feet, nor otherwise inhibit motor vehicle visibility in streets or at railroad crossings (see 152.138 and 152.139).
- (3) Evergreen hedges should be a type which reaches the minimum height within two years.
- (4) Wooden fences must create a solid visual barrier.

152.243 USES TO BE BUFFERED

The following uses shall require buffers in all districts where they are legal:

- (1) All dumpsters shall be buffered. No dumpster may continue in a nonconforming state for more than one year after the effective date of the ordinance from which this chapter is derived.
- (2) Veterinary hospitals, clinics, boarding facilities or kennels, where allowed (see section 152.203(11))
- (3) Junkyards/salvage yards
- (4) Development as specified in section 152.240
- (5) Other conditional uses, as the Board of Adjustment deems appropriate.

ARTICLE XXL. SHORT-TERM RENTAL REGULATIONS

152.250 INTENT

The intent of this article is to establish minimum operational and safety standards for the use of residential dwelling units as primary resident and dedicated short-term rentals and to minimize the impact of changed regulations on existing land uses established as of the effective date of the changed regulations.

The Board of Aldermen agrees that this article is consistent with this chapter, and helps to promote the health, safety, and general welfare of the citizens of the Town.

A Zoning Compliance Permit shall be required to operate a primary resident or dedicated short-term rental within the planning and regulation jurisdiction of the Town.

152.251 Scope of article

Unless otherwise specified, the requirements and provisions of this section shall apply to primary resident and dedicated short-term rentals (collectively called "short-term rentals"). This section does not apply to other types of transient lodging uses, such as hotels, motels, boardinghouses, rooming houses, or hosted short-term rentals.

152.252 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dedicated short-term rental means the residential dwelling unit that is not owner-occupied or used as a principal residential dwelling unit to transient guests for a duration not to exceed 30 consecutive days. Designated responsible party means the local contact responsible for responding to complaints or issues stemming from the use of the dwelling unit as a short-term rental. The responsible party must be located within 25 miles of the short-term rental property and be available to respond to complaints within 60 minutes.

Operator means the property owner or any person, company, or rental agency that advertises a residential dwelling unit for nightly rentals or that otherwise facilitates the use of the property as a short-term rental.

Primary resident short-term rental means the rental of a principal residential dwelling unit by a transient guest for a duration not to exceed 30 consecutive days, for a maximum of 90 days per year. A principal residential dwelling unit is a residence that is occupied by the property owner (or the tenant/lessee of the owner authorized by the owner to offer the unit for short-term rental) for a cumulative minimum of 275 days per calendar year.

Transient guest means the person who, for compensation, rents a residential dwelling unit on a nightly basis for stays not to exceed 30 consecutive days.

Zoning Compliance Permit means the zoning permit that the property owner is required to hold before the residential dwelling may be advertised or used as a primary resident or dedicated short-term rental.

152.253 Zoning Compliance Permit regulations

Primary resident short-term rentals and dedicated short-term rentals are hereby recognized as a lawful land use within the following zoning districts: Residential Mobile Home (R- 5M).

Primary resident and dedicated short-term rentals are and may be considered as special uses within the following zoning districts: Residential (R-5), Marine Business (MB).

152.254 Grounds for denial

The Town may deny an application for a zoning compliance permit if any of the following has occurred:

The property owner submits an incomplete application; or

The proposed short-term rental fails to meet a specified standard set forth in this chapter.

The property owner may appeal the denial of a zoning compliance permit to the Board of Adjustment pursuant to the requirement set forth in this chapter.

152.255 Operational requirements

The following operational requirements apply to primary resident and dedicated short-term rentals: Maximum overnight occupancy. The overnight occupancy shall not exceed two persons per bedroom plus four additional persons, excluding children under three years of age. The occupancy limit shall be posted prominently within the short-term rental unit and be included in property listings on the hosting platforms.

Designated responsible party. Operators shall designate a local responsible party who is available to respond to complaints or other issues arising from the STR use 24 hours during all times that the property is rented or used on a transient basis. The name, telephone number, and email address of the designee shall be conspicuously posted within the short-term rental unit. The designee shall reside within twenty (25) miles of the short-term rental property and be available to respond to complaints within 60 minutes of their receipt. A designee's repeated failure to timely respond to complaints may result in the revocation of the zoning compliance permit. The designee may be the property owner if he/she satisfies these requirements.

Parking. A minimum of one off-street parking space per every two bedrooms is required.

Noise. The noise regulations set forth in title IX, chapter 95 apply.

Trash and recycle disposal. The dates and instructions for trash and recycling collection shall be posted prominently within the short-term rental. Waste may not be placed in trash bags at the curb; all trash is required to fit into trash receptacles.

Signs. Signs may be affixed to the building and may not exceed three feet by four feet. Yard signs are not permitted.

152.256 Miscellaneous requirements

Taxes. Short-term rental owners are responsible for paying the state sales tax and personal property taxes as established by state and local law.

Minimum rental age. The principal transient guest of a short-term rental shall be at least 21 years old.

Minimum rental duration. The operator shall not make the residential dwelling unit available to short-term rental transient guests for a period of less than overnight.

Simultaneous rental contracts. The simultaneous rental to more than one party under separate rental contracts shall be prohibited.

Food preparation. The operator shall not prepare or serve food to transient guests.

Notice. The jurisdiction will notify neighboring property owners located within 100 feet of the short-term rental that the property is being used as a short-term rental. The notice to neighboring property owners shall include:

- The street address of proposed short-term rental;

- The name and contact information of the designated responsible party; and
- A statement of the maximum overnight occupancy for the property.

152.257 Safety standards

The Town Manager, or his/her designee, shall establish safety standards for the operation of primary resident and dedicated short-term rentals. These standards include, but are not limited to, the following requirements:

- Property owners shall install at minimum of one smoke detector on each floor within the dwelling unit and in each bedroom. Property owners are responsible for changing the batteries annually or when put on notice that a detector needs replacement batteries.
- Property owners shall provide one wall-mounted fire extinguisher visible from the kitchen area.
- Property owners shall install a minimum of one operable carbon monoxide detector located on each floor of the dwelling unit. The property owner shall inspect the carbon monoxide detector every six months to ensure it is properly functioning.
- Property owners shall remove all double-keyed deadbolt locks. A double-keyed deadbolt lock one that can be locked with a key from the interior of the dwelling unit.
- Property owners should ensure that all exit doors and windows within the dwelling unit can easily be opened in the event of an emergency.
- Property owners shall ensure that the property address is easily visible from the street by using reflective address numbers.

152.258 Enforcement

Permit revocations. If a property owner receives three verified complaints relating to the use of the property as a short-term rental within a rolling 12-month period, the zoning compliance permit may be revoked.

Operating without a permit. Any person who operates a short-term rental property without having been issued a zoning compliance permit shall be fined \$25.00 per day. This is a continuing violation and fines will accrue until the owner has secured a permit or ceases to rent the property on a short-term basis. Action for recovery of civil penalty. If payment of a civil penalty is not made, or if violations are not cured or corrected, within the time specified in the citation, then the matter may be referred to the Town Attorney for institution of a civil action before a court of competent jurisdiction.

ARTICLE XXII. ADMINISTRATION AND ENFORCEMENT

The zoning code of the Town of Belhaven will be administered and enforced as required in North Carolina General Statutes 160D-404.

152.270 Zoning Administrator to enforce provisions

The Zoning Administrator designated by the Board of Aldermen shall administer and enforce this chapter. The term ZONING ADMINISTRATOR shall include the Building Inspector when that official has been directed to perform the duties and obligations of the Zoning Administrator. The Zoning Administrator shall have all necessary authority to administer and enforce this chapter, including the

ordering of, in writing or verbally, and the remedying of any condition found in violation of this chapter and the bringing of legal action with prior Board approval to ensure compliance with this chapter, including injunction, abatement or other appropriate action or proceeding.

152.271 Zoning permit required

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

An applicant may apply for approval of a Minor Modification of an Approved Application to allow insignificant changes to an approved application that has not yet received a Certificate of Occupancy, without requiring the application to go through the entire review process again.

Consideration of a requested minor modification does not change the applicable approval authority for the development plan as a whole.

To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this chapter, pre-application consultation between the developer and the administrator is encouraged or required as provided in this section.

152.272 Certificate of occupancy required

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

152.273 Records and invalidation

A record of all zoning permits shall be kept on file in the office of the Zoning Administrator. Any zoning permit issued shall become invalid if the work authorized by it has not commenced within one year of approval date per NCGS 160D-108(d).

152.274 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS

Dimensional requirements and development standards shall be in accordance with the zoning district in which the building is located.

152.275 SITE PLAN REVIEW PROCESS FOR COMMERCIAL, INDUSTRIAL, MARINE BUSINESS, AND MULTI-FAMILY PERMITTED USES APPLICATIONS

Prior to preparing a site plan, the preparer should obtain a site plan requirements list from the Inspections Department. This checklist covers most items required on site plans, and the site plan preparer should address all items on the list before submitting a site plan. Applicants are encouraged to

review their particular cases with the staff in a sketch plan meeting prior to submission of formal application. A sketch plan review by the Planning Board may be recommended.

Site plan preparer submits the following to Zoning Administrator:

Copy of the site plan, all items on checklist addressed and an engineer's seal on the plan;
Letter of tentative environmental approval, from the local or state agency having jurisdiction;
Site plan review fee.

The Planning Board will review the site plan. They will make recommendations to the Town Council such as: approval as submitted, approval with conditions, disapproval or that the plan be tabled to allow the preparer to address the Planning Board's concerns.

The Town Council will review site plans on the second Monday of the month. At that time the Town Council will approve, conditionally approve, disapprove or table the proposed project.

Once a site plan has the Town Council approval, the Zoning Administrator may issue a zoning compliance permit during the next 365 days, provided that all other requirements of this chapter and other applicable town chapters are met. If a permit is not secured within 365 days from final approval of the site plan, the site plan approval expires and the applicant must resubmit the site plan for review by the Planning Board and the Town Council. In the event the applicant certifies to the Zoning Administrator that there have been no intervening chapter or regulatory changes affecting siting and use and there is no significant change in the site plan design, then the Zoning Administrator may certify such conditions. Upon such certification, the Zoning Administrator may give the applicant 90 days in which to secure a building permit. In the event no building permit is secured within the 90-day period, the site plan approval extension shall expire and the site plan must be resubmitted through the prescribed site plan approval process as specified in this chapter.

Rejected site plans may be resubmitted in accordance with this chapter when redrafted to meet the specifications of this chapter and upon payment of the required fees.

152.276 CHANGES IN PLAN BY OWNER OR DEVELOPER

If following the Town Council conditional or final approval, the owner or developer desires to make a change in any of the factors listed in this chapter, the changed must be reviewed by the Planning Board in accordance with the provisions of this chapter and approved by the Town Council.

