

Table of Contents

	<u>Page</u>
Article 1 Legal Provision	2
Article 2 Definitions and Interpretations	7
Article 3 Board of County Commissioners – Admin Mechanisms	57
Article 4 Application and Enforcement	68
Article 5 Official Zoning Map and Zoning District	75
Article 6 General Provisions	133
Article 7 Nonconforming Situations	138
Article 8 Uses Permitted with Conditions	142
Article 9 Conditional/Special Use Permit	150
Article 10 Off Street Parking and Loading	159
Article 11 Signs	167
Article 12 (RESERVED)	
Article 13 Changes and Amendment	171

Article 1 LEGAL PROVISIONS	Anson County, NC Zoning Ordinance
---------------------------------------	--

1.1 SHORT TITLE

This Ordinance shall be known, and may be cited, as the “Anson County, North Carolina Zoning Ordinance”, the “Anson County Zoning Ordinance”, the “Zoning Ordinance”, “this Ordinance”, or “these regulations”.

1.2 GENERAL PURPOSE

The purpose of the regulations set forth in this Ordinance shall be to accomplish compatible development of the land within the planning jurisdiction of Anson County in a manner that will best promote the health, safety, and general welfare; to lessen congestion in the streets; to promote efficiency, energy conservation, and economy in development; to make adequate provisions for traffic; to secure safety from fire, flooding, panic, and other hazards; to provide for adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of buildings; to promote desirable living conditions and the stability of neighborhoods; to protect property against blight and depreciation; to ensure accessibility for handicapped persons; to regulate placement and design of telecommunications facilities and equipment so as to protect the public health, safety, and general welfare; to encourage the most appropriate use of land; and to achieve other purposes in accord with the Comprehensive Plan for the County.

1.3 AUTHORITIES

- A. This Ordinance is adopted pursuant to the authority vested in Anson County as contained in Article 18 (Planning and Regulation of Development), Part 3 (Zoning), of Chapter 153A (Counties); Article 33C (Meetings of Public Bodies); Chapter 113A (Pollution Control and Environment), Article 4 (Supplemental Agreements, Jurisdiction and Enforcement); and Chapter 63 (Aeronautics), Article 4 (Model Airport Zoning Act) of the North Carolina General Statutes. Additional regulations related to water supply watershed protection are adopted pursuant to NCGS 143-214.5 (Water Supply Watershed Protection). Regulations relating to flood damage prevention are adopted pursuant to Article 21 (Water and Air Resources), Part 6 (Floodway Regulation), of Chapter 143 (State Departments, Institutions, and Commissions). Regulations relating to sexually oriented businesses are adopted pursuant to NCGS 160A-181.1 (Regulation of Sexually Oriented Businesses). Regulations relating to shooting ranges are adopted pursuant to NCGS 14-409.40 (Statewide Uniformity of Local Regulation).
- B. Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, the Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

1.4 JURISDICTION

- A. The provisions of this Ordinance shall apply within the areas designated as zoning districts on the Official Zoning Map(s) as adopted by the Anson County Board of Commissioners. The Official Zoning Map(s) will be on file in the office of the Planning Department.
- B. In addition to other locations required by law, a copy of the Official Zoning Map(s) shall be available for public inspection in the County Clerk’s Office.

1.5 COMPLIANCE WITH ZONING ORDINANCE

Except as otherwise specifically provided in this Ordinance, no land or structure shall hereafter be used or occupied, and no excavation, removal of soil, clearing of a site, or placing of fill shall take place on lands

contemplated for development, and no structure, or part thereof, shall be constructed, erected, altered, renovated, or moved, except in compliance with all of the applicable provisions of this Ordinance.

1.6 BONA FIDE FARMS EXEMPT

The provisions of this Ordinance, excepting those pertaining to the Airport Height Overlay (AHO), Water Supply Watershed Protection, and Floodplain (FPO) Overlay Districts, shall not apply to bona fide farms as defined in Article 2 (Definitions and Interpretations) of this Ordinance. The use of farm property for non-farm purposes shall be regulated by this Ordinance.

1.7 RELATIONSHIP TO EXISTING ZONING, FLOOD DAMAGE PREVENTION, FLOODPLAIN MANAGEMENT, AIRPORT HEIGHT OVERLAY DISTRICT, MANUFACTURED HOME PARK, WIRELESS COMMUNICATION FACILITY DEVELOPMENT, AND WATER SUPPLY WATERSHED PROTECTION ORDINANCES

To the extent that the provisions of this Ordinance are the same in substance as the previously adopted provisions that they replace in the County's Zoning, Flood Damage Prevention, Floodplain Management, Airport Height Overlay District, Manufactured Home Park, Wireless Communication Facility Development, and Water Supply Watershed Protection Ordinances, they shall be considered as continuations thereof and not as new enactments unless otherwise specifically provided. In particular, a situation that did not constitute a lawful, nonconforming situation under any one (1) or more of the previously adopted Ordinances does not achieve lawful nonconforming status under this Ordinance merely by the repeal or of the previous Zoning Ordinance.

1.8 RELATIONSHIP TO COMPREHENSIVE PLAN

It is the intention of the Board of County Commissioners that this Ordinance implement the planning policies adopted by the Board of County Commissioners for the County, as reflected in the Comprehensive Plan and other planning documents. While the Board of County Commissioners reaffirms its commitment that this Ordinance and any amendment to it be in conformity with adopted planning policies, the Board of County Commissioners hereby expresses its intent that neither this Ordinance nor any amendments to it may be challenged on the basis of any alleged nonconformity with any planning document.

1.9 CONFLICT WITH OTHER REGULATIONS

Wherever the provisions of any other statute or County ordinance or regulation require a lower height of buildings or a less number of stories, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this Ordinance, the provisions of such statute or County ordinance or regulation shall govern.

1.10 RELATIONSHIP TO PRIVATE AGREEMENTS

It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other private agreements between parties, provided, however, that wherever the regulations of this Ordinance require greater width or size of yards or courts, or require a lower height of buildings or less number of stories, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required in any other such private agreement, the provision of the regulations made under authority of this Ordinance shall govern.

1.11 NO USE OF LAND OR BUILDINGS EXCEPT IN CONFORMITY WITH ORDINANCE

- A. Subject to Article 7 (Nonconforming Situations), no person may use or occupy any land or buildings, or authorize or permit the use or occupancy of land or buildings under his/her control, except in accordance with all of the provisions of this Ordinance.
- B. For purposes of this Section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in/on that building or land.

1.12 FEES

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for Zoning Compliance Permits, Sign Permits, Conditional Use Permits, zoning amendments, appeals, variances, and other administrative relief. The amount of the fees charged shall be as set forth in the County's budget or as established by resolution of the Board of County Commissioners filed in the County Planning Office. Fees established shall be paid upon submission of a signed application or notice of appeal or at the time stated

1.13 SEVERABILITY

It is hereby declared to be the intention of the Board of County Commissioners that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance since the same would have been enacted without the incorporation into this Ordinance of such unconstitutional or invalid section, paragraph, sentence, clause or phrase.

1.14 COMPUTATION OF TIME

- A. Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded. When the period of time prescribed is less than seven (7) days, intermediate Saturdays, Sundays, and holidays shall be excluded.
- B. Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him/her, and the notice or paper is served by mail, three (3) days shall be added to the prescribed period.

1.15 RULES APPLICABLE TO LOTS SPLIT BY ZONING DISTRICTS

- A. Whenever a single lot two (2) acres or less in size is located within two (2) or more different zoning districts, the district regulations applicable to the district within which the larger portion of the lot lies shall apply to the entire lot.
- B. Whenever a single lot greater than two (2) acres in size is located in two (2) or more different zoning districts, each portion of that lot shall be subject to all regulations applicable to the district in which it is located.

1.16 VESTED RIGHTS; SITE SPECIFIC DEVELOPMENT PLAN

- A. The Board of County Commissioners determines that a Conditional Use Permit shall be regarded as a "site specific development plan" under the provisions of NCGS 153A-344.1 (Vesting Rights). Therefore, once a Conditional Use Permit has been issued, the permit recipient shall have a "vested right" to complete the development authorized by such permit in accordance with its terms, irrespective of subsequent amendments to this Ordinance, to the extent provided in NCGS 153A-344.1 (Vesting Rights).
- B. The following requirements must be met before an approval for a site specific development plan is approved:
 - 1. A statement by the developer shall be submitted with the application that indicates the anticipated development schedule for the build-out of the project;
 - 2. A statement from the developer shall be submitted with the application that justifies the request for vesting of the project for a period of more than two (2) years (five (5) years maximum);

3. The project shall meet all applicable design standards and other requirements of the Anson County Zoning Ordinance and Anson County Subdivision Ordinance (if applicable);
 4. The development can reasonably be completed within the vested period requested;
 5. Vesting shall not be approved where the request is in excess of two (2) years, and the project is located in an area where current issues under study involve potential amendments to the Comprehensive Plan, Anson County Zoning Ordinance, or Anson County Subdivision Ordinance.
- C. The Board of County Commissioners further determines that recipients of Zoning Compliance Permits should be entitled to the same protections as recipients of Conditional Use Permits. Therefore, once a permit has been issued, the permit recipient shall have a “vested right” to complete the development authorized by such permit in accordance with its terms, irrespective of subsequent amendments to this Ordinance, to the same extent provided in NCGS 153A-344.1 (Vesting Rights) for developments authorized by the approval of “site specific development plans.”
- D. A vested right under this Section commences upon the issuance of the permit in question, and the date of issuance is to be determined in accordance with the provisions of Section 3.5 (Expiration of Permits), Subsection D.
1. A zoning vested right that has been vested as provided in this Ordinance shall remain vested for a period of two (2) years. This vesting shall not be extended by any amendments or modifications to a site-specific development plan (that are not processed as new applications – see Section 3.7 (Amendments To and Modifications of Permits), unless expressly provided by the approval authority at the time the amendment or modification is approved;
 2. As provided in NCGS 153A-344.1 (Vesting Rights), (d) (Duration and Termination of Vested Right), (6), a right that has been vested in accordance with this Section shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.
- E. Nothing in this Section shall prohibit the revocation of a permit pursuant to Section 5.6.1 (Permit Revocation), and the vesting of rights provided for under this Section shall be terminated upon such revocation.
- F. The effect of this Section is to ensure that, during the period of vesting, the developer is protected from subsequent changes in this Ordinance to a greater extent than is authorized under Section 1.16 (Vested Rights Upon Issuance of Building Permits) (that provides for a vesting of rights only after a building permit has been obtained), or Section 6.7 (Completion of Nonconforming Projects) (that generally provides for a vesting of rights only after the developer has made substantial expenditures in good faith reliance upon this Ordinance).

1.17 VESTED RIGHTS UPON ISSUANCE OF BUILDING PERMITS

As provided in NCGS 153A-344.1 (Vesting Rights), Subsection (e), amendments, modifications, supplements, repeal or other changes in the zoning regulations set forth in this Ordinance or zoning district boundaries shall not be applicable or enforceable without consent of the owner with respect to buildings and uses for which a building permit has been issued pursuant to NCGS 153A-357 (Permits) prior to the enactment of the ordinance making the change or changes, so long as the permit remains valid and un-expired pursuant to NCGS 153A-358 (Time Limitations on Validity of Permits), and un-revoked pursuant to NCGS 153A-362 (Revocation of Permits).

1.18 EFFECTIVE DATE

This Ordinance and its provisions governing the use of land and buildings, the height of buildings, and other matters as hereinafter set forth are hereby established and declared to be in full force and effect from and after its passage and any Zoning Ordinance previously adopted is hereby repealed.

Approved and adopted by the Anson County Board of Commissioners this 11th day of June, 2005.

Jarvis Woodburn

Chairperson

ATTEST:

Bonnie M. Huntley

Clerk to the Board of County Commissioners

CERTIFIED BY:

Misty Randall

County Attorney

Article 2 DEFINITIONS AND INTERPRETATIONS	Anson County, NC Zoning Ordinance
--	--

2.1 WORD INTERPRETATION

In the construction of this Ordinance, the interpretations and definitions contained in this Article shall be observed and applied, except when the context clearly indicates otherwise. Terms not herein defined shall have the meanings customarily assigned to them. In further amplification and for clarity of interpretation of the context, the following definitions of word usage shall apply:

- A. Words used in the present tense shall include the future tense; and words used in the singular number shall include the plural number, and the plural the singular.
- B. The word “shall” is mandatory and not discretionary.
- C. The word “may” is permissive.
- D. The word “lot” shall include the words “piece”, “parcel”, “tract”, and “plot”.
- E. The word “building” includes all structures of every kind, except fences and walls, regardless of similarity to buildings.
- F. The phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, and “occupied for”.

2.2 DEFINITIONS

Abandonment: To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

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

Abutting: Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

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

Active Recreation: Leisure activities usually of an organized nature, often performed with others and often requiring equipment, taking place at prescribed places, sites, or fields.

Addition (to an Existing Building): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled or roofed addition that is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

Adjacent: Property abutting directly on the boundary of, touching, or sharing a common point.

Adverse Impacts: Off-site impacts that may have a negative effect on adjacent properties. These effects may include, but are not limited to, the following: noise, vibration, air pollution, liquid waste, glare, traffic congestion, and storm water runoff.

Affected Land (relating to Mining): The surface area of land that is mined, the surface area of land associated with a mining activity so that soil is exposed to accelerated erosion, the surface area of land

on which overburden and waste is deposited, and the surface area of land used for processing or treatment plant, stockpiles, nonpublic roads, and settling ponds.

Agribusiness: Operations or activities related to the marketing, processing, wholesaling, and retailing of food, natural fiber, tobacco, and forestry products.

Agricultural Easement: An agreement specifically designed to restrict the conversion of the use of the land, preventing non-agricultural uses.

Agriculture: Any form of agriculture or horticulture and related buildings and uses associated with the production and/or sale of plants and animals useful to humans, including but not limited to, forage, grain and field crops, hay, pasturage, dairy and dairy products, poultry and poultry products, horses, other livestock, and fowl products, including the owning, breeding, leasing, recreational usage and training of any and all such animals; bees and aviary products, fruits and vegetables of all kinds, tobacco, Christmas trees, floral and greenhouse products sold, viticulture, silviculture, forestry, hydroponics, floriculture, aquaculture, truck farming, orchards, animal husbandry, pet farm, and the primary processing and storage of agricultural production. A garden accessory to a residence shall not be considered agriculture.

Agricultural Museum: An establishment operated as a repository or collection of curiosities or objects of agricultural interest or significance for public display.

Agricultural Processing: See **Processing.**

Agricultural Services: Commercial activities offering goods and services that support the production of agricultural products or processing of those products to make them marketable. Examples include, but are not limited to, soil preparation, animal and farm management, landscaping and horticultural services, specialized animal husbandry, biocide services, retail sales of farm/garden products, supplies and equipment, equipment rental and repair services, tack shop, farrier, blacksmith, welding shops, agriculture-based clubs/meeting halls, and storage of agricultural supplies and products.

Agricultural Tourism: The act of visiting a working farm or any agricultural, horticultural or agribusiness operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation. This may include hay rides and horse rides, where a member of the farm staff guides the rider on foot. It does not include rides on other non-farm recreational equipment including, but not limited to, mountain bicycles, motorcycles, or any other type of all-terrain vehicle (ATV). Activities may be seasonal or year-round.

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

Airfield, Small Private: The use of a field or grassed runway, on a noncommercial basis, for privately owned airplanes when the owner of at least one (1) of the resident planes lives on the premises.

Airport: All publicly used airports in Anson County including the Anson County Airport, including a place where aircraft may take off and land, be repaired, take on or discharge passengers or cargo, be stored or refueled, and includes customary accessory uses. Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

Airport Elevation: The highest point of an airport's usable landing area measured in feet from mean sea level. The Anson County Airport elevation equals two hundred and ninety seven (297) feet above mean sea level.

Airport Hazard: Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

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

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

Alternative Structure (regarding Wireless Telecommunication Facilities): A structure which is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted. Alternative structures include, but are not limited to, flagpoles, buildings, silos, water tanks, pole signs, lighting standards, steeples, billboards, and electric transmission towers.

Antenna: Any exterior transmitting or receiving device that radiates or captures electromagnetic waves (excluding radar signals).

Antenna, Dual-Band/Multi-Band: An antenna with separate elements for two or more commercial wireless service frequency bands (example: cellular and PCS or specialized mobile radio).

Antenna Array: One (1) or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, that may include omni-directional antenna (rod), directional antenna (panel), and parabolic antenna (disc). The antenna array does not include the support structure.

Appeal: A request from a review of the Zoning Enforcement Officers interpretation of any provision of this Ordinance or a request for a variance.

Approach Surface: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 5.3.17 of this Ordinance. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach, Transitional, Horizontal, and Conical Zones: These zones apply to the area under the approach, transitional, horizontal, and conical surfaces defined on the airport's Field Hazard Zoning Map and as set forth in Section 5.3.17 of this Ordinance.

Aquaculture: The growing of crops, such as fish, or plant growth using water as the primary growth medium.

Archery: The art, sport, or skill of shooting with a bow and arrow.

Area of Shallow Flooding: A designated AO or VO Zone on a community Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard: The land in the floodplain within a community subject to a one percent (1%) or greater chance of being flooded in any given year.

Artificial Obstruction: Any obstruction to the flow of water in a stream that is not a natural obstruction, including any that, while not a significant obstruction in itself, is capable of accumulating debris and thereby reducing the flood-carrying capacity of the stream. The following are not included in this definition:

1. An electric generation, distribution, or transmission facility.
2. A gas pipeline or gas transmission or distribution facility, including a compressor station or related facility.
3. A water treatment or distribution facility, including a pump station.
4. A wastewater collection or treatment facility, including a lift station.
5. Processing equipment used in connection with a mining operation.

Assembly: A joining together of completely fabricated parts creating a finished product.

Attached Wireless Communication Facility: An antenna array that is attached to an existing building or structure (attachment structure), which structures shall include, but not be limited to, utility poles, signs, water towers, rooftops, towers with any accompanying pole or device (attachment device) that attaches the antenna array to the existing building or structure and associated connection cables, and an equipment facility that may be located either inside or outside of the attachment structure.

Automatic Teller Machine, Freestanding: A machine or device through which a customer can conduct certain banking transactions and which is not located on the same lot as the bank or financial institution with which the machine is associated. The purpose of this definition is to distinguish between teller machines operated as accessory uses to banks located in principal buildings/structures where customers can choose to do their banking either inside the building or at the teller machine, and teller machines that are totally separate from bank buildings and therefore generate additional traffic.

Automobile Repair Shop or Body Shop: An establishment where the following services are available: major mechanical repairs, including engine overhaul and transmission work, body work, straightening of body parts, painting, and welding.

Automobile Service Station: An establishment where gasoline or diesel fuel is supplied at retail and where, in addition, the following services only may be rendered and sales made:

1. Sales and service of spark plugs, batteries, and distributor and ignition system parts;
2. Sales, service, and repair of tires, but not recapping or re-grooving;
3. Replacement of mufflers, tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like;
4. Radiator cleaning, flushing, and fluid replacement;
5. Sale of automotive washing and polishing supplies;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil pumps, and lines;
8. Minor adjustment and repair of carburetors;
9. Emergency repair of wiring;
10. Minor motor adjustment not involving removal of the head or crankcase;
11. Sale of beverages, packaged foods, tobacco products, and similar convenience goods for customers, as accessory and incidental to principal operations;
12. Provision of road maps and other travel information to customers;
13. Provision of restroom facilities;
14. Warranty maintenance and safety inspections.

Uses permissible at an automobile service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in automobile service stations.

Aviary: A place for keeping birds confined for the purpose of raising, exhibiting, or selling.

Banner: See **Sign, Banner.**

Bar: An establishment primarily engaged in the retail sale of beer or wine for consumption on premises. Such establishment must obtain an ABC license for on-premises beer or wine consumption only. The establishment may also be engaged in the retail sale of prepared food for on-premises consumption.

Base Flood or 100-Year Flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year. The term “base flood” is used in the National Flood Insurance Program (NFIP) to indicate the minimum level of flooding to be addressed by a community in its floodplain management regulations.

Base Floodplain or 100-Year Floodplain: That area subject to a one percent (1%) or greater chance of flooding in any given year, as shown on the current floodplain maps prepared pursuant to the National Flood Insurance Program (NFIP) or approved by the Department of Crime Control and Public Safety.

Basement: For floodplain management purposes, that lowest level or story that has its floor sub-grade on all sides.

Beacon: Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source; also, any light with one (1) or more beams that rotate or move.

Bed and Breakfast / Bed and Breakfast Inn: See **Rural Guest Establishment.**

Bedroom: A private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom.

Berm: A man-made mound of earth whose length exceeds its height by a factor of at least five (5) and whose side slopes are constructed at a steepness ratio of six-to-one (6:1) or steeper. The side slope of a berm shall not be constructed steeper than two-to-one (2:1).

Best Management Practices (BMP's): A structural or nonstructural 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: An off-premise sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign. See **Sign, Outdoor Advertising.**

Block: A tract of land or a lot or a group of lots bounded by streets, public parks, golf courses, railroad rights-of-way, water courses, lakes, un-subdivided land, or a boundary line or lines of the County or its towns or any combination of the above.

Block Frontage: That portion of a block that abuts a single street.

Board of Adjustment: A local body, created by ordinance, whose responsibility is to hear appeals from decisions of the Zoning Enforcement Officer and to consider requests for variances from the terms of the Zoning Ordinance. The Anson County Airport Commission will serve as the Board of Adjustment when hearing matters are concerned with the Anson County Airport. The Anson County Planning Board will serve as Board of Adjustment when hearing matters are concerned with zoning issues not covered under the airport zoning regulations of this Ordinance.

Board of County Commissioners: The governing body of Anson County.

Boarding House: A residential use consisting of at least one (1) dwelling unit together with more than two (2) rooms that are rented out, or are designed or intended to be rented, but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer-term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

Bona Fide Farm: The production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market. Swine farms served by an animal waste management system having a design capacity of six hundred thousand (600,000) pounds steady state live weight (SSLW) or greater shall not be considered a bona fide farm use.

Bona Fide Farm Accessory Use: A subsidiary use that complements a primary bona fide farm use. Examples include, but are not limited to, the retail sales and pick-your-own sales of products grown on the farm such as fruits, vegetables, flowers, nursery greenhouse crops. Small-scale processing operations of products grown on the farm such as preserves and jams, canned goods, and sauces may be accessory along with the retail sale of such items. Examples of agricultural tourism operations such as seasonal corn mazes and hayrides may also be accessory to a bona fide farm so long as the scale and income of the accessory use remains related to and subsidiary to the main bona fide farm use.

Breakaway Wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system. A breakaway wall shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. A wall with loading resistance of more than twenty (20) pounds per square foot requires an architect or professional engineer's certificate.

Buffer: A fence, wall, hedge, or other planted area or device used to enclose, screen, or separate one(1) use or lot from another.

Buildable Area: The portion of a lot remaining after required building setbacks have been delineated, and the maximum amount of impervious surface coverage has been figured for the lot or tract of land.

Building: Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, manufactured homes, and attached or unattached carports consisting of roof and supporting members, and similar structures whether stationary or movable. Any structure built for support, shelter, or enclosure for any occupancy or storage. The connection of two (2) buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one (1) building.

Building, Accessory: A minor structure or structures that is located on the same parcel of property as a principal structure and the use of which is incidental and subordinate to the use of the principal structure. Garages, carports, pole barns, hay sheds and storage sheds are common accessory structures.

Building, Commercial: Any building used for business purposes.

Building, Detached: A building having no party or common wall with another building except an accessory building or structure.

Building Footprint: The portion of a lot's area that is enclosed by the foundation of buildings, plus any cantilevered upper floor.

Building Height: The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs. Spires, cupolas, chimneys, antennae attached to a building, and/or projections from buildings, radio, television, communications, telecommunications, and water towers are not to be included in the calculations of building height.

Building Lot Coverage: The amount of net lot area or land surface area, expressed in terms of a percentage that is covered by all principal buildings.

Building Permit: Written permission issued by Anson County for the construction, repairs, addition or demolition of a structure.

Building, Principal: The building in which is conducted the principal use of the lot on which it is located. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Building Setbacks: The minimum distance from the property line, or street right-of-way where a street is involved, to the closest projection of the exterior face of buildings, walls, or other form of construction (i.e. decks, landings, terraces, porches, and patios on grade).

Building Setback Line (Front Yard Setback): The line on the front, rear, and sides of a lot, set according to the district regulations, which delineates the areas upon which a structure may be built or maintained. At the time of application, all yard setbacks are determined from the most recent Anson County Official Tax Map.

On a flag lot the “building setback line” runs parallel to the street and is measured from the point in the main portion of the lot (i.e. the “flag” part of the lot, not the “pole” part), that is closest to the street. (The minimum lot width must be met in this area, as well. Therefore, if the point closest to the street is a corner rather than a line, the setback will have to extend as far as necessary to meet the required minimum lot width).

Built-Upon Area: See **Impervious Surface.**

Bulk Storage: Storage material in containers or tanks for sale to retail dealers, or outlets for storage prior to disposal.

Camp or Care Center: A facility licensed by the State of North Carolina, that consists of one (1) or more buildings, located on at least twenty (20) acres of land, that provides accommodations for more than nine (9) individuals and where the activities of those individuals predominantly occur in supervised groups.

Campground: Land used or intended to be used, let, or rented for occupancy by vacationing transient campers traveling by automobile or otherwise, or for occupancy by tents, or other movable or temporary sleeping quarters of any kind, together with automobile parking spaces and incidental utility structures and facilities required and provided in connection with the use. This definition shall not include trailer sales lots where unoccupied trailers are parked for inspection and sale.

Candlepower: The amount of light that will illuminate a surface one (1) foot distant from a light source to an intensity of one (1) foot-candle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.

Car Wash: A building, or portion thereof, containing facilities for washing automobiles or other vehicles, using production line methods with a chain conveyor, blower, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial hand washing of automobiles, whether washing is performed by the operator or by the customer.

Cemetery: A place used or to be used and dedicated or designated for earth interments of human remains or pet animal remains.

Center Line of Street: The centerline of a street right-of-way.

Certificate of Occupancy: Official certification that a premises conforms to provisions of the Zoning Ordinance (and State Building Code) and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use. Unless such a certificate is issued, a structure cannot be occupied, but a certificate may be issued for a portion of a structure ready for occupancy, such as separate dwelling or commercial units in a structure with multiple units.

Chemical Storage Facility: a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

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

1. Arrangements operated in the home of any child receiving care if all the children in care are related to each other, or no more than two (2) additional children are in care;
2. Recreational programs operated for less than four (4) consecutive months in a year;
3. Specialized activities or instruction such as athletics, dance, art, music lessons, horseback riding, gymnastics, or organized clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups, or boys and girls clubs;
4. Drop-in or short-term care provided while parents participate in activities that are not employment related, and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches;
5. Public schools;
6. Nonpublic schools described in Part 2 (Qualified Nonpublic Schools) or Article 39 (Nonpublic Schools) of Chapter 115C (Elementary and Secondary Education) of the North Carolina General Statutes that are accredited by the Southern Association of Colleges and Schools and that operate a child day care facility as defined under Child Day Care Facility of or less than six and one-half (6½) hours per day either on or off the school site;
7. Bible schools conducted during vacation periods;
8. Care provided by facilities licensed under Article 2 (Licensure of Facilities for the Mentally Ill, the Developmentally Disabled, and Substance Abusers) of Chapter 122C (Mental Health, Developmental Disabilities, and Substance Abuse Acts of 1985) of the North Carolina General Statutes;
9. Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment; and
10. Any child care program or arrangement consisting of two (2) or more separate components, each of which operates for four (4) hours or less per day with different children attending each component.

Child Care Center: An arrangement where, at any one (1) time, there are three (3) or more pre-school children, or nine (9) or more school-age children receiving child care.

Child Day Care Facility: Includes child care centers, family child care homes, and any other child care arrangement not excluded by NCGS 110-86 (Definitions), (2) (Child Care), that provides child care, regardless of the time of day, wherever operated, and whether or not operated for profit.

Circulation Area: That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

Clear Cutting: The removal of an entire stand of trees in one (1) cutting.

Clinic: Establishments where humans receive treatment of illnesses or pregnancy, or examination by a doctor, dentist, optician, psychologist, or other similar medical professional on an outpatient basis.

Club or Lodge: A nonprofit association of persons, who are bona fide members paying dues, that owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. The affairs and management of such “private club or lodge” are conducted by a Board of Directors, executive committee, or similar body chosen by the members. It shall be permissible to serve food and meals on such premises, providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed, provided it is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale of alcoholic beverages is in compliance with applicable Federal, State, and local laws.

Cluster Development: The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes non-residential development as well as single-family residential subdivisions and multi-family developments that do not involve the subdivision of land. Planned unit developments and mixed-use developments are considered as cluster development for the purposes of watershed protection requirements.

College or University: An institution other than a trade school that provides full-time or part-time education beyond high school.

Collocation/Site Sharing: The use of a common wireless communication facility or common site by more than one (1) wireless communication license holder or by one (1) wireless license holder for more than one (1) type of communications technology and/or placement of an antenna array on a structure owned or operated by a utility or other public entity.

Columbarium: A structure or building substantially exposed above ground intended to be used for the interment of the cremated remains of a deceased person or animal.

Combination Use: A use consisting of a combination on one (1) lot of two (2) or more principal uses separately listed as a permitted use in the specific zoning district. (Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established. In addition, when two (2) or more separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this shall not constitute a combination use).

Commercial: Relates to, or is connected with, trade and traffic or commerce in general; is occupied with business and commerce.

Commercial Message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Commercial Use: Term implies use in connection with, or for furtherance of, a profit-making enterprise.

Commercial Harvesting: A commercial operation that would alter the existing composition or profile, or both, of a forest, including all commercial cutting operations done by companies and private individuals for economic gain.

Commercial Hunting or Fishing Preserve: An area of land upon which a fee is charged for public or private hunting or fishing and upon which game or fish are grown or stocked for a fee specifically for hunting or fishing thereon.

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

Community Center: A publicly sponsored, non-profit indoor facility providing for one (1) or several of various types of recreational uses. Facilities in a community center may include, but are not limited to,

gymnasia, swimming pools, indoor court areas, meeting/activity rooms, and other similar uses. For the purposes of this definition, the term publicly sponsored means that a significant town or county investment is involved in some fashion in the facility's development or operations.

Community Farmers' Market: A principal use that includes the sale of local horticultural or agricultural products, such as nursery stock, perennials, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. Subordinate sales of companion items intended to be used with (for planting, caring for, displaying, combining with, or preserving) the agricultural or horticultural produce that is produced on the farm, but shall not include farm machinery and equipment (except hand tools), building materials, furniture, or other like items. Examples include, but are not limited to, canning jars, pumpkin carving kits, wreath making supplies, potting soil, planting pots, packaged fertilizer, mulch, peat moss, pruning shears, gardening gloves, and Christmas tree decorations. Locally raised meat products may be sold subject to documentation from the Anson County Environmental Health department that all relevant health requirements have been satisfied that all applicable health regulations are satisfied.

Community Supported Agriculture (CSA): A partnership between consumers and farmers in which consumers pay for farm products in advance and farmers commit to supplying sufficient quantity, quality, and variety of products. This type of arrangement can be initiated by the farmer (farmer directed) or by a group of consumers (participatory).

Conditional Use Permit: A permit issued by the Board of County Commissioners that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance as well as any additional requirements imposed by the Board of County Commissioners.

Condominium: A form of property ownership whereby the owner gains ownership of an interior space within a building. The building structure, the land under the building, and all of the surrounding land is commonly owned by all of the inhabitants on a proportional basis.

Conical Surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet.

Conservation Easement: A voluntary written agreement between a property owner and a conservation organization or public agency in which the owner maintains ownership of his/her property but gives up some rights customarily associated with ownership in order to achieve conservation purposes. See also **Agricultural Easement.**

Contractor: One who accomplishes work or provides facilities under contract to another. The major portion of a contractor's work normally occurs outside and away from his business location. As used in this Ordinance, the term "contractor" does not include general assembly, fabrication, or manufacture at his business location.

Controlled-Access Highway: A roadway that, in accordance with State and Federal guidelines, is designed to give preference to through traffic by providing access connections at interchanges or selected public roads only, with no direct access from private roads or driveways and with no crossing at grade, including any interstate, State, or US Route.

Convalescent Home or Nursing Home: An institution that is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for persons unrelated to the licensee. A convalescent home is a home for chronic or nursing patients who, on admission, are not as a rule acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A convalescent home provides care for persons who have remedial ailments or other ailments for which continuing medical and skilled nursing care is indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision. A major factor that distinguishes convalescent homes is that the residents will require the individualization of medical care.

Convenience Store: A one (1) story retail store containing less than two thousand (2,000) square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household

supplies to customers who purchase only a relatively few items (in contrast to a “supermarket”). It is designed to attract, and depends upon, a large volume of stop-and-go traffic. Illustrative examples of convenience stores are those operated by the “Quick Check,” “Handy Mart,” and “Pantry” chains.

Conversion: Changing the original purpose of the building to the different use.

Cooperative Farm Stand: A small, often open-aired and seasonal structure, in which agricultural products of up to four (4) farmers are publicly displayed and offered for sale. A minimum of seventy-five percent (75%) of the products sold must be agricultural products produced by the participating farmers. The stand must be located on a bona fide farm owned or leased by one (1) of the farmers selling products. The cooperative farm stand shall not exceed eight hundred (800) square feet in floor area, and may include space in an owner-occupied accessory farm building provided no other agriculturally related business or industrial use is occurring within the building. All new and temporary structures constructed for this purpose shall be set back at least fifteen (15) feet from property lines and shall be located so as to provide safe access to and from the public road. Related items processed from products grown on the farm such as preserves and canned goods may be sold subject to documentation from the Anson County Environmental Health Department that all relevant health requirements have been satisfied.

Correctional Facility: Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

Country Store: A small retail establishment (principal use) in a predominately rural area that contains limited amounts of a wide variety of goods for retail sale, including, but not limited to, milk, eggs, and locally grown produce; gloves, boots, gardening supplies; fishing tackle; ice cream and food snacks, refrigerated beverages, etc. It may contain a small grill for food preparation but no indoor seating area. A country store may include gasoline pumps or automotive repair shops. However, existing establishments (in operation at the time of the adoption of this Ordinance) currently selling gasoline, kerosene, propane, and/or servicing farm equipment or automobiles may continue to operate such additional uses as accessory to the principal country store use.

Covenant: A private legal restriction on the use of land, which is contained in the deed to the property or otherwise formally recorded. There may be certain legal requirements for formal establishment of a covenant such as a written document, a mutual interest in the property, that the covenant be concerned with the use of the land rather than individual characteristics of ownership, etc.

Critical Area: The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half (½) mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever come first); or one-half (½) mile upstream from and draining to the intake (or other appropriate downstream location associated with the water supply) located directly in the stream or river (run-of-the-river), or to the ridge line of the watershed (whichever comes first). Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half (½) mile. Local governments may extend the critical area as needed.

Cutoff Angle: The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

Cutoff-Type Luminary: A luminary with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is ninety (90) degrees or less.

dBA: The sound pressure level, in decibels, as measured using the impulse mode and “A” weighting network on a precision sound level meter.

Day Care Center: Any child care arrangement that provides day care on a regular basis for more than four (4) hours per day for more than five (5) children of preschool age. An establishment where attendant care is provided in a group setting on a regular basis to persons on a fee basis. Persons are normally dropped off at the facility and picked up at a designated time later that day. Such a facility may be a principal or accessory use, in accordance with the regulations of this Ordinance.

Day Care Center, Class 1: A detached single-family residence (other than a manufactured home) in which day care is regularly provided to less than nine (9) children, handicapped persons, or senior citizens, unrelated by blood or marriage, and who are not the legal wards or foster children of the attendant adult(s). Persons who are related by blood or marriage or who are the legal wards or foster children of the attendant adult(s) shall not be counted as patrons of the "home day care center". A "Class 1 Day Care Center" shall not be deemed an accessory use to said residence. The principal use of the dwelling shall be the single-family residence.

Day Care Center, Class 2: A commercial or institutional establishment in which day care is regularly provided to nine (9) or more children, handicapped persons, or senior citizens, unrelated by blood or marriage and who are not the legal wards or foster children of the attendant adult(s). Persons who are related by blood or marriage or who are legal wards or foster children of the attendant adult(s) shall not be counted as patrons of the "home day care center". A "Class 2 Day Care Center" shall not be deemed a "family care home" nor a "single-family residence".

Day Care Facility (Adults and Children): A place other than an occupied dwelling, that provides for the care of children or adults. Those receiving care are not all related to each other by blood or marriage and are not legal wards or foster children of the attendant adults, and for which care a payment, fee, or grant is made. All State registration requirements and inspections shall be met.

If children are the primary clients of the day care home the following shall apply: Any child care arrangement where three (3) or more children under thirteen (13) years of age receive care away from their own home by persons other than relatives, guardians, or full-time custodians, or in the child's own home where other unrelated children are in care. Child day care does not include seasonal recreational programs operated for less than four (4) consecutive months. Child day care also does not include arrangements that provide only drop-in or short-term child care for parents participating in activities that are not employment related and where the parents are on the premises or otherwise easily accessible.

Day Care Home (Adults and Children): A dwelling in which a permanent occupant of the dwelling provides for the care of children or adults. Those receiving care are not all related to the occupant or to each other by blood or marriage and are not the legal wards or foster children of the attendant adults. Those receiving care and are not dependents of the occupant, do not reside on the site. For the purpose of this ordinance, such activities shall meet all requirements for home occupations. All State registration requirements and inspections shall be met.

If children are the primary clients of the day care home the following shall apply: Includes child care centers, family child care homes, and any other child care arrangement not excluded by G.S. 110-86(2), which provides day care on a regular basis at least once a week for more than four (4) hours, but less than twenty-four (24) hours, per day for more than five (5) children under the age of thirteen (13) years, not including the operator's own school-aged children. It does not matter where it is located, whether the same or different children attend, and whether or not operated for profit. The following are not included: public schools; nonpublic schools, as described in G.S. 110-86(2); summer camps having children in full-time residence; summer day camps; specialized activities or instruction such as athletics, clubs, the arts, etc.; and Bible schools normally conducted during vacation periods.

Dedication: The transfer of property from private to public ownership with no compensation involved.

Density: The amount of development permitted per acre, usually expressed as the number of dwelling units per acre for residential development.

Density, Gross: The number of dwelling units or the amount of nonresidential gross floor area on a particular tract or parcel of land, taking into account the entire area of the tract or parcel.

Density, Net: The number of dwelling units or the amount of nonresidential 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 floor hazard, lakes or other water bodies, or wetlands falling under the regulatory jurisdiction of the U.S. Army Corps of Engineers.

Detention Pond: An engineered storm water control consisting of a pond that allows for pollutants to settle and provides for the gradual release of the impounded water.

Developer: A person who is responsible for any undertaking that requires a Zoning Compliance, Conditional Use, or Sign Permit.

Development: That which is to be done pursuant to a Zoning Compliance, Conditional Use, or Sign Permit. For floodplain management purposes, any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations. This definition includes any land disturbing activity that adds to or changes the amount of impervious or partially impervious cover on a land area or that otherwise decreases the infiltration of precipitation into the soil.

Dimensional Nonconformity: A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

Direct Marketing/Value-Added: Any marketing method whereby farmers sell their products directly to consumers. Examples include farm stands, pick-your-own operations, community supported agriculture or subscription farming, farmers' markets, etc.

Discontinued: When a structure is vacated and no physical attempt is made to reoccupy the structure and utilize it for its current use.

Disposal: defined as in NCGS 130A-290(a)(6).

Drainage Facilities: Any temporary or permanent natural or man-made facility utilized to divert, convey, or store storm water runoff. Such facilities shall include, but shall not be limited to, drainage pipes and culverts, swales and ditches, intermittent and perennial streams, catch basins, drainage junction boxes and manholes, yard inlets, retention and detention basins and ponds, curbing that will carry runoff, dams and weirs, and culvert outlet stabilization and protection devices.

Drip Line: A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Drive-In and Drive-Through Window Establishment: An establishment that dispenses products or services to patrons who remain in vehicles.

Driveway: That portion of a vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area. Also, a private roadway located on a parcel or lot used for vehicular access.

Duplex: See **Residence, Duplex.**

Dwelling: A building or portion thereof designed, arranged, or used for permanent living quarters. The term "dwelling" shall not be deemed to include a travel trailer, motel, hotel, tourist home, or other structures designed for transient residence.

Dwelling, Attached: A dwelling that is joined to another dwelling on one (1) or more sides by a party wall or walls.

Dwelling, Detached: A dwelling that is entirely surrounded by open space on the same lot.

Dwelling Unit: An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used, or held ready for use, as a permanent residence by one (1) family.

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

Easement: A right given by the owner of land to another party for specific limited use of that land. For example, a property owner may give an easement on his property to allow utility facilities like power lines or pipelines, to allow light to reach a neighbor's windows, or to allow access to another property.

Effective Date of This Article: The effective date of this article as originally adopted, or the effective date of an amendment to it, if the amendment makes a structure, sign or use nonconforming.

Effective Date of This Ordinance: Whenever this Ordinance refers to the "effective date of this Ordinance", the reference shall be deemed to include the effective date of any amendments to this Ordinance if the amendment, rather than this Ordinance as originally adopted, creates a nonconforming situation.

Elevated building: For floodplain management purposes, a non-basement building that has the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Encroachment: the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Engineered (or Structural) Storm Water Controls: A structural Best Management Practice (BMP) used to reduce non-point source pollution to receiving waters in order to achieve water quality protection goals.

Equestrian Facilities: A building, group of buildings, or use of land, or any combination thereof, where provision is made for horses or ponies for hire or instruction in riding, for compensation.

- A. **Farm Building Rental-Horse Boarding Stable:** The owner of a bona fide farm may lease stable space for horse boarding and may provide opportunities for riding instruction, as an accessory use to the farm. Horse shows, equestrian events, and other activities designed to attract spectators are not permitted as part of the accessory use.
- B. **Riding Stables/Academies:** A commercial facility where horses are sheltered, fed, groomed, and bred. Typical accessory uses may include riding instruction, horse shows and auctions, a tack shop, and storage of feed and supplies.
- C. **Large-Scale Equestrian Facility with Commercial Stables, Events, and Rodeos:** A large-scale horse complex designed to accommodate numerous spectators at regular events. Events and activities may include steeplechase and other equestrian events, rodeos, dog and livestock shows, horse and tractor pulls, field sports, firework displays, fairs and circuses, with a maximum cumulative number of spectators exhibiting, judging, showing, or racing of horses at a frequency greater than one (1) year where more than seventy-five (75) spectators are reasonably anticipated.
- D. **Horse Farm:** A bona fide farm that, as a primary activity, conducts business by engaging in any one or more of the activities of breeding, training, buying, selling, showing, racing, and boarding of horses, including associated accessory activities.

Equipment Facility: Any structure used to contain ancillary equipment for a wireless communication facility that includes cabinets, shelters, a build out of an existing structure, pedestals, and other similar structures.

Erect: Build, construct, erect, rebuild, reconstruct, or re-erect any building or other structure.

Exempt (Exempt from Zoning Regulations): Bona fide farms are exempt from zoning regulations per the North Carolina General Statutes. Many accessory uses to bona fide farms are also exempt. Certain

building code requirements apply to farm structures, and environmental health requirements may still apply, but for the most part zoning compliance permits and related fees (from Planning) are not required.

Existing Construction: For the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM or before June 5, 1979, for FIRMs effective before that date. Existing construction may also be referred to as existing structures.

Existing Development: Those projects that are built, or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this Ordinance, based on criteria established under Sections 1.15 (Vested Rights; Site Specific Development Plan) and 1.16 (Vested Rights Upon Issuance of Building Permits).

Existing Lot: See **Lot of Record.**

Existing Manufactured Home Park or Manufactured Home Subdivision: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before August 2, 1988.

Expenditure: A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding, contractual commitments to make future expenditures, as well as any other substantial changes in position.

Extraterritorial Planning Area or Extraterritorial Jurisdiction (ETJ): That portion of a town's planning jurisdiction that lies outside of the town's corporate boundaries.

FAA: Federal Aviation Administration

FCC: Federal Communications Commission

Family: One (1) or more persons living together as a single housekeeping unit.

Family Care Home: A facility designed to provide room, board, and care for six (6) or fewer handicapped persons in a family environment. Handicapped persons include those with physical, emotional, or mental disabilities, but not those who have been deemed dangerous to themselves or others.

Family Child Care Home: A child care arrangement located in a residence where, at any one (1) time, more than two (2) children, but fewer than nine (9) children, receive child care.

Farm Employee Housing (Tenant Housing): A detached dwelling or manufactured home located on a farm for the purpose of housing an employee of the farm operation and his/her family. Also included in this use type would be multi-family dwelling(s) for seasonal employees in connection with an orchard or other agricultural use that relies on seasonal employees who must be housed.

Farmers' Market: See **Community Farmers' Market.**

Farming: The use of land primarily for one (1) or more of the following: the production in the open of cash grains, field crops, vegetables, melons, fruits, berries, honey and nuts, and/or the raising or keeping of general livestock and poultry for the sale of such livestock and poultry for the products thereof or the breeding of such livestock and poultry. Farming includes any buildings or structures that are customarily incidental or subordinate to the farming activities listed above, including residences for the owners, operators, or employees of the farm and their families. General livestock and poultry includes those animals involved that are customarily and traditionally raised on farms, such as beef and dairy cattle, hogs (excluding large-scale hog farming operations as regulated by this Ordinance), sheep, goats, rabbits and horses, mules, ponies, chickens, turkeys, ducks, and geese for the purposes listed above. Farming does not include agricultural services and processing, avocational farming, specialized commercial horticulture, and specialized commercial animal husbandry, however, some of these uses may be considered accessory to a bona fide farm.

Farm Machinery Service, Rental, and Sales Establishment: A use of land where the primary occupation is the sale, rental or service of vehicles in operating condition and non-vehicular equipment designed specifically for agricultural purpose whether for use on a farm or in the transportation of farm products, but shall not include buildings. For the purpose of this Ordinance, farm equipment sales, rental, and service establishments shall not include sales, rental, and service of automobiles, manufactured homes, trucks, or heavy equipment, as defined herein, but may include farm equipment parts and accessory sales where installation of parts is a distinct feature of the business, and body and paint work, when ancillary to sales and repair shops. The retail sale of equipment and machinery parts is a logical accessory activity to this use.

Farm Stand (Roadside Stand, Wayside Stand): A structure or outdoor area located on a farm and used for the sale, by an individual owner or tenant, of farm products grown or produced on the bona fide farm on which the stand is located, or grown on other farms owned or leased by the same farmer or tenant. This use type shall include agricultural products picked by the consumer. Related items processed from products grown on the farm such as preserves, canned goods may be sold subject to documentation from the Anson County Environmental Health Department that all relevant health requirements have been satisfied.

Farm Unit: A land management unit. If lands are managed or worked as a single operation, such lands apparently would qualify as a "farm unit." For agricultural and horticultural classification, management must be active and continuous. Land meeting forest classifications need not be actively managed.

Fabrication: Manufacturing, excluding the refining or other initial processing of basic raw materials, such as metal, ores, lumber, or rubber. Fabrication relates to stamping, cutting, or otherwise shaping the processed materials into useful objects.

Family: One (1) or more persons living together as a single housekeeping unit.

Family Care Home: A facility that provides health, counseling, or related services, including room, board, and care, to six (6) or fewer handicapped persons in a family-type environment. These handicapped persons include those with physical, emotional, or mental disabilities, but not those who have been deemed dangerous to themselves or to others.

Fence, Security: A fence designed to keep out unauthorized persons and kept locked when the area or facility is not in use or under observation. Security fences are often equipped with a self-closing and positive self-latching mechanism.

Fill Site: An area being used, or proposed to be used, as a disposal site for fill material consisting of inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, and gravel and involving no excavation. The purpose of a fill site is to improve land use potential or other beneficial reuses.

Financial Institution: A use where some or all of the following business services are provided to the public: banking, savings and loans, credit unions, security exchanges, safe deposit vaults, and investment services.

Firearm: A weapon, including pistols, rifles, and shotguns, capable of firing a projectile using an explosive charge as a propellant.

Firing Line: A line parallel to a target from which firearms or arrows are discharged.

Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Flag Lot: An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm of the lot that is less than fifty percent (50%) of the presumptive minimum required lot width as set forth in Section 5 (Minimum Lot Widths), or if no minimum lot width is specified therein, is less than the lesser of fifty percent (50%) of the width of the buildable portion of the lot, or fifty (50) feet.

Flex Space: Buildings designed and marketed as suitable for offices but with space available that is able to accommodate bulk storage, showroom manufacturing, assembly or similar operations. Generally, flex space has storefront type windows in the office area of the space.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters; and,
2. the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Hazard Area: The area designated by a local government as an area where development must be regulated to prevent damage from flooding. The flood hazard area must include and may exceed the base floodplain.

Flood Hazard Boundary Map (FHBM): The official map issued by the Federal Emergency Management Agency (FEMA), where the boundaries of the areas of special flood hazard have been defined as Zone A.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Emergency Management Agency (FEMA) has delineated 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 (FEMA). The report contains flood profiles, as well as Flood Boundary Floodway Map and the water surface elevation of the base flood.

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

Floodproofing: any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.

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

Floor: The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor Area (for determining off-street parking and loading requirements): The gross total horizontal area of all floors below the roof, including usable basements, cellars, and accessory storage areas such as counters, racks, or closets, but excluding, in 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.

However, "floor area", for the purpose of measurement for off-street parking spaces shall not include: floor area devoted to primarily storage purposes (except as otherwise noted above); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor other than area devoted to retailing activities, to the production or processing of goods, or business or professional offices.

Foot-candle: A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

Foster Care Home: A dwelling where a person performs the duties of a parent to the child of another by rearing the child and acting as guardian.

Fraternity or Sorority House: A structure used as a dwelling by fraternity and sorority members in association with a college or institution.

Frontage: The dimension of a property or portion of a property that is adjacent to a street or street right-of-way. Side yards of corner lots are excluded.

FTA: Federal Telecommunications Act of 1996

Functionally Dependent Facility: A facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

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.

Garage, Commercial: Any building or premises, except those described as a private or parking garage, used for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

Garage, Parking: Any building or premises, other than a private or commercial garage, used exclusively for the parking or storage of motor vehicles.

Garage, Private: A building or space used as an accessory to, or a part of, the main building permitted in any residential district, providing for the storage of motor vehicles, and in which no business, occupation, or service for profit is in any way conducted, except in an approved home occupation.

Glare: The effect of brightness in the field of view that causes annoyance or discomfort or interferes with seeing. It may be direct glare from a light source or reflected glare from a glossy surface.

Golf Course: An area laid out for playing golf, that may include some or all of the following accessory facilities: clubhouses, putting greens, swimming and tennis facilities, and concessions for food and supplies. Driving ranges may also be included, unless specifically excluded by provisions of this Ordinance. This definition does not include Par 3 or miniature golf.

Greenhouse: A structure, covered with transparent material that uses solar radiant energy to grow plants. These structures may have heating and ventilating equipment for the purpose of optimum temperature control. Certain types of bona fide farm operations may consist entirely on one (1) or more greenhouse units. A greenhouse may also be used as a storage facility for a **Retail Garden Center** or similar farm supply source.

Gross Density: The quotient of the total number of dwelling units divided by the total gross tract area or acreage of a site.

Gross Floor Area: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Gross Tract Area or Acreage: The total area of a project including rights-of-way, open space, and dedicated public properties.

Groundcover: Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

Group Care Home: An establishment qualified for a license by the State of North Carolina for the provision of resident services to seven (7) or more individuals of whom one (1) or more are unrelated, and who are handicapped, aged, disabled, or who are runaway, disturbed, or emotionally deprived children who are undergoing rehabilitation or extended care, and who are provided services to meet their needs.

This definition includes group homes for all ages, halfway houses, boarding homes for children, and convalescent and nursing care homes, and nursing care institutions.

Group Development: A group of two (2) or more principal structures built on a lot of at least two (2) acres not subdivided into the customary streets and lots and that will not be subdivided and designed for occupancy by separate families, businesses, or other enterprises. Examples would be row houses, apartment courts, housing projects, school and hospital campuses, shopping centers, and industrial parks.

Guest Room: A room or suite used as living accommodations for one (1) or more paying visitors.

Habitable Floor: Any floor useable for living purposes that includes working, sleeping, eating, cooking, recreation, or any combination thereof. A floor used only for storage is not a habitable floor.

Halfway House: A home for not more than nine (9) persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness (as defined in NCGS 35A-1101 (Definitions), (12)), or antisocial or criminal conduct, together with not more than two (2) persons providing supervision and other services to such persons, all of whom live together as a single housekeeping unit.

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).

Hazardous Substance: Any substance that may pose a danger to the public health or safety if contained in the public water supply. This includes all substances defined as hazardous chemicals by the community right to know reporting requirements under Sections 311 and 312 of the Superfund Amendments and Reauthorization Act of 1986, and by the North Carolina Hazardous Chemicals Right to Know Act (NCGS 95-173 (Short Title) to 95-218 (Severability)).

Hazardous Waste Management Facility: a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste as defined in NCGS Article 9 of Chapter 130A.

Hazard To Air Navigation: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Height: For the purpose of determining the height limits in all Airport Hazard Overlay Zones set forth in this Ordinance, the datum shall be mean sea level elevation unless otherwise specified.

As related to wireless communications facilities shall mean the vertical distance measured from the base of the tower to the highest point on the wireless communication facility, including the antenna array and other attachments.

Heavy Equipment: Any vehicles that have a gross vehicle weight (GVW) of at least thirteen (13) tons, or any construction equipment, or any farm equipment.

Heliport: An area of land, water, or structural surface designed for discharge or pick up of passengers or cargo from or by helicopters, plus accessory buildings and uses.

Helistop: An area of land, water, or structural surface designed for discharge or pick up of passengers or cargo from or by helicopters, but excluding field service or maintenance.

High-Density Option: One (1) of two (2) approaches available for development in some watershed overlay districts. Generally, the high-density option relies on density limits and engineered storm water controls to minimize the risk of water pollution.

Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

Historic Structure: any structure that is:

- (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) individually listed on a State inventory of historic places;
- (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified
 - (1) by an approved state program as determined by the Secretary of Interior, or
 - (2) directly by the Secretary of Interior in states without approved programs.

Home-Based Business, Level-1: Any business, occupation, or activity undertaken for gain within a residential structure that is incidental and secondary to the use of the structure as a dwelling unit. The following uses are examples of permitted level-1 home-based businesses:

1. Offices for such professionals as, but not limited to, architects, brokers, counselors, clergy, dentists, doctors, draftspersons and cartographers, engineers, insurance agents, lawyers, real estate agents, accountants, editors, publishers, journalists, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons and manufacturer's representatives, and travel agents;
2. Personal services, including barbershops, beauty parlors, manicure and pedicure shops, pet grooming, catering and chauffeuring services;
3. Instructional services, including music, dance, art and craft classes, and tutoring;
4. Babysitting services;
5. Studios for artists, sculptors, musicians, photographers, and authors;
6. Workrooms for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, and jewelry making;
7. Repair services, including watch and docks, computers, electronic devices;
8. Garage/yard sales, "Tupperware" parties.

Examples of prohibited level-1 home-based businesses include:

1. Kennels, stables, veterinary clinics/hospitals;
2. Medical and dental clinics, hospitals;
3. Restaurants, clubs, drinking establishments;
4. Motor vehicle/small engine repair;
5. Lawn mower/small appliance repair;
6. Undertaking and funeral parlors;
7. Retail sales of goods not made on the premises;
8. Sexually Oriented Businesses;
9. Rooming, boarding, and tourist homes/bed and breakfast establishments.

Home-Based Business, Level-2: Any business, occupation, or activity undertaken for gain within a residential accessory structure that is incidental and secondary to the use of the structure(s) as an accessory structure. The following uses are examples of permitted level-2 home-based businesses:

1. Offices for such professionals as, but not limited to, architects, brokers, counselors, clergy, dentists, doctors, draftspersons and cartographers, engineers, insurance agents, lawyers, real estate agents, accountants, editors, publishers, journalists, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons and manufacturer's representatives, and travel agents;
2. Personal services, including barbershops, beauty parlors, manicure and pedicure shops, pet grooming, catering and chauffeuring services;
3. Instructional services, including music, dance, art and craft classes, and tutoring;
4. Studios for artists, sculptors, musicians, photographers, and authors;
5. Workrooms for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry and woodworking;
6. Repair services, including watch and docks, small appliances, computers, electronic devices, lawnmowers, and small engines;
7. Garage/yard sales, "Tupperware" parties.

Examples of prohibited level-2 home-based businesses include:

1. Kennels, stables, veterinary clinics/hospitals;
2. Medical and dental clinics, hospitals;
3. Restaurants, clubs, drinking establishments;
4. Motor vehicle repair;
5. Undertaking and funeral parlors;
6. Retail sales of goods not made on the premises;
7. Sexually Oriented Businesses;
8. Rooming, boarding, and tourist homes/bed and breakfast establishments.

Home Care Unit: A facility meeting all the requirements of the State of North Carolina for boarding and care of not more than five (5) persons who are not critically ill and do not need professional medical attention, and is located on a lot of at least one (1) acre in size.

Home for the Aged, or Rest Home: A place for the care of aged and infirm persons whose principal need is a home with such sheltered and custodial care as their age and infirmities require. In such homes, medical care is only occasional or incidental, such as may be required in the home of any individual or family for persons who are aged and infirm. The residents of such homes will not, as a rule, have remedial ailments or other ailments for which continuing skilled planned medical and nursing care is indicated.

A major factor that distinguishes those homes is that the residents may be given congregate services as distinguished from the individualization of medical care required in "patient" care. A person may be accepted for sheltered or custodial care because of a disability, which does not require continuing, planned medical care, but which does make him unable to maintain himself in individual living

arrangements. For the purposes of this Ordinance, a “home for the aged” shall also be considered a “rest home”.

Home Occupation of an Industrial or Commercial Nature: A home occupation in a rural area that may be of a heavier commercial or industrial nature than a typical home occupation. The business owner resides on the premises, but the amount of floor area used and the type of equipment used may be different than the standard home occupation and more than one person not a resident of the dwelling may be employed. Such home occupations may include commercial or industrial uses listed in the Table of Uses.

Home Office: An accessory use in which work for compensation is undertaken, including, but not limited to, receiving or initiating correspondence, such as phone calls, mail, faxes, or e-mail; preparing or maintaining business records; word and data processing; and telephone, mail order, and off-premises sales.

Horizontal Surface: A horizontal plane one hundred-fifty (150) feet above the established airport elevation, the perimeter of which in plan, coincides with the perimeter of the horizontal zone.

Horticulture, Specialized: The use of land for the propagation of ornamental plants and other nursery products, such as bulbs, florist greens, flowers, shrubbery, flower and vegetable seeds and plants, sod, and fruits and vegetables grown primarily under cover.

Hospital: An institution providing human health services primarily for in-patient medical and surgical care for the physically or mentally sick and injured and including related support facilities such as laboratories, out-patient departments, staff offices, food services, and gift shop.

Hotel: Building(s) containing sleeping accommodations for ten (10) or more persons, primarily the temporary abode of persons who have their residences elsewhere.

Impervious Surface: A surface composed of any material that impedes or prevents the natural infiltration of water into the soil. Such surfaces include, but are not limited to, all concrete, asphalt, brick, and gravel surfaces (roads, parking areas, and driveways), patios, streets, parking areas, and recreational facilities such as tennis courts. Wood slatted decks and the water area of swimming pools are considered pervious.

Impervious Surface Area: That portion of the land area that allows little or no infiltration of precipitation into the soil.

Incompatible Use: A use or service that is unsuitable for direct association and/or contiguity with certain other uses because it is contradictory, incongruous, or discordant.

Independent Automobile Lots or Garages: An area or garage that is used for the temporary parking (not storage) of motor vehicles, that is located on a lot which there is no other principal use to which the parking is related, and where the parking spaces are used by more than one (1) enterprise for a total period (including automatic renewals or renewal options) of not more than four (4) years.

Industrial Development: For purposes of watershed regulation, any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

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

Industry: A use engaged in the processing of raw materials or the manufacture of materials or products.

Infiltration: The absorption of storm water run-off into the ground. Infiltration allows for pollutants to be filtered from the water prior to its reaching the groundwater table, preventing the deposit of the pollutants directly into drinking water supplies. The absorption of water into the ground.

Inn: An establishment meeting the definition of “hotel” except that it is designed for a more leisurely paced lifestyle with no more than one (1) active recreational facility provided, such as tennis courts or a swimming pool, with no more than twenty-five (25) guestrooms, and with a maximum of ten (10) percent of the total floor area (excluding guestrooms and hallways) in use as accessory commercial uses, such as gift shops or newsstands.

Intensity: A measure of the extent to which a tract of land is developed. Intensity can also be described or measured in terms of impacts such as traffic generation, sewage disposal needs, and size and scale of operation.

Intermittent Stream: A stream or portion of a stream that flows only in direct response to precipitation. It receives little or no water from springs and only temporary supply from melting snows or other sources. It is dry for a large part of the year.

Junked Motor Vehicle: As defined in NCGS 153A-132.2 (Regulation, Restraint and Prohibition of Abandonment of Junked Motor Vehicles), the term “junked motor vehicle” means a vehicle that does not display a current license plate upon that vehicle and that:

1. Is partially dismantled or wrecked; or
2. Cannot be self-propelled or moved in the manner in which it was originally intended to move; or
3. Is more than five (5) years old and appears to be worth less than one hundred dollars (\$100.00).

Junk Yard: The use of more than six hundred (600) square feet of the area of any lot where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, vehicles, rubber tires, and bottles. A “junk yard” includes an auto-wrecking yard, but does not include uses established entirely within enclosed buildings. A “junk yard” for vehicles is defined as four or more junk, inoperable or unlicensed vehicles stored on the property.

Kennel: A commercial operation that provides food, shelter, and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), or engages in the breeding of animals for sale.

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

Lake or Watercourse: Any stream, river, brook, swamp, creek, run, branch, waterway, reservoir, lake, or pond, natural or impounded, in which sediment may be moved or carried in suspension and that could be damaged by accumulation of sediment and pollutants.

Landfill: A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A (Public Health), Article 9 (Solid Waste Management) of the North Carolina General Statutes. For the purpose of this Ordinance, this term does not include composting facilities.

Landfill, Construction or Demolition (C&D): A disposal site for solid waste resulting from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures.

Landfill, Discharging: A facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.

Landfill, Land Clearing and Inert Debris (LCID): A disposal site for stumps, limbs, leaves, concrete block, brick, rock, gravel, wood, and uncontaminated earth. Disposal of any other types of waste must be approved by the State Division of Solid Waste Management.

Landfill, Non-discharging: A landfill facility that does not discharge leachate into a receiving stream.

Landfill, Sanitary: See **Landfill.**

Landscape Architect: A professional landscape architect registered by the State of North Carolina.

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.

Landscape Plan: A portion of a plan that graphically illustrates the locations of landscape features including materials and specifications of plant materials, fencing, screening and ground form. This includes spot elevations, details, plant material quantity, common and botanical names, and minimum sizes.

Larger Than Utility Runway: A runway that is constructed for, and intended to be used, by propeller driven or jet powered aircraft of greater than 12,500 pounds maximum gross weight.

Large Seasonal Events: Annual programs or events that may take place four (4) or more times per year.

Large-Scale Equestrian Facility with Commercial Stables, Events, Rodeos: See **Equestrian Facility.**

Levee: A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System: A flood protection system that consists of a levee, or levees, and associated structure(s), such as closure and drainage devices that are constructed and operated in accordance with sound engineering practices.

Life Care Center: A facility which combines the functions of any combination of a retirement community, rest home, nursing home, and convalescent home, providing residential facilities for independent living, assisted care, and, possibly, nursing care.

Light, Cutoff: An artificial outdoor lighting fixture, or luminaire, designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.

Light, Non-Cutoff: An artificial outdoor lighting fixture, or luminaire, that is designed to allow light to be directly emitted above a horizontal line parallel to the ground.

Loading and Unloading Area: That portion of the vehicle accommodation area used to satisfy the requirements of Article 10.

Loading Area or Space, Off-Street: An area logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles. Required off-street loading space is not to be included as off-street parking space in computing required off-street parking space.

Local Government: Any County or city, as defined in GS 160A-1 (Application and Meaning of Terms).

Local Landmark Program: A local program that offers individual properties and groups or clusters (districts) of properties special status based on historic and/or architectural significance. Proposed changes to designated properties are subject to the local historic preservation/properties commission to

ensure that the site's special significance remains intact. The owners of individual local landmark properties are eligible for a specified percentage property tax deferral as long as the property's important historic features are maintained. Local historic district designation has no effect on local property taxes.

Lot: A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map, and that is recognized as a separate legal entity for purposes of transfer of title.

If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to a lesser interest in a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition, or a private road is created across a parcel of land otherwise characterized as a lot by this definition, and the interest thus obtained or the road so created is such as effectively to prevent use of this parcel as one (1) lot, then the land on either side of this strip shall constitute a separate lot.

Subject to Section 7.2 (Nonconforming Lots), the permit-issuing authority and the owner of two (2) or more contiguous lots may agree to regard the lots as one (1) lot if necessary or convenient to comply with any of the requirements of this Ordinance.

Lot Area: The total area circumscribed by the boundaries of a lot, except that when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and thirty (30) feet from the center of the traveled portion of the street.

Lot, Corner: A lot abutting two (2) or more streets at their intersection, provided that the corner of such intersection shall have an angle of more than forty-five (45) degrees and less than one hundred thirty-five (135) degrees or less, measured on the lot side.

Lot, Depth: The mean horizontal distance between front and rear lot lines.

Lot, Interior: A lot other than a corner lot.

Lot Lines: The lines bounding a lot. Where a lot of record includes a right-of-way, the lot lines are presumed not to extend into the right-of-way.

Lot, Substandard: A parcel of land held in separate ownership having frontage on a public street, occupied or intended to be occupied by a principal building or structure together with accessory buildings, and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas, or other open space provisions of this Ordinance.

Lot, Through: An interior lot having frontage on two (2) streets.

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

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

Low Density Option: One (1) of two (2) approaches available for development in watershed overlay districts. Generally, the low-density option relies on density and impervious surface limits to minimize risk of water pollution.

Lowest Adjacent Grade (LAG): means the elevation of the ground, sidewalk, patio slab, or deck support immediately next to the building after completion of the building. For Zone A and AO, use the natural grade elevation prior to construction.

Lowest Floor: For flood damage prevention purposes, the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles,

building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

Luminaire: A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Manufactured Home (See G.S.143-145 (7)): A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in it. "Manufactured home" includes any structure that meets all of the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the U.S. Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1976. "Manufactured homes" are not constructed in accordance with the standards set forth in the North Carolina State Building Code and may also be referred to as a "Mobile Home".

Manufactured Home Design Classifications: For the intent of this ordinance, Manufactured Homes as defined herein shall be classified, and accordingly allowed as provided within the various Zoned District Regulations.

(A) **Manufactured Home, Class A:** A multi-sectional manufactured home that was constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

- 1) Is occupied only as a single family dwelling;
- 2) Has a minimum width of 16 feet;
- 3) Has a length not exceeding four times its width, with length measured along the longest axis and width measured perpendicular to the longest axis at the narrowest part;
- 4) Has the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements;
- 5) Is set up in accordance with standards established by the N. C. Department of Insurance. In addition, a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the N. C. Uniform Residential Building Code for One- and Two-Family Dwellings, unpierced except for required ventilation and access, shall be installed under the perimeter, *with no visible exposed concrete block*;
- 6) Has exterior siding, comparable to the exterior siding commonly used in standard residential construction, consisting of one or more of the following: 1) vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint); 2) cedar or other wood siding; 3) wood grain, weather resistant press board siding; 4) stucco siding; or 5) brick or stone siding;
- 7) Has a roof pitch minimum vertical rise of (2.2) feet for each 12 feet of horizontal run;
- 8) Has a roof finish with a Class C or better roofing material that is commonly used in standard residential construction;
- 9) Has an eave projection of no less than six inches, which may include a gutter; and
- 10) Has stairs, porches, entrance platforms, ramps and other means of entrance and exit installed or constructed in accordance with the standards set by the North Carolina State Building Code, anchored securely to the ground. A porch or entrance platform with a minimum of 16 square feet shall be installed at one entrance.