152.277 MINOR MODIFICATIONS

The Zoning Administrator may approve minor modifications. These administrative modifications are authorized for conditional zoning, special use permits, and administrative development approvals.

(a) Insignificant deviations from the permit (including approved plans) issued by the Town Council, the Board of Adjustment, or the zoning administrator are permissible and the administrator may authorize such insignificant deviations. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

(b) Minor design modifications or changes in permits (including approved plans) are permissible with the approval of the permit issuing authority. Such permission may be obtained without a formal

application, public hearing, or payment of any additional fee. For purposes of this section, minor design modifications or changes are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

(c) All other requests for changes in approved plans will be processed as new applications. If such requests are required to be acted upon by the Council or Board of Adjustment, new conditions may be imposed. But the applicant retains the right to reject such additional conditions by withdrawing his request for an amendment and may then proceed in accordance with the previously issued permit.

(d) The zoning administrator shall determine whether amendments to and modifications of permits fall within the categories set forth above in subsections (a), (b), and (c).

152.278 VESTING OF RIGHTS

Rights granted in accordance with the provisions of this chapter shall vest for a period of two years only upon site plan approval by the Town Council. This provision is not intended to extend or reduce any time requirements set forth in the North Carolina General Statutes 160D-801.1, North Carolina Building Code, the Town Code or any other governmental regulation applicable to the project for which the site plan approval is granted.

152.279 PERMIT APPLICATIONS FOR SPECIAL USES

Submission. Submission of a site plan for a special use overlay permit shall be subject to those requirements outlined in Section 152.302(3) and Section 152.271 as applicable. The application shall indicate the section of this chapter under which a permit is being sought and shall contain the information required by the appropriate section and such other information as may be required to ensure compliance with this chapter.

Granting special use permits. In granting any special use permit, the Board of Adjustments may prescribe appropriate conditions and safeguards, including time and deed limitations imposed in conformity with this chapter. Violation of those conditions and safeguards, when made a part of the terms under which the special use permit is granted, shall be considered a violation of this chapter. The Board of Adjustments may prescribe a time limit within which the action for which the special use permit is required shall be begun or completed. Failure to comply within the time limit set shall void the special use permit.

152.280 POWERS AND DUTIES OF ZONING ADMINISTRATOR

All questions arising in connection with the enforcement of this chapter shall be presented to the Zoning Administrator. The Zoning Administrator has authority to grant certificates of zoning compliance with the provisions established herein.

The Zoning Administrator shall not grant special use permits or variances, and shall not have the authority to interpret this chapter. Questions of interpretation shall be determined by the Board of Adjustment in considering appeals from decisions, orders or other actions of the Building Inspector. When the Zoning Administrator finds that any of the provisions of this chapter are being violated, he/she shall take corrective action by notifying the persons responsible for the violations in writing indicating the nature of the violation and ordering corrective action necessary, including, but not limited

to the following:

- a) Ordering discontinuance of illegal use of land or structures;
- b) Ordering removal of illegal construction, alterations and additions or changes to structures;
- c) Ordering discontinuance of illegal work being performed on land and/or structures;
- d) Ordering any other action authorized by this chapter to insure compliance with or prevent violation of its provision.

Whenever a violation of this chapter occurs or is alleged to have occurred, any person may file a written complaint. The complaint, giving an adequate description of the violation or alleged violation, shall be filed with the Zoning Administrator. He/she shall properly record the complaint, immediately investigate and take appropriate action as provided herein.

152.281 REMEDIES

In case any structure is erected, reconstructed, altered or repaired in violation of this chapter, the Building Inspector or any appropriate authority of the Town, or nearby or adjacent property owners who would be affected by the violations may institute injunction, mandamus or other appropriate action to prevent the occupancy of the dwelling, structure or land.

152.282 VIOLATIONS

Any person, firm or corporation violating this chapter or who violates or fails to comply with any order made there under, shall be guilty of a and punishable as set forth in NCGS 14-4. Each day in violation shall constitute a separate offense. Notice of action shall be sufficient if directed to the owner, agent of the owner or the contractor, and left at his own place of residence or business. Nothing herein contained shall prevent the Town from any other lawful action to prevent or remedy any situation.

ARTICLE XXIII. PLANNING BOARD

152.290 CREATION AND MEMBERSHIP

The Town Council does hereby create a Planning Board under the authority of G.S. 160A-361.

The Belhaven Planning Board hereinafter referred to as the "Planning Board" shall have the authority to create and amend its own rules and procedures at any time by an affirmative vote of a majority of the members of the Planning Board, provided that such amendment shall have first been presented to the membership in writing at a regular or special meeting.

The Planning Board shall consist of seven members, six of which shall be bonafide residents of the Town and one of which shall be bonafide resident of the "Area of Extraterritorial Jurisdiction" of the Town hereinafter known as the "ETJ." All members shall be appointed by the Town Council.

Appointments shall be for staggered terms with all subsequent appointments being for three year terms. Should a vacancy occur, appointment will be made to complete the unexpired term. All members shall be limited to three consecutive full terms.

All members shall have equal rights, privileges, and duties with the other members regardless of whether the matters at issue arise within the Town limits or within the ETJ.

A quorum of the appointment members shall be the number needed to hold a meeting. A quorum is considered a majority of the members currently serving on the Board.

152.292 POWERS AND DUTIES

The Planning Board shall have the following powers and duties:

- a) Make studies of the area within its jurisdiction and surrounding areas;
- b) Determine objectives to be sought in the development of the study area;
- c) Prepare and adopt plans for achieving these objectives;
- d) Develop and recommend policies, chapters, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
- e) Advise the Town Council concerning the use and amendment of means for carrying out plans;
- f) Exercise any functions in the administrative and enforcement of various means for carrying out plans that the Town Council may direct;
- g) Perform any other related duties that the Town Council may direct.
- h) conduct such public hearings as may be required to gather information necessary for the drafting, establishment and maintenance of the Comprehensive and Land Use plans, Zoning Chapter, Subdivision Chapter, or other studies the Planning Board deems necessary.

ARTICLE XXIV. BOARD OF ADJUSTMENT

152.300 APPOINTMENTS

The Town Council does hereby create a Board of Adjustment and provides for the appointment of the Board of Adjustment consisting of five regular members and two alternate members.

Four of the regular members be bonafide residents of the Town, residing within the corporate limit of the Town. Insofar as possible, members shall be appointed from different areas within the zoning jurisdiction.

All appointments to the Board of Adjustment shall be three years. However, to allow for staggered terms, the three initial appointments of regular, in-town members will be for periods of one, two and three years. The initial appointment of the regular ETJ members will be for periods of two years. All other appointments, including the initial appointments of alternate members shall be for three-year terms. An appointee to the Board of Adjustment may serve no more than two consecutive terms, providing that any member appointed to an initial term of one or two year shall be eligible to serve two additional full terms after such initial term.

152.301 PROCEEDINGS

The Board of Adjustment shall elect a Chairman and a Vice-Chairman at its first meeting following its creation and appointment of members and each year thereafter. The Chairman, or the Vice-Chairman in the Chairman's absence, shall preside at all meetings. In the absence of both the Chairman and the Vice-Chairman, those members of the Board of Adjustment who are present may elect a Chairman Pro Tempore for the purpose of appointing alternate members to sit for vacant members, if by doing so a quorum can be reached. In such case, the Chairman Pro Tempore shall be the presiding officer for that

meeting. The Board of Adjustment shall select a Secretary who may or may not be a member of the Board of Adjustment but may be an employee of the Town.

Meetings of the Board of Adjustment shall be open to the public and shall be held at the call of the Chairman at a time and place that may be specified in the Board's rules of procedure. Due notice shall be given to all interested parties.

The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its examinations and official actions, all of which shall be filed in the office of the Town Clerk for public record.

If a regular member is absent from any meeting of the Board of Adjustment, the presiding member of the Board of Adjustment shall appoint an alternate member to sit in the place of the absent regular member if an alternate member is present. If the seat being filled is that of an in-Town member, then only the in-Town alternate may be appointed to fill the vacancy. If the seat being filled is that of an ETJ member, then only the ETJ alternate may be appointed to fill the vacancy.

The concurring vote of a simple majority of the board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which the Board is required to pass under the provisions of this chapter. On any issue coming before the Board of Adjustment, there shall be no distinction between members residing within the corporate limits of the Town and members residing in the ETJ.

Appeal from the Board of Adjustment shall be to the Superior Court of Beaufort County.

The Chairman of the Board of Adjustment is authorized in his official capacity to administer oaths to witnesses in any matter coming before the Board. Any member of the Board while temporarily acting as Chairman shall have and exercise like authority.

North Carolina General Statute 160D-406(i) specifies how voting members should be counted. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under G.S. 160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

152.302 Powers and Duties

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

- (1) *Administrative review.* To hear and decide any appeal from and review any order, requirement, decision, or determination made by the Zoning Administrator. A fee set according to a regularly adopted fee schedule shall be paid to the Town for each appeal to cover advertising and administrative costs.
- (2) *Variations.* To authorize, upon appeal, in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. In granting a variance, the Board of Adjustment may determine and prescribe reasonable conditions and

safeguards upon which the variance is granted in order to ensure that the variance is in harmony with the general purpose and intent of the Zoning Chapter and preserves its spirit, and to ensure that the variance will assure the public safety and welfare and will provide substantial justice;

A variance from the terms of this chapter shall not be granted by the Board unless and until it shall make a finding that:

- a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district;
- b. Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
- c. The special conditions and circumstances do not result from the actions of the applicant; and
- d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other land, structures, or buildings in this same district.

A fee set according to a regularly adopted fee schedule shall be paid to the Town for each application for a variance to cover advertising and administrative costs.

- (3) *Special uses.* To hear and decide requests for special uses as prescribed by Article XVII. A fee set according to a regularly adopted fee schedule shall be paid to the Town for each application for a conditional use to cover advertising and administrative costs.

152.303 Quasi-judicial procedure

(a) *Process Required.* - Boards shall follow quasi-judicial procedures in determining appeals of administrative decisions, special use permits, certificates of appropriateness, variances, or any other quasi-judicial decision.

(b) *Notice of Hearing.* - Notice of evidentiary hearings conducted pursuant to this Chapter shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; 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 local development regulation. In the absence of evidence to the contrary, the local government 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 local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

(c) *Administrative Materials.* - The administrator or staff to the board shall transmit to the board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form.

Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.

(d) Presentation of Evidence. - The applicant, the local government, and any person who would have standing to appeal the decision under G.S. 160D-1402(c) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board.

Objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. The board chair shall rule on any objections, and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to G.S. 160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.