(B) **Manufactured Home, Class B:** A *multi-sectional or single section* manufactured home constructed after July 1, 1976 that meets or exceeds the constructions standards of the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

- 1) Is occupied only as a single family dwelling;
- 2) Has the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements;
- 3) Is set up in accordance with standards established by the N. C. Department of Insurance. The foundation may be *either*.

- i. a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the N. C. Uniform Residential Building Code for One- and Two- Family Dwellings, unpierced except for required ventilation with access installed under the perimeter, *and no visible exposed concrete block; or*
 - ii. *a replica hand-laid brick or hand-cut stone that provides the authenticity of real brick or stone, with panels made from an injection molded thermoplastic resin formulated with special additives to enhance long-term performance; a weight of approximately 4.5 pounds each for brick or stone panels and 20 pounds per square; panels contain UV inhibitors to protect against damaging sun effects and are highly resistant to harsh weather conditions; the thickness of panels is approximately 1/4 inch in brick area to 1/8 inch in mortar area; and will not support combustion:*
- 4) Has exterior siding, comparable to the exterior siding commonly used in standard residential construction, consisting of one or more of the following: 1) vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint); 2) cedar or other wood siding; 3) wood grain, weather resistant press board siding; 4) stucco siding; or 5) brick or stone siding;
 - 5) Has a roof pitch minimum vertical rise of 2.2 feet for each 12 feet of horizontal run;
 - 6) Has a roof finish with a Class C or better roofing material that is commonly used in standard residential construction;
 - 7) Has an eave projection of no less than six inches, which may include a gutter; and
 - 8) Has stairs, porches, entrance platforms, ramps and other means of entrance and exit installed or constructed in accordance with the standards set by the North Carolina State Building Code, anchored securely to the ground. A porch or entrance platform with a minimum of 16 square feet shall be installed at one entrance.

(C) Manufactured Home, Class C: *A multi-sectional or single section manufactured home that was constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy all of the criteria necessary to qualify the home as a class A or class B manufactured home but satisfies the following additional criteria:*

1) *A manufactured home meeting all of the requirements of a Class B Manufactured Home, except criteria (3), (4), (5), (6), and (7); provided however, said manufactured home shall be installed with permanent type non-reflective skirting specifically manufactured for manufactured homes, or masonry underpinning. Such underpinning or skirting shall be installed under all elements of the manufactured home and be unpierced except for required ventilation and access door.*

(D) Manufactured Home, Class D: *A manufactured home that was constructed either prior to, or after, July 1, 1976 that either complies or fails to comply with the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and does not meet the definitional criteria of a class A, class B, or class C manufactured home.*

Manufactured Home Park: Any site or tract of land or contiguous ownership upon which manufactured home spaces are provided for manufactured home occupancy whether or not a charge is made for such service or any piece of land that is occupied by two (2) or more manufactured homes. This does not include manufactured home sales lots on which unoccupied manufactured homes are parked for the purpose of inspection and sales.

Manufactured Home Space: A parcel of land in a manufactured home park for the placement of a single manufactured home for the exclusive use of its occupants.

Manufactured Home Stand: That part of an individual manufactured home space that has been reserved for the placement of the manufactured home and additions or attachments thereto.

Market Value: as it pertains to structures the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (Actual Cash Value) or adjusted assessed values.

Marquee: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

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 Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

Mining: A land use meeting any of the following situations:

1. The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores or other solid matter.
2. Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location.
3. The preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial or construction use.

Mining does not include:

1. Those aspects of deep mining not having a significant effect on the surface, where the affected land does not exceed one (1) acre in area.
2. Excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining, such as constructing a residence, garage, commercial or industrial building.
3. Mining operations where the affected land does not exceed one (1) acre in area.
4. Plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one (1) acre of land.
5. Removal of overburden and mining of limited amounts of any ores or mineral solids when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any exploratory excavation does not exceed one (1) acre in area.

Mini-Warehouse: A building divided into units that are leased individually for storage. Storage shall be limited to dead storage. For the purposes of this Ordinance, dead storage excludes on site retail, manufacturing, or service operations. Dead storage also excludes operations with employees on site or operations with material handling on site. A single caretaker's residence may be included.

Mobile Office: A structure identical to a manufactured home except that it has been converted to, or originally designed and constructed for, commercial or office use.

Modular Home: A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code (including any amendments thereto) 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 (2) sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the North Carolina State Building Code, including any amendments thereto), or a series of panels or room sections transported on a truck and erected or joined together on the site.

Modular Structure: A manufactured structure designed for year-round residential or commercial use, with major components or modules pre-assembled and transported to a site for final assembly and utility connection, but which is not designed to be transported on its own chassis. Such structures must meet

all requirements of the North Carolina State Building Code and must have attached a North Carolina Validating Stamp.

Motor Vehicle: All motorized vehicles as defined by the State of North Carolina Department of Motor Vehicles, including, but not limited to, automobiles, trucks, buses, all terrain vehicles (ATV's), and motorcycles. This definition does not include vehicles defined as heavy equipment.

Motor Vehicle Repair Shop: Buildings and premises where mechanical work, servicing, and repair of motor vehicles is conducted as the primary activity. Excluded from this definition are dwellings where not more than two (2) vehicles owned by the lawful residents of the dwelling are repaired on site.

Motor Vehicle Sales: An area of land, a building, or structure used for the display of vehicles that are for sale.

Movie Theater, Drive-In: An outdoor facility where motion pictures are viewed from passenger vehicles.

Movie Theater, Indoor: A building or structure that contains an assembly hall for the showing of motion pictures.

MSL: Mean Sea Level.

Mulch Manufacture: The manufacture of horticultural mulch from wood, wood products or similar materials. This term does not include the production of mulch as a byproduct of on-site farming.

Multiple Use: The combination on one (1) lot of two (2) or more principal uses, excluding outdoor advertising signs. Under some circumstances, a second use may be regarded as accessory to the first, and thus a multiple use is not established.

Museum: Establishments of a non-commercial nature, receiving some governmental funding that are used for the display of art, historic, or science objects for the purpose of education and research.

National Geodetic Vertical Datum (NGVD): As corrected in 1929 is a vertical control used as a reference of establishing varying elevations within the floodplain.

Natural Obstruction: Any rock, tree, gravel, or other natural matter that is an obstruction and has been located within the 100-year floodplain by a nonhuman cause.

Neighborhood Utility Facilities: Utility facilities that are designed to serve the immediate surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

New Construction: In relation to flood damage prevention, structures for which the "start of construction" commenced on or after August 2, 1988.

Night Club: An establishment that stays open after 10:00 PM on weekends or on more than an occasional basis that offers food and beverages or entertainment or amusements. This definition includes, but is not limited to, establishments that serve beverages to persons twenty-one (21) years of age and older, dance halls, discotheques, and similar establishments. Excluded from this definition are restaurants that meet both the requirements established by definition in this Ordinance and NCGS 18B-1000 (Definitions Concerning Establishments), (6) (Restaurant), clubs used by non-profit organizations, lodges used by non-profit organizations, theaters, and health and athletic facilities.

Nonconforming Lot: A lot existing at the effective date of this Ordinance (and not created for the purposes of evading the restrictions of this Ordinance) that does not meet the minimum area requirements of the district in which the lot is located.

Nonconforming Project: Any structure, development, or undertaking that is incomplete at the effective date of this Ordinance and that would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

Nonconforming Situation: A situation that occurs when, on the effective date of this Ordinance, an existing lot or structure, or use of an existing lot or structure, does not conform to one (1) or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed minimum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this Ordinance, or because land or buildings are used for purposes made unlawful by this Ordinance. Nonconforming signs shall not be regarded as nonconforming situations for purposes of Article 11 Signs of this Ordinance, but shall be governed by the provisions of Article 7 Nonconforming Signs of this Ordinance.

Nonconforming Use: A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable for the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a nonconforming use). The term includes any pre-existing structure, object of natural growth, or use of land, that is inconsistent with the provisions of this Ordinance or an amendment thereto.

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

Non-Point Source Pollution: Pollution that enters waters mainly as a result of precipitation and subsequent run-off from lands that have been disturbed by human activities and includes all sources of water pollution that are not required to have State or local permits for discharge into a stream.

Non-Precision Instrument Runway: A runway having an existing or planned instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

Non-Residential Development: Development of any land use that is not residential in nature, including uses (such as churches) that are allowed in residential zoning districts.

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

Nursing Care Home: A facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to not more than nine (9) people.

Nursing Care Institution: An institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than nine (9) people.

Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 5 of this Ordinance, includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

Occupied Residence: A dwelling actually inhabited by a person on a continuous basis as exemplified by a person living in his or her own home.

Office: A room, group of rooms, or building whose primary use is the conduct of a business, professional service, or governmental activity of a non-retail nature, including administration, record keeping, clerical

work, and similar functions. This definition does not include manufacturing, processing, repair, or storage of materials or products.

Open Space: Areas of a development that allow for light, air, wildlife habitat, and for scenic and recreational use. Also included are areas designed to enhance the privacy of the general appearance of a development. Private open space is open space that is owned by a corporation, individual, or homeowners association. Public open space is open space owned by a governmental jurisdiction.

Open Storage: Un-roofed storage areas, whether fenced or not.

Ordinance: The Zoning Ordinance, including any amendments. Whenever the effective date of the Ordinance is referred to, the reference includes the effective date of any amendment to it.

Outdoor Recreational Facility: Any plot or tract of land on which there is located an outdoor swimming pool, tennis court, or golf course that is open to either the general public or to the members and guests of any organization having fifty (50) or more members.

Outparcel: Individual retail sites in a shopping center. The square footage of the outparcels is less than the square footage of the attached retail spaces that form the majority of the square footage of the shopping center.

Outside Display of Goods for Sale or Rent: Display outside of a fully enclosed building of the particular goods or pieces of merchandise or equipment that are themselves for sale. Outside display is to be distinguished from outside storage of goods that are not prepared and displayed for immediate sale or rent.

Overlay District: A district, which applies additional supplementary or replacement regulations to land that is already classified in an existing zoning district.

Parking Area Aisles: That portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

Parking Lot: An area of land where vehicles are kept on a daily, overnight, or temporary basis, not to include the storage of junked, wrecked, or abandoned vehicles, vehicle parts, or the repair of vehicles.

Parking Space: That portion of the vehicle accommodation area set aside for the parking of one (1) vehicle.

Passive Recreation: Recreational activities that generally do not require a developed site. This generally includes such activities as hiking, horseback riding, and picnicking.

Pennant: See **Sign, Pennant.**

Performance Standards: A series of regulatory criteria or limits related to certain characteristics that a particular use or process may not exceed. These criteria or land use controls evaluate the actual impact or "performance" of an operation. Examples of performance standards appropriate for agricultural operations and related businesses include, but are not limited to: thresholds for the number of patrons/employees associated with a business or lot size, traffic generation (number of trips), hours of operation, time of year of operation, off-property effects (including noise, odors, lighting), access to certain types of roads, proximity to adjacent residences, etc. A sliding scale system may also be used to link the intensity of a use to the size of the property. Boarding ten (10) horses in an unused barn and pasture on a two hundred (200) acre farm would have less impact on an adjacent property owner than the same operation on a ten (10) acre tract.

Person: Any individual, trustee, executor, other fiduciary, corporation, company, firm, club, proprietorship, partnership, association, organization, joint stock association, governmental entity, or other entity operating as a unit. The term includes a trustee, a receiver, an assignee, or a similar representative of any of them.

Personal Service Establishment: An establishment where the primary purpose is providing for the care of physical components of a person or personal apparel.

Petting Zoo: A facility, exclusive from any specific bona fide farm, in which livestock, farm animals, and other animals are kept for public exhibition, viewing and contact, regardless of compensation, and that may include related accessory uses and activities such as gift shops not exceeding six hundred (600) square feet in gross floor area, picnic areas and recreational activities. For the purpose of this Ordinance, a petting zoo shall not include retail pet stores and kennels, horse races, and such activities as State and County fairs, livestock shows, rodeos, field trials, and horsing events.

Pick-Your-Own (U-Pick): Farm operations where the grower raises fruits, vegetables, flowers, and some horticultural/nursery products and the customers harvest the fruits or products themselves. The prices they pay for the volume harvested will usually be higher than what the grower would get from a broker.

Planned Unit Development (PUD): A form of development usually characterized by a unified site design for a number of housing units, clustering buildings, providing common open space, density increases, and a mix of building types and land uses. It permits the planning of a project and the calculation of densities over the entire development, rather than on an individual lot-by-lot basis.

Planning Board: A public body of Anson County, appointed by the Board of County Commissioners, pursuant to State statutes relating to planning boards.

Planning Jurisdiction: The area within a town or city's corporate limits, as well as the area beyond the corporate limits, or the area of a county located outside of those areas, within which the town, city, or county is authorized to plan for and regulate development pursuant to the authority granted in Article 19 (Planning and Regulation of Development) of Chapter 160A (Cities and Towns) and Article 18 (Planning and Regulation of Development) of Chapter 153A (Counties) of the North Carolina General Statutes.

Plat: A map, usually of land which is to be or has been subdivided, showing the location, boundaries, and ownership of properties; the location, bearing, and length of every street and alley line, lot line, and easement boundary line; and such other information as may be necessary to determine whether a proposed subdivision or development meets all required standards of this and other ordinances.

Post-FIRM: construction or other development which started on or after January 1, 1975 or on or after the effective date of the initial Flood Insurance Rate Map for the area, whichever is later.

Precision Instrument Runway: A runway having an existing or planned instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR) providing horizontal and vertical guidance. It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Pre-FIRM: construction or other development which started before January 1, 1975 or before the effective date of the initial Flood Insurance Rate Map for the area, whichever is later.

Premises: A single piece of property as conveyed in deed, or a lot or a number of adjacent lots on which is situated a land use, a building, or group of buildings designed as a unit or on which a building or a group of buildings are to be constructed.

Primary Surface: A surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. The width of the primary surface is five hundred (500) feet. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Private Road or Street: Any road or street which is not publicly owned and maintained and is used for access by the occupants of the development, their guests, and the general public.

Processing: A facility that processes agricultural products. The processing facilities are divided into three (3) categories based on the intensity of the operation:

- A. **Small-Scale Processing, Accessory:** An operation to process agricultural product(s) grown on a bona fide farm in the course of preparing it for market. The processing operation is subordinate and incidental to the farm operation and includes the following uses:
1. **Basic Processing:** Processing necessary to store and market farm products. Basic processing does not include treatment that changes the form of the product but does include treatment such as cutting, drying, and packaging.
 2. **Value-Added Processing:** Treatment that changes the form of a farm product in order to increase its market value, including such processes as canning, milling, grinding, freezing, heating and fermenting.
- B. **Processing Facility:** A facility that processes agricultural products grown or produced on a bona fide farm or cooperative farm venture where the operation is located on the specific bona fide farm or one (1) of the participating cooperative farms. The facility may operate independently from specific farm(s) if the business uses primarily locally grown products and only those companion items or ingredients not produced in the area needed in the preparation of the agricultural or horticultural product. Subordinate retail sales of processed goods and companion items intended to be used with the processed goods may be allowed as an accessory use.
- C. **Agricultural Processing Facility, Local/Regional:** A large-scale facility that processes agricultural products grown in Anson County and/or within the Anson County region, supplemented by agricultural products grown elsewhere. A principal use, this processing hub should also serve as a source of local employment.

Protected Area: The area adjoining and upstream of the critical area WS-IV watersheds. The boundaries of the protected areas are defined as within five (5) miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed; or within ten (10) miles upstream and draining to the intake located directly in the stream or river, or to the ridge line of the watershed.

Protected Watershed: Land that drains to existing reservoirs that are public water supplies or potential reservoir sites or stream intakes that have been designated for protection. All such lands have been classified by the Environmental Management Commission as WS-I, WS-II, WS-III, and WS-IV watersheds and require protection in accordance with the State Mandate.

Public Facility: A building or area owned or used by any department or branch of the Anson County government, a municipality located within the County, the State of North Carolina, or the Federal Government.

Public Park or Playground: A park or playground available to the general public.

Public Safety and/or Nuisance: anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Public Sewage Disposal System: An approved sewage disposal system serving ten (10) or more connections, including municipal and sanitary district sewerage systems as well as "package" plants constructed in a location and to specifications approved by the County Environmental Health Department in consultation with the State Board of Health.

Public Utility: A business or service that provides the public with electricity, gas, water and sewer service, telephone or cable television service.

Public Water Supply System: An approved water supply system serving ten (10) or more connections, including municipal and sanitary district water systems as well as water systems designed to serve particular subdivisions at full development and constructed to specifications approved by the County Environmental Health Department in consultation with the State Board of Health.

Quasi Public: Uses rendering public services yet under private control.

Range: See **Shooting Range**, **Shooting Range Facility**, and **Shooting Range, Sport**.

Reasonable Use: A use that is fair and suitable under the circumstances, bring fair economic return (not necessarily highest economic return), is compatible with the general purposes of promoting the health, safety, and general welfare of the public, and furthers a legitimate zoning purpose.

Recreational Vehicle (RV): a vehicle, which is:

- built on a single chassis;
- 400 square feet or less when measured at the largest horizontal projection;
- designed to be self-propelled or permanently towable by a light duty truck; and,
- designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recycling Center: A building or an area where the primary activity is the separation of materials prior to shipment for manufacture into new materials. This shall not include junkyards or wrecking yards.

Recycling Drop Off Site: A site providing containers for the collection of recyclable materials, typically an accessory use. Recyclable materials are transported from the drop off site to another location for processing.

Reference Level: is the portion of a structure or other development that must be compared to the regulatory flood protection elevation to determine regulatory compliance of such building. Within Special Flood Hazard Areas designated as zones A1-A30, AE, A, A99, AO, or AH, the reference level is the top of the lowest floor.

Reforestation: The reestablishment of a forest through artificial reproduction or natural regeneration.

Regulatory Flood Protection Elevation: the elevation to which all structures and other development located within the Special Flood Hazard Areas must be elevated or floodproofed, if non-residential. Within areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus 2 feet of freeboard. In areas where no BFE has been established, all structures and other development must be elevated or floodproofed, if non-residential, to 2 feet above the highest adjacent grade.

Remedy a Violation: For flood damage prevention purposes, this term means to bring a structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the Ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Repair Shop: A structure or area where the principal activity is the repair of equipment, and that is conducted in a totally enclosed building. Automobile repair shop or body shops and automobile service stations are a separate definition.

Residence, Duplex: A two (2)-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

Residence, Multi-Family: A residential use consisting of a building containing three (3) or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch).

Residence, Multi-Family Apartments: A multi-family residential use other than a multi-family conversion or multi-family townhome.

Residence, Multi-Family Conversion: A multi-family residence containing not more than four (4) dwelling units, that results from the conversion of a single building containing at least two thousand (2,000) square feet of gross floor area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence.

Residence, Multi-Family Townhomes: A multi-family residential use in which each dwelling unit shares a common wall (including without limitation the wall of an attached garage or porch) with at least one (1) other dwelling unit and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

Residence, Primary with Accessory Apartment: A residential use having the external appearance of a single-family residence but in which there is located a second dwelling unit. An accessory apartment may also be located in a detached accessory building located on the same lot as the primary residence.

Residence, Single-Family Detached, One (1) Dwelling Unit Per Lot: A residential use consisting of a single detached building containing one (1) dwelling unit and located on a lot containing no other dwelling units.

Residence, Two-Family: A residential use consisting of a building containing two (2) dwelling units. If two (2) dwelling units share a common wall, even the wall of an attached garage or porch, the dwelling units shall be considered to be located in one (1) building.

Residence, Two-Family Apartment: A two (2)-family residential use other than a two (2)-family conversion, or primary residence with accessory apartment.

Residence, Two-Family Conversion: A two (2)-family residence resulting from the conversion of a single building containing at least two thousand (2,000) square feet of gross floor area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence.

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

Residential District or Land Zoned Residential: Indicates any district in which residential uses are permitted. Residential uses include manufactured homes.

Residuals: Any solid or semi-solid waste generated from a wastewater treatment plant, water treatment plant or air pollution control facility permitted under the authority of the Environmental Management Commission.

Restaurant: An establishment where food and drink are served as a principal activity. Included in this definition are cafeterias and lunch counters.

Rest Home or Home for the Aged: A place for the care of aged and infirm persons whose principal need is a home with such sheltered and custodial care as their age and infirmities require. In such homes, medical care is only occasional or incidental, such as may be required in the home of any individual or family for persons who are aged and infirm. The residents of such homes will not, as a rule, have remedial ailments or other ailments for which continuing skilled, planned medical nursing care is indicated.

Retail Center: A grouping of businesses providing goods and services to individuals.

Retail Fabrication Business: Establishments in which products may be manufactured, processed, or assembled on site, for on site retail sale, including metal work, sign painting, and cabinet making. There is no outside storage or operations involved.

Retail Garden Center: A retail sales operation providing lawn and garden supplies and small equipment rental primarily for home landscaping. Typical products include, but are not limited to, decorative stone,

garden ornaments, decorative pots, container plant stock, and bagged or bulk sand, mulch, and topsoil. Seasonal sales such as Christmas trees, pumpkins and flowers will be permitted in the outdoor display area. A retail garden center serves as a storage facility to store and resell plants, lawn, and garden supplies. It is designed to serve primarily individual homeowners, rather than farmers. It is a principal use, and not a part of a bona fide farm operation.

Retail Stores and Shops: Establishments selling goods to the public for consumption but not for resale, usually in small quantities, as well as services incidental to the sale of these goods. This shall not include vehicle or heavy equipment sales but shall include video rentals.

Retirement Center, Life Care Facility, or Elderly Congregate Living Facility: A development for six (6) or more persons. The facility provides housing and some degree of food service and may also provide individual assistance with some medical needs or housekeeping. The facility may also provide recreational facilities and some personal service shops such as a bank or barber shop.

Retreat Center: A new or existing facility operated by a corporation or association of persons or churches for social and recreational purposes. A retreat center may be owned by a profit or non-profit corporation.

Retrofitting: measures, such as floodproofing, elevation, construction of small levees, and other modifications, taken on an existing building or its yard to protect it from flood damage.

Riverine: relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Review Committee: A committee comprised of Anson County staff that shall include, but not be limited to, the Code Enforcement/Zoning Officer, Environmental Health personnel, the County Manager, Economic Development staff, Soil Conservation Service staff, a representative of the North Carolina Department of Transportation (NCDOT), School District staff, utility provider staff, engineers, surveyors, environmental, and other staff as deemed appropriate.

Rezoning: A change in zoning district and consequently in allowed land uses or allowed intensity of land use for a given parcel or group of parcels of land.

Riding Stable/Academies: See **Equestrian Facility.**

Right-of-Way: An area owned and maintained by a municipality, the State of North Carolina, a public utility, a railroad, or a private entity for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities, or railroads.

Road: See **Street.**

Rooming House: See **Boarding House.**

Runway: A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Rural Guest Establishments: A temporary lodging facility that is compatible to the primary land use of agriculture, forestry, open space, or otherwise rural residential activities. Rural guest establishments consist of three (3) subcategories based on intensity and permit requirements, Bed and Breakfast, Bed and Breakfast Inn, and Country Inn, that is further defined below.

- A. **Bed and Breakfast:** A private, owner-occupied dwelling in which the frequency and volume of paying guests is incidental to the primary use of the building as a private residence. One (1) to three (3) guest rooms are made available to transient visitors. The establishment shall not contain restaurant facilities, but may provide food service for transient guests only.
- B. **Bed and Breakfast Inn:** A business operated in a structure that is used primarily for providing overnight accommodations to the public, even though the owner or manager lives on the premises. The number of guestrooms may range from four (4) to no more than eight (8). The

establishment shall not contain restaurant facilities, but may provide food service for transient guests only.

- C. **Country Inn:** A business that offers accommodations and dining in a predominately rural area. Overnight accommodations are available, and a full-service restaurant provides breakfast, lunch and dinner to guests and the general public. The number of guest rooms may range from four (4) to no more than twenty-four (24). The restaurant shall contain no more than sixty (60) seats.

Rural Linear Subdivision: A subdivision that is:

1. Located in an unincorporated rural area of the County and fronts on an existing State maintained road;
2. does not involve any new street, extensions of any existing streets, or require any new street for access to interior property;
3. does not require the extension of public or private sewage or water lines resulting in public expense;
4. does not adversely affect the development of the remainder of the parcel or adjoining property;
5. does not create any new or residual parcels not conforming to the requirements of these regulations;
6. has no more than seven (7) lots, no less than three(3) acres in size, excluding road right-of-way; and
7. all lots shall have a minimum lot width at the street right-of-way of no less than eighty (80) feet.

Safety Fan: An area on a shooting range facility designed to contain all projectiles fired from a shooting range.

Salvage Yard: A space or building for the storage of metal scrap, scrap materials, or the dismantling of vehicles and machinery or where more than two (2) inoperable motor vehicles are placed, not to include vehicle storage areas.

Satellite Dish: A dish-shaped antenna designed for the reception of electronic signals.

School, Private: An institution that offers regular instruction at the preschool, primary, or secondary level, or serves disabled students, and that is not directly controlled and supervised by the Board of Education or the State of North Carolina, or a State agency. Among other things, this definition does not include child care centers, child day care facilities, programs offering individual instruction, or courses offered in a non-institutional setting in a specialized subject.

School, Public: An institution that offers regular instruction at the preschool, primary, or secondary level, or serves disabled students, and that is directly controlled and supervised by the Board of Education or the State of North Carolina, or a State agency. Among other things, this definition does not include charter schools, child care centers, child day care facilities, programs offering individual instruction, or courses offered in a non-institutional setting in a specialized subject.

School, Technical, Trade, Vocational, or Business: An institution offering instruction beyond high school level with a course of study in vocational, technical, or other special subjects; or a facility offering instruction at any level in martial arts, art, drama, dance, speech, music, or similar personal skills.

Screening: A method of visually shielding or obscuring abutting or nearby structures, rights-of-way, or uses from another by fencing, walls, berms, or densely planted vegetation.

Section: A part that is, may be, or is viewed as separated (for the purpose of manufactured home parks, five (5) spaces).

Self-Service Gasoline Pump: A gasoline or diesel fuel dispensing pump, which is, operated by the customer who pays the charge to an attendant or cashier.

Service Station: See **Automobile Service Station.**

Setback: The required minimum distance between every structure and the lot lines of the lot on which it is located (measured from the road right of way in the front and property lines on the remaining portions of the property).

As relating to a wireless communication facility, setback shall mean the required distance from the property line of the parcel on which the wireless communication facility is located to the base of the support structure and equipment shelter or cabinet, where applicable, or, in case of guy-wire supports, the guy anchors.

Setback (Wireless Communication Facility): The required distance from the property line of the parcel on which the wireless communication facility is located to the base of the support structure and equipment shelter or cabinet where applicable, or, in the case of guy-wire supports, the guy anchors.

Setback Line: The line on the front, rear, and sides of a lot, set according to the district regulations, that delineates the area upon which a structure may be built or maintained.

Sexually Oriented Business: An adult arcade, adult bookstore or adult video store, adult cabaret, adult massage parlor, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter studio, or any combination of the foregoing. As used in this Ordinance, the following definitions shall apply:

- A. **Adult Arcade (also known as “Peep Show”):** Any place to which the public is permitted or invited, wherein coin-operated or token-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed depict or describe specified sexual activities and/or specified anatomical areas.
- B. **Adult Bookstore or Adult Video Store:** A commercial establishment that, as its principal business purposes, offers for sale or rental, for any form of consideration, any one (1) of the following:
 - 1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or describe specified sexual activities and/or specified anatomical areas; or
 - 2. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
- C. **Adult Theater:** A theater, concert hall, auditorium, or similar commercial establishment that regularly features, exhibits, or displays, as one (1) of its principal business purposes, persons who appear in a state of nudity or semi-nude, or live performances that expose or depict specified anatomical areas and/or specified sexual activities.

Shooting Range: An area designed and improved to encompass shooting stations or firing lines, target areas, berms and baffles, and other related components.

Shooting Range Facility: A public or private facility, including individual shooting ranges, safety fans or shotfall zones, structures, parking areas, and other associated improvements, designed for the purpose of providing a place for the discharge of various types of firearms or the practice of archery. This definition does not include incidental target practice areas on private property, turkey shoots, government facilities, or occasional “sighting-in” of firearms.

Shooting Range, Sport: An area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting.

Shooting Station: A fixed point from which firearms or arrows are discharged.

Shopping Center: A group of commercial establishments planned, developed, and managed as a unit with a unified design of buildings and with coordinated parking and service areas.

Shotfall Zone: An area within which the shot or pellets contained in a shotgun shell typically fall.

Sign: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Sign, Animated: Any sign that uses movement or change of lighting to depict action or create a special effect or scene. Also, a sign on which the message changes more than eight (8) times per day shall be considered an animated sign.

Sign, Awning: Any sign, constructed of fabric-like non-rigid material, that is a part of a fabric or flexible plastic awning attached to a building.

Sign, Banner: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one (1) or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Sign, Building: Any sign attached to any part of a building, as contrasted to a freestanding sign.

Sign, Building Marker: Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Sign, Canopy: Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Sign, Changeable Copy: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for the purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for the purposes of this Ordinance.

Sign, Flashing: Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Ordinance, any moving, illuminated sign shall be considered a "flashing sign". Such signs shall not be deemed to include time and temperature signs or public message displays using electronic switching.

Sign, Freestanding: A sign that is not directly attached to, erected on, or supported by a building or other structure having a principal function other than the support of such sign, but is instead attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of a building or other structure having a principal function other than the support of a sign. A sign that stands without supporting elements, such as a "sandwich sign", is also a freestanding sign. If the message is removed from a structure originally designed and used as a freestanding sign, this structure shall still be considered a sign.

Sign, Gross Area: The entire area within a single continuous perimeter enclosing the extreme limits of such sign. However, such perimeter does not include any structural elements lying outside the limits of such and not forming an integral part of the display.

Sign, Height: The vertical distance measured from the mean curb level to the level of the highest point of the sign, unless defined differently within the regulations. In the case of a sign not adjoining a street or highway, the “height of a sign” is the vertical distance of the average elevation of the ground immediately adjoining the sign to the level of the highest point of the sign.

Sign, Identification: A sign used to display only the name, address, crest, or trademark of the business, individual, family, organization, or enterprise occupying the premises, the profession of the occupant or the name of the building on which the sign is displayed; or a permanent sign announcing the name of a subdivision, manufactured home park, campground, shopping center, tourist home, group housing project, church, school, park, or public or quasi-public structure, facility, or development, and the name of the owners or developers.

Sign, Incidental: A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking”, “entrance”, “loading only”, “telephone”, and other similar directives. No sign with a commercial message legible from a position off of the lot on which the sign is located shall be considered incidental.

Sign, Informational: Any on-premises sign containing no other commercial message, copy, announcement, or decoration other than instruction or direction to the public. Such signs include, but are not limited to, the following: identifying rest rooms, public telephones, automated teller machines, for lease, for sale, self-service, walkways, entrances and exits, freight entrances, traffic direction, and prices.

Sign, Integral Roof: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

Sign, Internally Illuminated: Signs where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that are filled with neon or some other gas that glows when an electric current passes through it, and are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered internally illuminated signs.

Sign, Marquee: Any sign attached to, in any manner, or made a part of a marquee.

Sign, Monument: A freestanding sign, generally, but not necessarily, of a low profile in which there is usually no exposed frame, mast, or pole and that is built of brick, stone, concrete, wood, or other substantial material resembling a monument, fence, wall segment, or berm.

Sign, Nonconforming: A sign that, on the effective date of this Ordinance, does not conform to one (1) or more of the regulations set forth in this Ordinance, particularly Article 11 (Signs).

Sign, Off-Premise: A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises on which the sign is located.

Sign, On-Premise: A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.

Sign, Outdoor Advertising: A standard structural poster panel or painted sign either free-standing or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the premises upon which the sign is located. See **Billboard**.

Sign, Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Sign Permit: A permit issued by the Zoning Officer that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

Sign Plan: See **Unified Sign Plan.**

Sign, Pole: A type of freestanding sign supported by one (1) or two (2) poles or masts.

Sign, Portable: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Sign, Projecting: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

Sign, Public Information: A sign, usually erected on public property or right-of-way and maintained by a public agency, which provides the public with information and in no way relates to a commercial activity including, but not limited to, speed limit signs, city limit signs, street name signs, and directional signs. These signs are in no way regulated by this Ordinance.

Sign, Residential: Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the Zoning ordinance.

Sign, Roof: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

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 area encompassing the individual letters themselves, including the background behind the letters and any trim or border.

Sign, Suspended: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Sign, Temporary: A sign that is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or is intended to remain on the location where it is erected or placed for a period of not more than fifteen (15) days. If a sign display area is permanent but the message displayed is subject to periodic change, that sign shall be regarded as temporary.

Sign, Wall: Any sign attached parallel to, but within six (6) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, that is supported by such wall or building, and that displays only one (1) sign surface.

Sign, Window: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

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

Site Evaluation: An investigation to determine if a site meets all Federal and State standards as evidenced by the Waste Management Site Facility Site Evaluation Report on file with the Soil and Water

District office or a compatible report certified by a professional engineer or comparable report certified by a technical specialist approved by the North Carolina Soil and Water Conservation Commission.

Site Plan: A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes, but is not limited to, such things as lot lines, streets, building sites, reserved open space, buildings, major landscape features – both natural and manmade and depending on requirements, the locations of proposed utility lines. Land uses that are allowed by right can be approved administratively by planning staff. The applicant must submit an application form, fee, and professionally prepared drawing.

Site Plan, Modified: A sketch plan that contains the same general information as a site plan but does not have to be professionally designed and certified by a registered engineer, landscape architect, or professional land surveyor.

Site Specific Development Plan: A plan of land development submitted to the Board of County Commissioners for purposes of obtaining approval of a subdivision plat, or a Conditional Use Permit. In addition to the procedure established for Conditional Use Permits in the Anson County Zoning Ordinance, the Plan shall describe the type of use, and intensity of use, planned for the specific parcel or parcels of property.

Solid Waste Disposal Facility: any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

Solid Waste Disposal Site: defined as in NCGS 130A-290(a)(36).

Sound Management Program: This term embraces a program designed to obtain the greatest net return from the land consistent with the particular land use classification assigned to that land. It means primarily that the operation of the land to obtain the greatest net return be consistent with its conservation and long-term improvement.

Special Events: Circuses, fairs, carnivals, festivals, or other types of special events that run for longer than one (1) day but no longer than two (2) weeks, are intended to or likely to attract substantial crowds, and are unlike the customary or usual activities generally associated with the property where the special event is to be located. See also **Special Events, Farm Related, Large Seasonal Events, and Temporary Events.**

Special Event, Farm Related: Farm related events such as a junior livestock show, county fairs, and historic farm equipment shows. See also **Special Events, Large Seasonal Events, and Temporary Events.**

Special Flood Hazard Area (SFHA): is the land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 3, Section B of this ordinance.

Start of Construction: substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred-eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include the basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

State Mandate: The minimum rules adopted by the Environmental Management Commission (EMC) for application to North Carolina's water supply watersheds, as required by the Water Supply Watershed Protection Act. The purpose of the Act, as stated in its opening paragraph is "...to protect and enhance the quality of the State's surface water supplies by establishing a cooperative program of water supply

protection to be administered by local governments consistent with Statewide management requirements established by the Environmental Management Commission (EMC).”

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling above it.

Stream: A body of water flowing in a natural surface channel. Flow may be continuous or only during wet periods.

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

Street: A public street or a street with respect to which offer of dedication has been made. A strip of land or way subject to vehicular traffic (as well as pedestrian traffic) that provides direct or indirect access to property, including, but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, terraces, trails, or other thoroughfares.

Street, Arterial: A major street in the County's street system that serves as an avenue for the circulation of traffic onto, out, or around the County and carries high volumes of traffic.

Street, Collector: A street whose principal function is to carry traffic between minor, local, and sub-collector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than one hundred (100) dwelling units and is designed to be used or is used to carry more than eight hundred (800) trips per day.

Collector streets in manufactured home parks shall be deemed as those streets that provide the most probable and convenient access route between any public street connected to the manufactured home park and a total of forty (40) or more manufactured home spaces, including any other residences on that street.

Street, Cul-de-sac: A street that terminates in a vehicular turn-around.

Street, Local: A street whose sole function is to provide access to abutting properties. It serves, or is designed to serve, at least ten (10) but not more than twenty-five (25) dwelling units, and is expected to, or does, handle between seventy-five (75) and two hundred (200) trips per day.

Street, Marginal Access: A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of through traffic on the arterial street, and so that the flow of traffic on the arterial street is not impeded by direct access from a large number of abutting properties.

Street, Minor: A street whose sole function is to provide access to abutting properties. It serves, or is designed to serve, not more than nine (9) dwelling units and is expected to, or does, handle up to seventy-five (75) trips per day. All streets in a manufactured home park that do not meet the definition of collector streets are minor streets.

Street, Private: Any road or street that is not publicly owned and maintained and is used for access by the occupants of the development, their guests, and the general public.

Street, Sub-Collector: A street whose principal function is to provide access to abutting properties but is also designed to be used, or is used, to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves, or is designed to serve, at least twenty-six (26) but not more than one hundred (100) dwelling units, and is expected to, or does, handle between two hundred (200) and eight hundred (800) trips per day.

Street Frontage: The distance for which a lot line of a lot adjoins a public street, from one (1) lot line intersecting said street to the furthest distant lot line intersecting the same street.

Street Line: The line between the street right-of-way and abutting property (i.e. right-of-way line).

Structure: Anything constructed or erected, the use of which requires location in or on the land or attachment to something having a permanent location in or on the land.

For flood damage prevention purposes, the term shall mean a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructure.

The term, when used for the Article 5 (Airport hazard Overlay District) shall mean an object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

Structural Alterations: Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, except for repair or replacement.

Subdivision: All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions 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 change in existing streets. The following shall not be included within this definition:

1. The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown in its Subdivision Regulations;
2. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
3. The public acquisition by purchase of strips of land for widening or opening streets;
4. The division of land pursuant to an order the General Court of Justice;
5. The conveyance of a lot or tract for the purpose of dividing land among tenants in common, all of whom inherited the land, by intestacy or by will;

The division of a tract in single ownership whose entire area is no greater than two (2) acres into no more than three (3) lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards of the County, as shown by its subdivision regulations

Substantial Damage: damage of any origin sustained by a structure during any one year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of "substantial improvement".

Substantial Improvement: For flood damage prevention purposes, any repair, reconstruction, or improvement of a structure, where the cost equals or exceeds fifty percent (50%) of the market value of the structure, either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "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. The term does not, however, include (1) any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code inspections which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Substantial Change in Use: As related to shooting ranges, the current primary uses of the range no longer represents the activity previously engaged in at the range.

Support Structure: A structure designed and constructed specifically to support an antenna array, and may include a monopole, self-supporting (lattice) tower, guy-wire-support tower, and other similar structures. Any device (attachment device) that is used to attach an attached wireless communication facility to an existing building or structure (attachment structure) shall be excluded from the definition of, and regulations applicable to, support structures.

Swimming Pool: An above-ground or in-ground water containment area designed for recreational use involving wading, swimming, and/or diving and including all structures, walks or patio areas of cement, stone, or wood at or above grade, built for, and used in conjunction with the swimming pool.

Swine Farm: A tract of land devoted to raising two hundred-fifty (250) or more animals of the porcine species.

Swine House: A building that shelters porcine animals on a continuous basis.

Teaching Farm: A bona fide farm where students come for instruction on topics related to farming including, but not limited to: certified organic farming, row crops, animal husbandry, horticulture, and forestry. Instruction should include specific programs with course outlines, core requirements, and criteria to evaluate if the student has mastered key elements at program completion.

Telecommunication Towers and Facilities: A structure or structures (including any accessory structures required to house transmitting or maintenance equipment) designed to support antenna used for transmitting or receiving communication transmissions. A “telecommunication tower” shall not be deemed to be an amateur radio tower or television broadcast station tower.

Temporary: Anything temporary is to exist less than six (6) months.

Temporary Event: Special programs that may only occur once or every so many years.

Temporary Wireless Communication Facility: A wireless communication facility to be placed in use for ninety (90) or fewer days.

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

Tower and Antenna Use Application (TAA): A form provided to the applicant by the County for the applicant to specify the location, construction, use, and compliance with the development standards of a proposed wireless communication facility.

Townhouses: A group of four (4) or more attached dwellings that each have separate entrances to the outside and are entirely separated from each other by walls that meet North Carolina Building standards.

Toxic Substance: Any substance or combination of substances (including disease causing agents) that, after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral malfunctions (including malfunctions or suppression in reproduction or growth), or physical deformities in such organisms or their offspring or other adverse health effects.

Tract: A lot. The term is used interchangeably with the term lot, particularly in the context of subdivisions, where one (1) “tract” is subdivided into several “lots”.

Trailer: A portable enclosure designed to be towed by a vehicle and used for carrying objects, animals, or for temporary occupancy by traveling or vacationing individuals. Trailers are not to be defined as manufactured housing for zoning purposes. Trailers shall include the following:

- A. **House Trailer:** A vehicular, portable structure built on a wheeled chassis, designed to be towed by a self-propelled vehicle for use for travel, recreation, or vacation purposes, having a body width ten (10) feet or less or a body length thirty-two (32) feet or less when equipped for road travel.

- B. **Recreational Vehicle (RV):** A self-propelled vehicle or portable structure mounted on such a vehicle designed as a temporary dwelling for travel, recreation, and vacation.
- C. **Camping Trailer:** A folding structure manufactured of metal, wood, canvas, plastic, or other materials, or any combination thereof, mounted on wheels and designed for travel, recreation, or vacation use.
- D. **Self-Contained Trailer:** A travel trailer that can operate independently of connections to sewer, water, and electrical systems, containing a water-flushed toilet, lavatory, shower, and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the unit.
- E. **Motor Home:** A portable, temporary dwelling to be used for travel, recreation, vacation, constructed as an integral part of a self-propelled vehicle.
- F. **Pop-Up Trailer:** A portable structure built on a wheeled chassis, designed to be towed by a self-propelled vehicle for use of travel, recreation, or vacation purposes.
- G. **Tow Trailer:** A vehicle hauled by another vehicle and designed to transport vehicles, boats, or freight.
- H. **Travel Trailer:** A structure that is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and is designed for temporary use as sleeping quarters, but that does not satisfy one (1) or more of the definitional criteria of a manufactured home.

Transitional Surfaces: These surfaces extend outward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at ninety (90) degree angles to the extended runway centerline.

Transmission Line, High Voltage Electric Power: A line transmitting, or designed to transmit, electricity of 66,000 or more volts, including poles, guys, wires, towers, and appliances, but not including transformer stations or substations.

Tree: Any object of natural growth.

Tree Diameter: The width of a tree's trunk, measured four and one-half (4 ½) feet above the ground.

Unattended Gasoline Pump: A gasoline or diesel fuel dispensing pump, which dispenses fuel automatically according to the amount of money inserted into the pump. Such pumps are usually located without an attendant or other personnel on hand.

Under Story: The small trees, shrubs, and other vegetation growing beneath the canopy of forest trees.

Unified Sign Plan: An overall plan for the placement and design of multiple signs for a building, group of buildings, or use on a single lot.

Use: The activity or function that actually takes place, or is intended to take place, on a lot.

Use, Accessory: See Article 2 (Accessory Uses).

Use, Principal: A use listed as a permitted use in a particular zoning district. The main use of land or buildings as opposed to an accessory use.

Utility Facilities: Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, corporation, or any entity defined as a public utility for any purpose by Section 62-3 (Definitions) of the North Carolina General Statutes, and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Excepted from this definition are utility lines and supporting structures listed in Article 8.5 (Permitted Uses Not Requiring Permits).

Value-Added: Any activity or process that allows farmers to retain ownership and that alters the original agricultural product or commodity for the purpose of gaining a marketing advantage. Value-added may include bagging, packaging, bundling, pre-cutting, etc.

Variance: A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of a structure or size of yards and open space.

Variance, Major: A variance from the minimum Statewide watershed protection rules that results in any one (1) or more of the following:

1. the relaxation, by a factor greater than ten percent (10%), of any management requirement under the low density option,
2. the relaxation, by a factor greater than five percent (5%), of any buffer, density or built-upon area requirement under the high density option,
3. any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system.

Variance, Minor: A variance from the minimum Statewide watershed protection rules that results in a relaxation, by a factor of up to five percent (5%) of any buffer, density or built-upon area requirement under the high density option, or that results in a relaxation, by a factor of up to ten percent (10%), of any management requirement under the low density option.

Vehicle Accommodation Area: That portion of a lot that is used by vehicles for access, circulation, parking, loading, and unloading. It comprises the total circulation areas, loading and unloading areas, and parking areas (spaces and aisles).

Vehicle Storage Area: That portion of a vehicle accommodation area used in connection with automobile service stations and automobile repair shops and body shops as a place to park vehicles temporarily while they are waiting to be worked on or pending the pick-up of such vehicles by their owners.

Vested Right: The right to undertake and complete the development and use of property under the terms and conditions established by the local government.

Veterinary Hospital: A facility for the provision of surgical or other medical treatments to animals. Such animals may be kept in the facility during the recovery period or while under medical treatment. As an accessory use, animals may be boarded at the veterinary hospital provided the boarding facility takes up no more than twenty-five percent (25%) of the gross floor area of the veterinary hospital.

Veterinary Mobile Clinic: An establishment for the care of animals where the animals are not brought to the establishment but are cared for on an out-service basis. The care can be medical or custodial. Equipment and supplies necessary for conducting this service are stored at the establishment. The owner may maintain a small shelter for observation use that can hold up to two (2) animals simultaneously. The owner may also have a small office, attached or detached from his/her residence containing up to five hundred (500) square feet or thirty-five percent (35%) of the gross floor area of the dwelling unit. Crematory facilities shall not be allowed in such an establishment.

Violation: The failure of a structure or other development to be fully compliant with this Ordinance. A structure or other development without permits or certificates required by this Ordinance shall be presumed to be in violation until such time as that documentation is provided.

Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures.

Warehousing: The storage of goods and materials for a specific commercial establishment or a group of establishments in a particular type of industry or commercial activity.

Water Dependent Structure: A publicly owned structure, the use of which reasonably requires access or proximity to or sitting within surface waters in order to fulfill its basic function. Water dependent structures are boat ramps, boathouses, a lake warden's office, docks, and bulkheads. Ancillary facilities such as restaurants, retail or wholesale outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

Watercourse: a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water Supply Watershed: See **Protected Watershed.**

Water Surface Elevation (WSE): the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Wetlands: Those areas defined as wetlands by the United States Army Corps of Engineers from time to time. Generally 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.

Wholesale Sales: On-premises sales of goods primarily to customers engaged in the business of reselling the goods.

Wholesaling or Wholesale Trade: Business involved in the sale of goods, products, or merchandise stored on the premises to persons who are intermediaries between the producer and the consumer.

Winery, Farm Winery: An establishment located on a farm with a producing vineyard, orchard or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine from fresh fruits or other agricultural products predominately grown or produced on such farms. A winery may offer occasional tours to the public (as many as six (6) per year). A farmer may operate a small-scale winery without tours, or other public access, as an accessory use to an established bona fide farm vineyard.

Winery with Special Events, Major and Minor: A wine making establishment with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine from fresh fruits or other agricultural products predominately grown or produced on the property, or from products grown within the region. The operation may hold events or activities to promote the wine product, such as private parties, meals, and wine-related festivals.

A. **Winery with Minor Special Events:** A facility that may host up to twelve (12) annual events with no more than seventy-five (75) guests in attendance.

B. **Winery with Major Special Events:** A complex designed to produce and promote wine, and to use the vineyard and winery estate as a backdrop for social activities such as weddings and banquets with seventy-five (75) or more guests in attendance, on a regular basis. Restaurants are not included as an accessory to this use, but may be pursued as a combination use under this category subject to conditions under the conditional use permitting process.

Wireless Communications: Any personal wireless services as defined in the Telecommunications Act of 1996, that includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.

Wireless Communication Facility: Any un-staffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an antenna array, connection cables, an equipment facility, and a support structure to achieve the necessary elevation.

Woodlands: Land that is undeveloped except for roads and utilities and contains stands of native trees.

Yard: A required open space on the same lot as the principal building, unoccupied and unobstructed (other than for vegetation) from the ground upward except as otherwise provided herein.

Yard, Front: A yard extending across the front of a lot measured from side lot line to side lot line, and lying between the abutting street right-of-way and the front building setback line.

Yard, Rear: A yard extending across the rear of the lot measured from side lot line to side lot line, and lying between the rear property line and the rear building setback line.

Yard, Side: A yard extending along either side of a lot measured from front yard line to rear line, and lying between the side lot line and the side setback line.

Yard Sale: A temporary sale of normal used household goods limited to 3 consecutive days 6 times a year.

Yard Waste Composting Facility: An approved type of solid waste management facility that, through a controlled aerobic decomposition process, the fraction of household waste that consists of grass clippings, leaves, brush, and tree trimmings arising from general household yard maintenance, is composted to a stabilized organic product so that it does not pose a present or potential hazard to human health or the environment.

Zero Lot Line: A concept commonly used in Planned Unit Developments where individual commercial buildings or dwellings, such as townhouses (row houses) and patio homes, are to be sold, along with the ground underneath and perhaps a small yard or patio area. Such commercial or residential units are located in buildings with two (2) or more units per building, usually including common walls. With zero lot line, the minimum requirements for lot area and yards need not be met and construction can take place up to the lot line.

Zone Lot: A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

Zoning: A police power measure, enacted primarily by general purpose units of local government, in which the community is divided into districts or zones within which permitted and conditional uses are established, as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts. The Zoning Ordinance consists of two parts – a text and a map.

Zoning Administrator: The official appointed to serve as the final decision maker for this ordinance as appointed by the County Manager.

Zoning Compliance Permit: A permit issued by the Zoning Officer that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance.

Zoning District: A classification of land that designates and limits allowed uses, lot sizes, building setbacks, and other land development regulations.

Zoning Officer: The official(s) charged with the enforcement of the Zoning ordinance.

Zoning Lot: See **Zone Lot.**

Article 3 THE BOARD OF COUNTY COMMISSIONERS AND ITS ADMINISTRATIVE MECHANISMS	Anson County, NC Zoning Ordinance
--	--

3.1 THE BOARD OF COUNTY COMMISSIONERS

3.1.1 BOARD OF COMMISSIONERS RESPONSIBILITIES

The Anson County Board of Commissioners has the following responsibilities in relation to this Ordinance:

1. Hear and decide applications for amendments to the text, schedules and map portions of this Ordinance;
2. Hear and decide applications for the approval of Conditional Use Permits;
3. Establish Rules of Procedure for the conduct of hearings and other proceedings before the Board of Commissioners in exercising responsibilities 1 and 2 above;
4. Make the necessary appointments to the Planning Board and Zoning Board of Adjustment;
5. Provide by appropriation, funds for the administration of this Ordinance.

3.1.2 PROCEDURE ON AMENDMENTS TO THIS ORDINANCE

Amendments to this Ordinance shall be processed in accord with the provisions of Article ___ (Amendments). The Board of Commissioners, in exercising this power, are bound by the State enabling legislation, the terms of this Ordinance and applicable court decisions in carrying out its legislative function.

3.1.3 PROCEDURE ON APPLICATION FOR APPROVAL OF CONDITIONAL USES

The Board of Commissioners, when considering applications for approval of Conditional Uses, sits in a quasi-judicial capacity and shall be bound by the same requirements as the Zoning Board of Adjustment acting on similar matters. Particularly, the Board of Commissioners shall make its decisions based on substantial evidence contained in its records of proceedings and shall be bound by the general and specific standards and requirements of the particular use as contained in Article 8 (Supplemental Requirements for Specific Uses).

3.1.4 APPEAL OF BOARD OF COUNTY COMMISSIONERS ACTION

Every decision concerning a Conditional Use Permit shall be subject to review at the insistence of any aggrieved party by the Superior Court of Anson County by proceedings in the nature of certiorari. The appeal to the Superior Court must be filed within thirty (30) days of the filing of the decision of the Board by the Zoning Officer in his/her office, or the delivery of the notice of the decision to the applicant, whichever is later.

3.2 PLANNING BOARD

3.2.1 INTENT

- A. The Anson Board of Commissioners, under the authority of Chapter 153A (Counties) of the General Statutes of North Carolina, as amended, for the purposes and advantages described herein, intends to create a Planning Board and embark on a continuing planning program, including, but not limited to, the preparation and maintenance of a Comprehensive Plan for Anson County, in protection of the public health, safety, and general welfare of present and future residents, landowners, and visitors.

- B. In establishing the Planning Board and its program, the Board of County Commissioners intends that the Planning Board be guided by the following principles: The Comprehensive Plan and any ordinances or other measures to effectuate it shall be made with the general purpose of guiding and accomplishing a coordinated, and harmonious development of the County that will, in accordance with present and future needs, best promote the health, safety and the general welfare, as well as efficiency in the process of development; including, among other things, adequate provisions for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of populations, the promotion of good civic design, wise and efficient expenditure of public funds, and adequate provision of public utilities, services, and other public requirements, and conservation of significant natural and man-made resources within the County.

3.2.2 ESTABLISHMENT

- A. The Anson County Planning Board, having been created by the Board of County Commissioners, shall be hereafter referred to as the "Planning Board".
- B. The Planning Board shall be considered a "public body" and is subject to all rules and regulations for public bodies as contained in North Carolina's Open Meeting regulations.

3.2.3 DUTIES AND POWERS

The primary objective of the Planning Board is to make advisory decisions, sponsor planning studies, advise and recommend to governing boards, recommend initial ordinances, and to provide for the future growth of Anson County through responsible land use planning and development.

3.2.4 APPOINTMENT AND TERMS

- A. The Planning Board shall consist of five (5) regular members and three (3) alternates, all of whom are residents of the County of Anson and who have been duly appointed by the Board of County Commissioners for one (1) term, with each term being for three (3) years. Each Commissioner shall appoint one (1) member, from within their district, with one (1) seat being held by a surveyor residing within the County, to be appointed by the entire Board of Commissioners. Each appointee may serve up to two (2) terms, unless exception to rule by Board of Commissioners.
- B. If a vacancy on the Planning Board occurs by reason of death, resignation, change of residence, or removal, or any other cause, the seat shall be filled by one (1) of three (3) alternates appointed by a majority of the vote by the remaining Planning Board members and alternates. Notice of said vacancy and reappointment shall then be sent to the Board of Commissioners in order that a replacement member from that district can be appointed.

3.2.5 ELECTION OF OFFICERS

- A. A Chairman and Vice-Chairman shall be elected by the attending Board membership (i.e., regular and alternate members). Each officer shall serve for a one (1) year term but may be elected by the Board membership for successive terms to the same office.
- B. Annually, at the regular meeting held in the month of January, a Chairman and Vice-Chairman shall be elected. Each officer shall serve for the duration of his or her one (1) year term or otherwise relieved of his or her duties as herein provided. Regular and alternate Board members shall rotate annually from within the Board membership. This rotation of alternates and regular members allows all Board appointments to serve as regular Board members during their terms.
- C. The Chairman shall decide upon all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Planning Board in session at the time. The Chairman shall appoint any committees found necessary to investigate all matters before the Planning Board. The Vice-Chairman shall serve as acting Chairman in the absence of the Chairman, and at such times he/she shall have the same powers and duties as the Chairman.

- D. The Clerk shall be elected from within the Board or appointed by the Board. Said person (hereafter referred to as the "Clerk"), subject to the direction of the Chairman, shall take minutes and keep all records. The Clerk shall conduct all correspondence of the Board, arrange for all public notices required to be given, notify members of pending meetings and their agenda, notify parties to cases before the Board and its decision on such cases, and generally supervise the clerical work of the Board. The Clerk shall keep in a permanent volume the minutes of every meeting of the Board. The minutes shall show the record of all important facts pertaining to each meeting and hearing, and every resolution acted upon. All Planning Board minutes and records shall be kept on file in the County Planning Department.

3.2.6 RULES OF CONDUCT FOR MEMBERS

- A. Members of the Planning Board may be removed for cause, including violation of the rules stated herein.
- B. In order for the Planning Board to carry out its duties and responsibilities, it is necessary for all members to attend the meetings. If any regular member is absent for two (2) consecutive regular meetings, the Chairman may direct the Clerk to notify such member in writing of his/her absence. If such member fails to attend the next regular scheduled meeting, the Planning Board may by a majority vote of the remaining regular and alternate members, appoint a new regular member to the Board. When any regular or alternate Board member fails to attend or carry out their duties and responsibilities so that a hardship is created on the remaining Board, than a request for a re-appointment from the Board shall be sent to the Board of Commissioners.
- C. No member of the Board shall seek to influence a decision, participate in any action or cast a vote involving any matter that is before the Planning Board that may result in a private benefit to themselves, their immediate relatives or their business interest. A member may be excused from voting on a particular issue under the following circumstances:
 - 1. If the matter at hand involves the member's own official conduct; or
 - 2. If the member has such close personal ties to the applicant that he/she cannot reasonably be expected to exercise sound and impartial judgment on behalf of the public interest.
- D. In applying the above rule the following procedure shall govern:
 - 1. A Board member, who determines there exists a conflict of interest, shall declare the existence and nature of such conflict. The remaining voting members of the Board present, by majority vote, may then excuse said member from participating in the deliberations on said matter, said member shall then remove himself from the remaining Planning Board members but may sit in the audience area and shall be granted full privileges conferred upon other citizens in voicing opinions or concerns. At this time an alternate member present may be appointed as a regular member, by the Chairman, for the issues at hand.
 - 2. A challenge of the existence of a conflict of interest or a challenge of an undisclosed conflict of interest may be filed by any interested party with the Planning Board. Such a challenge may be an appeal for a review of the findings of the Board or may be for the purpose of alleging an undedared conflict of interest. Any challenge made to the Board shall be supported by competent evidence and shall be submitted at a properly convened meeting of the Board. The Board shall hear all evidence and shall, by majority vote of the remaining members, decide the issue.

3.2.7. MEETINGS

- A. Regular meetings of the Planning Board shall be held on the first (1st) Thursday of the month, at the Planning Department Conference Room. Each member, including alternates, shall be notified of each meeting by the Clerk.

- B. Special meetings of the Board may be called for by the Chairman provided that at least forty-eight (48) hours notice is given by the Clerk.
- C. A quorum of the Planning Board shall be required to open all but quasi-judicial, hearings/meetings, and to conduct business. A quorum shall consist of three (3) Planning Board members.

3.2.8 VOTING

- A. Only regular or appointed regular (i.e., alternate members who are serving in the place of a regular member) of the Planning Board members, at a duly convened meeting, shall be eligible to vote at that meeting.
- B. A vote may be taken on a matter once a motion has been made and seconded.
- C. The Chairman shall not be able to make or second a motion but may otherwise vote on all other issues.
- D. Voting, at the discretion of the Chairman, shall be by voice or show of hands. All matters to be voted on by the Planning Board shall be by duly made motion and second.
- E. It is the duty of all Planning Board members present at a meeting to vote on all issues coming before the Planning Board unless such member has been specifically excused from voting on an issue.
- F. State statutes impose a special voting requirement for most quasi-judicial decisions. A four-fifths (4/5) vote rather than a simple majority is required. Other decisions or recommendations by the Planning Board shall require an affirmative vote of the majority of the Board or appointed regular members present.
- G. When no decision can be reached by the Board, but a recommendation is required for the Board of Commissioners, then the vote for and against shall be forwarded to the Board of Commissioners.

3.2.9 CONDUCT OF MEETINGS

- A. All meetings shall be open to the public. The order of business at meetings shall generally be as follows:
 - 1. Open Meeting
 - 2. Determination of Quorum
 - 3. Roll Call of Members
 - 4. Order of Business
 - 5. Unfinished Business
 - 6. New Business
 - 7. Other Business
 - 8. Adjournment
- B. The Chairman shall have the authority to amend the order of business at any meeting.

3.2.10 ADOPTION AND AMENDMENTS

The by-laws of the Planning Board shall at all times be consistent with all regulations and ordinances of the County of Anson, and the State of North Carolina. These rules, within the limits allowed by law, may be amended by an affirmative vote of a majority of the Planning Board membership (regular and alternate members) with a recommendation to Board of Commissioners. Any such amendment shall be presented in writing to the Board of Commissioners at a meeting for their approval.

3.3 BOARD OF ADJUSTMENT

3.3.1 Establishment

- A. There shall be and hereby is created a Board of Adjustment (hereafter called the Board) consisting of five (5) members and three (3) alternates. The Planning Board is designated as the Board of Adjustment.
- B. The Board of County Commissioners shall appoint members of the Board of Adjustment (Board).
- C. Members of the Board serving upon the effective date of this Ordinance shall serve the balance of the term to which he or she was appointed.
- D. New members shall be appointed for a maximum term of three (3) years, but may be appointed for less in order to stagger terms properly. Reappointment is allowed.
- E. Terms will be staggered so that no more than fifty (50) percent of the members' terms expire at one time.
- F. The terms of Board members shall be staggered as follows: the terms of two (2) members and one (1) alternate shall expire in one year, the terms of two (2) more members shall expire the next year, and the terms of the last member and one (1) alternate shall expire the following year.
- G. The members of the Board of Adjustment shall be residents of the County.

3.3.2 Proceedings of the Board of Adjustment

A. Purpose

It is the intent of this Ordinance that all questions of interpretation and enforcement shall first be presented to the Zoning Administrator, or his authorized representative.

- 1. Such questions shall be presented to the Board of Adjustment only on an appeal from the decision of the Zoning Administrator, or his authorized agent, and that recourse from the decision of the Board shall be to the courts as provided by law.
- 2. The Board has the authority to grant zoning variances and such other issues as authorized by law or the Board of Commissioners.
- 3. Approve Special Use Permits as specified per Section 7 of this Ordinance.
- 4. It is further intended that the duties of the County Commissioners shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement of this Ordinance, but the procedure for determining such questions shall be as herein set forth.

B. Officers

The Board shall elect one of its members as Chairman, another as Vice-Chairman, and shall appoint a Secretary and such other subordinates as may be authorized by the Board of County Commissioners or as the Board of Adjustment deems necessary.

C. Meetings

- 1. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.
- 2. All meetings of the Board shall be open to the public.

D. Administering Oaths and Compelling Attendance of Witnesses

The Chairman or, in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses.

E. Minutes of the Meetings

The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and also keep records of its examination and other official action.

F. Voting

The concurring vote of four-fifths of members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official charged with enforcement of this Ordinance or to decide in favor of the applicant on any matter which it is required to pass under the Zoning Ordinance or to effect any variation in such Ordinance.

G. Appeal to the Board of Adjustment

An appeal to the Board or request of a variance from the requirements of this Ordinance may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board, or agency affected by any decision of the Zoning Administrator, or his authorized agent, based in whole or in part upon the provision of this Ordinance. Such appeal shall be taken within thirty (30) days after the decision being appealed is made, by filing with the Zoning Administrator and with the Board a notice of appeal, specifying the grounds thereof.

H. Fees

A fee shall be paid by the appellant according to the county fee schedule to cover administrative and advertising costs and postage.

I. Duty of the Zoning Administrator Upon Notice of Appeal

The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken or regarding the variance request.

J. Effect of an Appeal

An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board, after the notice of appeal has been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property or that because the violation charge is transitory in nature, a stay would seriously interfere with the enforcement of the Ordinance, in which case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record to whom an appeal has been made.

K. Setting a Hearing Date

The Board shall fix a date for hearing of the appeal or variance request, to be held within forty-five (45) days of the date a complete application was submitted, giving notice to the applicant by certified mail.

L. Public Notice of Hearing

Notice of a variance public hearing shall be posted on the property for which the variance is sought *and* be advertised in a local newspaper once, at least ten (ten) days, but not more than twenty-five (25) days, before the hearing.

M. Notice of Decision to Appellant

The decision of the Board, in writing, shall be delivered to the appellant either by personal service or by certified mail, return receipt requested.

N. Personal Expenses Reimbursed

Members of the Board shall serve without pay but may be reimbursed by the county for any expenses incurred while representing the Board.

3.3.3 Powers and Duties of the Board of Adjustment

A. Administrative Review

The Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator, or his authorized agent, in the enforcement of this Ordinance

B. Zoning Variances

Upon appeal in specific cases, the Board may authorize variance(s) from the terms of this Ordinance as will not be contrary to the public interest. In cases where, due to special conditions, a literal enforcement of the provisions of this Ordinance will result in undue hardship, a variance may be appropriate in order that the spirit of this Ordinance shall be observed and substantial justice done.

1. The Board shall not grant a variance unless and until the following facts are found, based on evidence presented at the public hearing:

a) There are special conditions and circumstances that 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) The special conditions and circumstances are not the result of the actions of the applicant;

c) Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the zoning district in which the property is located;

d) A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district;

e) The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the general welfare;

f) No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use in another district shall be considered grounds for the issuance of a variance.

1. At the public hearing, which shall be held, any party may appear in person or by agent or by attorney.

2. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum condition that will make possible the reasonable use of the land, building, or structure.

3. Before making any finding in a specified case, the Board shall first determine that the proposed variance will not impair an adequate supply of light and air to adjacent property and will not materially increase the public danger of fire and safety. Nor will it impair the public health, safety, morals, and general welfare.

4. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
5. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Article III (Enforcement and Penalties) and the variance may be revoked.

C. Decisions of the Board of Adjustment

The Board may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end shall have powers of the Zoning Administrator from whom appeal is taken.

3.4 PLANNING DEPARTMENT

3.4.1 DUTIES AND RESPONSIBILITIES

The Planning Department, an administrative department of the County Government headed by the Planner, who is appointed by the County Manager, has the following responsibilities in relation to this Ordinance.

1. The administration and enforcement of the Ordinance.
2. The issuance of any required permits and certificates as authorized by this Ordinance.
3. Administrative, technical and professional support to the Board of County Commissioners, Planning Board, Board of Adjustment and any advisory committee set up hereunder.
4. The preparation of written staff reports and recommendations on all proposed amendments to this Ordinance, application of approval of Conditional Uses, applications for all planned developments, Special Uses, applications of approval of plats, applications for variances and appeals from orders, decisions, determinations and requirements made in enforcing this Ordinance.
5. Liaison with other County departments, representatives of other local governmental units and units of the State of North Carolina and of the United States.
6. The maintenance of data, maps, and other information necessary to discharge its responsibilities.
7. Provide appropriate services to encourage the participation of the citizens of Anson County in the discharge of its responsibilities.
8. Perform other such duties as may be directed by the Board of County Commissioners.

3.5 REVIEW COMMITTEE

There is hereby established a review committee to assist the Planning Department in the execution of its functions as they relate to specific land use proposals. It may consist of representatives from:

1. Anson County Planning Department
2. Anson County Code Enforcement/Zoning Officer
3. Anson County Building Inspections

3. Anson County Environmental Health
4. Anson County Manager
5. Anson County Economic Development
7. Emergency Management
8. Sheriff's office
9. Fire Department
10. Soil Conservation Service
11. North Carolina Department of Transportation (NCDOT)
12. School District staff,
13. Utility providers
14. Engineers, surveyors, environmental, and other staff as deemed appropriate.

3.5.1 DUTIES AND RESPONSIBILITIES

The Review Committee has the following duties and responsibilities. The Committee shall:

1. Review proposed manufactured home park plans to determine if they are in accordance with the requirements of this Ordinance and the requirements of other agencies;
2. Review all subdivision and planned unit development proposals for conformance with this Ordinance, the Anson County Subdivision Ordinance, and the requirements of other agencies; and
3. Provide suggested guidelines to assist developers; and
4. Make recommendations and suggestions on changes to plans and plats as deemed necessary

3.5.2 REVIEW COMMITTEE MEETINGS

- A. A completed application obtained from the Planning Department, with information of project and development plans, shall be submitted to the Zoning Officer for project review.
- B. The Zoning Officer shall perform an initial review of the application. Once the review has been completed, the Zoning Officer shall call a meeting of the Review Committee.
- C. The Review Committee and Zoning Officer shall review the plans jointly within ten (10) working days from the initial date of submission or re-submission in cases where an application has been referred back to the applicant for revision.
- D. Any suggestions and recommendations of the Committee shall be made in writing and shall be included with the information packet for projects that will be forwarded to the Planning Board and Board of County Commissioners for review.