(e) Appearance of Official New Issues. - The official who made the decision or the person currently occupying that position, if the decision maker is no longer employed by the local government, shall be present at the evidentiary hearing as a witness. The appellant shall not be limited at the hearing to matters stated in a notice of appeal. If any party or the local government would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing.

(f) Oaths. - The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.

(g) Subpoenas. - The board making a quasi-judicial decision under this Chapter through the chair or, in the chair's absence, anyone acting as chair may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, the applicant, the local government, and any person with standing under G.S. 160D-1402(c) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be immediately appealed to the full board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

(h) Appeals in Nature of Certiorari. - When hearing an appeal pursuant to G.S. 160D-947(e) 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. 160D-1402(j).

(i) Voting. - The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under G.S. 160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

(j) Decisions. - The board shall determine contested facts and make its decision within a reasonable time. When hearing an appeal, the board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing, reflect the board's determination of contested facts and their application to the applicable standards, and be approved by the board and signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the

written decision with the clerk to the board or such other office or official as the development regulation specifies. The decision of the board shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify to the local government that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.

(k) Judicial Review. - Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402. Appeals shall be filed within the times specified in G.S. 160D-1405(d). The governing board of the local government that is a party to the judicial review of the quasi-judicial decision shall have the authority to settle the litigation, subject to Article 33C of Chapter 143 of the General Statutes.

152.304 APPEALS

Appeals from the enforcement and interpretation of this chapter, special use permits and request for variances shall be filed with the Zoning Administrator within 30 days after the interested party or parties receive notice of an order, requirement, decision or determination. The Zoning Administrator shall transmit all the records in the case to the Board of Adjustment.

After receipt of notice of appeal, the Chairman of the Board of Adjustment shall fix a reasonable time not to exceed 60 days, for the hearing of the appeal and publish notice of such hearing in a newspaper of general circulation in Belhaven at least once each week, for two consecutive weeks prior to the hearing. All applications for a variance must be accompanied by an application fee as set by Town staff to help defray costs in advertising and administration.

An appeal stays all proceedings in furtherance of action appealed from, unless the Zoning Administrator certifies to the Board of Adjustment that, based on the records of the case, a stay would cause damage to life or property, in which case proceedings shall not be stayed otherwise than by an order from the Beaufort County Superior Court. All appeals to the Superior Court and all applications to the Superior Court for a stay shall be made within 30 days of a party's receipt of notice of the decision of the Board of Adjustment.

152.305 SPECIAL USES

All special uses shall be approved by the Board of Adjustment in accordance with this chapter and shall be subject to those requirements outlined in Sections 152.076 through 152.084, Section 152.140, and Section 152.146 as applicable.

152.306 CONTINUITY OF ACTION

Any application for any action by the Board of Adjustment pending before the Board of Adjustment which is being abolished herein on the day of passage of these amendments shall be deemed continuing in effect and shall be considered by the Board of Adjustment which is being created herein in the same manner as if such application had been originally submitted to said newly created Board of Adjustment.

152.307 DECISIONS OF THE BOARD

The Board of Adjustment shall submit to the appellant, in written form, the decision of the Board. Such written notice shall be sent to appellant, not more than seven days following the date of the Board's

decision. Such notice shall describe the reasons for the Board's action.

ARTICLE XXV. AMENDMENTS

152.310 Development Regulation. Procedure for adopting, amending, or repealing development regulations.

(a) Hearing with Published Notice. – Before adopting, amending, or repealing any ordinance or development regulation authorized by this Chapter, the governing board shall hold a legislative hearing. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(b) Notice to Military Bases. – If the adoption or modification would result in changes to the zoning map or would change or affect the permitted uses of land located five miles or less from the perimeter boundary of a military base, the local government shall provide written notice of the proposed changes by certified mail, return receipt requested, to the commander of the military base not less than 10 days nor more than 25 days before the date fixed for the hearing. If the commander of the military base provides comments or analysis regarding the compatibility of the proposed development regulation or amendment with military operations at the base, the governing board of the local government shall take the comments and analysis into consideration before making a final determination on the ordinance.

(c) Ordinance Required. – A development regulation adopted pursuant to this Chapter shall be adopted by ordinance.

(d) Down-Zoning. – No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the local government. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:

(1) By decreasing the development density of the land to be less dense than was allowed under its previous usage.

(2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 12, 50(a), 51(a), (b), (d).)

152.311 Notice of hearing on proposed zoning map amendments

(a) Mailed Notice. – Subject to the limitations of this Chapter, an ordinance shall provide for the manner in which zoning regulations and the boundaries of zoning districts are to be determined, established, and enforced, and from time to time amended, supplemented, or changed, in accordance with the provisions of this Chapter. The owners of affected parcels of land and the owners of all parcels of land abutting that parcel of land shall be mailed a notice of the hearing on a proposed zoning map amendment by first-class mail at the last addresses listed for such owners on the county tax abstracts. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing. If the zoning map amendment is being proposed in conjunction with an expansion of municipal extraterritorial planning and development regulation jurisdiction under G.S. 160D-202, a single hearing on the NC General Statutes - Chapter 160D Article 6 2 zoning map amendment and the boundary amendment may be held. In this instance, the initial notice of the zoning map amendment hearing may be combined with the boundary hearing notice and the combined hearing

notice mailed at least 30 days prior to the hearing.

(b) Optional Notice for Large-Scale Zoning Map Amendments. – The first-class mail notice required under subsection (a) of this section is not required if the zoning map amendment proposes to change the zoning designation of more than 50 properties, owned by at least 50 different property owners, and the local government elects to use the expanded published notice provided for in this subsection. In this instance, a local government may elect to make the mailed notice provided for in subsection (a) of this section or, as an alternative, elect to publish notice of the hearing as required by G.S. 160D-601, provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement is effective only for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions of subsection (a) of this section.

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

(d) Repealed by Session Laws 2020-25, s. 13, effective June 19, 2020.

(e) Optional Communication Requirements. – When a zoning map amendment is proposed, a zoning regulation may require communication by the person proposing the map amendment to neighboring property owners and residents and may require the person proposing the zoning map amendment to report on any communication with neighboring property owners and residents.

152.312 Citizen comments

Subject to the limitations of this Chapter, zoning regulations may from time to time be amended, supplemented, changed, modified, or repealed. If any resident or property owner in the local government submits a written statement regarding a proposed amendment, modification, or repeal to a zoning regulation, including a text or map amendment that has been properly initiated as provided in G.S. 160D-601, to the clerk to the board at least two business days prior to the proposed vote on such change, the clerk to the board shall deliver such written statement to the governing board. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160D-705 or any other statute, the clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the board from voting.

152.313 Planning board review and comment

(a) Initial Zoning. – In order to exercise zoning powers conferred by this Chapter for the first time, a local government shall create or designate a planning board under the provisions of this Article or a local act of the General Assembly. The planning board shall prepare or shall review and comment upon a proposed zoning regulation, including the full text of the regulation and maps showing proposed district boundaries. The planning board may hold public meetings and legislative hearings in the course of

preparing the regulation. Upon completion, the planning board shall make a written recommendation regarding adoption of the regulation to the governing board. The governing board shall not hold its required hearing or take action until it has received a recommendation regarding the regulation from the planning board. Following its required hearing, the governing board may refer the regulation back to the planning board for any further recommendations that the board may wish to make prior to final action by the governing board in adopting, modifying and adopting, or rejecting the regulation.

(b) Zoning Amendments. – Subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the planning board for review and comment. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the governing board may act on the amendment without the planning board report. The governing board is not bound by the recommendations, if any, of the planning board.

(c) Review of Other Ordinances and Actions. – Any development regulation other than a zoning regulation that is proposed to be adopted pursuant to this Chapter may be referred to the planning board for review and comment. Any development regulation other than a zoning regulation may provide that future proposed amendments of that ordinance be submitted to the planning board for review and comment. Any other action proposed to be taken pursuant to this Chapter may be referred to the planning board for review and comment.

(d) Plan Consistency. – When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive or land-use plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive or land-use plan shall not preclude consideration or approval of the proposed amendment by the governing board. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.

(e) Separate Board Required. – Notwithstanding the authority to assign duties of the planning board to the governing board as provided by this Chapter, the review and comment required by this section shall not be assigned to the governing board and shall be performed by a separate board.

152.314 Governing board statement

(a) Plan Consistency. – When adopting or rejecting any zoning text or map amendment, the governing board shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive or land-use plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive or land-use plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment has the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment is required. A plan amendment and a zoning amendment may be considered concurrently. The plan consistency statement is not subject to judicial review. If a zoning map amendment qualifies as a "large rezoning" under G.S. 160D-- scale 602(b), the governing board

statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.

(b) Additional Reasonableness Statement for Rezonings. When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board. This statement of reasonableness may consider, among other factors, (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If a zoning map amendment qualifies as a "largescale rezoning" under G.S. 160D-602(b), the governing board statement on reasonableness may address the overall rezoning.

(c) Single Statement Permissible. The statement of reasonableness and the plan consistency statement required by this section may be approved as a single statement.

152.315 Delay between denial and resubmission

When a petition for amendment is denied by the Board of Aldermen, a period of 12 months must elapse before another petition for the same change previously involved may be submitted.

152.316 Penalty

Any person violating any provision of this chapter shall be guilty of a civil violations and subject to civil penalties. These violations shall be punished for each offense by a fine not to exceed \$50.00. Each day such violation continues shall be deemed a separate offense.