3.6 ESTABLISHMENT OF POSITION OF ZONING OFFICER

The provisions of this Ordinance shall be administered by the Zoning Officer, who shall be appointed by the County Manager and sworn in to office by the Clerk to the Board of Commissioners.

3.6.1 DUTIES OF THE ZONING OFFICER

The Zoning Officer shall have the power to grant Zoning Compliance Permits, to make inspections of buildings or premises, revoke permits, and any other procedures necessary to carry out the enforcement of this Ordinance. In connection with the enforcement of this Ordinance, the Zoning Officer shall make all necessary determinations and interpretations as required by this Ordinance. Persons aggrieved by a decision or a determination made by the Zoning Officer may appeal that action to the Zoning Board of Adjustment as indicated in Article 12 (Appeals, Variances, and Interpretations).

3.6.2 POWERS AND LIMITATIONS OF THE ZONING OFFICER

If the proposed excavation, construction, moving, alteration or use of land as set forth in the application for a Zoning Compliance Permit are in conformity with the provisions of this Ordinance, the Zoning Officer shall issue a Zoning Compliance Permit, however,

1. Issuance of a Zoning Compliance Permit shall in no case be construed as waiving any provision of this Ordinance;
2. Under no circumstances is the Zoning Officer permitted to grant exceptions to the actual meaning of any clause, standard, or regulation contained in this Ordinance to any person making application to excavate, construct, move, alter, or use either buildings, structures, or land;
3. Under no circumstances is the Zoning Officer permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out assigned duties;
4. The Zoning Officer shall issue a permit when the imposed conditions of this Ordinance are complied with by the applicant regardless of whether the use of the permit would violate contractual or other arrangements (including, but not by way of limitation, restrictive covenants) among private parties;
5. The Zoning Officer shall revoke a Zoning Compliance Permit if it is found to be issued in violation of any of the provisions of this Ordinance, or if the conditions as stated on the Permit are not carried out;
6. The Zoning Officer shall be responsible for the administration and enforcement of this Ordinance, including the issuance of any required permits and certificates as authorized by this Ordinance;
7. The Zoning Officer shall provide administrative, technical and professional support to the Board of Commissioners, Planning Board, Board of Adjustment, and any advisory committee set up hereunder;
8. The Zoning Officer shall work together in the preparation of written staff reports and recommendations on all proposed amendments to this Ordinance, applications of approval of Conditional/Special Uses, applications for variances and appeals from orders, decisions, determinations and requirements made in enforcing this Ordinance;
9. The Zoning Officer shall act as liaison with other County departments, representatives of other local governmental units and units of the State of North Carolina, and of the United States;
10. The maintenance of data and other information necessary to discharge his/her responsibilities;
11. Provide appropriate services to encourage the participation of citizens of the County in the discharge of its responsibilities;

12. Perform other duties as may be directed by the Board of Commissioners.

ARTICLE 4 APPLICATION AND ENFORCEMENT	Anson County, NC Zoning Ordinance
--	--

4.1 APPLICATION

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

4.2 ENFORCEMENT

4.2.1 ZONING OFFICER

- A. The County Manager shall appoint a Zoning Officer to enforce the provisions of this Ordinance. The Planning Director will be assigned to assist in enforcement, along with keeping of all records, variances and amendments. The Zoning Officer shall have the authority to settle any violations that involve the payment of money to the governing body.
- B. If the Zoning Officer shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of such violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance or the Board of Commissioners to insure compliance with or to prevent violations of its provisions.

4.2.2 CERTIFICATE OF ZONING COMPLIANCE AND BUILDING PERMIT REQUIRED

- A. No land shall be used or occupied and no building hereafter erected, structurally altered, moved, or its use changed until a Certificate of Zoning Compliance shall be issued by the Zoning Officer, except in conformity with the provisions of this Ordinance or except after written order from the Board of Adjustment.
 - 1) A Zoning permit is issued by the Zoning officer for permitted uses and uses permitted with conditions.
 - 2) A special use permit is issued by the Board of Adjustment.

The Building Inspector shall not issue a Building Permit unless zoning compliance is certified.

- B. A record of all zoning permits shall be kept on file in the office of the Planning Department and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land involved.

4.2.3 SITE PLAN REQUIREMENTS

- A. Permitted Uses with Conditions and Special Uses require a Site Plan Review by the Anson County Planning Department and Zoning Officer prior to the issuance of a Zoning Permit, Watershed Permit or Building Permit. Permitted Uses may require a site plan review upon the request of the Zoning Officer. The Site Plan shall consist of two (2) sets of plans drawn to an engineering scale, one (1) of which shall be returned to the applicant upon approval. The Site Plan shall contain the following:
 - 1) The shape and dimensions of the lot on which the proposed building is to be erected;
 - 2) The location of said lot with respect to adjacent rights-of-way;

- 3) The shape, dimensions, and location of all buildings, existing and proposed, and required setbacks;
- 4) The nature of the proposed use of the building or land, including the extent and location of the use;
- 5) The location and dimensions of off-street parking and loading space and means of ingress and egress;
- 6) The square feet and percentage of lot as built upon area if the lot is located in a Watershed;
- 7) The location of all required buffers;
- 8) Required Driveway Permits from the Department of Transportation;
- 9) A Sedimentation and Erosion Control Plan (if applicable) as submitted to the Land Quality Section, Department of Environment and Natural Resources.
- 10) Any other information, which the Zoning Officer may deem necessary for consideration in enforcing all provisions of this Ordinance.
- 11) Prior to approval of the Site Plan, the Zoning Officer may consult with other qualified personnel for assistance to determine if the application meets the requirements of this Ordinance.

B. No permanent power will be authorized and no Certificate of Occupancy will be issued until all the above items are provided and the Zoning Officer deems the Site Plan complete, and an "as built plan" is submitted.

4.2.4 TEMPORARY CERTIFICATE

The Zoning Officer may issue a temporary Certificate of Zoning Compliance for rallies, carnivals, religious revivals, and similar temporary uses. Such certificates shall be issued for a fixed period of time, but not to exceed fifteen (15) days, shall be subject to such limitations as the Zoning Officer may impose to protect the character of the district affected, and may be considered for reapplication. A fee set by the Board of Commissioners shall be charged for the processing of such application. The adopted fee schedule shall be posted in the Planning Department and the office of the Zoning Officer and his/her designee.

4.2.5 RIGHT OF APPEAL

If the Certificate of Zoning Compliance is denied, the applicant may appeal the decision of the Zoning Officer to the Board of Adjustment; and that from the decision of the Board of Adjustment, recourse shall be the Anson County Superior Court as provided by law. It is further the intention of this Ordinance that the duties of the Board of Commissioners in connection with the Ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof, but that the procedure for determining such questions shall be as herein set out in the Ordinance, and that the duties of Board of Commissioners in connection with this Ordinance shall be only the duty of considering and passing upon any proposed amendment, or repeal of the Ordinance as provided by law.

4.3 VIOLATIONS

It is unlawful and a violation of this Ordinance to establish, create, expand, occupy, or maintain any use, land development activity, or structure, including, but not limited to, signs and buildings, that violates or is inconsistent with any provision of this Ordinance or any order, approval, or authorization issued pursuant to this Ordinance. Approvals and authorizations include, but are not limited to, Conditional Use Permits, Special Use Permits, Sign Permits, Building Permits, Zoning Compliance Permits, Certificates of Occupancy, Variances, development plans, site plans, landscape plans, and conditions of such permits,

variances, and plans. It is also a violation to engage in any construction, land development activity, or use, without all approvals and authorizations required by this Ordinance.

4.3.1 VIOLATORS

- A. Violators include, but are not limited to, any person(s) who owns, leases, occupies, manages, or builds any structure or land development activity in violation of this Ordinance, and any person(s) who owns, leases, or occupies a use in violation of this Ordinance. A violation may be charged against more than one (1) violator. For the purpose of this Article, the term "person" is defined to include, but not be limited to, any individual, group of individuals, or any corporation, partnership, association, company, or business, trust, joint venture, or other legal entity.
- B. In addition, one (1) or more of the following persons may be held responsible for a violation of this Ordinance, and be subject to the remedies and penalties provided in this Article:
 - 1. An owner of the property on which the violation of this Ordinance occurs;
 - 2. Any tenant or occupant of the property who has control over, or responsibility for, its use or development, or
 - 3. Any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Ordinance.

4.4 COMPLAINTS

When the Zoning Officer receives a written, signed complaint alleging a violation of this Ordinance, he/she shall investigate the complaint within fourteen (14) working days of the filing of such complaint, take whatever action is warranted, and inform the complainant in person or writing what actions have been or will be taken. Non written and signed complaints may be investigated as it conforms to office policy.

4.5 ENFORCEMENT PROCEDURES

4.5.1 INSPECTIONS AND INVESTIGATIONS

A program of inspection and investigations to determine compliance with this Ordinance and orders, plans, permits, certificates, and authorizations issued under this Ordinance, is hereby authorized.

4.5.2 INITIAL NOTICE OF VIOLATION

- A. On determining that a violation exists, the Zoning Officer shall, whenever possible, make contact with the violator either in person or via telephone to discuss the violation. The Zoning Officer shall then give the responsible person(s) written notice of the violation, either in person, or by certified or registered mail, return receipt requested. When service is made by certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the notice by certified mail is unclaimed or refused, but the notice by regular mail is not returned by the post office within ten (10) days after the mailing, provided that a notice of violation is posted in a conspicuous place on the premises affected.
- B. The notice shall describe the nature of the violation and its location, state the actions necessary to correct the violation, and invite the alleged violator to meet with the Zoning Officer to discuss the violation and how it may be corrected. The Zoning Officer may provide the alleged violator additional notices of violation.

- C. This notice is an administrative determination subject to appeal as provided in Article 12 of this Ordinance.

4.5.3 FINAL NOTICE OF VIOLATION; CORRECTIVE ORDER

- A. The Zoning Officer's final written notice of violation (which may be the initial notice) shall also order correction of the violation, specify a reasonable time period in which the violation must be corrected, state the remedies and penalties authorized by this Article the Zoning Officer may pursue if the violation is not corrected within the specified time limit, and state that the correction order may be appealed to the Zoning Board of Adjustment if the correction order is the initial notice. The final written notice of violation shall be served upon the responsible person(s) either in person, or by certified or registered mail, return receipt requested. When service is made by certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the notice by certified mail is unclaimed or refused, but the notice by regular mail is not returned by the post office within ten (10) days after mailing, provided that a final notice of violation is posted in a conspicuous place on the premises affected.
- B. A notice of new violation is not required where a notice of a violation of the same kind has been issued to the same violator at the same property within the previous two (2) years. In such cases, the violator may be charged with a continuing violation without further notice, as provided in Article 4.7.4 (Continuing Violations). A notice is also not required where action is taken under Articles 4.6.1 (Permit Revocation), and 4.6.2 (Permit Denial or Conditioning).

4.5.4 APPEAL TO ZONING BOARD OF ADJUSTMENT

Any person aggrieved by the Zoning Officer's determination of a violation or a correction order may appeal that determination or order to the Zoning Board of Adjustment in accord with the provisions of Article 12 of this Ordinance, including payment of the appropriate fee. Except as provided in Article 4, an appeal generally stays all further actions to enforce a notice of violation, or correction order, until the Zoning Board of Adjustment has made a decision concerning the appeal. Civil Penalty Citations that follow the initial notice of violation may not be appealed to the Zoning Board of Adjustment. The Board shall hear the appeal and may affirm, modify, or revoke the Zoning Officer's determination of a violation. If there is no appeal, the Zoning Officer's determination of the nature and degree of the violation are final.

4.5.5 FAILURE TO COMPLY WITH NOTICE OF ZONING BOARD OF ADJUSTMENT DECISION

If the violator does not comply with a notice of violation, or correction order, that has not been appealed, or with a final decision of the Zoning Board of Adjustment, the violator shall be subject to enforcement action as prescribed by State law or by this Ordinance.

4.5.6 EXTENSION OF TIME LIMIT TO CORRECT VIOLATION

The recipient of an initial notice of violation, or correction order, or the owner of the property on which the violation occurs, may, within thirty (30) days of the receipt or posting of the initial notice of violation or correction order, whichever is earlier, submit to the Zoning Officer, a written request for extension of the specified time limit for correction of the violation. In cases where an appeal of the notice of violation has been properly filed with the Zoning Board of Adjustment, the thirty (30) day time period shall commence upon receipt of the notice of Zoning Board of Adjustment decision concerning the violation or correction order. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit, for reasons beyond the control of the person requesting the extension, the Zoning Officer may extend the time limit as reasonably necessary to allow timely correction of the violation.

ENFORCEMENT ACTION AFTER TIME LIMIT TO CORRECT VIOLATION

Following the time limit for correction of the violation, including any stay or extension thereof, the Zoning Officer shall determine whether the violation has been corrected. If the violation has been corrected, the Zoning Officer shall take no further action against the alleged violator. If the violation has not been corrected, the Zoning Officer may act to impose one (1) or more of the remedies and penalties specified in the notice of violation, or correction order.

4.5.7 EMERGENCY ENFORCEMENT WITHOUT NOTICE

If delay in correcting a violation would seriously threaten the effective enforcement of this Ordinance or pose a danger to the public health, safety, or welfare, the Zoning Officer may seek immediate enforcement without prior written notice through any of the remedies or penalties authorized in this Article.

4.6 REMEDIES; PENALTIES; ENFORCEMENT ACTION

The Zoning Officer may pursue one (1) or more of the following remedies and penalties described below or in Article 4.7 (Civil Penalty), or otherwise authorized by common law or statute, to prevent, correct, or abate a violation of this Ordinance. Use of one (1) of the authorized remedies and penalties does not preclude the Zoning Officer from using any other authorized remedies or penalties, nor does it relieve any party to the imposition of one (1) remedy or penalty from imposition of any other authorized remedies or penalties.

4.6.1 PERMIT REVOCATION

- A. A Zoning Compliance Permit, Site Plan approval, or Sign Permit may be revoked by the Zoning Officer if the permit recipient fails to develop or maintain the property in accordance with plans submitted, the requirements of this Ordinance, or any additional requirements lawfully imposed by the Zoning Officer.
- B. Before a Zoning Compliance, Site Plan approval, or Sign Permit may be revoked, the Zoning Officer shall give the permit recipient ten (10) days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his/her right to obtain an informal hearing on the allegations. If the permit is revoked, the Zoning Officer shall provide to the permittee a written statement of the decision and the reasons therefore.
- C. A Conditional or Special Use Permit may be revoked by the approving board in any case where the conditions of the Permit have not been or are not being complied with, or the property owner fails to develop or maintain the property in accordance with the plans submitted or any other requirements of this Ordinance, as indicated below:
 1. The Zoning Officer shall give the permit recipient written notice by mail of the intention to revoke such permit. The notice shall be mailed no later than ten (10) days prior to a public hearing, held in the same manner as that required for issuance of the initial permit, on the matter. The notice shall inform the permit recipient of the alleged grounds for the revocation.
 2. The burden of presenting sufficient evidence to authorize the Board of County Commissioners/Board of Adjustment to conclude that a permit should be revoked shall be upon the party advocating that position.
 3. After conclusions of the review, the Board of County Commissioners/Board of Adjustment may revoke such permit. A motion to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.

- D. No person may continue to make use of land or buildings in the manner authorized by any Zoning Compliance, Sign, or Conditional/Special Use Permit or Site Plan approval after such permit has been revoked in accordance with this Article or Subsection C.

4.6.2 PERMIT DENIAL OR CONDITIONING

As long as a violation of this Ordinance remains uncorrected, the Zoning Officer may deny or withhold approval of any permit, certificate, or other authorization provided for in this Ordinance that is sought for the property on which the violation occurs. The Zoning Officer may also condition a permit, certificate, or authorization on the correction of the violation and/or payment of a civil penalty, and/or posting of a compliance security.

4.6.3 INJUNCTIVE AND ABATEMENT RELIEF IN SUPERIOR COURT

A violation may be corrected by any appropriate equitable remedy, a mandatory or prohibitory injunction, or an order of abatement as authorized by NCGS 153A-123 (Enforcement of Ordinances). The Zoning Officer shall have the authority to execute an order of abatement if the violator does not comply with such order, and the costs of the execution shall be a lien on the property in the nature of a mechanic's or materialman's lien.

4.6.4 CRIMINAL PENALTIES

Any person, firm, or corporation who violates the provisions of this Ordinance or fails to comply with any of its requirements shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00) for each violation, as provided in NCGS 14-4 (Violations of Local Ordinances Misdemeanor). Also, pursuant to NCGS 15A-1340.23 (Punishment Limits for Each Class of Offense and Prior Conviction Level), (c) (Punishment for Each Class of Offense and Prior Conviction Level; Punishment Chart Described), any person, firm, or corporation who violates the provisions of this Ordinance or fails to comply with any of its requirements shall, upon conviction, be imprisoned as indicated in Table 4-1 (Imprisonment Chart for Prior Conviction Levels), unless otherwise provided for a specific offense. The Zoning Officer may refer a violation to the County Attorney for institution of criminal prosecution of the alleged violator.

Table 4-1: Imprisonment Chart for Prior Conviction Levels per NCGS 15A-1340.23(c)

Number of Previous Convictions on Same Offense	Number of Days Imprisonment That May Be Imposed	Sentence Disposition
None	Up to 10	Community Punishment Authorized
1-4	Up to 15	Community Punishment Authorized
		Intermediate Punishment Authorized
5 or More	Up to 20	Community Punishment Authorized
		Intermediate Punishment Authorized
		Active Punishment Authorized

4.6.5 JUDICIAL ACTION TO COLLECT CIVIL PENALTY

A civil action in the nature of a debt may be filed in any court of competent jurisdiction to collect an unpaid civil penalty imposed under Article 4.7 (Civil Penalty).

4.7 CIVIL PENALTY

The Zoning Officer may impose one (1) or more civil penalties and issue one (1) or more Civil Penalty Citations for a violation as provided below. If the violator does not pay the penalty, the Zoning Officer may collect it in a court through a civil action in the nature of a debt.

4.7.1 NOTICE OF CIVIL PENALTY CITATION

The Zoning Officer shall give the responsible person(s) written notice of the civil penalty citation, either in person, or by certified or registered mail, return receipt requested. When service is made by certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the notice by certified mail is returned or refused, but the notice by regular mail is not returned by the post office within ten (10) days after mailing, provided that a notice of civil penalty citation is posted in a conspicuous place on the premises affected. The notice shall include a copy of the notice of violation, the amount of the penalty, information about where to pay the penalty, the deadline for payment, which shall be ten (10) days from the date of the notice, and the possibility of civil and/or criminal enforcement.

4.7.2 AMOUNT OF CIVIL PENALTY

The Zoning Officer shall impose a penalty of up to five hundred dollars (\$500.00) but no less than \$50 per day of violation or the previous fine for the same violation which ever is more.

4.7.3 SETTLEMENT OF CLAIMS

The Zoning Officer is authorized with the assistance of the County Manager to determine the amount of payment that will be accepted in full and final settlement of some or all of the claims the governing body may have in connection with the violation. Guiding factors shall include the amount of time, resources and cost that the county has incurred. The Zoning Officer shall indicate, in writing, the claims from which the violator is released including the time the payment is due. If the violation has not been remedied, payment shall not release a violator from potential criminal prosecution or a claim for injunctive relief and/or an order of abatement.

4.7.4 CONTINUING VIOLATIONS

- A. The Zoning Officer may issue a Civil Penalty Citation for a violation that continues without being corrected. The violator in such cases may be assessed a penalty for each day of the continuing violation. An initial Civil Penalty Citation for a single violation must be issued before a Civil Penalty Citation for a continuing violation is issued. If the violator has failed to pay the penalty and correct the violation after the initial Civil Penalty Citation, the violator is subject to a Civil Penalty Citation for a continuing violation with a daily penalty. An initial Civil Penalty Citation is not required if the County has previously issued a Civil Penalty Citation to the violator for the same violation at the same location within the previous two (2) years.
- B. The Zoning Officer may give a single notice of Civil Penalty Citation for a continuing violation. The notice must contain a copy of the notice of violation and must state that the violation is continuing, that a daily penalty of a specified amount is being imposed, and that the penalty is cumulative.

Article 5 OFFICIAL ZONING MAP AND ZONING DISTRICTS	Anson County, NC Zoning Ordinance
---	--

5.1 ZONING MAP

- A. For the purposes of this Ordinance, Anson County is hereby divided into zoning districts whose locations and boundaries are shown on the Official Zoning Map for Anson County, which is hereby adopted by reference and declared to be a part of this Ordinance.
- B. This Zoning Map and all the notations, references, and all amendments thereto, and other information shown thereon are hereby made a part of this Ordinance the same as if such information set forth on the map were all fully described and set out herein. The Zoning Map properly attested is on file in the County Planning Department and is available for inspection by the public.
- C. The Planning Department shall be responsible for the maintenance and revision of the Official Zoning Map. Upon notification by the Board of Commissioners that a zoning change has been made, the necessary changes shall be made on the Official Zoning Map for the County by the Planning Department.

5.2 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Unless otherwise specifically indicated, where district boundaries are shown on the Zoning Map as approximately parallel or following the center lines of streets, highways, utility easements, or stream beds, or such lines extended, then such lines shall be construed to be such district boundaries.
- B. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- C. Where a district boundary line divides a lot in single ownership, 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 more than fifty (50) feet beyond the district boundary, and further provided that the remaining parcel shall not be less than the minimum required for the district in which it is located.
- D. Where any public street is hereafter officially vacated or abandoned, the regulations applicable to parcels of abutting property shall apply to that portion of such street or alley thereto by virtue of such vacation or abandonment.
- E. The Board of Adjustment shall be empowered to interpret the intent of the Zoning Map as to the location of district boundaries in case any further uncertainty exists.

5.3 ZONING DISTRICTS, DIMENSIONS AND REGULATIONS

- A. In order that the purpose of this Ordinance may be accomplished, the planning and zoning limits of Anson County, as set forth on the accompanying zoning map, is hereby divided into the following districts:

ZONING DISTRICTS		TITLE
Residential-Agricultural	RA-5	Residential-Agricultural-5
	RA-1	Residential-Agricultural-1
	RA-20	Residential-Agricultural-20
Residential	R-40	Residential-40
	R-20	Residential-20
	R-10	Residential-10
	R-8	Residential-8
Commercial	NB	Neighborhood Business
	HB	Highway Business
	GB	General Business
	OI	Office & Institutional
Industrial	LI	Light Industrial
	HI	Heavy Industrial

- B. The following Overlay zoning districts have been created that contain additional regulations as required by other County ordinances:

OVERLAY ZONING DISTRICTS		TITLE
Airport Hazard	AH	Airport Hazard Overlay
Floodplain	FP	Floodplain Overlay
Water Supply Watershed	Blewett Falls-PW	Blewett Falls Lake Protected Watershed Overlay
	Blewett Falls-CA	Blewett Falls Lake Critical Area Overlay
	North Fork Jones Creek-PW	North Fork Jones Creek Protected Watershed Overlay
	North Fork Jones Creek-CA	North Fork Jones Creek Critical Area

Article 5	Anson County, NC Zoning Ordinance
5.3.1 RA-5 (RESIDENTIAL-AGRICULTURAL-5) DISTRICT	

A. Intent:

The purpose of the Residential-Agricultural (RA-5) District is to provide for a district in which the principal use of the land is for low-density residential and agricultural purposes and to encourage the continuance of agricultural uses. To insure that residential development, not having access to public water and sewer, and when dependent on septic tanks for sewage disposal, development will occur at a sufficiently lower density to provide for a healthy environment.

B. Application Criteria

This district will be applied where the following conditions exist:

1. Designated by the Comprehensive Plan as Rural.
2. Urban services, including both water distribution and sewage collection mains, are not in place and will be in place within twenty (20) years.

C. Permitted Principal Uses and Structures:

- Accessory Uses and Structures
- Agricultural Uses
- Bed and Breakfast Inns
- Campgrounds, Public and Private
- Cemeteries
- Child Care Center for 1-6 children
- Churches
- Colleges and Universities
- Community Centers, Public and Private
- Convalescent Homes
- Dwellings, Manufactured Home-Class A, B and C
- Dwellings, Single-Family, Site Built
- Farms
- Golf Courses, Public and Private
- Government Building, Facilities and Institutions
- Greenhouses
- Homes for the Aged
- Hunting Clubs, Non-Profit
- Hunting Preserves, State Licensed
- Parks, Public and Private
- Playgrounds, Public and Private
- Public Safety/Utility Facilities
- Rest Homes
- Rooming Houses
- Schools, Public and Private
- Swimming Pools, Public and Private

D. Permitted uses with Supplemental Development Standards (See Article 8. for additional development requirements):

- Child Care Centers, 7-19 children
- Dwellings, Accessory
- Family Care Homes
- Group Care Homes

Home Based Businesses
 Public Utility Facilities
 Public Works Facilities
 Saddle Clubs, Public and Private
 Sawmills
 Stables, Public and Private

E. Conditional Uses (See Article 8 and 9 for additional development requirements):

Kennels
 Swine Farms

F. Special Uses (See Article 8 and 9 (Special Uses) for additional development requirements):

Wireless Communications Towers
 Recreational Uses, Public and Private

G. Dimensional Requirements for Principal Uses (See Articles 8 & 9 for uses with conditions and special uses):

Requirements	Minimum Lot Area Per Dwelling Unit (Exclusive of Road Right-s of Way)
Minimum Lot Area in Square Feet	217,800 Sq. Ft. (5 Acres)
Minimum Lot Width in Feet	150 ft.
Minimum Setback Lines In Feet Front	75 ft.
Side	25 ft.
Side abutting Street	75 ft.
Rear	60 ft.
Maximum Building Height	35 ft.

H. Accessory Building Setback Requirements

All accessory buildings shall comply with street right-of-way and side lot boundary setbacks, but (subject to the remaining provisions of this Article) shall be required to observe only a four (4) foot setback from rear lot boundary lines.

1. Where the high point of the roof or any appurtenance of an accessory building exceeds twelve (12) feet in height, the accessory building shall be set back from rear lot boundary lines an additional two (2) feet for every one (1) foot of height exceeding twelve (12) feet;

I. Parking and Loading: (Refer to Article 10)

J. General Provisions (Refer to Article 6)

Article 5	Anson County, NC Zoning Ordinance
5.3.2 RA-1 (RESIDENTIAL-AGRICULTURAL-1) DISTRICT	

A. Intent:

The purpose of the Residential-Agricultural-1 (RA-1) District is to establish a district in which the principal use of the land is for low-density residential and agricultural purposes and to encourage the continuance of residential and agricultural uses. To insure that residential development, not having access to public water and sewer, and when dependent on septic tanks for sewage disposal, will occur at sufficiently lower densities to provide for a healthy environment.

B. Application Criteria

This district will be applied where the following conditions exist:

1. Designated by the Comprehensive Plan as Rural.
2. Urban services, including water distribution and sewage collection mains are not likely within twenty (20) years.

C. Permitted Principal Uses and Structures:

- Accessory Uses and Structures
- Agricultural Uses
- Bed and Breakfast Inns
- Campgrounds, Public and Private
- Cemeteries
- Child Care Center for 1-6 children
- Churches
- Colleges and Universities
- Community Centers, Public and Private
- Convalescent Homes
- Dwellings, Manufactured Home-Class A, B and C
- Dwellings, Single-Family, Site Built
- Farms
- Golf Courses, Public and Private
- Government Building, Facilities and Institutions
- Greenhouses
- Homes for the Aged
- Hunting Clubs, Non-Profit
- Hunting Preserves, State Licensed
- Parks, Public and Private
- Playgrounds, Public and Private
- Public Safety/Utility Facilities
- Rest Homes
- Rooming Houses
- Schools, Public and Private
- Swimming Pools, Public and Private

D. Permitted uses with Supplemental Development Standards (See Article 8. for additional development requirements):

- Child Care Centers, 7-19 children
- Dwellings, Accessory
- Family Care Homes
- Group Care Homes
- Home Based Businesses

Public Works Facilities
 Saddle Clubs, Public and Private
 Sawmills
 Stables, Public and Private

E. Conditional Uses (See Article 8 and 9 for additional development requirements):

Kennels
 Swine Farms

F. Special Uses (See Article 8 and 9 (Special Uses) for additional development requirements):

Wireless Communications Towers
 Recreational Uses, Public and Private

G. Dimensional Requirements for Principal Uses (See Articles 8 & 9 for uses with conditions and special uses):

Requirements	Minimum Lot Area Per Dwelling Unit (Exclusive of Road Rights-of-Way)
Minimum Lot Area in Square Feet	43,560 Sq. Ft. (1 Acre)
Minimum Lot Width in Feet	80 ft.
Minimum Setback Lines In Feet Front	40 ft.
Side	15 ft.
Side abutting Street	40 ft.
Rear	40 ft.
Maximum Building Height	35 ft.

H. Accessory Building Setback Requirements

All accessory buildings shall comply with street right-of-way and side lot boundary setbacks, but (subject to the remaining provisions of this Article) shall be required to observe only a four (4) foot setback from rear lot boundary lines.

- Where the high point of the roof or any appurtenance of an accessory building exceeds twelve (12) feet in height, the accessory building shall be set back from rear lot boundary lines an additional two (2) feet for every one (1) foot of height exceeding twelve (12) feet;

I. Parking and Loading: (Refer to Article 10)

J. General Provisions (Refer to Article 6)

Article 5 5.3.3 RA-20 (RESIDENTIAL-AGRICULTURAL-20) DISTRICT	Anson County, NC Zoning Ordinance
---	--

A. Intent:

The purpose of the Residential-Agricultural-20 (RA-20) District is to establish a district in which the principal use of the land is for low density residential and agricultural purposes and to encourage the continuance of residential and agricultural uses. To insure that residential development not having limited access to public water and sewer, and when dependent on septic tanks for sewage disposal, will occur at a sufficiently lower density to provide a healthy environment while providing for smaller lots for limited residential uses.

B. Application Criteria

This district will be applied where the following conditions exist:

1. Designated by the Comprehensive Plan as Rural with Services, Transition, or Future Transition.
2. Water and/or sewer lines should exist at the site or be assured of installation as part of the development process where land use densities require and soil conditions mandate.

C. Permitted Principal Uses and Structures:

Accessory Uses and Structures (see General Provisions)

- Agricultural Uses
- Bed and Breakfast Inns
- Child Care Center for 1-6 Children
- Churches
- Colleges and Universities
- Community Centers, Public and Private
- Convalescent Homes
- Dwellings, Single-Family
- Government Buildings, Facilities and Institutions
- Homes for the Aged
- Parks, Public and Private
- Playgrounds, Public and Private
- Public Safety/Utility Facilities
- Rest Homes
- Rooming Houses
- Schools, Public and Private
- Swimming Pools, Public and Private

D. Permitted uses with Supplemental Development Standards (See Article 8. for additional development requirements):

- Cemeteries, Church
- Child Care Centers 7-19 Children
- Dwellings, Accessory
- Family Care Homes
- Group Care Homes
- Home Based Businesses
- Public Utility Facilities
- Stables, public and private

E. Conditional Uses (See Article 8 and 9 for additional development requirements):

None

F. Special Uses (See Article 8 and 9 for additional development requirements):

Wireless Communications Tower
Recreational Uses, Public and Private

G. Dimensional Requirements for Principal Uses (See Articles 8 & 9 for uses with conditions and special uses):

Requirements	Minimum Lot Area Per Dwelling Unit (Exclusive of Road Rights-of-Way)
Minimum Lot Area in Square Feet	20,000 Sq. Ft. (.46-/+ Acres)
Minimum Lot Width in Feet	100 ft.
Minimum Setback Lines In Feet Front	60 ft.
Side	15 ft.
Side abutting Street	40 ft.
Rear	40 ft.
Maximum Building Height	35 ft.

H. Accessory Building Setback Requirements

All accessory buildings shall comply with street right-of-way and side lot boundary setbacks, but (subject to the remaining provisions of this Article) shall be required to observe only a four (4) foot setback from rear lot boundary lines.

1. Where the high point of the roof or any appurtenance of an accessory building exceeds twelve (12) feet in height, the accessory building shall be set back from rear lot boundary lines an additional two (2) feet for every one (1) foot of height exceeding twelve (12) feet;

I. Parking and Loading: (Refer to Article 10)

J. General Provisions (Refer to Article 6)

Article 5	Anson County, NC Zoning Ordinance
5.3.4 R-40 (RESIDENTIAL-40) DISTRICT	

A. Intent:

The purpose of the Residential-40 (R-40) district is to provide an environment for low density site built residential uses with limited private and public uses permitted within the District.

B. Application Criteria

This district will be applied where the following conditions exist:

1. Designated by the Comprehensive Plan as Rural with Services.
2. Urban services, including water distribution and sewage collection mains are not likely within twenty (20) years.
3. Low density single family is encouraged due to environmental reasons.

C. Permitted Principal Uses and Structures:

Accessory Uses and Structures (see General Provisions)
 Agricultural Uses
 Bed and Breakfast Inns
 Churches
 Colleges and Universities
 Community Centers, Public and Private
 Convalescent Homes
 Dwellings, Single-Family
 Homes for the Aged
 Lodges, Public and private
 Parks, Public and Private
 Playgrounds, Public and Private
 Public Safety/Utility Facilities
 Rest Homes
 Rooming Houses
 Schools, Public and Private
 Swimming Pools, Public and Private

D. Permitted uses with conditions (See Article 8. for additional development requirements):

Dwellings, Accessory

E. Conditional Uses: (See Article 8 and 9 for additional development requirements):

None

F. Special Uses (See Article 8 and 9 for additional development requirements):

Dwellings, Manufactured Homes-Class A
 Recreational Uses, Public and Private

G. Dimensional Requirements for Principal Uses (See Articles 8 & 9 for uses with conditions and special uses):

Requirements	Minimum Lot Area Per Dwelling Unit (Exclusive of Road Rights-of-Way)
Minimum Lot Area in Sq. Ft.	40,000 Sq. Ft. (.92-/+ Acres)
Minimum Lot Width in Feet	100 ft.
Minimum Setback Lines In Feet Front	40 ft.
Side	15 ft.
Side abutting Street	40 ft.
Rear	30 ft.
Maximum Lot Coverage by Buildings	30%
Maximum Building Height	40 ft.