APPENDIX A DEFINITIONS

ACCESSORY BUILDING OR STRUCTURE: Structures that are located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Examples of common accessory structures include, but are not limited to: Garages, carports, swimming pools, and storage sheds. Pole barns and hay sheds qualify as accessory structures where associated with bonafide farms, and may or may not be located on the same parcel as the principal structure.
ACCESSORY DWELLING UNIT: A dwelling unit either added within an existing single family detached dwelling or in a separate accessory structure on the same lot as the principal dwelling, or within a commercial building for use as a complete, independent living facility with provision within the accessory dwelling unit for cooking, eating, sanitation and sleeping.
ACCESSORY USE: A use which is on the same lot as, and of a nature customarily incidental and subordinate to the principal use, structure, or building on the property.
ADMINISTRATIVE DECISION. Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this Chapter or local government development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.
ADMINISTRATIVE HEARING. A proceeding to gather facts needed to make an administrative decision.
ADMINISTRATOR, ZONING. means the person, officer, or official and his/her authorized representative whom the Town has designated as its agent for the administration of these regulations. The Administrator may provide for the enforcement of this chapter by means of withholding zoning permits and occupancy permits, and by instituting injunctions, mandamus, or other appropriate action or proceeding to prevent unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; to correct or abate such violation, or to prevent the occupancy of said building, structure, or land.
ADULT: Adult person who has attained the legal age of majority; or 18 years.
AGRICULTURE, LIVESTOCK: The use of land for the keeping, grazing, feeding, or breeding of livestock, including cattle, hogs, sheep, goats, horses, and poultry, and also animal specialties such as rabbits, bees, fish, and fur-bearing animals in captivity.
AGRICULTURE, NON-LIVESTOCK: The use of land for the production of cash grains, field crops, vegetables, fruits, and nuts, and for horticulture and floriculture.
ALCOHOLIC BEVERAGE SALES STORE The retail sales of beer, wine, and/or other alcoholic beverages for off-premise consumption as a primary use.
ALLEY: A right-of-way dedicated or deeded for public use having a width of no more than 20 feet, which affords a secondary means of access to abutting property and not intended for general traffic.
ANIMAL HOSPITAL: A public or private institution, whether organized for profit or not, which is devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of animals that are admitted for overnight stay or longer in order to obtain veterinary treatment for illnesses, diseases, injuries, and deformities.
APPROVED: Certified as correct or otherwise meeting the requirements of this Chapter by a Town official or other authority having jurisdiction.
AREA OF SPECIAL FLOOD HAZARD: The land in the 100- year flood plain, as designated by the Federal Emergency Management Agency (FEMA), subject to a one (1) percent or greater chance of flooding in any given year.
AS-BUILT PLAN: A reproducible plan showing the true and actual location and nature of buildings, structures, plant materials, underground utility lines and connections, and other features or improvements which have been installed on or off the property pursuant to a development plan approved under this Chapter, to be used to determine compliance with the requirements of this Chapter.
ATTACHED DWELLING: A building which contains two or more dwelling units which share one or more common walls for fifty (50) percent or more of their length, with each dwelling unit located on a separate lot.
AUTOMOTIVE REPAIR: see Vehicle Services
AWNINGS: An architectural projection that provides weather protection, identity and/or decoration, and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid, or retractable skeleton over which an approved cover is attached.
BACKYARD PENS/COOPS/BEEKEEPING The long-term keeping of poultry, rabbits, honey bees, and other similar small creatures in backyards as accessory uses to existing residential structures.
BAR/TAVERN/NIGHT CLUB A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery and other beverage tasting facilities. Entertainment including live music, and/or dancing, comedy, etc. may also be included.
BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year.
BED AND BREAKFAST INN: means a single-family dwelling with rooms without cooking facilities that are rented, and which provides a breakfast meal but no other daily meals on the premises for guests only. The owners resides on premises.
BERM: Any elongated earthen mound designed or constructed to separate, screen or buffer adjacent land uses.
BEST MANAGEMENT PRACTICES (BMP): A structural or non-structural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.
BILLBOARD: a sign which directs attention to and is located other than the premises where a business, commodity, service, or entertainment is conducted, sold or offered.
BLOCK: A tract of land or a lot or group of lots bounded by streets, public parks, golf courses, railroad right-of-way, water courses, lakes, un-subdivided land, or a boundary line or lines of the Town of Belhaven or its extraterritorial zoning jurisdiction or any combination of the above.
BUFFER: A unit of land and any plants and structures thereon which is used to separate land uses from each other as required by this Chapter. The required height and width of the buffer strip and the materials used in its construction vary according to use.
BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy.
BUILDING FOOTPRINT: The portion of a lot's area, which is enclosed by the foundations of buildings, plus any cantilevered upper floors.
BUILDING HEIGHT: The vertical distance from the adjacent grade to the highest point of any roof or wall. All heights shall be measured from the adjacent grade (within ten feet of the building) to the highest extremity of the wall or roof.
BUILDING INSPECTOR: An officer or other designated authority charged with the administration of the State Building Code and other duties described within this Chapter.
BUILDING PERMIT: A permit that allows the commencement of construction of a structure or building, after being issued by the Inspections Department pursuant to this Chapter and the State Building Code.
BUILDING SETBACK LINE(S): Lines parallel to and inside of the lot lines, at the setback distances prescribed by this Chapter.
BUILDING, PRINCIPAL: a building in which is conducted the principal use of the lot on which it is located.
BUILT-UPON 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, golf courses, and the water area of a swimming pool are not considered built-upon area).
BULKHEAD: A vertical wall structure designed to retain shoreline material.
BULLETIN BOARD: a sign on a premises used to announce meetings or programs to be held at a church, school, auditorium, library, museum, community recreation center, or similar noncommercial place of public assembly.

BUSINESS SUPPORT SERVICES These establishments provide any of the following: document preparation, telephone answering, telemarketing, mailing (except direct mail advertising), court reporting, and steno typing. They may operate copy centers, which provide photocopying, duplicating, blueprinting, or other copying services besides printing. They may provide a range of support activities, including mailing services, document copying, facsimiles, word processing, on-site computer rental, <u>tax preparation, legal services and office product sales.</u>
CANOPY: An architectural projection that provides weather protection, identity, or decoration and is supported by the building to which it is attached and by at least one support at the outer end.
CARPOR: A permanent roofed structure permanently open on at least two sides, designed for or occupied by private passenger vehicles.
CEMETERY: Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including crematories, mausoleums, columbariums, and mortuaries if operated in connection with and within the boundaries of such cemetery.
CERTIFICATE OF OCCUPANCY: That document issued at the conclusion of all work done under all permits following inspection(s) by the appropriate inspector, showing that all completed work complies with the applicable state and local laws and the terms of all permits. No new building or part thereof may be occupied, and no existing building that has been altered or moved may be occupied until the Inspections Department has issued a valid Certificate of Occupancy.
CHILD DAY CARE HOME: Supervision or care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling.
CHURCH (PLACE OF WORSHIP): A building or structure in which persons regularly gather to worship for religious purposes. This definition is intended to include all religious denominations.
CLINIC: Any building or portion thereof, the principal use of which is for offices of one or more licensed physicians, ophthalmologists, dentists, physical or occupational therapists, psychologists, or the like for the examination and treatment of persons on an out-patient basis only and ambulatory/outpatient care facilities.
CLUBS AND LODGES, CIVIC OR FRATERNAL: Private not-for-profit social or civil associations, corporations, or other entities consisting of persons who are bona fide paying members and which own, lease, or use a building, a parcel of land, or a portion thereof, the use of such premises being restricted primarily to members and their guests, including offices for local, state, regional and national officials of that organization.
COLLEGE/UNIVERSITY Junior colleges, colleges, universities, and professional schools with physical structures (excluding online and remote programs). These establishments furnish academic or technical courses and grant degrees, certificates, or diplomas at the associate, baccalaureate, or graduate levels in a campus setting.
COMMERCIAL VEHICLES: Vehicles for hire or used for business, or designed to transport goods or equipment, whether or not displaying advertising indicia.
COMMUNICATION TOWERS: A structure designed to support antennae used for transmitting or receiving commercial telephone communications and/or commercial telecommunications. Also included in this definition are radio, television, internet, and microwave towers. (Amateur or ham radio towers are not included in this definition). <u>Communication towers may be considered to be an accessory use or structure when incidental to the use of the principal structure.</u>
COMPREHENSIVE PLAN: The comprehensive plan, land-use plan, small area plans, neighborhood plans, transportation plan, capital improvement plan, and any other plans regarding land use and development that have been officially adopted by the governing board.
CONDITIONAL ZONING: A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.
CONDOMINIUM: An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such property.
CONTIGUOUS: Abutting directly on the boundary of, separated by a street other than a controlled access highway from, or separated by a railroad or public utility right-of-way.
CONVENIENCE STORE: A small retail store with a floor area of less than 3,000 square feet which may sell groceries, home goods, dry goods, and gasoline, and may contain an area for on-site eating (in which food preparation and service is incidental, or no more than ten (10) percent of the gross floor area of the store), but not including an automobile service station.
CORNER LOT: A corner lot is either a zoning lot bound entirely by streets, or a zoning lot that adjoins the point of intersection of two (2) or more streets and in which the interior angle formed by the extensions of the street lines in the directions they take at their intersections with lot lines other than street lines forms an angle of <u>one hundred and thirty-five (135) degrees or less.</u>
CRITICAL ROOT ZONE: A circular area surrounding a tree, of which the center is the center of the tree trunk and the radius is the distance from the outside of the trunk to any point 12 times the diameter at breast height (DBH), which points constitute the circumference of the critical root zone. The critical root zone shall <u>extend to a depth of five (5) feet below surface ground level.</u>
CROP PRODUCTION A property used primarily for the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants.
CUL-DE-SAC: A street designed to have one end permanently closed, with the closed end terminated by a vehicular turnaround.
CULTURAL OR COMMUNITY FACILITY Facilities designed to promote cultural advancement and serve the community such as live theater, dance, or music establishments; art galleries, studios and museums; museums, exhibition, or similar facility; and libraries.
DAY CARE CENTER: A child care facility or child care arrangement which provides day care for more than five (5) children, not including the operator's own school aged-children, under the age of 13 years, on a regular basis of at least once per week for more than four (4) hours, but less than 24 hours per day regardless of the <u>time of day and regardless of whether the same or different children attend.</u>
DECK: An exterior floor supported on at least two opposing sides by an adjacent structure and/or posts, piers or other independent supports.
<i>Dedicated short-term rental</i> means a residential dwelling unit that is not owner-occupied or used as a principal residential dwelling unit to transient guests for a duration not to exceed 30 consecutive days.
DEDICATION: A transfer by the owner of his property to the Town. Such dedication shall be made by written instrument and is deemed complete only with <u>acceptance by the Town Council plus the recording of each written acceptance with the Beaufort County Register of Deeds.</u>
DEMOLITION BY NEGLIGENCE: Owners of historic properties and structures shall have the responsibility to preserve those properties and structures against decay, deterioration, and structural defects and to correct conditions that would compromise their long-term integrity. The failure to properly maintain any designated historic landmark or property located within a district, whether intentionally or not, such that it falls into disrepair and is no longer habitable shall constitute a demolition by neglect of such property or structure and shall be a violation of this ordinance. The Town of Belhaven may take appropriate actions to prevent and/or <u>curb a demolition by neglect violation according to the provisions outlined in this ordinance.</u>
DEMOLITION: The razing or destruction, whether entirely or in significant part, of the exterior of a building, structure, or site. Demolition includes the removal of a building or structure from its site or the removal, stripping, concealing, or destruction of the facade or any significant exterior architectural features which are integral <u>to the character of the resource, for whatever purpose, including new construction or reconstruction.</u>
DESIGNATED RESPONSIBLE PARTY: the local contact responsible for responding to complaints or issues stemming from the use of the dwelling unit as a short-term rental. The responsible party must be located within 25 miles of the short-term rental property and be available to respond to complaints within 60 minutes.
DEVELOPMENT PERMIT: A permit issued by the Inspections Department that authorizes the commencement of development provided all of the other necessary permits have been obtained.
DEVELOPMENT: may mean any of the following (a) construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure. (b) the excavation, grading, filling, clearing, or alteration of land. (c) the subdivision of land as defined in G.S. 160D-802, (d) the initial or <u>substantial change in the use of land or the intensity of use of land.</u>