H. Accessory Building Setback Requirements

All accessory buildings shall comply with street right-of-way and side lot boundary setbacks, but (subject to the remaining provisions of this Article) shall be required to observe only a four (4) foot setback from rear lot boundary lines.

1. Where the high point of the roof or any appurtenance of an accessory building exceeds twelve (12) feet in height, the accessory building shall be set back from rear lot boundary lines an additional two (2) feet for every one (1) foot of height exceeding twelve (12) feet;

I. Parking and Loading: (Refer to Article 10)

J. General Provisions (Refer to Article 6)

Article 5 5.3.5 R-20 (RESIDENTIAL-20) DISTRICT	Anson County, NC Zoning Ordinance
---	--

A. Intent:

The purpose of the Residential-20 (R-20) district is to provide an environment for low density site built residential uses with limited private and public uses permitted within the District.

B. Application Criteria

This district will be applied where the following conditions exist:

1. Designated by the Comprehensive Plan as Rural with Services, Transition, or Future Transition.
2. Water and/or sewer lines should exist at the site or be assured of installation as part of the development process.

C. Permitted Principal Uses and Structures:

- Accessory Uses and Structures (see General Provisions)
- Agricultural Uses
- Bed and Breakfast Inns
- Churches
- Colleges and Universities
- Community Centers, Public and Private
- Convalescent Homes
- Dwellings, Single-Family
- Homes for the Aged
- Parks, Public and Private
- Playgrounds, Public and Private
- Public Safety/Utility Facilities
- Rest Homes
- Rooming Houses
- Schools, Public and Private
- Swimming Pools, Public and Private

D. Permitted uses with conditions (See Article 8. for additional development requirements):

- Borrow Pits for Federal and State Highway Projects
- Dwellings, Accessory

E. Conditional Uses: (See Article 8 and 9 for additional development requirements):

- Churches
- Colleges and Universities, Public
- Community Centers, Public
- Lodges, Public
- Parks and Playgrounds, Public
- Public Safety/Utility Facilities
- Recreational Uses, Public
- Schools, Public
- Swimming Pools, Public

F. Special Uses: (See Article 8 and 9 for additional development requirements):

None

G. Dimensional Requirements for Principal Uses (See Articles 8 & 9 for uses with conditions and special uses):

Requirements	Minimum Lot Area Per Dwelling Unit (Exclusive of Road Rights-of-Way)
Minimum Lot Area in Sq. Ft.	20,000 Sq. Ft. (.46 Acres)
Minimum Lot Width in Feet	100 ft.
Minimum Setback Lines In Feet Front	40 ft.
Side	15 ft.
Side abutting Street	40 ft.
Rear	30 ft.
Maximum Lot Coverage by Buildings	30%
Maximum Building Height	40 ft.

H. Accessory Building Setback Requirements

All accessory buildings shall comply with street right-of-way and side lot boundary setbacks, but (subject to the remaining provisions of this Article) shall be required to observe only a four (4) foot setback from rear lot boundary lines.

1. Where the high point of the roof or any appurtenance of an accessory building exceeds twelve (12) feet in height, the accessory building shall be set back from rear lot boundary lines an additional two (2) feet for every one (1) foot of height exceeding twelve (12) feet.

I. Parking and Loading: (Refer to Article 10)

J. General Provisions (Refer to Article 6)

Article 5	Anson County, NC
5.3.6 R-10 (RESIDENTIAL-10) DISTRICT	Zoning Ordinance

A. Intent:

The purpose of the Residential-10 (R-10) District is to provide an environment for medium density residential uses with limited private and public uses.

B. Application Criteria

This district will be applied where the following conditions exist:

1. Designated by the Comprehensive Plan as Transition that can reasonably be expected to be annexed by a municipality in the next ten (10) years.
2. Water and sewer lines shall exist at the site or be assured of installation as part of the development process.

C. Permitted Principal Uses and Structures:

Accessory Uses and Structures (see General Provisions)
 Agricultural Uses
 Bed and Breakfast Inns
 Churches
 Colleges and Universities
 Community Centers, Public and Private
 Convalescent Homes
 Dwellings, Single-Family
 Homes for the Aged
 Parks, Public and Private
 Playgrounds, Public and Private
 Public Safety/Utility Facilities
 Rest Homes
 Rooming Houses
 Schools, Public and Private
 Swimming Pools, Public and Private

D. Permitted uses with conditions (See Article 8. for additional development requirements):

Dwellings, Accessory

E. Conditional Uses: (See Article 8 and 9 for additional development requirements):

None

F. Special Uses (See Article 8 and 9 for additional development requirements):

Recreational Uses, Public and Private

G. Dimensional Requirements for Principal Uses (See Articles 8 & 9 for uses with conditions and special uses):

Requirements	Minimum Lot Area Per Dwelling Unit (Exclusive of Road Rights-of-Way)
Minimum Lot Area in Sq. Ft.	10,000 Sq. Ft. (.23-/+ Acres)
Minimum Lot Width in Feet	80 ft.
Minimum Setback Lines In Feet Front	30 ft.
Side	10 ft.
Side abutting Street	30 ft.
Rear	30 ft.
Maximum Lot Coverage by Buildings	40%
Maximum Building Height	35 ft.

H. Accessory Building Setback Requirements

All accessory buildings shall comply with street right-of-way and side lot boundary setbacks, but (subject to the remaining provisions of this Article) shall be required to observe only a four (4) foot setback from rear lot boundary lines.

1. Where the high point of the roof or any appurtenance of an accessory building exceeds twelve (12) feet in height, the accessory building shall be set back from rear lot boundary lines an additional two (2) feet for every one (1) foot of height exceeding twelve (12) feet.

I. Parking and Loading: (Refer to Article 10)

J. General Provisions (Refer to Article 6)

A. Intent:

The purpose of the Residential-8 (R-8) District is to provide for high-density areas where two-family and multi-family dwellings will be permitted along with single-family residential uses. The district is also intended that these districts be used to promote economically mixed housing developments and to contribute to the provision of a range of housing types.

B. Application Criteria

This district will be applied where the following conditions exist:

1. Designated by the Comprehensive Plan as Transition that can reasonably be expected to be annexed by a municipality in the next ten (10) years.
2. Water and sewer lines shall exist at the site or be assured of installation as part of the development process.
3. Vehicular access must consist of direct access to a street classified as either arterial or collector as designated by the Comprehensive Plan.
4. The full range of urban services exist or are proposed to exist at the time of development including fire, police, school, recreation, education, commercial and cultural activities.

C. Permitted Principal Uses and Structures:

- Accessory Uses and Structures (see General Provisions)
- Agricultural Uses
- Bed and Breakfast Inns
- Churches
- Colleges and Universities
- Community Centers, Public and Private
- Convalescent Homes
- Dwellings, Single-Family
- Dwellings, Two-Family
- Dwellings, Multi-Family
- Homes for the Aged
- Offices for Professional Practitioners
- Parks, Public and Private
- Playgrounds, Public and Private
- Public Safety Facilities
- Rest Homes
- Rooming Houses
- Schools, Public and Private
- Swimming Pools, Public and Private

D. Permitted uses with conditions (See Article 8. for additional development requirements):

- Dwellings, Accessory

E. Conditional Uses:

- None

F. Special Uses (See Article 8 and 9 for additional development requirements):

None

G. Dimensional Requirements for Principal Uses (See Articles 8 & 9 for uses with conditions and special uses):

Requirements	Minimum Lot Area Per Dwelling Unit (Exclusive of Road Rights-of-Way)	
Maximum # Dwelling Units Per Acre	12	
Minimum Lot Area in Sq. Ft.	Single Dwelling	8,000 Sq. Ft. (.18 Acres)
	Second Dwelling Unit	4,000 Sq. Ft. (.09 Acres)
	Each Additional Dwelling Unit	3,000 Sq. Ft. (.07 Acres)
Minimum Lot Width in Feet	Single Dwelling Unit	70 Ft.
	Each Additional Dwelling Unit	20 Ft.
Minimum Setback Lines In Feet		
Front	30 ft.	
Side	10 ft.	
Side abutting Street	30 ft.	
Rear	30 ft.	
Maximum Lot Coverage by Buildings	40%	
Maximum Building Height	35 ft.	

H. Accessory Building Setback Requirements

All accessory buildings shall comply with street right-of-way and side lot boundary setbacks, but (subject to the remaining provisions of this Article) shall be required to observe only a four (4) foot setback from rear lot boundary lines.

1. Where the high point of the roof or any appurtenance of an accessory building exceeds twelve (12) feet in height, the accessory building shall be set back from rear lot boundary lines an additional two (2) feet for every one (1) foot of height exceeding twelve (12) feet.

I. Parking and Loading: (Refer to Article 10)

J. General Provisions (Refer to Article 6)

Article 5	Anson County, NC
5.3.8 NB (Neighborhood Business) DISTRICT	Zoning Ordinance

A. Intent:

The purpose of the Neighborhood Business District is to provide appropriately located and sized sites for limited commercial uses designed to serve a population at the neighborhood and rural level with convenience goods and personal services. Performance standards will be used to insure the absence of adverse impacts beyond the immediate space occupied by the building.

B. Application Criteria:

This District will usually be applied where the following conditions exist:

1. The site is located within areas designated by the Comprehensive Plan as Transition, Future Transition, or Community, or Rural with Services.
2. Uses would serve a market area population confined to the immediate area and would not serve commuters or persons outside the surrounding neighborhood.
3. Lot sizes for individual uses shall be appropriately sized to the method of water supply and sewage disposal.
4. The maximum amount of land zoned NB shall not exceed nine (9) acres in Transition and Community areas, and shall not exceed five (5) acres in Future Transition and Rural with Services areas.
5. All sites designated NB shall have either direct access to a street classified either as an arterial or collector as designated by the Comprehensive Plan.

C. Permitted Principal Uses and Structures all with a limitation of:

- Located in Buildings with Less than 10,000 Square Feet Gross Floor Area per lot.

Accessory uses and structures (see general provisions)

- Agricultural Uses
- Art Studios
- Assembly Facilities for Less Than 300 Persons
- Banks and Financial Institutions
- Barber Shops
- Beauty Shops
- Botanical Gardens and Arboretums
- Bus Passenger Shelter
- Child Care Facility
- Church
- Community Center
- Convalescent Homes
- Convenience Stores
- Dry Cleaning Services
- Fraternal Organizations
- Garden Center, On-Premises Sales
- Golf Course
- Government Buildings, Facilities and Institutions
- Health Services
- Homes for the Aged
- Laundry Services
- Libraries

Music Studios
Nursing Homes
Offices, Professional and Public
Parks, Public and Private
Personal Services
Public Safety Facilities
Public Utility Stations and Substations, Switching Stations, Water Tower and Tanks.
Repair Service, Appliance and Electronic
Rehabilitation Facility
Rest Homes
Retail Trade, Sale, and Rental of Durable and Convenience Goods, Merchandise, and Equipment, Including Mail Order Houses Where All Activities are Conducted Entirely Within a Fully Enclosed Building with No Outdoor Storage
Schools, Dance, Art, and/or Music
Service Stations, excluding auto repair
Special Events, Less Than 150 Persons Attending

D. Permitted uses with conditions (See Article 8. for additional development requirements):

Bars
Dwelling, Accessory
Dwelling, Manufactured Homes-Class A and B
Center for 3-12 Children in a Residential Dwelling
Family Care Home
Night Clubs

E. Conditional Uses: (See Article 8 and 9 for additional development requirements):

Group Care Homes
Switching Stations, Public
Telephone Exchanges, Public
Water and Sewer Treatment Plants, Public

F. Special Uses (See Article 8 and 9 for additional development requirements):

Wireless Communications Towers

G. Dimensional Requirements (See Articles 8 & 9 for uses with conditions and special uses:

Requirements	Minimum Lot Area (Excluding Road Rights-of-Way)	
Minimum Lot Area in Square Feet	Residential Uses	No Minimum
	Non-Residential Uses	No Minimum
Minimum Lot Width in Feet	75 ft.	
Minimum Setback Lines In Feet Front	15 ft.	
Side	15 ft.	
Side abutting Residential Lot	Required side setback shall be equal to the required side setback of the adjacent residential-agricultural or residential district.	
Side abutting Street	15 Ft.	
Rear	15 Ft.	
Rear abutting Residential Lot	Required rear setback shall be equal to the required rear setback of the adjacent residential-agricultural or residential district.	
Maximum Building Height	35 ft.	

- H. Accessory Structures and Uses shall meet building setback and height requirements as required by Subsection G.**
- I. Parking and Loading: (Refer to Article 10)**
- J. Signs: (Refer to Article 11)**
- K. General Provisions (Refer to Article 6)**

Article 5	Anson County, NC
5.3.9 HB (Highway Business) DISTRICT	Zoning Ordinance

A. Intent:

The purpose of the Highway Business (HB) District is to provide appropriately located and sized sites for limited commercial uses designed to serve a population at the neighborhood and rural level with convenience goods and personal services as well as the traveling public. Performance standards will be used to insure the absence of adverse impacts beyond the lot boundaries of the use.

B. Application Criteria:

This District will usually be applied where the following conditions exist:

1. The site is located within areas designated by the Comprehensive Plan as Developed, Transition, Future Transition, or Community.
2. Uses would serve a market area population confined to the immediate area and would not serve commuters or persons outside the surrounding neighborhood.
3. Lot sizes for individual uses shall be appropriately sized to the method of water supply and sewage disposal.
4. The maximum amount of land zoned HB shall not exceed nine (9) acres in Transition and Community areas, and shall not exceed five (5) acres in Future Transition Areas.
5. All sites designated HB shall have either direct access to a street classified either as an arterial or collector as designated by the Comprehensive Plan.

C. Permitted Principal Uses and Structures:

- Accessory uses and structures (see general provisions)
- Agricultural Uses
- Art Studios
- Banks and Financial Institutions
- Barber Shops
- Beauty Shops
- Botanical Gardens and Arboretums
- Bus Passenger Shelter
- Child Care Facility
- Church
- Clubs
- Community Center
- Convalescent Homes
- Convenience Stores
- Day Cares
- Dry Cleaning Services
- Fraternal Organizations
- Garden Center, On-Premises Sales
- Golf Course
- Government Buildings, Facilities and Institutions
- Homes for the Aged
- Laundry Services
- Libraries
- Lodges

Military Installations
Music Studios
National Guard Armories
Nursing Homes
Offices
Parking Lots (Surface or Structural) as a Principal Use
Parks, Public and Private
Personal Services
Public Safety Facilities
Public Utility Stations and Substations, Switching Stations
Recreation Facilities, Public and Private
Repair Service, Appliance and Electronic
Rehabilitation Facility
Research Facility
Restaurant, General, Drive Thru and Carry-Out
Rest Homes
Retail Trade, Sale, and Rental of Durable and Convenience Goods, Merchandise, and Equipment, Including Mail Order Houses
Schools, Dance, Art, and/or Music
Service Stations
Special Events, Less Than 300 Persons Attending
Union Clubhouses

D. Permitted uses with conditions (See Article 8. for additional development requirements):

Dwelling, Accessory
Center for 7-19 Children in a Residential Dwelling
Family Care Home
Stealth Telecommunication Towers

E. Conditional Uses: (See Article 8 and 9 for additional development requirements):

Group Care Homes
Sexually Oriented Business
Switching Stations, Public
Telephone Exchanges, Public
Utility Stations and Substations, Public
Water and Sewer Treatment Plants, Public

F. Special Uses (See Article 8 and 9 for additional development requirements):

Wireless Communications Towers

G. Dimensional Requirements (See Articles 8 & 9 for uses with conditions and special uses:

Requirements	Minimum Lot Area (Excluding road Rights-of-Way)	
Minimum Lot Area in Square Feet	Residential Uses	No Minimum
	Non-Residential Uses	2,000 Sq. Ft. (.05 Acres)
Minimum Lot Width in Feet	20 ft.	
Minimum Setback Lines In Feet Front	50 ft.	
Side	None	
Side abutting Residential Lot	Required side setback shall be equal to the required side setback of the adjacent residential-agricultural or residential district.	
Side abutting Street	50 Ft.	
Rear	None	
Rear abutting Residential Lot	Required rear setback shall be equal to the required rear setback of the adjacent residential-agricultural or residential district.	
Maximum Building Height	35 ft.	

- H. Accessory Structures and Uses shall meet building setback and height requirements as required by Subsection G.**
- I. Parking and Loading: (Refer to Article 10)**
- J. Signs: (Refer to Article 11)**
- K. General Provisions (Refer to Article 6)**

Article 5 5.3.10 (Reserved)	Anson County, NC Zoning Ordinance
--	--

Article 5	Anson County, NC
5.3.11 GB (GENERAL BUSINESS) DISTRICT	Zoning Ordinance

A. Intent:

The purpose of the General Business (GB) District is to provide appropriately located and sized sites for a broad range of commercial, office, and service uses. Performance standards will be used to insure the absence of adverse impacts beyond the zoning district boundary.

B. Application Criteria:

This District will usually be applied where the following conditions exist:

1. The site is within areas designated by the Comprehensive Plan as either Developed or Transition.
2. Water and sewer mains exist at the site or are to be made available as part of the development process or the lot size for individual uses are appropriate to the method of water supply and sewage disposal.
3. All property to be designated for new development under this classification shall have direct access to major collector streets as designated by the Comprehensive Plan.

C. Permitted Principal Uses and Structures:

Accessory uses and structures (see general provisions)

Agricultural Uses

Agricultural Service Uses

Animal Hospitals

Art Studios

Assembly Facilities

Assembly and Packing Operations Including Mail Order Houses with No On-Premise Retail Outlets

Automobile Sales and Rental

Automobile Repair

Banks and Financial Institutions

Barber Shops

Beauty Shops

Body Shop, Automotive

Botanical Gardens and Arboretums

Bus Passenger Shelter

Bus Terminals and Garages

Church

Clubs

Convalescent Homes

Convenience Stores

Dry Cleaning Services

Farm Equipment Sales

Fraternal Organizations

Funeral Homes

Garden Center, On-Premises Sales

Golf Course, Public and Private

Golf Driving and Practice Ranges

Government Buildings, Facilities and Institutions

Health Services Located in Buildings with Greater Than 10,000 Square Feet Gross Floor Area

Homes for the Aged

Hospitals
 Hotels
 Kennels
 Laundry Services
 Libraries
 Lithography Establishment
 Lodges
 Massage Therapy (Not Associated with a Sexually Oriented Business)
 Military Installations
 Mini-warehouses
 Motels
 Movie Theaters
 Music Studios
 National Guard Armories
 Nursing Homes
 Offices
 Parking Lots (Surface or Structural) as a Principal Use
 Parks, Public and Private
 Personal Services
 Postal and Parcel Delivery Services
 Printing Establishment
 Public Safety Facilities
 Public Utility Stations and Substations, Switching Stations
 Recreation Facilities, Public and Private
 Rehabilitation Facility
 Repair, Automotive
 Repair Service, Appliance and Electronic
 Research Facility
 Restaurant, General, Drive-In, and Carry-Out
 Rest Homes
 Retail Trade, Sale, and Rental of Durable and Convenience Goods, Merchandise, and
 Equipment, Including Mail Order Houses,
 Schools, Dance, Art, and/or Music
 Schools, Vocational
 Service Stations
 Special Events, Less Than 300 Persons Attending
 Union Clubhouses
 Universities, Colleges and Institutes
 Veterinarians
 Warehousing (Inside Building)
 Wholesale Sales

D. Permitted uses with conditions (See Article 8 for additional development requirements):

Bars
 Family Care Home
 Nightclubs
 Stealth Telecommunication Towers

E. Conditional Uses: (See Article 8 and 9 for additional development requirements):

Elevated Water Storage Tanks
 Group Care Homes
 Switching Stations, Public
 Telephone Exchanges, Public
 Utility Stations and Substations, Public
 Waste Management Facility, Hazardous and Toxic
 Water and Sewer Treatment Plants, Public

F. Special Uses (See Article 8 and 9 for additional development requirements):

Wireless Communications Towers

G. Dimensional Requirements (See Articles 8 & 9 for uses with conditions and special uses):

Requirements	Minimum Lot Area (Excluding road Rights-of-Way)	
Minimum Lot Area in Square Feet	Residential Uses	No Minimum
	Non-Residential Uses	No Minimum
Minimum Lot Width in Feet	50 ft.	
Minimum Setback Lines In Feet Front	35 ft.	
Side	None	
Side abutting Residential Lot	Required side setback shall be equal to the required side setback of the adjacent residential-agricultural or residential district.	
Side abutting Street	35 Ft.	
Rear	None	
Rear abutting Residential Lot	Required rear setback shall be equal to the required rear setback of the adjacent residential-agricultural or residential district.	
Maximum Building Height	45 ft.	

H. Accessory Structures and Uses shall meet building setback and height requirements as required by Subsection G.

I. Parking and Loading: (Refer to Article 10)

J. Signs: (Refer to Article 11)

K. General Provisions (Refer to Article 6)

Article 5	Anson County, NC Zoning Ordinance
5.3.12 OI (OFFICE AND INSTITUTIONAL) DISTRICT	

A. Intent:

The purpose of the Office and Institutional (OI) District is to provide locations for medium intensity office and institutional land uses and to function as a buffer between conflicting land use situations.

B. Application Criteria:

This District will usually be applied where the following conditions exist:

1. The site is located in areas designated by the Comprehensive Plan as Developed or Transition.
2. The site would provide a buffer or step down in intensity of land use from a commercial use in Developed or Transition areas.
4. Generally, the area would have water and sewer mains existing at the site or are to be made available during the development process.
4. The maximum amount of land zoned OI shall not exceed fifteen (15) acres.
5. All property to be designated for new development under this classification shall have direct access to either an arterial or collector streets as designated by the Comprehensive Plan.

C. Permitted Principal Uses and Structures:

- Accessory uses and structures (see general provisions)
- Agricultural Uses
- Animal Hospitals
- Art Studios
- Botanical Gardens and Arboretums
- Bus Passenger Shelter
- Child Care Facility
- Church
- Clubs
- Convalescent Homes
- Convenience Stores
- Fraternal Organizations
- Government Buildings, Facilities and Institutions
- Health Services Located in Buildings with Less Than 10,000 Square Feet Gross Floor Area
- Homes for the Aged
- Hospitals
- Libraries
- Lodges
- Music Studios
- National Guard Armories
- Nursing Homes
- Offices, Professional and Public
- Parks, Public and Private
- Personal Services
- Public Safety Facilities
- Public Utility Stations and Substations, Switching Stations

Recreation Facilities, Public and Private
Research Facility
Rest Homes
Rooming House
Schools, Dance, Art, and/or Music
Schools, Vocational
Schools, Elementary, Middle, and Secondary
Tourist Home
Union Clubhouses
Universities, Colleges and Institutes
Veterinarians
Warehousing (Inside Building)
Wholesale Sales

D. Permitted uses with conditions (See Article 8. for additional development requirements):

Center for 7-19 Children
Dwelling, Accessory
Family Care Home
Stealth Telecommunication Towers

E. Conditional Uses: (See Article 8 and 9 for additional development requirements):

Group Care Homes
Switching Stations, Public
Telephone Exchanges, Public
Utility Stations and Substations, Public
Water and Sewer Treatment Plants, Public

F. Special Uses (See Article 8 and 9 for additional development requirements):

Wireless Communications Towers

G. Dimensional Requirements (See Articles 8 & 9 for uses with conditions and special uses):

Requirements	Minimum Lot Area (Excluding road Rights-of-Way)	
Minimum Lot Area in Square Feet	Residential Uses	No Minimum
	Non-Residential Uses	5,000 Sq. Ft. (.11 Acres)
Minimum Lot Width in Feet	50 ft.	
Minimum Setback Lines In Feet Front	25 ft.	
Side	10	
Side abutting Residential Lot	Required side setback shall be equal to the required side setback of the adjacent residential-agricultural or residential district.	
Side abutting Street	35 Ft.	
Rear	None	
Rear abutting Residential Lot	Required rear setback shall be equal to the required rear setback of the adjacent residential-agricultural or residential district.	
Maximum Building Height	35 ft.	

H. Accessory Structures and Uses shall meet building setback and height requirements as required by Subsection G.

I. Parking and Loading: (Refer to Article 10)

J. Signs: (Refer to Article 11)

K. General Provisions (Refer to Article 6)

Article 5 5.3.13 LI (LIGHT INDUSTRIAL) DISTRICT	Anson County, NC Zoning Ordinance
--	--

A. Intent:

The intent of the Light Industrial (LI) District is to provide appropriately located and sized sites for limited industrial uses engaged in manufacturing, processing, creating and assembling of goods, merchandise or equipment. Performance standards will be used to insure the absence of adverse impacts beyond the immediate space occupied by the building.

B. Application Criteria:

This district will usually be applied where the following conditions exist:

1. Site is located within areas designated as Rural or Transition.
2. Lot size for individual uses shall be appropriate to the method of water supply and sewage disposal.
3. Access would consist of direct vehicular access to streets designated either arterial or collector by the adopted Comprehensive Plan. Access to rail service is desirable but not required.

C. Permitted Principal Uses and Structures:

Accessory uses and structures (see general provisions)
 Agriculture (Bona Fide Farm)
 Assembly and Packing Operations Including Mail Order Houses
 Botanical Gardens and Arboretums
 Bus Passenger Shelter
 Bus Terminals and Garages
 Crematoria
 Golf Driving and Practice Range
 Governmental Facilities and Offices
 Lithography Establishments
 Manufacturing and Processing Operations Where No Adverse impacts Occur Beyond the Immediate Space Occupied by the Building
 Mini-warehouses
 Motor Freight Terminals
 Offices, professional and public
 Parks, Public and Private
 Personal Services
 Petroleum Products, Storage and Distribution
 Printing Establishments
 Public Safety Facilities
 Recreational Facilities, Public and Private
 Research Facilities
 Studio, Art
 Warehousing
 Water and Sanitary Sewer Pumping Stations
 Wholesale Sales

D. Permitted uses with conditions (See Article 8. for additional development requirements):

Landfill, Construction and Demolition
 Landfill, Land Clearing and Inert Debris (LCID)

Storage of Goods, Outdoor
Wireless Communications Towers, Stealth

E. Conditional Uses: (See Article 8 and 9 for additional development requirements):

Airports, General Aviation (Must meet AO District Requirements)
Heliports
Elevated Water Storage Tanks
Extraction of Earth Products
Heliports
Junkyards
Landfill, Sanitary
Public Utility Stations and Substations
Recreational Facilities, Public and Private
Swine Farms
Switching Stations, Public
Telephone Exchanges, Public
Water and Sewage Treatment Plant, Public

F. Special Uses (See Article 8 and 9 for additional development requirements):

Wireless Communications Towers

G. Dimensional Requirements (See Articles 8 & 9 for uses with conditions and special uses) :

Requirements	Minimum Lot Area Per Use (Excluding Road-Rights-of-Way)
Minimum Lot Area in Square Feet	None
Minimum Lot Width in Feet	100 ft.
Minimum Setback Lines In Feet	
Front	50 ft.
Side	50 ft.
Side abutting Street	50 ft.
Rear	50 ft.
*Maximum Building Height	45 ft.

H. Accessory Structures and Uses shall meet building setback and height requirements as required by Subsection G.

I. Parking and Loading: (Refer to Article 10)

J. Signs: (Refer to Article 11)

K. General Provisions (Refer to Article 6)

Article 5	Anson County, NC Zoning Ordinance
5.3.14 HI (HEAVY INDUSTRIAL) DISTRICT	

A. Intent:

The purpose of the Heavy Industrial (HI) District is to provide locations for enterprises engaged in a broad range of manufacturing, processing, creating, repairing, renovating, painting, cleaning, and assembling of goods, merchandise or equipment. Performance standards will be used to insure the absence of adverse impacts beyond the zoning district boundary.

B. Application Criteria:

This district will usually be applied where the following conditions exist:

1. Site is located within areas designated as Transition.
2. Water and sewer mains exist at the site or be made available as part of the development process.
3. Access would consist of direct vehicular access to streets designated either arterial or collector by the adopted Comprehensive Plan. Access to rail service is desirable but not required.

C. Permitted Principal Uses and Structures:

Accessory uses and structures (see general provisions)
 Agriculture (Bona Fide Farm)
 Animal Hospitals
 Assembly and Packing Operations Including Mail Order Houses
 Botanical Gardens and Arboretums
 Bus Passenger Shelter
 Bus Terminals and Garages
 Crematoria
 Farm Equipment and Sales
 Feed and Seed Storage and Processing
 Governmental Facilities and Offices
 Lithography Establishments
 Mini-warehouses
 Motor Freight Terminals
 Offices, Professional and Public
 Parks, Public and Private
 Petroleum Products, Storage and Distribution
 Printing Establishments
 Public Safety Facilities
 Research Facilities
 Schools, Vocational
 Studio, Art
 Veterinarians
 Warehousing
 Water and Sanitary Sewer Pumping Stations
 Wholesale Sales

D. Permitted uses with conditions (See Article 8. for additional development requirements):

Landfill, Construction and Demolition
 Landfill, Land Clearing and Inert Debris (LCID)

Storage of Goods, Outdoor
Wireless Communications Towers, Stealth

E. Conditional Uses: (See Article 8 and 9 for additional development requirements):

Airports, General Aviation (Must meet AO District Requirements)
Heliports
Elevated Water Storage Tanks
Extraction of Earth Products
Heliports
Junkyards
Landfill, Sanitary
Public Utility Stations and Substations
Recreational Facilities, Public and Private
Switching Stations, Public
Telephone Exchanges, Public
Waste Management Facility, Hazardous and Toxic
Water and Sewage Treatment Plant, Public
Any other use not listed with an industrial type use

F. Special Uses (See Article 8 and 9 for additional development requirements):

Wireless Communications Towers

G. Dimensional Requirements (See Articles 8 & 9 for uses with conditions and special uses) :

Requirements	Minimum Lot Area Per Use (Excluding Road-Rights-of-Way)
Minimum Lot Area in Square Feet	None
Minimum Lot Width in Feet	0 ft.
Minimum Setback Lines In Feet Front	50 ft.
Side	None
Side Abutting Residential District	Required side setback shall be equal to the required side setback of the adjacent residential-agricultural or residential district.
Side abutting Street	50 Ft.
Rear	None
Rear Abutting Residential District	Required rear setback shall be equal to the required rear setback of the adjacent residential-agricultural or residential district.
*Maximum Building Height	45 ft.

H. Accessory Structures and Uses shall meet building setback and height requirements as required by Subsection G.

I. Parking and Loading: (Refer to Article 10)

J. Signs: (Refer to Article 11)

K. General Provisions (Refer to Article 6)

Article 5	Anson County, NC Zoning Ordinance
5.3.16 RC (RESOURCE CONSERVATION) DISTRICT	

A. Intent:

The purpose of the Resource Conservation (RC) District is to preserve and protect environmentally sensitive lands from the impacts of development. In addition, these lands will be managed in ways that will prevent any intentionally generated adverse impacts from affecting surrounding property. The District is also intended to encourage preservation of and continued use of the land held in public or private conservation trusts or preserves for conservation purposes, to protect undisturbed open space, and to prohibit building and urban land use in the land areas subject to flooding that are not listed within the Flood Plain Overlay (FPO) District.

B. Application Criteria:

This District will be applied to the following:

1. Pee Dee National Wildlife Refuge, all game lands managed by the North Carolina Wildlife Resource Commission, Grassy Island Crossing Scenic By-way.

C. Permitted Principal Uses and Structures:

- Accessory uses and structures
- Agricultural (bona fide farm)
- Arboretums
- Botanical Gardens
- Government facilities and Office Buildings
- Parks, Public and Private
- Research Lands and Installations, Non-profit
- Water and Sanitary Sewer Pumping Stations

D. Permitted uses with conditions (See Article 8. for additional development requirements):

- Wireless Communications Towers, Stealth

E. Conditional Uses: (See Article 8 and 9 for additional development requirements):

- Public Utility Stations and Substations
- Switching Stations, Public
- Telephone Exchanges, Public
- Water and Sewage Treatment Plant, Public

F. Special Uses (See Article 8 and 9 for additional development requirements):

- None

G. Dimensional Requirements (See Articles 8 & 9 for uses with conditions and special uses):

Requirements	Minimum Lot Are Per Use (Excluding Road Rights-of-Way)
Minimum Lot Area in Square Feet	None
Minimum Lot Width in Feet	None.
Minimum Setback Lines In Feet Front	None.
Side	None
Side abutting Street	None
Rear	None
Maximum Building Height	35 ft.

- H. Accessory Structures and Uses shall meet building setback and height requirements as required by Subsection G.**
- I. Parking and Loading: (Refer to Article 10)**
- J. Signs: (Refer to Article 11)**
- K. General Provisions (Refer to Article 6)**

Article 5	Anson County, NC Zoning Ordinance
5.3.17 AHO – AIRPORT HAZARD OVERLAY DISTRICTS	

A. Intent:

The Airport Height Overlay (AHO) district is established as an overlay district of all general zoning districts in Anson County that are in the vicinity of the Anson County Airport. The purpose of the district is to protect the airport environs from encroachment of incompatible land uses that present hazards to users of the airport as well as to persons residing or working in the airport vicinity. The additional regulations imposed are designed to place additional height restrictions on buildings, structures, and trees.

B. Application Criteria:

The AHO zones will be applied to the immediate area surrounding the Anson County Airport. Four (4) Airport Height Overlay (AHO) Districts have been established and are listed in the following Table:

Zones		Description
AHO-A	Airport Hazard Overlay-Approach Zone	Inner edge of zone coincides with width of primary surface and is 500 feet wide, expanding outward 4,000 feet uniformly at a horizontal distance of 10,000 feet from the primary surface. Its centerline is a continuation of the centerline of the runway.
AHO-T	Airport Hazard Overlay-Transitional Zone	Areas beneath the transitional surfaces.
AHO-H	Airport Hazard Overlay-Horizontal Zone	Established by swinging arcs of 10,000 feet radii from center of each end of primary surface of runways and connecting adjacent arcs by lines tangent to those arcs. The zone does not include approach and transitional zones.
AHO-C -A -B -C -D	Airport Hazard Overlay-Conical Zone-A, B, C, and D	Area that commences at periphery of horizontal zone and extends outward 4,000 feet. There are 4 conical zones with differing height limitations.