DEVELOPMENT APPROVAL: An administrative or quasi-judicial approval made pursuant to this chapter that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes other regulatory approvals required by regulations adopted pursuant to this chapter including plat approvals, permits issued, development agreements entered into, and building permits issued.
DIRECTIONAL SIGN: signs other than business signs which contain only the name of a parking area or similar accessory use to a business establishment to which direction is given.
DISCHARGE POINT: The point at which runoff leaves a tract of land.
DISTRICT: A mapped area, (otherwise known as a "Zoning District"), to which a uniform set of regulations applies as established by this Chapter.
DOCK: A platform constructed beyond the shoreline to which boats may be secured.
DRAINAGE WAY: An area of natural or planted vegetation through which storm water 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 drainage way is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.
DRIVE-THROUGH FACILITY (exists as "drive-through window"): A facility designed or intended to enable a customer, without exiting a motor vehicle parked on or moving through the premises, to transact business with a person outside the motor vehicle.
DRIVEWAY: A private roadway located on a parcel or lot used for vehicle access.
DWELLING: a building that contains one or two dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.
DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.
DWELLING, MOBILE HOME: A movable or portable dwelling bearing the seal of the U.S. Department of Housing and Urban Development (HUD) over 32 feet in length and over eight (8) feet wide, constructed to be towed on its own chassis, for year-round occupancy, which may include one (1) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or two (2) or more such units which are separately towable but designed to be joined into one (1) dwelling unit, and which is constructed in accordance with the rules and regulations as set forth by the North Carolina Building Code and HUD.
DWELLING, MULTI-FAMILY: A dwelling or a combination of dwellings or buildings on a single lot used for the purpose of providing three (3) or more dwelling units.
DWELLING, PATIO: A multiple of not more than six (6) single-family dwellings connected on not more than two (2) sides by common walls and an open patio area.
DWELLING, SINGLE-FAMILY: A detached building consisting of a single dwelling unit only and designed for or occupied exclusively by one family.
DWELLING, TWO-FAMILY: A building which contains two (2) dwelling units which share a common wall or ceiling/floor and sit on the same lot, with open yards on all sides and not being attached to any other building. Also referred to as a duplex or duplex dwelling.
DWELLING-DUPLEX: A two-unit building located on a single lot that is divided horizontally or vertically, and each unit has a separate entrance from the outside or through a common vestibule.
DWELLING-TOWNHOME: A building with two or more residential units, located side by side, with common walls between the units and where each unit has a separate entrance from the outside and occupies a separate lot. Townhomes typically have one primary yard (rear) and a small front setback to provide some
EASEMENT: A grant by a property owner to the public, a corporation, or other person or persons, of the right to use an identifiable piece of land for specified purposes, such as for utility lines, streets or greenway trails. Such grant shall be recorded with the Beaufort County Register of Deeds by an appropriate instrument.
EMERGENCY SERVICES FACILITIES: Any building or group of buildings housing a police department, fire department, emergency medical services (EMS) or rescue
ENGINEER: A professional engineer registered by the State of North Carolina.
EROSION: The wearing away of a surface by the action of wind, water, or any combination thereof.
EXISTING BUILDING: Any building or structure erected prior to the adoption of this Chapter, or one for which a valid building permit has been issued.
EXISTING DEVELOPMENT: Includes those projects meeting at least one of the following criteria: Having a current building permit used by the Town; having an approved site-specific development plan issued by the Town as authorized by the North Carolina General Statute 160-A-385.1; or, a conforming single-family lot of record, which received final plat approval before July 1, 1993.
EXTRATERRITORIAL JURISDICTION (ETJ): the unincorporated territory surrounding Belhaven in which the provisions of this Chapter apply and described on the Town's Zoning Map.
FABRICATION SHOPS The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and are visually undifferentiated from an office building. This shall not include uses that require deliveries by trucks with more than two axles more frequently than once a day.
FAMILY CARE HOME: see residential family care home.
Family means any number of persons related by blood, adoption, or marriage, or not to exceed four persons not so related, living together in a dwelling unit as a single housekeeping entity.
FAMILY: The collective body of persons who live in one house and under one head or manager; a household, including parents, children and servants.
FARM: A plot of land used for the raising of crops, livestock, or other plants and animals, including orchards, vineyards and nurseries, along with any buildings and structures that are customarily and necessarily incidental to such activities.
FENCE: A structure used to delineate a boundary or as a barrier or means of protection; confinement, screening or as an aesthetic component of landscaping. Open fence or wall shall be defined as one through which clear vision is possible from one side to the other on a horizontal plane occupying 75% or more of the side area of the wall.
FINANCIAL INSTITUTION: A business whose primary purpose is to provide management or investment services such as stocks, bonds, and capital funds programs to the public.
FLOOD INSURANCE RATE MAP: An official map of a community, used by the Federal Emergency Management Agency, which delineates both the areas of special flood hazard and the risk premium zones applicable to the community.
FLOOD INSURANCE STUDY: The official report, provided by the Federal Emergency Management Agency, which contains flood profiles as well as the Flood Hazard Boundary Map or Floodway Map and the water surface elevation of the base flood.
FLOOR AREA RATIO: The numerical value obtained by dividing the gross floor area on a lot by the area or size of such lot.
FLOOR AREA: The gross total horizontal area of: all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings; The centerlines of a party wall separating such buildings or portions thereof; Within lines drawn parallel to and two (2) feet within the roof line of any building or portions thereof without walls. However, this definition excludes the case of nonresidential facilities, arcades, porticos, and similar areas open to the outside air which are accessible to the general public and which are not designed or used as areas for sales, display, storage, service, or production.
FLOOR: The level base of a room; the lower inside surface of a building; the horizontal structure dividing a building into stories.
Flush-mounted sign means a sign mounted flat against the surface of a building.
Freestanding sign means a sign which is supported by uprights or braces placed upon or in or supported by the ground and is not attached to a building.

FRONT YARD: A yard across the full width of the lot, extending from the farthest projection of the structure including but not limited to steps, eaves, porches, terraces or patios (excluding, however, steps and overhangs permitted to project into the yard) to the front property and/or right-of-way line.
FRONTAGE: All of the real property abutting a street line measured along the street line.
FUNERAL HOME: A building used in the preparation of the dead for burial or cremation. Also a facility where funeral services are held, funeral vehicles are stored, and caskets and other funeral supplies are sold.
GLARE: The effect of brightness in the field of view that causes annoyance or discomfort or interference with seeing. It may be direct glare from a light source or reflected glare from a glossy surface.
GOVERNMENT: Any agency, office bureau or corporation licensed by any duly authorized authority of the United States, the State of North Carolina, Beaufort County, any regional government, or the Town of Belhaven.
GRADE: A datum or reference level indicating the height of the ground on which something stands, specifically ground level.
GREENWAY or GREENWAY PARK: A linear open space, either privately-owned or owned by the Town or another unit of government, which may contain a trail for walking, bicycling, horseback riding or other passive recreation, but not for use by vehicles for purposes other than maintenance of the greenway.
GROSS DENSITY: The number of dwelling units or the amount of non-residential gross floor area on a particular tract or parcel of land, taking into account the entire area of that tract or parcel.
GROUND COVER: Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.
HAZARDOUS MATERIAL: Any substance listed as such in: SARA Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).
Height, building, means the vertical distance measured from the average grade to the highest point of a flat roof; to the deck line of a mansard roof; or the mean height level between the eaves and ridges of a gable, hip, or gambrel roof.
HISTORIC STRUCTURE: Any structure that is: (a) listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing in the National Register; (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district; (c) individually listed on the North Carolina inventory of historic places; (d) individually listed on a Beaufort County Belhaven or other local inventory of historic places in communities with historic preservation programs.
HOME OCCUPATION: any profession or occupation for gain carried on by a member of a family or an individual residing on the premises, such use being incidental and subordinate to the residential use.
Home occupation sign means a sign used to identify the name of the individual, family, organization or enterprise occupying the home and engaged in a home occupation or the profession of the occupant.
HOSPITAL: A public or private institution, whether organized for profit or not, which is devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of humans in order to obtain medical treatment for illnesses, diseases, injuries, and deformities.
IMPERVIOUS SURFACE AREA: That portion of the land area that allows little or no infiltration of precipitation into the soil.
INTERIOR LOT: An interior lot is any zoning lot that is neither a corner lot nor a through lot.
IRRIGATION WELL: An excavation that is cored, bored, drilled, jetted, dug or otherwise constructed for the purpose of withdrawing groundwater to be used for irrigation only and will not be connected to a potable water supply or utilized for human consumption.
JUNK: Any material or item, such as but not limited to old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber or debris; junked, dismantled or wrecked motor vehicles, or parts thereof; iron, steel and other old or scrap ferrous or nonferrous material; old or salvaged building materials, appliances, dismantled or wrecked boats, machinery and machinery parts or parts thereof; and any item which is either in a wholly or partially rusted, wrecked, dismantled or inoperative condition.
JUNKYARD: Any lot, land or structure or part thereof used for storing, keeping, buying, processing or selling junk.
KENNEL: An establishment engaged in boarding, breeding, buying, selling, grooming or training of pet animals.
LANDSCAPE PROTECTION PLAN: A plan identifying existing landscape elements, proposed changes, and protection measures to be used to aid the survival of landscape elements.
LANDSCAPED AREA: A portion of the site or property containing vegetation to exist after construction is completed. Landscaped areas can include, but are not limited to, natural areas, buffers, lawns and plantings.
LAUNDRY: A commercial laundering or clothes cleaning establishment including dry cleaning operations and commercial laundry mats.
Lodge means a group of attached or detached buildings containing individual living or sleeping units, designed or used temporarily by transients for not more than 30 days. Cooking facilities may be included within living units. A lodge may include structures located on separate parcels so long as: (1) They are contiguous and interconnected by means of one or more viable pedestrian walkways; (2) There are common amenities; and (3) The entire campus functions as a single enterprise. On-site management is required. The term "lodge" does not include hotels and motels, bed and breakfast establishments or residential vacation rentals.
LOT COVERAGE: That portion of the lot area, expressed as a percentage, that is occupied and obstructed by an improvement or a structure, including but not limited to buildings, covered decks, concrete patios, gazebos, pools, concrete, asphalt, or similar paved parking areas, concrete, asphalt, or similar private sidewalks, concrete, asphalt, or similar paved driveways and roadways, and any accessory use or structure requiring location above ground. Uncovered decks and open arbors, pergolas, overhangs, and similar structures located over pervious surfaces shall be excluded from the calculation of lot coverage. Paving block, pavers and similar materials installed on a pervious base (not to include clay) shall be considered 60% impervious for the purposes of lot coverage calculation. Percentage is determined by dividing that area of the lot that is occupied or covered by the gross area of the lot.
Lot depth means the mean horizontal distance between the front and rear lot lines.
LOT FRONT: In the case of an interior lot, the lot line along the street right-of-way.
LOT LINES: The lines bounding a lot. Where a lot of record includes a right(s)-of-way, the lot lines shall not to extend into the right(s)-of-way.
Lot means 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. The term "lot" includes the terms "plot," "parcel" and "tract."
Lot of record means a lot which is part of a subdivision, a plat of which has been recorded in the office of the county register of deeds or a lot described by metes and bounds, the description of which has been so recorded.
Lot width means the distance between side lot lines measured at the building setback line.
MAJOR SUBDIVISION: Any subdivision other than a minor subdivision.
MANUFACTURED HOME-CLASS C A singlewide manufactured home constructed to meet or exceed the construction standards promulgated by the US Department of Housing and Urban Development authorized under the National Manufactured Housing Construction and Safety Standards Act of 1974 that were in effect at the time of construction and has a HUD label attached, but does not meet the criteria of a Class A Manufactured Home.
MANUFACTURED HOUSING-CLASS A A manufactured home constructed after July 1, 1998 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development authorized under the National Manufactured Housing Construction and Safety Standards Act of 1974 that were in effect at the time of construction, and has a HUD label attached.
MANUFACTURED HOUSING-CLASS B A double-wide manufactured home constructed to meet or exceed the construction standards promulgated by the US Department of Housing and Urban Development authorized under the National Manufactured Housing Construction and Safety Standards Act of 1974 that were in effect at the time of construction and has a HUD label attached, but does not meet the criteria of a Class A Manufactured Home.

<i>Manufactured/mobile home</i> means a dwelling unit that: (1) Is not constructed in accordance with the standards set forth in the state building code; and (2) Is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis.
MEAN SEA LEVEL: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Chapter, the term is synonymous with the National Geodetic Vertical Datum (NGVD).
METES AND BOUNDS: A means of describing the location of land by defining boundaries in terms of directions (courses) and distances from one or more specified points of reference.
MINOR SUBDIVISION: A subdivision that does not involve either of the following: creation of more than three (3) lots from any one (1) tract of land (as the tract existed on October 23, 1995) whether such lots are created at one time or over a period of ten (10) years; or, dedication or improvement of any new street other than widening approved existing streets.
MOBILE HOME: A movable or portable dwelling bearing the seal of the U.S. Department of Housing and Urban Development (HUD) over 32 feet in length and over eight (8) feet wide, constructed to be towed on its own chassis, for year-round occupancy, which may include one (1) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or two (2) or more such units which are separately towable but designed to be joined into one (1) dwelling unit and which is constructed in accordance with the rules and regulations as set forth by the North Carolina Building Code and HUD.
<i>Modular building</i> means a building constructed in accordance with the standards set forth in the state building code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.
<i>Modular home</i> means a dwelling unit constructed in accordance with the standards set forth in the state building code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two or more sections transported to the site in a manner similar to a mobile home (except that the modular home meets the state building code), or a series of panels or room sections transported on a truck and erected or joined together on the site.
MOORING BUOY: A floating object anchored to the river or creek bed to which boats or floats/rafts may be secured.
MULTI-FAMILY DEVELOPMENT: Two (2) or more buildings containing multi-family dwellings located on a single property.
MULTI-OCCUPANT NON-RESIDENTIAL DEVELOPMENT: A building or group of buildings under unified ownership or management that contains more than one non-residential establishment or occupant.
NATURAL WATERCOURSE: Any stream, river, swamp, canal, or other waterway in which sediment may be moved or carried in suspension, and which could be damaged by the accumulation of sediment.
NEIGHBORHOOD CENTER: A development containing three (3) or more retail stores, restaurants, service establishments, and/or other similar permitted uses that are planned, organized, and managed to function as a whole. A neighborhood center has common parking, pedestrian movement, architectural elements, ingress and egress, signage, and landscaping. A neighborhood center is used or is intended to be used for the sale of goods and services to the public.
NET DENSITY: The number of dwelling units or the amount of non-residential gross floor area on a particular tract or parcel of land, not taking into account the portions of the tract or parcel on which buildings may not be erected, or development may not occur. Such areas closed to development include, but are not limited to: street rights-of-way, areas of special flood hazard, lakes or other water bodies, or wetlands falling under the regulatory jurisdiction of the U.S. Army Corps of Engineers, buffers and recreational and open spaces.
NEW CONSTRUCTION: Any construction of a new structure, building or dwelling unit other than those defined in this chapter as Substantial Improvement or an addition, repair or renovation to an existing structure or building.
NONCONFORMING LOT: A lot that met all legal requirements when it was platted or otherwise recorded, but which does not comply with the minimum lot area or minimum lot width requirements of this Chapter, or a subsequent amendment hereto, for the zoning district in which it is located.
NONCONFORMING SIGN: Any sign that met all legal requirements when constructed but that does not comply with this Chapter or a subsequent amendment hereto. An illegal sign is not a non-conforming sign.
NONCONFORMING STRUCTURE: A building or structure that met all legal requirements when constructed but which does not comply with this Chapter or a subsequent amendment hereto.
NONCONFORMING USE: Any legally existing use that met all legal requirements when it was first established which fails to comply with the provisions of this Chapter or a subsequent amendment hereto.
NONCONFORMITY Any building, structure, use, sign, light source or other development feature which was erected legally, but which does not comply with subsequently enacted restrictions and regulations.
NON-CUTOFF LIGHT: An artificial outdoor lighting fixture designed to allow light to be directly emitted in all directions.
NON-RESIDENTIAL: Used or intended for purposes other than as a dwelling unit.
NURSERY: A retail or wholesale enterprise, which grows trees, shrubs, vines and other plants for sale or distribution.
NURSING HOME: A facility, however named, which is advertised, announced or maintained for the express or implied purpose of providing nursing or convalescent care for three (3) or more persons unrelated to the licensee.
OFFICIAL MAPS OR CHAPTERS: Any maps or chapters officially adopted by the Town Council as a guide to or for required standards of development.
OFF-PREMISE SIGN: Any sign that is used to attract attention to an object, person, product, institution, organization, business, service, event, or location that is not located on the premises upon which the sign is located. This shall not include traffic, directional or regulatory signs, or notices erected by a federal, state, county or municipal government agency.
OFF-STREET PARKING SPACE: A space which is designed for the parking or temporary storage of one automobile, and is located outside of a dedicated street right-of-way.
ON-SITE REAL ESTATE SALES OFFICE (TEMPORARY SALES OFFICE): A building or structure, which is located on the site of a development or subdivision and temporarily used for the purpose of selling or leasing properties located within that development or subdivision.
<i>Open space</i> means all land area not covered by buildings, structures, parking area or street pavement.
OPEN SPACE: Any portion of a parcel or area of land or water which is open and unobstructed by structures from the ground to the sky including areas maintained in a natural and undisturbed character. Open space may include recreational facilities such as swimming pools, golf courses, greenways and tennis courts. This term includes land under an obligation to keep such land free from development except for recreational facilities for a stated period of time. Such land may be conveyed to a homeowners association with responsibility for maintenance or be publicly owned.
<i>Operator</i> means the property owner or any person, company, or rental agency that advertises a residential dwelling unit for nightly rentals or that otherwise facilitates the use of the property as a short-term rental.
OUTDOOR RECREATION FACILITY: A facility providing recreational activities outdoors including, but not limited to, outdoor swimming pools and tennis courts, outdoor miniature golf, driving ranges, golf courses, and outdoor batting cages, riding stables, tennis clubs, and athletic fields.
OVERLAY DISTRICT: A district, as established in this Chapter, which applies supplementary or replacement regulations to land which is classified into a general use district.
OWNER: Any person, agent, firm, partnership or corporation having a legal or equitable interest in property.
<i>Park</i> means a public recreation area in public or private ownership that is operated for the convenience and recreation of the public and containing such facilities as the owning public or private agency or party shall see fit.
PARKING AREA: A designated area operated as the principal use of a property either as a commercial use or an accessory use for an adjacent property.