C. Permitted Principal Uses and Structures:

1. Shall be the same as those in the underlying zoning districts. Noise Restrictions and the following:
2. No use may be made to land or water within any zone established by this Article in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft to use the airport.

D. Nonconforming Uses

The owner of any existing non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by Anson County to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport obstructions. Such markers and lights shall be installed, operated, and maintained at the expense of Anson County.

E. Height Limitations

1. Unless otherwise permitted, the following height restrictions shall apply in the various AHO districts:

Zones	Height Limitations	
AHO-A	Slopes 34 feet outward for each 1-foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.	
AHO-T	Slopes 7 feet outward for each 1-foot upward beginning at the side of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation or 447 feet above mean sea level. In addition, there are height limits sloping 7 feet outward for each foot upward beginning at the sides and at the same elevation as the approach surface, and extending to where they intersect the horizontal surface.	
AHO-H	150 feet above the airport elevation or 447 feet above mean sea level.	
AHO-C	Slopes 20 feet outward for each 1-foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 497 feet above mean sea level.	
-A	There are 4 conical zones 1,000 feet horizontally each and rise 50 feet in elevation.	
-B		
-C		
-D		
	AHO-C-A	447 feet above Mean Sea Level
	AHO-C-B	497 feet above Mean Sea Level
	AHO-C-C	547 feet above Mean Sea Level
	AHO-C-D	547 feet above Mean Sea Level

2. Nothing in this Article shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree, to a height of one hundred (100) feet above the airport elevation of two hundred ninety-seven (297) feet Mean Sea Level or three hundred ninety-seven (397) feet Mean Sea Level.

Article 5	Anson County, NC Zoning Ordinance
5.3.18 FPO - FLOOD PLAIN OVERLAY DISTRICT	

FLOOD DAMAGE PREVENTION ORDINANCE

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

STATUTORY AUTHORIZATION.

County: The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 153A; and Part 121, Article 6 of Chapter 153A of the North Carolina General Statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Therefore, the County of Anson, North Carolina, does ordain as follows:

FINDINGS OF FACT.

The flood prone areas within the jurisdiction of Anson County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood prone areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

STATEMENT OF PURPOSE.

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

restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion, flood heights or velocities;

require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

control filling, grading, dredging, and all other development which may increase erosion or flood damage; and,

prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

OBJECTIVES.

The objectives of this ordinance are:

to protect human life and health;

to minimize expenditure of public money for costly flood control projects;

to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

to minimize prolonged business losses and interruptions;

to minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;

to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and,

to insure that potential homebuyers are notified that property is in a Special Flood Hazard Area.

DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

GENERAL PROVISIONS.

LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of Anson County and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The Special Flood Hazard Areas are those identified by the Federal Emergency Management Agency (FEMA) or produced under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Hazard Boundary Map (FHBM) or Flood Insurance Study (FIS) and its accompanying flood maps such as the Flood Insurance Rate Map(s) (FIRM) and/or the Flood Boundary Floodway Map(s) (FBFM), for Anson County dated and as amended from time to time, which with accompanying supporting data, and any revision thereto, including Letters of Map Amendment or Revision, are adopted by reference and declared to be a part of this ordinance. The Special Flood Hazard Areas also include those defined through standard engineering analysis for private developments or by governmental agencies, but which have not yet been incorporated in the FIRM. This includes, but is not limited to, detailed flood data:

- (1) generated as a requirement of Article 4, Section C(11 & 12) this Ordinance;
- (2) preliminary FIRMs where more stringent than the effective FIRM; or
- (3) post-disaster Flood Recovery Maps.

ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas as determined in Article 3, Section B.

COMPLIANCE.

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

ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

INTERPRETATION.

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

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

WARNING AND DISCLAIMER OF LIABILITY.

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

PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Anson County from taking such other lawful action as is necessary to prevent or remedy any violation.

ADMINISTRATION.

DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Planning Director, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance.

FLOODPLAIN DEVELOPMENT PERMIT AND CERTIFICATION REQUIREMENTS.

Plans and Application Requirements. Application for a Floodplain Development Permit shall be made to the floodplain administrator on forms furnished by him or her prior to any development activities proposed to be located within flood prone areas. The following items/information shall be presented to the floodplain administrator to apply for a floodplain development permit.

A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, the location of utility systems, proposed grading/pavement areas, fill materials, storage areas, drainage facilities, and other proposed development;

the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 3, Section B or a statement that the entire lot is within the Special Flood Hazard Area;

flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 3, Section B; the boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section B; the Base Flood Elevation (BFE) where provided as set forth in Article 3, Section B; Article 4, Section C(11 & 12); or Article 5, Sections C, D and B(5); the old and new location of any watercourse that will be altered or relocated as a result of proposed development;

Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

- Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
- Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
- Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;
- If floodproofing, a floodproofing certificate and back-up plans from a registered professional engineer or architect certifying that the non-residential flood-proofed development will meet the flood-proofing criteria in Article 5, Section B(2) and Section C(2).

A Foundation Plan drawn to scale which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:

- Proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/piers);
- Should solid foundation perimeter walls be used in floodplains, details of sufficient openings to facilitate the unimpeded movements of floodwaters in accordance with Article 5, Section B(4);
- Usage details of any enclosed space below the regulatory flood protection elevation.
- Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
- Copy of all other Local, State and Federal permits required prior to floodplain development permit issuance (i.e. Wetlands, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)

If floodplain development permit is issued for placement of Recreational Vehicles and/or Temporary Structures, documentation to ensure Article 5, Section B(6 & 7) of this code are met.

If a watercourse is proposed to be altered and/or relocated, a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

Floodplain Development Permit Data Requirements. The following information shall be provided at a minimum on the Floodplain Development Permit to ensure compliance with this code.

- 1.A description of the development to be permitted under the floodplain development permit issuance.
- 2.The Special Flood Hazard Area determination for the proposed development per available data specified in Article 3, Section B.
- 3.The regulatory flood protection elevation required for the reference level and all attendant utilities.

4. The regulatory flood protection elevation required for the protection of all public utilities.
5. All certification submittal requirements with timelines.
6. State that no fill material shall encroach into the floodway or non-encroachment area of any watercourse, if applicable.

Certification Requirements.

A Final As-Built Elevation Certificate (*FEMA Form 81-31*) or Floodproofing Certificate (*FEMA Form 81-65*) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation or floodproofed elevation of the reference level and all attendant utilities. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make said corrections required shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. **(FEMA FORMS ARE OPTIONAL FOR FLOODPLAIN MANAGEMENT BUT RECOMMENDED. THE USE OF THE FEMA ELEVATION CERTIFICATES IS MANDATORY FOR CRS COMMUNITIES)**

If a manufactured home is placed within an A, AO, AE, or A1-30 zone and the elevation of the chassis is above 36 inches in height, an engineered foundation certification is required per Article 5, Section B(3).

If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

Certification Exemptions. The following structures, if located within A, AO, AE or A1-30 zones, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) above:

- a. Recreational Vehicles meeting requirements of Article 5, Section B(6)(a);
- b. Temporary Structures meeting requirements of Article 5, Section B(7); and
- c. Accessory Structures less than 150 square feet meeting requirements of Article 5, Section B(8).

DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

Duties of the floodplain administrator shall include, but not be limited to:

- Review all floodplain development applications and issue permits for all proposed development with in flood prone areas to assure that the requirements of this ordinance have been satisfied.
- Advise permittee that additional Federal or State permits (i.e., Wetlands, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required, and if specific Federal or State permits are known, require that copies of such permits be provided and maintained on file with the floodplain development permit.
- Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program

prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

- Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- Prevent encroachments within floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5, Section E are met.
- Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) of all attendant utilities of all new or substantially improved structures, in accordance with Article 4, Section B(3).
- Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures and all utilities have been floodproofed, in accordance with Article 4, Section B(3).
- Obtain actual elevation (in relation to mean sea level) of all public utilities, in accordance with Article 4, Section B(3).
- When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Article 4, Section B(3) and Article 5, Section B(2).
- Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- When Base Flood Elevation (BFE) data has not been provided in accordance with Article 3, Section B, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data and/or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Article 5, Section C(4), in order to administer the provisions of this ordinance.
- When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with Article 3, Section B, obtain, review, and reasonably utilize any floodway data, and/or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
- When the exact location of boundaries of the Special Flood Hazard Areas conflict with the current, natural topography information at the site, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. A copy of the Letter of Map Amendment issued from FEMA will be maintained by the floodplain administrator in the floodplain development permit file.
- Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection.
- Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the floodplain administrator may

order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

- Revocation of floodplain development permits as required. The floodplain administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The floodplain administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- Follow through with corrective procedures of Article 4, Section D.

CORRECTIVE PROCEDURES.

Violations to be Corrected: When the floodplain administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law pertaining to their property.

Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating

- that the building or property is in violation of the Flood Damage Prevention Ordinance;
- that a hearing will be held before the floodplain administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
- that following the hearing, the floodplain administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall make an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) days. Where the floodplain administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the floodplain administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

VARIANCE PROCEDURES.

The Board of Adjustment as established by Anson County, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance.

Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- the danger that materials may be swept onto other lands to the injury of others;
- the danger to life and property due to flooding or erosion damage;
- the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- the importance of the services provided by the proposed facility to the community;
- the necessity to the facility of a waterfront location, where applicable;
- the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- the compatibility of the proposed use with existing and anticipated development;
- the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- the safety of access to the property in times of flood for ordinary and emergency vehicles;
- the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- A written report addressing each of the above factors shall be submitted with the application for a variance.
- Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

- Variances shall not be issued within any designated floodway or non-encroachment area if any increase in flood levels during the base flood discharge would result.

Conditions for Variances:

Variances may not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Variances shall only be issued upon:

- a showing of good and sufficient cause;
- a determination that failure to grant the variance would result in exceptional hardship; and
- a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced reference level elevation. Such notification shall be maintained with a record of all variance actions.

The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met. A Floodplain Development permit may be issued for such development only if a variance is granted.

- The use serves a critical need in the community.
- No feasible location exists for the use outside the Special Flood Hazard Area.
- The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection level.
- The use complies with all other applicable federal, state and local laws.
- The County of Anson has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) days prior to granting the variance.

PROVISIONS FOR FLOOD HAZARD REDUCTION.

GENERAL STANDARDS.

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

- All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages.
- Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include but are not limited to HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric meter panels/boxes, utility/cable boxes, appliances (i.e., washers, dryers, refrigerator, etc.), hot water heaters, electric outlets/switches.
- All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- Any alteration, repair, reconstruction, or improvements to a structure which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
- Non-conforming structures or other development may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided that the bulk of the building or structure below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- New solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in Special Flood Hazard Areas. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to Article 4, Section B(3) of this code.

SPECIFIC STANDARDS.

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Article 3, Section B, or Article 4, Section C(11 & 12), the following provisions are required:

- Residential Construction. New construction or substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation.
- Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation. Structures located in A, AO, AE and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation

provided that all areas of the structure below the required flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 4, Section B(3).

- **Manufactured Homes.**

New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation.

Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement in accordance with the State of North Carolina Regulations for Manufactured/Mobile Homes, 1995 Edition, and any revision thereto adopted by the Commissioner of Insurance pursuant to NCGS §143-143.15 or a certified engineered foundation. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

All foundation enclosures or skirting shall be in accordance with Article 5, Section B(4).

An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the floodplain administrator and the local Emergency Management coordinator.

Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas that are below the regulatory flood protection elevation shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises, be constructed entirely of flood resistant materials below the regulatory flood protection level in A, AO, AE, and A1-30 zones and meet the following design criteria:

Measures for complying with this requirement shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. To meet this requirement, the foundation must either be certified by a professional engineer or architect or meet the following minimum design criteria:

- Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
- The total net area of all openings must be at least one (1) square inch for each square foot of each enclosed area subject to flooding.
- If a building has more than one enclosed area, each area must have openings on exterior walls to allow floodwater to directly enter;
- The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade; and,
- Openings may be equipped with screens, louvers, or other opening coverings or devices provided they permit the automatic flow of floodwaters in both directions.

Foundation enclosures:

Vinyl or sheet metal skirting is not considered an enclosure for regulatory and flood insurance rating purposes. Therefore such skirting does not require hydrostatic openings as outlined above.

Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires hydrostatic openings as outlined above to comply with this ordinance.

Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.

Additions/Improvements.

Additions and/or improvements to pre-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure are not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

If they are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

Additions to post-FIRM structures with no modifications to the existing structure shall require only the addition to comply with the standards for new construction.

Additions and/or improvements to post-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure are not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

If they are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

Where a fire wall or independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

Recreational Vehicles. Recreation vehicles placed on sites within a Special Flood Hazard Area shall either:

- be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions); or
- meet all the requirements for new construction, including anchoring and elevation requirements of Article 4, Section B and Article 5, Sections A and B(3).

Temporary Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the following requirements must be met:

- Applicants must submit to the floodplain administrator a plan for the removal of such structure(s) in the event of a hurricane or flash flood warning notification. The plan must include the following information:
- a specified time period for which the temporary use will be permitted;
- the name, address, and phone number of the individual responsible for the removal of the temporary structure;
- the time frame prior to the event at which a structure will be removed (i.e. minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

- a copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and
- designation, accompanied by documentation, of a location outside the Special Flood Hazard Area to which the temporary structure will be moved.

The above information shall be submitted in writing to the floodplain administrator for review and written approval.

Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas);
- Accessory structures shall be designed to have low flood damage potential;
- Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- Accessory structures shall be firmly anchored in accordance with Article 5, Section A(1);
- All service facilities such as electrical and heating equipment shall be installed in accordance with Article 5, Section A(4); and
- Openings to relieve hydrostatic pressure during a flood shall be provided below regulatory flood protection elevation in conformance with Article 5 Section B(4)(a).
- An accessory structure with a footprint less than 150 square feet does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Article 4, Section B(3).

SUBDIVISIONS, MANUFACTURED HOME PARKS AND MAJOR DEVELOPMENTS.

All subdivision, manufactured home park and major development proposals located within Special Flood Hazard Areas shall:

- be consistent with the need to minimize flood damage;
- have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- have adequate drainage provided to reduce exposure to flood hazards; and,
- have Base Flood Elevation (BFE) data provided if development is greater than the lesser of five (5) acres or fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per Article 3, Section B to be utilized in implementing this code.

STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the Special Flood Hazard Areas established in Article 3, Section B, where no Base Flood Elevation (BFE) data has been provided, the following provisions shall apply:

- No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty feet each side from top of bank or five times the width of the stream whichever is greater, unless certification with supporting technical data by a registered

professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

- If Article 5, Section C(1) is satisfied and Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with elevations established in accordance with Article 4, Section C(11 & 12). When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source, the reference level, including basement, shall be elevated at least 2 feet above the highest adjacent grade.

STANDARDS FOR FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where Base Flood Elevation (BFE) data is provided but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

FLOODWAYS AND NON-ENCROACHMENT AREAS.

Located within the Special Flood Hazard Areas established in Article 3, Section B are areas designated as floodways or non-encroachment areas. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions shall apply to all development within such areas:

No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the floodplain administrator prior to issuance of floodplain development permit.

If Article 5, Section F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision provided the following provisions are met:

- the anchoring and the elevation standards of Article 5, Section B(3); and
- the no encroachment standards of Article 5, Section F(1) are met.

STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES).

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions shall apply within such areas:

All new construction and substantial improvements of all structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least to the regulatory flood protection elevation as defined for the Special Flood Hazard Areas where no BFE has been established.

All new construction and substantial improvements of non-residential structures shall have the option to, in lieu of elevation, be completely floodproofed together with attendant utilities and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per Article 4, Section B(3) and Article 5, Section B(2).

LEGAL STATUS PROVISIONS.

EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.

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

EFFECT UPON OUTSTANDING BUILDING PERMITS.

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

Article 5 5.3.19 WSWO - WATER SUPPLY WATERSHED OVERLAY DISTRICT	Anson County, NC Zoning Ordinance
--	--

A. Intent:

The purpose of the Watershed Protection Overlay Districts is to prevent significant future water quality deterioration in existing or potential future drinking water reservoirs and rivers that receive stormwater runoff from land within Anson County. Protection of all water supplies within the State, in accordance with minimum standards, was mandated by the Water Supply Watershed Protection Act passed by the General Assembly in 1989. The quality of water in drinking water reservoirs and rivers can be affected by human activities including farming, obstruction of highways and roads, subdivision development, industrial development, and other land disturbing activities. Types of water pollutants resulting from these activities include sediment, bacterial contamination, heavy metals, synthetic organic compounds, and low-level radioactivity.

The intent of the Watershed Protection Overlay Districts is to apply a set of regulations involving land use and, in some cases, structural Best Management Practices (BMP's) that protect the watersheds by reducing the pollution from future development that enters the drinking water supplies. Land use management practices involve minimum lot sizes, maximum allowed density, and impervious surface restrictions, since impervious surfaces such as roads, rooftops, and driveways are a major source of pollution. Structural Best Management Practices allow for more intensive land uses by providing for temporary detention of stormwater runoff so that pollutants may settle.

B. Application Criteria:

The Watershed protection Overlay Districts as hereby established overlay other zoning districts established in this Ordinance. The new use of any land or new structure within any Watershed Protection Overlay District shall comply with the use regulations applicable to the underlying zoning district as well as the requirements of the applicable Watershed Protection Overlay District.

A Watershed Protection Overlay District will be applied to the Anson County portion of watersheds that have been classified as WS-II or WS-IV watersheds by the North Carolina Environmental Management Commission in its implementation of the Water Supply Watershed Protection Act of 1989. In accordance with the State Mandate, four (4) Watershed Protection Overlay Districts, as listed in the following table, are hereby established.

District		Class	Acreage	General Location
JONES-CA	North Fork Jones Creek Critical Area Overlay District	WS-II-CA	1,127	½ mile upstream from the Town of Wadesboro water intake.
JONES-PW	North Fork Jones Creek Protected Watershed Overlay District	WS-II-BW	4,664	The entire land area of the drainage basin of Jones Creek, minus the Critical Area, the entire area of which contributes surface water drainage to the water intake for the Town of Wadesboro.
BLEWETT FALLS-CA	Blewett Falls Lake Critical Area Overlay District	WS-IV-CA		½ mile from the normal pool elevation of Blewett Falls Lake, or the ridgeline of the watershed, whichever is less.
BLEWETT FALLS-PW	Blewett Falls Lake Protected Watershed Overlay District	WS-IV-PA		5 miles from the normal pool elevation of Blewett Falls Lake or the ridgeline of the watershed.

C. Extra Requirements for Watershed Protection Overlay Districts

Pursuant to the requirements of NCGS 143-214.5 (Water Supply Watershed Protection), Watershed Protection Overlay Districts as described in Section 5.3.19 (Watershed Protection Overlay Districts Established) of this Ordinance, have been established for lands within the watersheds of existing or potential drinking water rivers and reservoirs. These Districts overlay other zoning districts established in this Ordinance and delineated on the Official Zoning Map. Wherever the standards of the underlying zoning district differ from the watershed overlay standards, the more restrictive provisions shall apply.

D. Land Use Restrictions

All uses and activities allowed in the underlying zoning districts are permitted with the following exceptions:

District	Land Use Restrictions
JONES-CA	New landfills are not permitted. New sites for the land application of sludge/residuals or petroleum contaminated soils are not permitted. Agricultural activities are subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation, and Trade Act of 1990, and the rules and regulations of the Soil and Water Conservation Commission. Silviculture activities are subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.0101-.0209.
JONES-PW	Discharging landfills are not permitted. Agricultural activities are permitted and are subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation, and Trade Act of 1990, and the rules and regulations of the Soil and Water Conservation Commission. Silviculture activities are subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.0101-.0209.
BLEWETT FALLS-CA	New landfills are not permitted . New sites for land application of sludge/residuals or petroleum contaminated soils are not permitted . Agricultural activities are subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation, and Trade Act of 1990, and the rules and regulations of the Soil and Water Conservation Commission. Silviculture activities are subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.0101-.0209.
BLEWETT FALLS-PW	Agricultural activities are subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation, and Trade Act of 1990. Silviculture activities are subject to the provisions of the Forest Practices Guideline Related to Water Quality (15 NCAC 11.0101-.0209.

E. Residential Density

Maximum residential density/minimum lot area requirements shall be as indicated in the Table below, or as required by the underlying zoning district, whichever is more restrictive. Road rights-of-way shall not be included in lot area calculations.

District	Maximum Density/Minimum Lot Area Requirements	
JONES-CA	1 DU/87,120 Sq. Ft. (2 Acres)	
JONES-PW	1 DU/43,560 Sq. Ft. (1 Acre)	
BLEWETT FALLS-CA*	1 DU/21,780 Sq. Ft. (.50 Acre)	
BLEWETT FALLS-PW*	With Curb & Gutter	1 DU/21,780 Sq. Ft. (.5 Acre)
	Without Curb & Gutter	1 DU/14,520 Sq. Ft. (.33 Acre)

DU = Dwelling Unit

* Only new development activities that require an erosion and sedimentation control plan under State law are required to meet the provisions of this Ordinance when located in a WS-IV watershed.

F. Impervious Surface Limits

Impervious surface limits, as applied in this Ordinance, are only effective for multi-family and non-residential development, or when applied to cluster developments. Impervious surface calculations for an individual development shall be calculated on a project-by-project basis. One half (1/2) of the width of any existing or proposed road adjacent to an individual lot shall be included as impervious surface for that lot, except in the case where an existing road was

contained within a publicly dedicated right-of-way at the time the watershed regulations were first applied to the watershed within which the development is located. Impervious surface requirements are as follows:

District	Impervious Surface Requirements (Multi-Family & Non-Residential)	
JONES-CA	6%	
JONES-PW	Residential	12%
	Non-Residential	12%
	Non-Residential with approved Special Non-Residential Intensity Allocation (SNIA)*	70%
BLEWETT FALLS-CA	24%	
BLEWETT FALLS-PW	With Curb & Gutter	24%
	Without Curb & Gutter	36%

* See F below.

G. Special Non-Residential Intensity Allocations

Non-residential uses may occupy five percent (5%) of each protected watershed district (exclusive of critical areas) with a seventy percent (70%) impervious surface limit when approved as a Special Non-residential Intensity Allocation (SNIA). The Zoning Officer is authorized to approve SNIA's consistent with the provisions of this Ordinance. Projects must minimize impervious surface area, direct stormwater away from surface waters, and incorporate Best Management Practices (BMP's) to minimize water quality impacts. SNIA's shall be approved on a "first come, first served", project-by-project basis. A minimum one hundred (100) foot vegetative stream buffer is required for all new development activities that use the Special Non-residential Intensity Allocation (SNIA) provision as SNIA's are a type of high density development option.

H. Modifications of the Impervious Surface Ratio

Modifications of the impervious surface ratios may be requested through the variance procedures of the Zoning Board of Adjustment, as described in Section ____ .

I. Stream Buffers

1. A minimum one hundred (100) foot vegetative stream buffer is required for all new development activities that use the Special Non-residential Intensity Allocation (SNIA) provision. A minimum fifty (50) foot vegetative stream buffer for all other development activities is required along all perennial waters indicated on the most recent versions of USGS 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial stream bank or shoreline stabilization approved by the Administrator is permitted.
2. No new development is allowed in stream buffers except for water dependent structures, other structures such as flag poles, signs and security lights which result in only diminutive increases in impervious area and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters, and maximize the utilization of stormwater Best Management Practices.

J. Cluster Developments

Clustering of development is allowed under the following conditions:

1. Minimum lot sizes are not applicable to single-family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single-

family detached developments in Section 13.3 (Residential Density). Impervious surface area or stormwater control requirements of the project shall not exceed that allowed for the balance of the watershed.

2. All impervious surface areas shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.
3. The remainder of the tract shall remain in a vegetated or natural state not to be developed at any future date. Where the development has a property owners association, the title of the open space area shall be conveyed to the association for management and maintenance. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds, and individual property owners shall be responsible for maintenance.

K. Variances from Watershed Provisions

1. In granting variances from watershed protection provisions, in addition to the standard procedures prescribed in Article 12 (Variances) of this Ordinance, the Zoning Board of Adjustment will distinguish between a Major Variance and a Minor Variance.
2. A notice of the request for a variance, including a description of the request, shall be given to all governmental units having jurisdiction within the specific Watershed Protection Overlay District and the entity using the water supply for consumption. Notice shall be given by first class mail at least ten (10) days before the hearing of such request in order to allow for comment from the units or entity.
3. If the application calls for the granting of a Major Variance from a requirement of a Watershed Protection Overlay District, and if the Zoning Board of Adjustment decides in favor of granting the variance, the Board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:
 - a. The variance application;
 - b. The hearing notices;
 - c. The evidence presented;
 - d. Motions, offers of proof, objections to evidence, and rulings on them;
 - e. Proposed findings and exceptions; and
 - f. The proposed decision, including all conditions proposed to be added to the permit.
4. The preliminary record shall be sent to the North Carolina Environmental Management Commission (NCEMC) for its review as follows:
 - a. If the commission concludes from the preliminary record that the variance qualifies as a major variance and that
 - 1) The property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted;
 - 2) The variance, if granted, will not result in a serious threat to the water supply, then the Commission shall approve the variance as proposed or approve the proposed variance with conditions and stipulations.

The Commission shall prepare a Commission decision and send it to the Zoning Board of Adjustment. If the Commission approves the variance as proposed, the Zoning Board of Adjustment shall prepare a final decision granting the proposed variance. If the Commission approves the variance with conditions and stipulations, the Zoning Board of Adjustment shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.

b. If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that:

1) The property owner can secure a reasonable return from or make a practical use of the property without the variance, or

2) The variance, if granted, will result in a serious threat to the water supply, then the Commission shall deny approval of the variance as proposed.

The Commission shall prepare a Commission decision and send it to the Zoning Board of Adjustment. The Zoning Board of Adjustment shall prepare a final decision denying the variance as proposed.

5. The Zoning Board of Adjustment may approve Minor Variances to the provisions of the Watershed Protection Overlay District regulations without the requirement of a review by the North Carolina Environmental Management Commission (NCEMC).

6. The Zoning Officer shall keep a record of variances to the Watershed Protection Overlay Districts requirements. This record shall be submitted for each calendar year to the Water Quality Section of the Division of Environmental Management on or before January 1st of the following year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

Article 6 GENERAL PROVISIONS	Anson County, NC Zoning Ordinance
---	--

6.1 ACCESSORY BUILDINGS

- A. No accessory building shall be constructed on any lot prior to the time of construction of the principal structure to which it is accessory.
- B. No accessory building shall be located in any required front or side yard. Detached carports will be permitted in side yards if all setback requirements are satisfied.
- C. Accessory buildings not exceeding fifty (50) square feet in gross floor area and used exclusively to house well and pump equipment may be permitted in front, side or rear yards, provided such accessory buildings are at least five (5) feet from any property lines and do not encroach into any required easements or other site angles.
- D. A manufactured home shall not be used as an accessory structure in any zoning district.

6.2 ACCESSORY USES

A. The permitted and conditional uses listed for each district are classified according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use) is conducted in conjunction with another principal use and the former use

- 1. constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or
- 2. is commonly associated with the principal use and integrally related to it,

then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. For example, a swimming pool/tennis court complex is customarily associated with and integrally related to a multi-family development and would be regarded as accessory to such principal use, even though the swimming pool, if developed apart from a multi-family development, would require a Conditional Use Permit.

B. For purposes of interpreting this Section:

- 1. A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use;
- 2. To be “commonly associated” with a principal use it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.

C. Without limiting the generality of Subsections A and B, the following activities are specifically regarded as accessory to residential principal uses as long as they satisfy the general criteria set forth above:

- 1. Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home based business (Level-1 or 2);
- 2. Hobbies or recreational activities of a noncommercial nature;

3. The renting out of one (1) or two (2) rooms within a single-family residence (which one (1) or two (2) rooms do not themselves constitute a separate dwelling unit) to not more than two (2) persons who are not part of the family that resides in the single-family dwelling;
4. Yard sales or garage sales, so long as such sales are not conducted on the same lot for more than three (3) days (whether consecutive or not) during any ninety day (90) day period;

6.3 ACCESS TO LOTS

Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use. No zoning compliance shall be issued unless at least 15' for deeded access is provided or 35' feet of fee simple road access on a state maintained road.

6.4 APPLICABILITY TO EXTRATERRITORIAL AREAS

The provisions of the Ordinance may be applicable in newly incorporated areas until the Board of Commissioners transfers zoning jurisdiction to the proper municipal authority.

6.5 CORNER VISIBILITY

There shall be no planting, structure, fence, or other obstruction to visibility on any corner lot between two (2) feet or ten (10) feet above the level of the center line of the street in a triangular area bounded by the street right-of-way line on such corner lots and a base line joining points along right-of-way lines twenty-five (25) feet from the intersection right -of-way corner

6.6 (Reserved)

6.7 ENVIRONMENTAL PROVISIONS

All effluents and emissions into the air or surface or groundwater from new development permitted by this Ordinance including any land-disturbing activity must be in conformity with all applicable Federal, State, and County Health and Environmental Quality regulations. Land development must also comply with all other applicable regulations, which also include flood plain, and water shed regulations. All applicable Health Department regulations shall apply.

6.8 HEIGHT LIMIT EXCEPTIONS

The height limitations contained in the schedule of district regulations do not apply to spire, belfries, cupolas, antennas, water tanks, ventilators, chimneys, mechanical equipment penthouses, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

6.9 IRREGULAR LOTS-FURTHER SUBDIVISION OR CREATION

Any irregular lot of record existing at the time this Ordinance becomes effective, may be subdivided in compliance with applicable subdivision regulations and improvement requirements to create additional regular lots; provided that such new lots meet all requirements of the zoning district in which the property is located and that no residual new substandard lots remain as a result of such action.

6.10 LIGHTING

All lighting must be directed away from adjacent property and roadways. Lighting shall be directed onto the individual owners site only.

6.11 MANUFACTURED HOMES AS TEMPORARY USES

Manufactured homes may be allowed as temporary quarters in any district at the discretion of the Zoning Administrator. Examples of permitted temporary quarters are construction offices and temporary disaster relief quarters for any type of use. Permits for six (6) month periods of use must be obtained from the Zoning Administrator, who may renew the permits for one additional six (6) month period upon reasonable showing by the applicant that the need for the renewal is necessary. Additional extensions for one year increments shall be obtained by the Board of Adjustments following the requirements of 10.3 A.

6.12 (Reserved)

6.13 PRINCIPAL BUILDINGS

6.13.1 RESIDENTIAL

There shall be no more than one (1) principal structure permitted on any residential lot, with the exception of the following:

1. multi-family developments,
2. temporary use of a manufactured home for custodial care;
3. during the installation or construction of a permanent unit on the same lot; or
4. duplexes on lots that have twice the required minimum lot area of the zoning district in which it is to be located.
5. accessory dwelling units with 1 and one half the times the amount of land area for each unit.

6.13.2 (RESERVED)

6.14 OUTDOOR DISPLAY OF MERCHANDISE

Outdoor display of merchandise, that is normally required in conducting the commercial or industrial operation is permitted in the commercial and industrial zoning districts as a use with conditions as provided in Section 6. (Permitted Uses with Conditions).

6.15 OUTDOOR STORAGE OF GOODS

- A. Outdoor storage of goods, equipment and material, such as junk vehicles, junk appliances and other such items, trash, and other debris shall be prohibited in the Residential District. Outdoor storage of goods may only occur within the residential-agricultural, commercial, and industrial zoning districts as a use with conditions as provided in Article 8 (Permitted Uses with Conditions)
- B. In the interest of safety to children and adjacent property owners, any approved outdoor storage shall maintain a buffer that conceals the storage from public view. The buffer shall be compact evergreen hedge or other type of evergreen foliage screening which shall reach the height of at least eight (8) feet within three (3) years, or shall be a combined fence and shrubbery screen. The buffer shall be maintained at a minimum of eight (8) feet in height and at least fifteen (15) feet in width thereafter. Earthen-banks, other topographical features and existing wooded areas may be accepted by the zoning officer in lieu of the above requirements, if they conceal the use from public view. Fences shall be at least six (6) feet, but no greater than twelve (12) feet in height, must be opaque, and made of materials that are normally accepted in the fencing industry.

6.16 RESERVED

6.17 PROJECTION INTO PUBLIC RIGHT-OF-WAYS

No private sign, structure, or other items shall project beyond an imaginary line drawn ten (10) feet from and parallel to the outer edge of the public right-of-way. Any projection into a public right-of-way, new or existing, shall be removed.

6.18 RESERVED

6.19 REDUCTION OF LOT AND YARD AREAS PROHIBITED

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

6.20 REQUIRED YARDS NOT TO BE USED BY ANOTHER BUILDING

The minimum yards or other open spaces required by this Ordinance for each and every building shall not be encroached upon or considered as meeting the yard and open space requirements of any other building.

6.21 RESERVED

6.22 SCREENING AND BUFFERING

- A. A minimum of a fifty (50) foot vegetative buffer is required for development activities along all perennial and intermittent waters indicated on the most recent versions of USGS 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial stream bank or shoreline stabilization is permitted.
- B. No new development is allowed in the buffer except for water dependent structures and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of storm water Best Management Practices.
- C. New or expanding uses and other uses that are subject to this provision must provide a vegetative buffer along the property boundary that separates the proposed or expanding nonresidential use and the existing residential use as a means to lessen the impact of nonresidential use on the residential use.
- D. The buffer shall be compact evergreen hedge or other type of evergreen foliage screening at least fifteen (15) feet wide that shall reach the height of at least eight (8) feet within three (3) years, or shall be a combined fence and shrubbery screen, with the shrubbery facing the residential use. It shall be maintained at a minimum of eight (8) feet in height thereafter.
- E. The fence shall be at least six (6), but no greater than eight (8) feet in height, must be opaque, and made of materials that are normally accepted in the fencing industry.
- F. Earthen-berms, other topographical features, and existing wooded areas may be accepted in lieu of the above requirements, if they conceal the use from public view.

6.23 RESERVED

6.24 SWIMMING POOLS

- A. All swimming pools, including associated decks, patios, and equipment buildings, whether aboveground or in-ground, shall be built only in side or rear yards.