PARKING GARAGE: Any building or facility used as an accessory to or a part of the main building(s), and providing for the parking of motor vehicles and in which no business, occupation, or service for profit is in any way conducted.
<i>Parking space</i> means a space of not less than 200 square feet suitable to accommodate one automobile, plus the necessary access space. It always shall be located outside the dedicated street right-of-way.
PEDESTRIAN PATH: A cleared way for pedestrians or bicycles that may or may not be paved or otherwise improved.
PENNANT: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, which is suspended from a rope, wire, string, or pole, usually in series, and which is designed to move in the wind.
PERMIT: An official document or certificate issued by the Town or an official thereof, authorizing performance of a specified activity or granting a particular right, use or duty.
PERMITTED USE: A land use listed in this Chapter as a permitted use in the zoning district in which it is located, and which is subject to the approval procedures set forth in this Chapter.
<i>Person</i> means and includes a firm, partnership, company, organization, trust, association or corporation, as well as an individual.
PLANNED UNIT DEVELOPMENT (PUD). An area characterized by the orderly integration of residential, commercial, office, institutional, and/or open space land uses within a walkable community setting which conforms to the design requirements herein. It permits the planning of a project over the entire development rather than on a lot-by-lot basis.
PLANTED BUFFER: A unit of land containing sufficient quality and quantity of vegetation to meet the requirements of this Chapter. No development may occur within such buffer.
PLAT: A map or plan of a parcel of land which is to be or has been subdivided, containing sufficient data in order that a determination may be readily made as to the location, bearing and length of every street and alley line, lot line, easement boundary line and other boundary line and meeting the required standards of this Chapter.
POLITICAL SIGN: A sign attracting attention to political candidates or political issues.
POND: A permanent, natural, or artificial inland body of water either controlled by natural barriers or by dams and of relatively constant surface level, in which sediment may be moved or carried in suspension and which could be damaged by the accumulation of sediment.
PORCH: A projection from an outside wall of a dwelling that is covered by a roof and/or side walls (other than the sides of the building to which the porch is attached) that may be held up by posts if no side walls are present.
PORTABLE SIGN: Any sign that is not permanently affixed to a building, structure, or the ground, or that is not designed to be permanently affixed to a building, structure, or the ground.
PORTICO: A porch or walkway, open to the outside air that is covered by a roof which is supported by columns or pillars, typically leading to the entrance of a building.
PRELIMINARY PLAT A map or plat of a parcel of land which is to be or has been subdivided, containing sufficient data in order that a determination may be readily made as to the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other boundary line, and meeting the required standards of this ordinance and approved following the procedures in this ordinance.
PRIMARY LEVEL: The level of a building containing the primary living areas such as the kitchen, den and living room. This term may also include bedrooms. A basement is not considered to be a primary level.
<i>Primary resident short-term rental</i> means the rental of a principal residential dwelling unit by a transient guest for a duration not to exceed 30 consecutive days, for a maximum of 90 days per year. The term "principal residential dwelling unit" means a residence that is occupied by the property owner (or the tenant/lessee of the owner authorized by the owner to offer the unit for short-term rental) for a cumulative minimum of 275 days per calendar year.
PRINCIPAL BUILDING: The main structure on a lot in which the principal use of that lot is conducted.
<i>Principal use sign</i> means a sign which directs attention to a business, commodity, service, entertainment, or other activity conducted, sold, or offered exclusively on the premises upon which said sign is located.
PRINCIPAL USE: The primary or predominant use for which a building or other structure or a tract of land may be designed, arranged, maintained or occupied.
PRIVATE GARAGE: Any building or space used as an accessory to or a part of the main buildings permitted in any residential district, and providing for the storage of motor vehicles and in which no business, occupation, or service for profit is in any way conducted.
PRIVATE RECREATION FACILITIES Indoor or outdoor uses or structures for active or passive recreation that are owned by private for-profit entities. Such uses include, gymnasiums, natatoriums, fitness center, athletic equipment, indoor running tracks, climbing facilities, court facilities, parks, pools, ball fields, batting cages, skateboard parks, playgrounds, greenway trails, driving ranges, tennis courts, riding stables, golf courses and their customary accessory uses including, but not limited to maintenance sheds, clubhouses (with or without food service), restrooms, and picnic shelters.
PRIVATE ROAD OR STREET: Any road or street which is not publicly owned and/or maintained and is used for access by the occupants of the development and their guests.
PROFESSIONAL OFFICE: the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesmen, sales representatives, or manufacturer's representatives; or the conduct of a business by professionals such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, and landscape architects. For the purpose of this chapter, an office shall not involve manufacturing, fabrication, production, processing assembling, cleaning, testing, repair or storage of materials, goods and products; or the sale and/or delivery of any materials, goods or products which are physically located on the premises. Also referred to as Offices.
<i>Projecting sign</i> means a sign which is attached to a building by supports which extend at any angle from the building more than two feet.
PROPERTY: All real property subject to the provisions of this Chapter.
PUBLIC RECREATION FACILITIES Indoor or outdoor uses or structures for active or passive recreation that are owned by public or semipublic entities including municipal governments, homeowner's associations, athletic associations and youth associations. Such uses include, gymnasiums, natatoriums, fitness center, athletic equipment, indoor running tracks, climbing facilities, court facilities, parks, pools, ball fields, batting cages, skateboard parks, playgrounds, greenway trails, driving ranges, tennis courts, riding stables, golf courses and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses (with or without food service), restrooms, and picnic shelters.
PUBLIC SAFETY STATION: A police, fire, or paramedic station operated or franchised by a government agency. Also see: Emergency Services Facilities.
PUBLIC SEWAGE DISPOSAL SYSTEM: A waste disposal system serving two (2) or more dwellings or business units, or any combination thereof.
PUBLIC SIDEWALK An improved surface paralleling a street, road, or alley that is used as a public pedestrian walkway. This sidewalk shall not include any privately installed and maintained areas located adjacent to the public sidewalk that is used primarily to provide a pedestrian linkage between the abutting property and the public sidewalk.
PUBLIC STREET: A street consisting of a publicly dedicated right-of-way and a roadway maintained by the Town of Belhaven or the State of North Carolina.
PUBLIC UTILITIES: Any Town or other public entity approved water and/or sanitary sewer system, including collection and distribution lines that are constructed to public utility standards, sizes, and specifications; conform to the requirements of this Chapter; and, have been dedicated to and accepted by the public for operation and maintenance.
PUBLIC UTILITY: Any Town or other public entity approved water and/or sanitary sewer system, including collection and distribution lines that are constructed to public utility standards, sizes, specifications, and conform to the requirements of the Ordinance. The Town or other public entity will be dedicated to and accepted by the public for operation and maintenance.

PUBLIC UTILITY FACILITIES: A building or structure, other than a transportation facility that houses or contains facilities for the operation of publicly-owned or publicly-licensed water, waste water, waste disposal, electricity or communication services. This includes, but is not limited to: water pumping stations and filtration plants, waste water and storm water treatment plants, electrical transformer stations, landfills, solid waste transfer stations, wells, well houses, and water towers. This does not include recycling and salvage operations, communication towers or public safety stations.
PUBLIC WATER SUPPLY: A system for the supply of potable water to two (2) or more dwellings or business units, or any combination thereof.
REAR YARD: A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building. Eaves, steps, uncovered porches, terraces and patios are considered part of the main building.
RECREATION AREA: An area of common open space developed to provide recreational facilities for the use of the residents of the community and/or the general public. Such recreational facilities may include, but are not limited to: golf courses, parks, playgrounds and athletic areas, swimming pools, tennis courts, picnic areas, riding trails, and appropriate service facilities.
RECREATIONAL CENTER: A building, enclosed structure or facility for use by the public for recreational clubs and activities, such as country clubs, tennis courts, swimming pools, and/or gymnasiums.
RECREATIONAL VEHICLE PARK: A commercial enterprise on any site or tract of land with two (2) or more spaces (sites) which are provided for temporary rental only, upon which recreational vehicles are provided utility hook-ups and services. Service buildings and areas necessary to provide laundry, sanitation, storage, vending machines, and other permitted services are provided by the facility operator for the use and convenience of recreational vehicles.
RECREATIONAL VEHICLE: A vehicle that is: built on a single chassis or capable of being placed in or on a vehicle; four hundred (400) square feet or less when measured at the largest horizontal projection; designed to be self-propelled or towable by a motor vehicle; designed primarily for use as temporary living quarters for recreational camping, travel or seasonal use.
REHABILITATION FACILITY: An indoor facility including uses such as exercise equipment, specialized rehabilitation equipment, game courts, swimming pools, locker rooms where patients and members receive physical therapy or other medical treatment.
REQUIRED SETBACK: The minimum distance between the property line and the building required by the zoning district and measured from the property line.
FAMILY CARE HOME (6 OR FEWER RESIDENTS) A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than 6 resident handicapped persons and is certified by the State of North Carolina. (NCGS 168-Article 3).
RESIDENTIAL DEVELOPMENT: Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, or cottages and their associated outbuildings such as garages, storage buildings, and gazebos.
RESOURCE CONSERVATION FACILITIES: Fishponds, nature preserves, botanical and zoological gardens, water reservoirs, lakes, ponds, engineered storm water control devices and dams.
RESTAURANT: Any establishment (including a cafeteria) whose principal business is the preparation and service of food and beverages (including those allowed under ABC Permits) as a ready- to-eat meal.
RETAIL SALES: the principal use or purpose of which is the sale of goods, products, or materials directly to the consumer. This includes, but is not limited to: antiques, clothing stores, appliance stores, bakeries, food stores, grocers, caterers, pharmacies, book stores, furniture stores, hardware stores, pet stores, toy stores, and variety stores. It does not include restaurants, personal service establishments, convenience stores, or amusement establishments.
RIGHT-OF-WAY: An area owned or maintained by the Town, the State of North Carolina, a public utility, a railroad, or a private concern for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities, or railroads.
ROOF ASSEMBLY: A system designed to provide weather protection and resistance to design loads. The system consists of a roof covering and roof deck or a single component serving as both the roof covering and roof deck. A roof assembly includes the roof deck, vapor retarder, substrate or thermal barrier, insulation, and roof covering.
SATELLITE DISH ANTENNA HEIGHT: The height of the antenna or dish shall be that distance as measured vertically from the highest point of the antenna or dish, when positioned at its operating angle, to ground level at the bottom of the base which supports the antenna.
SATELLITE DISH ANTENNA SETBACK: The setback of a dish antenna shall be measured from the center mounting post supporting the antenna.
SATELLITE DISH ANTENNA: Any antenna of any size, including DSS antennae and any supporting structure, designed to receive signals from orbiting satellites or similar sources.
SCHOOL: A privately owned or publicly owned elementary school, middle school, junior high school, or high school accredited by the North Carolina Department of Education that does not provide lodging for students, including any accessory athletic fields and recreational facilities.
SCHOOLS – ELEMENTARY & SECONDARY A public or private institution for education or learning including athletic or recreational facilities, but not including lodging. This includes any school licensed by the state and that meets the state requirements for elementary and secondary education. This may include remedial after school activities.
SCHOOLS – VOCATIONAL/TECHNICAL A public or private institution for education or learning including athletic or recreational facilities, but not including lodging. These schools offer vocational and technical training in a variety of technical subjects and trades. Training may lead to job-specific certification. (LBCS F6100 and F6140)
SCREENING: See BUFFER.
SECURED: Placed in a concrete footing, holes with compacted earth or gravel, or other approved support, so as to be adequately affixed to the ground as a permanent structure.
SEDIMENT: Solid particulate matter, both mineral and organic, that has been, or is being transported by water, air, gravity, or ice from its site of origin.
Separate use sign means any sign, including a standard poster panel, which directs attention to a business, commodity, service, entertainment, or other activity conducted, sold or offered elsewhere than on the premises on which said sign is located.
SERVICE COURT: Enclosed area attached to, or on the same lot as, a principal building which contains HVAC equipment, trash containers, service doors, docks, and other similar facilities.
SETBACK: See BUILDING SETBACK.
SEXUALLY ORIENTED BUSINESS: Any place defined as an "Adult Establishment" as defined by North Carolina General Statute 14-202.10 as such statute may be amended from time to time, including Adult Cabarets, and except the definition of "Massage Business" shall not include any establishment or business where massage is practiced that is a health club, exercise studio, hospital, physical therapy business or other similar health-related business. Sexually Oriented Business specifically includes, however, any Massage Business where "massages" are rendered by any person exhibiting "Specified Anatomical Areas" and/or where "massages" are performed on any client's "Specified Anatomical Areas." "Specified Anatomical Areas" are those defined by North Carolina General Statute 14-202.10 as such statute may be amended from time to time.
SHORELINE: The line made by the natural intersection of the water on the shore.
SIDE YARD: An open space on the same lot with a building
Sign (advertising sign and structure) means any surface, fabric, or device bearing lettered, pictorial, or sculptured matter designed to convey information visually and exposed to public view, or any structures designed to carry the above visual information.
SIGN SURFACE AREA: The size of the surface of a sign, including any border or trim and all the elements of the matter displayed, but excluding the base, apron, supports, and other supportive structural members. In the case of three-dimensional letters or painted letters directly attached to a wall surface, the surface area shall be that rectangular area encompassing the individual letters themselves, including any trim or border and excluding the background behind the letters.

SINGLE FAMILY RESIDENTIAL DEVELOPMENT: Any development where no building contains more than one dwelling unit; every building is on a separate lot; and where no lot contains more than one dwelling unit.
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.
SKETCH PLAN A component of a development application that shows in simple line drawing form the proposed layout of streets, lots, buildings, civic spaces and other features in relation to existing conditions based upon the size of the tract proposed for development.
SLEEPING UNIT: a room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.
SMALL EQUIPMENT REPAIR/RENTAL The repair and/or rental of small equipment as a primary use including televisions, computers, cleaning equipment, vacuum cleaners, and other equipment that can be transported by automobile, small truck/van.
SPECIAL EVENT: Any activity or circumstance of a business or organization, which is not part of its daily activities. Such activities may include, but are not limited to, grand openings, closeout sales (pursuant to Article 17 of Chapter 66 of the General Statutes), and fund raising membership drives, or temporary events conducted by civic, philanthropic, educational, or religious organizations.
SPECIAL FLOOD HAZARD AREA: Any area designated on a Flood Hazard Boundary Map or Flood Insurance Rate Map Panel designated as a Zone A.
SPECIAL USE PARK: A unique park that typically exhibits a theme or is devoted to a unique narrowly focused use, such as a race track or amusement park.
SPECIAL USE: A land use listed in this Chapter as a special use in the zoning district in which it is located, and which is subject to the approval procedures set forth in this Chapter. A zoning permit issued for a special use under the approval of the appropriate authority is referred to as a special use permit.
SPECIAL USE PERMIT: A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions.
STORAGE – SELF-SERVICE A building containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.
STORAGE-OUTDOOR STORAGE YARD The storage of various materials including, but not limited to, lumber, pipe, bricks, stone, shingles, mulch, soil, sand, gravel and other nonhazardous materials outside of a structure, as a principal use. This definition is not inclusive of any scrap metal, junk vehicles or other similar salvage materials.
STORAGE-WAREHOUSE, INDOOR STORAGE Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage, self-service or mini-storage facilities offered for rent or lease to the general public; warehouse facilities primarily used for wholesaling and distribution; or terminal facilities for handling freight
STORM DRAINAGE FACILITIES: The system of inlets, conduits, channels, ditches, and appurtenances which serve to collect and convey storm water through and from a given drainage area.
STORM WATER RUNOFF: The direct runoff of water resulting from precipitation in any form, which cannot percolate into the surface or be accommodated satisfactorily by the existing drainage system and which therefore travels overland to the nearest channel.
STORY: That portion of a building included between the upper surface of a floor and the upper surface of the next floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.
STREAM BUFFER: The area of natural or planted vegetation through which storm water 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.
STREAM: A perennial body of water running over the earth's surface in a channel or bed and also shown by a single blue line on the most recent version of the U.S. Geological Survey 1:24,000 scale (7.5 minute) topographic maps.
STREET LINE: The line between the street right-of-way and abutting property.
STREET: A right-of-way for vehicular traffic abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, except an alley.
Structure means 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.
SUBDIVISION All divisions of a tract or parcel of land into 2 or more lots, building sites, or other divisions when any 1 or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets.
SUBDIVISION PLAT: See PLAT.
SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: before the improvement or repair is started or if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term does not, however, include either: obtaining a grading permit and conducting grading activity on a continuous basis and not discontinued for more than 30 days; installation and approval of on-site infrastructure; or obtaining a building permit for the construction and approval of the building foundation.
SURVEYOR: A person whose occupation is surveying land, and is a registered professional in the State of North Carolina as a land surveyor.
SWALE: A gentle man-made or natural depression in grade for drainage of surface water.
SWEEPSTAKES FACILITIES Any business enterprise, whether as a principal or accessory use, where persons utilize computers, gaming terminals, or other electronic machines to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are earned, redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This does not include any lottery approved by the State of North Carolina. For purposes of this definition, a game of chance is one in which the element of chance is the dominating element that determines the result of the game. See also ADULT ARCADES.
TECHNICAL REVIEW COMMITTEE (TRC): A staff committee appointed by the Town Manager for the purpose of providing the Town Staff and Boards with technical advice on subdivision and development plan matters.
TEMPORARY CERTIFICATE OF OCCUPANCY: A Certificate of Occupancy issued under the terms on the North Carolina Building Code and this Chapter which expires under its own terms after a limited time.
TEMPORARY PORTABLE BUILDING: A building intended for nonresidential use for a limited time period, consisting of one or more modules constructed off the ultimate site of use and transported to that site either on its own wheels or otherwise.
TEMPORARY SIGN: A sign that can be used only for a designated period of time.
TEMPORARY USE A land use on an individual parcel or site established for a limited and fixed period of time for a purpose which may not normally be permitted in a zoning district, or which does not meet all zoning requirements, but which is necessary in special situations.
THROUGH LOT: A through lot is any zoning lot, not a corner lot, which adjoins two (2) street lines opposite to each other and parallel or within 45 degrees of being parallel to each other. Any portion of a through lot that is not or could not be bounded by two
Tourist home means a building, or part thereof, occupied by the owner or operator, not a hotel or motel, in which sleeping rooms are available for hire as lodging and used by the traveling public on a short-term basis.

TOWER: See COMMUNICATION TOWER.
TOWN PLANNER: The Planning Director, Zoning Administrator or his or her designee.
TOWNHOUSE DEVELOPMENT: A type of subdivision utilizing a development design technique, which enables substantial modification of lot size standards and setback regulations without increasing the allowable density for the zoning district in which the development is located. The common open space is substantially increased for the benefit of all occupants of the Townhouse development.
TRACT: Contiguous parcel(s) of land being disturbed or to be disturbed as a unit, regardless of ownership.
TRAFFIC SIGN: A sign indicating federal, state, or municipal regulations for automobile, truck, bicycle, and/or pedestrian movement.
<i>Transient guest</i> means the person who, for compensation, rents a residential dwelling unit on a nightly basis for stays not to exceed 30 consecutive days.
TRANSIENT: A person or thing that is temporary or staying only a short time including, but not limited to, a temporary guest, boarder, boater, vendor, laborer, or the like.
TRANSITIONAL SHELTER: An area within a principal structure such as a church that is used for temporary housing for no more than 12 consecutive months. The building or structure shall meet all requirements of the Belhaven Chapters and North Carolina Building Code.
TREE: Any upright existing plant whose trunk Diameter at Breast Height (DBH) measures a minimum of three (3) inches.
VARIANCE: The permission to depart from the literal requirements of this Chapter, granted by the Zoning Board of Adjustment to a property owner where the enforcement of the literal requirements of this Chapter will result in undue hardship.
VEHICLE RENTAL/LEASING/SALES Establishments which may have showrooms or open lots for selling, renting or leasing vehicles. May include car dealers for automobiles and light trucks, mobile homes, motorcycle, ATV, or boat and marine craft dealers.
VEHICLE SALES AND RENTAL: The sale or rental of automobiles, motor vehicles, boats, trailers, or farm equipment. This shall not include salvage operations or scrap operations.
VEHICLE SERVICES – MAJOR REPAIR/BODY WORK The repair, servicing, alteration, restoration, towing, painting or finishing of automobiles, recreational vehicles, and other personal vehicles as a primary use. This includes major repair and body work such as collision repair, painting services, tire recapping and other body work. This may be an accessory use to an establishment that provides vehicle rental/leasing/sales. “Vehicle Services – Minor,” as well as the sale of vehicle parts, food and convenience items may also be included as an incidental part of such uses.
VEHICLE SERVICES – MINOR Facilities for the fueling, cleaning and servicing of automobiles, recreational vehicles, and other personal vehicles as a primary use. Examples include: gas stations; car washes (attended and self-service); car stereo and alarm system installers; detailing services; muffler and radiator shops; tire and battery sales and installation (not including recapping); and quick-lube services. Such uses may include structures that are specialized for selling gasoline with storage tanks, often underground or hidden. The sale of vehicle parts, food and convenience items may be included as an incidental part of such uses.
VESTED RIGHT: The right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan as defined in N.C.
VIOLATION: An infringement or breach of a duty or right granted under this Chapter, or a failure to comply with one or more of the provisions of this Chapter.
WALL, PARAPET: That portion of a building wall that extends above the level of the roofline.
WALL, PARTY: A firewall on an interior lot line used or adapted for separation or joint service between two buildings.
WALL, RETAINING: A wall designed to prevent the lateral displacement or movement of soil or other material.
WALL: An erection of stone, brick, wood, metal or other material intended to delineate a boundary of serve as a barrier or means of protection, confinement, and screening or as an aesthetic component of landscaping.
WASTE DISPOSAL SYSTEM: Any public or private sewage system or public or private septic system.
WATERSHED: The entire land area contributing surface drainage to a specific point (e.g. the water supply intake.).
WETLANDS: Those areas that are defined as wetlands by the United States Army Corps of Engineers. Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.
WOODLANDS: Land that is undeveloped except for roads and utilities, and contains stands of native trees.
YARD LINE: A line in a lot parallel to the lot line which is at no point nearer to such lot line than the required width or depth of the applicable setback.
<i>Yard, rear</i> , means the space extending the full width of the lot and situated between the rear line of lot and the rear lines of the buildings, projected to the side lines of the lot.
<i>Yard, side</i> , means the space situated between the side lines of the building and the adjacent side lines of the lot and extending from the rear line of the front yard to the front line of the rear yard.
YARD: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees, shrubbery or driveways or as otherwise provided herein.
YOUTH ACTIVITIES: An organization where young people are recruited, offered leadership opportunities, participate in activities that improve themselves and/or the community, and are trained and mentored.
ZERO LOT LINE: Where a building and its foundation area, and/or a small yard or patio area, are conveyed, under the following conditions: minimum lot area and width are non-applicable; must have open space on all sides that are not connected to a building; and, units within a patio home, duplex or multifamily structure using the zero lot line must be separated by an applicable fire rated wall (s).
<i>Zoning compliance permit (STR permit)</i> means the zoning permit that the property owner is required to hold before the residential dwelling may be advertised or used as a primary resident or dedicated short-term rental.
ZONING DISTRICT: A district established in Article IV through Article XIII of this Chapter.
ZONING LOT: A zoning lot is either: a lot of record existing on the effective date of the zoning chapter or any applicable subsequent amendment thereto; or a tract of land, either not subdivided or consisting of two (2) or more abutting lots of record located within a single block in single ownership.

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