- B. Swimming pools, including associated decks, and equipment buildings, whether aboveground or in-ground, shall be set back a minimum of ten (10) feet from all side and rear property lines. Patio areas at grade have no setback requirements from rear and side lot lines.
- C. Swimming pools shall be enclosed by a privacy fence with a minimum height of six (6) feet and a maximum height of eight (8) feet.

6.25 TRAVEL TRAILERS/PORTABLE STRUCTURES

No bus, pickup coach, camping trailer, self contained travel trailer or house trailer (defined as a vehicular, portable structure built on a wheel chassis, designed to be towed by a self propelled vehicle for use as a temporary dwelling, for travel, recreation and vacation uses, having a body width not to exceed eight (8) feet and a body length not exceeding forty (40) feet when equipped for road travel) shall be used for living, sleeping, or business purposes on any lot within the zoning jurisdiction of Anson County.

Article 7 NONCONFORMING SITUATIONS	Anson County, NC Zoning Ordinance
---	--

7.1 Continuation of Nonconforming Situations and Completion of Nonconforming Projects

- A. Unless otherwise specifically provided in this Ordinance, and subject to the restrictions and qualifications set forth in Articles 7.2 (Nonconforming Lots) through 7.7 (Completion of Nonconforming Projects), nonconforming situations that were otherwise lawful on the effective date of this Ordinance may be continued.
- B. Nonconforming projects may be completed only in accordance with the provisions of Article 7.7 (Completion of Nonconforming Projects).

7.2 Nonconforming Lots

- A. When a nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller than the required minimum set forth for the particular zoning district, then the lot may be used as proposed just as if it were conforming. However, no use (e.g., a two-family residence) that requires a greater lot size than the established minimum lot size for a particular zone is permissible on a nonconforming lot.
- B. This Section applies only to undeveloped nonconforming lots. A lot is undeveloped if it has no substantial structures upon it. A change in use of a developed nonconforming lot may be accomplished in accordance with Section 7.5 (Change in Use of Property Where a Nonconforming Situation Exists).
- C. If, on the date this Article becomes effective, an undeveloped nonconforming lot adjoins and has continuous frontage with one (1) or more other undeveloped lots under the same ownership, then such lots shall be recombined to create a conforming lot for purpose of building development.

7.3 Extension or Enlargement of Nonconforming Situations

- A. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation, except in the case of a nonconforming structure used for single-family dwelling purposes (see Subsection E). In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:
 - 1. An increase in the total amount of space devoted to a nonconforming use, or
 - 2. Greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, or density requirements, or other requirements such as parking requirements.
- B. A nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this Ordinance, was manifestly designed or arranged to accommodate such use. However, a nonconforming use may not be extended to additional buildings or to land outside the original building.
- C. A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural material from the lot (e.g., a gravel pit) may be expanded to the boundaries of the lot where the use was established at the time it became nonconforming

if ten percent (10%) or more of the earth products had already been removed on the effective date of this Ordinance.

- D. Any structure used for single-family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements (e.g., a single-wide manufactured home may be replaced with a double-wide manufactured home). This Subsection is subject to the limitations stated in Section 7 (Abandonment and Discontinuance of Nonconforming Situations).

7.4 Repair, Maintenance and Reconstruction

- A. Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovation (i.e., work estimated to cost more than twenty-five percent (25%) of the appraised valuation of the structure to be renovated) may be done only in accordance with a Zoning Compliance Permit issued pursuant to this Ordinance.
- B. If a structure located on a lot where a nonconforming situation exists is damaged to an extent that the costs of repair or replacement would exceed twenty-five percent (25%) of the appraised value of the damaged structure, then the damaged structure may be repaired or replaced only in accordance with a Zoning Compliance Permit issued pursuant to this Ordinance. This Subsection does not apply to structures used for single-family residential purposes, which structures may be reconstructed pursuant to a Zoning Compliance Permit just as they may be enlarged or replaced as provided in Section 7.3 (Extension or Enlargement of Nonconforming Situations), Subsection E.

7.5 (RESERVED)

7.6 Abandonment and Discontinuance of Nonconforming Situations

- A. When a nonconforming use is
 - 1. discontinued for a consecutive period of one hundred-eighty (180) days, or
 - 2. discontinued for any period of time without a present intention to reinstate the nonconforming use,the property involved may thereafter be used only for conforming purposes.
- B. If the principal activity on property where a nonconforming situation other than a nonconforming use exists is
 - 1. discontinued for a consecutive period of one hundred-eighty (180) days, or
 - 2. discontinued for any period of time without a present intention of resuming that activity,

then that property may thereafter be used only in conformity with all of the regulations applicable to the preexisting use unless the entity with authority to issue a permit for the intended use issues a permit to allow the property to be used for this purpose without correcting the nonconforming situations. This permit may be issued if the permit issuing authority finds that eliminating a particular nonconformity is not reasonably possible (i.e., cannot be accomplished without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation). The permit shall specify which nonconformities need not be corrected.

- C. When a structure or operation made nonconforming by this Ordinance is vacant or discontinued at the effective date of this Ordinance, the one hundred-eighty (180) day period for purposes of this Section begins to run on the effective date of this Ordinance.

7.7 Completion of Nonconforming Projects

All nonconforming projects on which construction was begun before the effective date of this Ordinance, as well as all nonconforming projects that are at least ten percent (10%) completed in terms of the total expected cost of the project on the effective date of this Ordinance, may be completed in accordance with the terms of their permits, so long as their permits were validly issued and remain un-revoked and un-expired. If a development is designed to be completed in stages, this Section shall apply only to the particular phase under construction.

7.8 Nonconforming Signs

- A. Subject to the remaining restrictions of this Section, nonconforming signs that were otherwise lawful on the effective date of this Article may be continued until they are required to be removed.
- B. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition, nor may illumination be added to any nonconforming sign.
- C. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Ordinance.
- D. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all of the provisions of this Ordinance, and the remnants of the former sign structure shall be cleared from the land. For purposes of this Subsection, a nonconforming sign is "destroyed" if damage to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value (tax value if listed for tax purposes) of the sign so damaged.
- E. The message of a nonconforming sign may be changed so long as this does not create any new nonconformity (for example, by creating an off-premises sign under circumstances where such a sign would not be allowed).
- F. Subject to the other provisions of this Section, nonconforming signs may be repaired and renovated so long as the cost of such work does not exceed, within any twelve (12) month period, fifty percent (50%) of the value (tax value if listed for tax purposes) of such sign.
- G. If a nonconforming sign other than a billboard advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within thirty (30) days after such abandonment by the sign owner, owner of the property where the sign is located, or other party having control over such sign.
- H. If a nonconforming billboard remains blank for a continuous period of one hundred-eighty (180) days, that billboard shall be deemed abandoned and shall, within thirty (30) days after such abandonment, be altered to comply with this Section or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this Subsection, a sign is "blank" if:

1. It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, or
 2. The advertising message it displays becomes illegible in whole or substantial part, or
 3. The advertising copy paid for by a party other than the sign owner, or promoting an interest other than the rental of the sign, has been removed.
- I. As soon as reasonably possible after the effective date of this Ordinance, the Zoning Officer shall make every reasonable effort to identify all the nonconforming signs within the County's planning jurisdiction. He/she shall then contact the person responsible for each such sign (as well as the owner of the property where the nonconforming sign is located, if different from the former) and inform such person
1. that the sign is nonconforming,
 2. how it is nonconforming,
 3. what must be done to correct it and by what date, and
 4. the consequences of failure to make the necessary corrections.

The Zoning Officer shall keep complete records of all correspondence, communications, and other actions taken with respect to such nonconforming signs.

7.8.1 (Reserved)

7.8.2 Nonconforming Manufactured Home Parks

- A. Existing manufactured home parks that do not meet all of the standards for such a use that are set forth elsewhere in this Ordinance at the time of adoption of this Section shall be considered nonconforming. Such uses shall not expand in any way beyond the existing developed areas, but shall be allowed to remove and replace the units on spaces existing within the existing manufactured home park at the time of adoption of this Section.
- B. Only the replacement and location of units on an existing manufactured home space shall be permitted, provided that the total number of units does not exceed the number existing at the time of adoption of this Section, and provided that the existing waste treatment system is functioning properly. Removal and replacement of such units shall not be considered expansion of the nonconforming use.
- C. Any manufactured home unit replacing an existing manufactured home unit on an existing manufactured home space, pursuant to Subsections A and B, and not previously located within the manufactured home park, must be a Class A B or Class C manufactured home as defined in Article 2 (Definitions and Interpretations) of this Ordinance.

Article 8 USES PERMITTED WITH CONDITIONS	Anson County, NC Zoning Ordinance
---	--

8.1 INTENT

Some uses that may normally not be acceptable in certain zoning districts may be acceptable if they meet conditions of development that are in addition to the normal development standards. Those uses permitted with prescribed conditions are listed below with the additional development requirements that must be met in addition to the zoning district requirements where the proposed use is located.

8.2 APPLICATION

All applicants for a use permitted with prescribed conditions must be filed with the Zoning Officer. The Zoning Officer shall review, and approve, approve with conditions, or deny all applications.

8.3 SITE PLAN REQUIRED FOR USES PERMITTED WITH CONDITIONS

A. Specific Requirements By Use

A site plan must always be submitted with the application showing at least the following drawn to an engineering scale:

1. The shape and dimensions of the lot on which the proposed building(s) is to be erected;
2. The location of said lot with respect to adjacent rights-of-way;
3. The shape, dimensions, and location of all buildings, existing and proposed, and required setbacks;
4. A floor plan of the proposed/existing structures to be used for the proposed use showing the use and dimensions of each room and the locations of entrances and exists where the use is of a commercial nature and conducted within a residential structure;
5. The nature of the proposed use of the building or land, including the extent and location of the use;
6. The location and dimensions of off-street parking and loading space and means of ingress and egress;
7. The square feet and percentage of lot as built upon area if the lot is located in a Watershed;
8. The location and type of all required buffers;
9. Required Driveway Permits from the Department of Transportation;
10. A Sedimentation and Erosion Control Plan (if applicable) as submitted to the Land Quality Section, Department of Environment and Natural Resources; and,
11. Any other information, which the Planning Staff may deem necessary for consideration in enforcing all provisions of this Ordinance.

Also, the site plan shall indicate the location and dimensions of outdoor activity areas including outdoor storage, location and type of outdoor lighting, and areas of environmental concern such as flood plains, surface water, and drainage ways. Prior to approval of the site plan, the Zoning Officer may consult with other qualified personnel for assistance to determine if the application meets the requirements of this Ordinance. **Individual applications may require more information**, as given in this Section or elsewhere in this Ordinance. **In addition, the Zoning Officer may require** other information, as he/she

deems necessary in order to determine if the proposal meets all requirements and will not endanger persons or property.

8.4 DEVELOPMENT REQUIREMENTS

The permitted uses with conditions listed below for each zoning district have minimum conditions that shall be met before a certificate of zoning compliance is issued. A site plan shall be submitted displaying all of the information required by this section.

8.5 BARS

1. Screening

A thirty (30) foot wide landscaped buffer shall be provided between the use and any residential uses and/or zoning districts.

2. Additional Use Requirements

Buildings for bars shall not be located within fifteen hundred (1500) feet of any residence.

8.6 CENTER FOR 7-19 CHILDREN

1. Site Requirements

a. Same as zoning district requirements.

b. The center for 7-19 children located in a residence shall not be located in an area that is determined by the Zoning Officer to be free from conditions dangerous to the physical and mental welfare of the children. The Zoning Officer may enlist the services of other qualified County personnel in making this determination.

2. Access and Traffic Circulation

a. The lot shall have direct frontage and access on a public, State maintained road.

b. Adequate access to and from the site as well as adequate space off the road right-of-way is provided for the safe pick-up and discharge of children in such a manner that traffic generated by the center for 7-19 children in a residence is not disruptive to adjacent residentially developed properties.

3. Fencing

Fencing that assures the protection of the children receiving childcare and adjacent residentially developed properties from trespass shall be provided around the perimeter of the outdoor play space.

4. Screening

The site plan shall indicate how the center will be screened from adjacent properties. A thirty (30) foot buffer shall be provided around the residence and outdoor play areas. These buffers will effectively screen the view of any outdoor play areas and reduce noise associated with the childcare. The buffer shall meet the requirements, excluding buffer width, of Section 4.22 (Screening and Buffering).

5. Additional Use Requirements

At least seventy-five (75) square feet of fenced outdoor play space shall be provided for every child in care. This space shall not be located in a required buffer area or in any area that is used or reserved for use as a sewage disposal nitrification field.

6. Additional Review Requirements

a. The Zoning Officer may attach additional conditions to the permit that address specific impacts that result from the operation of the center for 7-19 children located in a residence. Such conditions may include, but not be limited to,

limitations on the hours of operation, location of outdoor play areas, the number of vehicles to be parked on the premises at any one time, and the location of a storage area or parking on the property. The zoning Officer may also require greater setbacks and/or additional landscaping or screening to adequately screen the use.

- b. The Zoning Office shall review each center for 7-19 children located in a residence annually to assure continued compliance with this Ordinance. The Zoning Officer is authorized to approve minor changes in the approved center for 7-19 children located in a residence provided the changes are in harmony with action taken on the original approval and provided any change in the operation complies with the standards of this Ordinance. Any change in the operation of the center for 7-19 children located in a residence that does not comply with the standards listed above will constitute a modification of the permit and will require approval of the Zoning Board of Adjustment as a Child Care Facility, Other Than a Center for 7-19 Children Located in a Residence.

8.7 ELECTRICAL SUBSTATIONS, SWITCHING AND METERING STATIONS, AND ASSOCIATED TRANSMISSION LINES, WHERE INCOMING VOLTAGE DOES NOT EXCEED ONE HUNDRED (100) KILOVOLTS (KV)

- 1. Site Requirements
 - a. The parcel or easement across the parcel (whether owned or leased by the utility) on which the facility is located shall contain a minimum area of five thousand (5,000) square feet.
 - b. The facility shall be located on a parcel or easement across a parcel (whether owned or leased by the utility) that has been recorded with the Anson County Register of Deeds Office.
- 2. Access and Traffic Circulation

Access easements extending from an approved public or private road to the facility shall be a minimum of thirty (30) feet in width.
- 3. Fencing

Perimeter fencing and setbacks for the utility structure shall be provided in accordance with the National Electrical Safety Code.
- 4. Screening
 - a. A seventy-five (75) foot wide landscaped buffer shall be provided along any portion of the perimeter of the parcel, easement, or leasehold located adjacent to property zoned for residential use, except where such property is owned, leased, or consists of other utility easements currently used for electrical distribution or transmission purposes or no other purposes.
 - b. Existing vegetation within an easement, leasehold or parcel of a public utility may be used to satisfy the landscaping requirements.
- 5. Additional Use Requirements
 - a. The components of the facility, including but not limited to towers, transformers, circuit breakers, metering devices, and supporting structures shall be contained within a geometric area not to exceed twelve thousand (12,000) square feet.
 - b. Modification to or replacement of existing facilities shall be subject to the requirements set forth in this Section. Pre-existing facilities may remain during construction of replacement facilities, but shall be dismantled after the replacement facility is in operation.

8.8 GARDEN CENTER

- 1. Screening

Outdoor storage of bulk goods shall be screened on three (3) sides by an eight (8) foot high opaque wall or fence.

2. Additional Use Requirements
 - a. Outdoor display and storage of goods shall be permitted.
 - b. Outdoor storage of bulk goods shall be located so that it is to the rear or side of the primary building.
 - c. Outdoor storage of bulk goods shall be limited to one thousand-five hundred (1,500) square feet per acre of the lot or zoning lot.

8.9 NIGHTCLUBS

1. Screening
A thirty (30) foot wide landscaped buffer shall be provided between the use and any residential uses and/or zoning districts.
2. Additional Use Requirements
Buildings for bars shall not be located within fifteen hundred (1500) feet of any residence, church, school, child care centers or public building.
3. Shall not be located within one half mile of another nightclub.

8.10 Dwellings, Accessory

1. Shall be located on the same lot as the principle dwelling.
2. Lot shall contain one and one half times the land area required in the underlying zoning district.
3. Limited up to 2 accessory dwellings all of which shall be site built structures.

8.11 Group Care Homes

1. Shall be located no closer than one half mile distance from another group care home.

8.12 Home Based Businesses

Level 1:

1. The home occupation shall be clearly identical and subordinate to the residential use of the dwelling and shall not change the residential character of the dwelling.
2. No accessory buildings or outside storage shall be used in connection with the home occupation.
3. Residents of the dwelling only may be engaged in the home occupations except that not more than one (1) assistant may be employed by professional persons such as lawyers, physicians, dentist, and chiropractors.
4. No display of products shall be visible from the street and only products made on the premises may be sold on the premises.
5. No internal or external alterations inconsistent with the residential use of the building shall be permitted.
6. No machinery that causes noises or other interferences in radio and television reception shall be allowed.
7. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the customary home occupation.
8. No chemical, electrical, or mechanical equipment that is not normally a part of domestic or household equipment shall be used primarily for commercial purposes, with the exception of medical and dental equipment used for professional purposes.
9. Instruction in music, dancing and similar subjects shall be limited to two (2) students at one time.

Level 2:

1. A building containing a rural home occupation shall be located no less than fifty (50)

feet from street right-of-way and at least thirty (30) feet from any exterior property line where a lot line adjoins a Residential or Residential Agricultural tract of land.

2. In the case where a lot line adjoins a commercially zoned lot, the adjoining minimum required yard (rear, side and/or front) for any building containing a rural home occupation shall be as required for accessory buildings in the R-A, Residential-Agricultural District.
3. A rural home occupation shall be contained entirely within one building with a maximum floor area of 2,000 square feet devoted to the use; and there shall be no outside storage of materials or equipment.
4. One rural home occupation shall be permitted per lot.
5. The operator of the rural home occupation must reside on the same parcel of land or on an adjoining parcel of land in his ownership, upon which the rural home occupation is located.
6. No more than three (3) people who do not reside on the premises may be employed by a rural home occupation.
7. The rural home occupation shall not create smoke, odor, dust, or noise which would cause health hazard or nuisance to surrounding property.

8.13 Public Utility Facilities, Switching Stations, Substations and Telephone Exchanges

1. Such facilities are essential to the service of the immediate area;
2. No vehicles or materials shall be stored on the premises, and no offices shall be permitted;
3. All buildings shall (except public utility cabinets) be set back at least twenty (20) feet from all property lines and shall be designed and landscaped in such a way as to blend in with surrounding area. All structures not intended for human habitation are allowed to be placed with a minimum 30 foot front, zero side, and zero rear setback as measured from the street right of way or property line;
4. All dangerous apparatus shall be enclosed by a chain-link fence at least eight (8) feet in height.

8.14 Public Works Facilities

1. Such facilities are essential to the service of the immediate area;
2. No vehicles or materials shall be stored on the premises, and no offices shall be permitted;
3. All buildings shall (except public utility cabinets) be set back at least twenty (20) feet from all property lines and shall be designed and landscaped in such a way as to blend in with surrounding area. All structures not intended for human habitation are allowed to be placed with a minimum 30 foot front, zero side, and zero rear setback as measured from the street right of way or property line;
4. All dangerous apparatus shall be enclosed by a chainlink fence at least eight (8) feet in height.

8.15 Saddle Clubs, Public and Private

1. Limited to less than 50 stalls and attendance for 300 and less

8.16 Sawmills

1. Shall be located no closer than 200 feet to any residential structure not on the same property. This can be waived by written approval by the owner of the residential structure

8.17 Stables, Public and Private

1. No building or structure part of the stables shall be located any closer to the property line than 50 feet and no closer than 100 feet to any dwelling located on another lot.

8.18 Family Care Homes

1. No Family Care Homes shall be located within ½ mile of an existing Family Care Home in any Jurisdiction.

8.19 Kennels

1. Shall not be located within 300 feet from an existing residential dwelling not located on the same parcel.

8.20 Swine Farm Siting - Siting requirements for swine houses, lagoons, and land areas onto which waste is applied at swine farms. (GS 106-803)

- (a) A swine house or a lagoon that is a component of a swine farm shall be located:
 - (1) At least 1,500 feet from any occupied residence.
 - (2) At least 2,500 feet from any school; hospital; church; outdoor recreational facility; national park; State Park, as defined in G.S. 113-44.9; historic property acquired by the State pursuant to G.S. 121-9 or listed in the North Carolina Register of Historic Places pursuant to G.S. 121-4.1; or child care center, as defined in G.S. 110-86, that is licensed under Article 7 of Chapter 110 of the General Statutes.
 - (3) At least 500 feet from any property boundary.
 - (4) At least 500 feet from any well supplying water to a public water system, as defined in G.S. 130A-313.
 - (5) At least 500 feet from any other well that supplies water for human consumption. This subdivision does not apply to a well located on the same parcel or tract of land on which the swine house or lagoon is located and that supplies water only for use on that parcel or tract of land or for use on adjacent parcels or tracts of land all of which are under common ownership or control.
 - (a1) The outer perimeter of the land area onto which waste is applied from a lagoon that is a component of a swine farm shall be at least 75 feet from any boundary of property on which an occupied residence is located and from any perennial stream or river, other than an irrigation ditch or canal.
 - (a2) No component of a liquid animal waste management system for which a permit is required under Part 1 or 1A of Article 21 of Chapter 143 of the General Statutes, other than a land application site, shall be constructed on land that is located within the 100-year floodplain.
- (b) A swine house or a lagoon that is a component of a swine farm may be located closer to a residence, school, hospital, church, or a property boundary than is allowed under subsection (a) of this section if written permission is given by the owner of the property and recorded with the Register of Deeds.

8.21 Transmission Lines

1. Shall not be located within the rear, side or front setback of an existing dwelling.

8.22 Church Cemeteries

1. Shall not be located within 30 feet from any property line or street right of way.

8.23 Manufactured Dwellings, Class A and B

1. Shall be in accordance with definitions of this Ordinance.

8.24 Churches

1. Shall be additionally setback, along with all its related uses, 30 feet from all side and rear property lines that adjoin a Residential use or district.

8.25 Colleges and Universities, Public

1. Shall be located a minimum of 100' from all property lines including parking areas, buildings and accessory uses.

8.26 Lodges, Public

1. Shall be located at least 30' from all side and rear property lines.
2. Shall be conducted indoors only.
3. Non-profit only.

8.27 Parks, Public

1. Park equipment and fenced areas for recreation shall be located no closer than 30 feet from an existing residential structure not on the same parcel.

8.28 Public Safety Facilities

1. Shall be limited to those uses that are to serve the immediate area and needs of the county.

8.29 Recreational Uses, Public

1. Recreational areas, park equipment, parking areas and fenced areas for recreation shall be located no closer than 30 feet from an existing residential structure not on the same parcel.
2. Traffic shall be directed to a state maintained road able to serve its needs.
3. Public uses the Zoning Administrator deems excessive, shall be required to obtain a special use permit by the Board of Adjustment.

8.30 Schools, Public

1. Recreational areas, park equipment, parking areas, buildings and fenced areas for recreation shall be located no closer than 50 feet from an existing residential structure not on the same parcel.
2. Screening shall be required where parking, recreational areas and buildings are located within 100 feet from the property line.

8.31 Swimming Pools, Public

1. Recreational areas, parking and fenced areas for recreation shall be located no closer than 30 feet from an existing residential structure not on the same parcel.
2. Screening shall be required where parking, recreational areas and buildings are located within 100 feet from the property line.

8.32 Water and Sewer Treatment Plants, Public

1. Shall not be located within 100 feet from any property line or right of way.
2. Screening shall be installed along all property lines.
3. Shall not be located within 500 feet from any residential dwelling.

8.33 Stealth Telecommunication Towers

1. Shall be located in an existing structure where the tower is not easily noticed or detected.
2. No external structural changes to the existing structure shall be made.

8.34 Sexually Oriented Business

1. Shall not be located within 2000 feet from any School, Church, Park, Playground, Residential Dwelling, Cemetery or another Sexually Oriented Business as measured in a straight line distance.
2. Shall not be located within 1000 feet from a residential zoning district or place of public assembly.

8.35 Waste Management Facilities, including Hazardous and Toxic

1. Shall not be located within any water supply watershed or within 5000 feet from any public or private well, or residential dwelling.

8.36 Landfill, Construction and Demolition, Landfill, Land Clearing and Inert Debris (LCID) and Sanitary

1. Shall be located no closer than 300 feet from any residential dwelling no located on the same parcel.
2. Shall not be located where the access is closer than 100' from any adjoining property line.
3. Screening shall be installed along all property lines.
4. All state, federal and local regulations regarding any type of landfills shall be followed.
5. Only inert materials allowed.
6. Hours of operation shall be limited to 7am to 7pm Monday through Saturday.
7. All roads from the state maintained road to the site shall be paved, graveled or constructed to not transmit dust more than 30 feet. Where a product is placed to limit the dust, it shall only be used for a length of 100 feet.
8. All deposits shall be covered at the end of each day.

8.37 Storage of Goods, Outdoor

1. Shall be screening with a 8' opaque fence or planted buffer that has matured to at least 6 feet before any storage is introduced surrounding the area for storage.

8.38 Airports, General Aviation, Heliports

1. Shall be no closer than 1000 feet from any existing residential structure as measured from any building, runway, control tower, hanger or landing field.

8.39 Junkyards

1. An 8 foot high opaque fence shall be located the entire area where more than one car is stored to be dismantled, or otherwise repaired or disassembled.

8.40 Any other uses not listed with an industrial type use

1. Shall be reviewed by the zoning administrator and recommended to the Board of Adjustment for for any conditions reasonable and prudent.

Article 9 CONDITIONAL/SPECIAL USE PERMITS	Anson County, NC Zoning Ordinance
--	--

9.1 OBJECTIVES AND PURPOSE

It is recognized that there are some land uses, which are basically in keeping with the intent, and purpose of the various districts created by this Ordinance, yet these uses may have a significant impact on those districts. These impacts are best determined following careful review of the specific proposal. In order to add flexibility to this Ordinance, certain uses are allowed by means of controls exercised through the Special Use Permit process.

9.2 PROCEDURES

Special Use Permits shall be granted by the Anson County Board of Adjustment and Conditional Use Permits by the Anson County Board of Commissioners as permitted by G.S. 153A-345 for all special/conditional uses enumerated in the Different Zones.

The owner or owners of all the property included in the petition for a Special/Conditional Use Permit shall submit required application information to the County Planning Department at least three weeks prior to the respective Board of Adjustment or Planning Board meeting at which it is to be heard. The Planning Board shall hear such matter only to make a recommendation to the Board of County Commissioners. Such application shall include all of the requirements pertaining to it in this Ordinance.

Applications shall include a Site Plan as outlined in Article VI (General Provisions), and be accompanied by a fee set according to the Planning Department Fee Schedule.

The Board or Adjustment or Planning Board shall review all requests for Special/Conditional Use Permits within 90 days from submission to the Planning Department. However, this requirement is not intended to prevent the Board of Adjustment or Planning Board from delaying action after review.

9.3 BOARD ACTION

The Planning Director shall set and advertise a date and time for a public hearing before the Board of Adjustment, and the County Clerk for cases before the Board of County Commissioners. Notice of a public hearing shall be given once a week for two successive calendar weeks in a newspaper of general circulation, said notice to be published the first time not less than ten (10) nor more than twenty-five (25) days prior to the date fixed for said hearing. In addition to the newspaper advertisement, notice shall also be made by posting the property concerned, with a poster indicating the proposed change, the date, the location, and the time of the public hearing at least one week before the public hearing. A first class mailed notice will suffice for the Planning Board recommendation meeting before forwarding to the Board of County Commissioners. A notice of public hearing shall be mailed at least 10 days prior to the public hearing. The person mailing such notice shall certify that such notices have been mailed.

At the public hearing all interested persons shall be permitted to testify in sworn testimony. The Board of Adjustment/Board of County Commissioners shall consider the application and comments at the public hearing and may grant or deny the Special/Conditional Use Permit. If the Special/Conditional Use Permit is granted, the Board of Adjustment/Board of County Commissioners shall use as a guide, the specific conditions outlined in this Article for each use proposed. In addition, the Board of Adjustment/Board of County Commissioners shall find:

- A. That the use will not materially endanger the public health or safety, if located according to the plan submitted and approved;
- B. That the use meets all required conditions and specifications;
- C. That the use will not substantially injure the value of adjoining or abutting property, (or that the use is a public necessity); and

- D. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Anson County Land Use Plan.

In granting the Special/Conditional Use Permit the Board of Adjustment/Board of County Commissioners may designate only those conditions, in addition to those stated herein, which, in its opinion, assure that the use in its proposed location will be harmonious with the area and with the spirit of this Ordinance and clearly in keeping with the public welfare. All such additional conditions shall be entered in the minutes of the meeting at which the Special/Conditional Use Permit is granted, on the Special/Conditional Use Permit itself, and on the approved plans submitted therewith. All specific conditions shall run with the land and shall be binding on the original applicants for the Special/Conditional Use Permit, their heirs, successors and assigns.

9.4 DENIALS AND APPEAL

If the Board denies the Special/Conditional Use Permit, it shall enter the reason for its action in the minutes of the meeting at which the action is taken.

No appeal may be taken from the action of the Board in granting or denying a Special/Conditional Use Permit except through the Anson County Superior Court within thirty (30) days or forever be barred.

9.5 COMPLIANCE WITH DISTRICT REGULATIONS

In addition to the conditions specifically imposed in this paragraph and such further conditions as the Board may deem reasonable and appropriate, Special/Conditional Uses shall comply with all other regulations for the zoning district in which they are located unless the provisions for the Special/Conditional Use provide to the contrary.

9.6 RESERVED

9.7 EXPIRATION

In any case where a Conditional Use/Special Use Permit has not been exercised within the time limit set by the Board of Adjustment/Board of Commissioners, or within one year if no specific time limit has been set, then without further action, the permit shall be null and void. "Exercised" as set forth in this section shall mean that binding contracts for the construction of the main building have been let; or in absence of contracts that the main building is under construction to a substantial degree; or that pre-requisite conditions involving substantial investment are contracted for, in substantial development; or completed (sewerage, drainage, etc.). When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions set forth in the permit.

9.8 MODIFICATION OF PLANS

Where plans are required to be submitted and approved as part of the application for a Special/Conditional Use Permit, the Board may authorize modifications of the original plans.

9.9 SUPPLEMENTAL REQUIREMENTS FOR SPECIAL/Conditional USES

A. Specific Requirements By Use

A site plan must always be submitted with the application showing at least the following:

1. The shape and dimensions of the lot on which the proposed building(s) is to be erected;
2. The location of said lot with respect to adjacent rights-of-way;
3. The shape, dimensions, and location of all buildings, existing and proposed, and required setbacks;

4. The nature of the proposed use of the building or land, including the extent and location of the use;
5. The location and dimensions of off-street parking and loading space and means of ingress and egress;
6. The square feet and percentage of lot as built upon area if the lot is located in a Watershed;
7. The location and type of all required buffers;
8. Required Driveway Permits from the Department of Transportation;
9. A landscape plan that meets requirements of the Highway Corridor Overlay District, if applicable;
10. A Sedimentation and Erosion Control Plan (if applicable) as submitted to the Land Quality Section, Department of Environment and Natural Resources; and,
11. Any other information, which the Planning Staff may deem necessary for consideration in enforcing all provisions of this Ordinance.

Also, the special/Conditional use site plan shall indicate the location and dimensions of outdoor activity areas including outdoor storage, location and type of outdoor lighting, and areas of environmental concern such as flood plains, surface water, and drainage ways. Prior to approval of the site plan, the Planning Staff may consult with other qualified personnel for assistance to determine if the application meets the requirements of this Ordinance. ***Individual Special/Conditional Uses may require more information***, as given in this Section or elsewhere in this Ordinance. ***In addition, the Board may require*** other information as it deems necessary in order to determine if the proposal meets all requirements and will not endanger persons or property.

The Board may impose reasonable conditions (i.e. hours of operation) in addition to those given in this Section and elsewhere in this Ordinance. In order to do this, the Board must determine that additional conditions are necessary to protect the welfare and safety of the public and of property, or to meet the tests given elsewhere in this Section.

9.10 Special Use Minimum Development Requirements

In addition to the conditions listed above for special/conditional uses, some uses, which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area (i.e., not more than one (1) such use within one thousand (1,000) feet of each other which would create such adverse effects). The requirements for each use that follows are additional requirements to the requirements listed in Article 5.

9.11 Supplemental Requirements

Telecommunications Towers, Antennae and Facilities Permit

9.11.1 In recognition of the Telecommunications Act of 1996, it is the intent of Anson County to allow communication providers the opportunity to locate telecommunications towers and related facilities within the County in order to provide an adequate level of service to its customers while protecting the health, safety, and welfare of Anson County citizens. Wireless towers may be considered undesirable with other types of uses, most notably residential; therefore special regulations are necessary to ensure that any adverse affects to existing and future development are mitigated.

Accordingly, the Anson County Board of Commissioners finds that regulations related to telecommunications towers are warranted and necessary:

- A. To direct the location of communication towers in Anson County;
- B. To protect residential areas and land uses from potential adverse impacts of telecommunications towers;
- C. To minimize adverse visual impacts of telecommunications towers through careful design, sighting, landscape screening, and innovative camouflaging techniques;
- D. To accommodate the growing need for telecommunication towers to residents and businesses in the County;
- E. To promote and encourage shared use/co-location of existing and new communication towers as a primary option rather than construction of additional single-use towers;
- F. To consider the public health and safety of telecommunication towers; and to avoid potential damage to adjacent properties from tower failure through structural standards and setbacks.
- G. To avoid potential damage to adjacent properties from tower failure through engineering and careful sighting of telecommunication towers.

9.11.2 Telecommunications towers and facilities are allowed only with a Special Use Permit as in Article 9. A telecommunications tower special use permit must be requested by the applicant or property owner for any property with an underlying zoning of RA-1, RA-20, R-40, R-20, R-10, R-8, NB, HB, GB, O-I, R-C, L-1, and L-2, and all the supplemental regulations of Article 5 shall be met. Once the Board approves a site for a telecommunications tower special use permit, the applicant shall obtain a Zoning Compliance Authorization as per Section 9.11.3 below.

9.11.3 No telecommunications tower, antennae, or facilities shall be erected, moved, extended in height, or enlarged or structurally altered, nor shall any excavation or filling of any lot for the construction of any tower or facility be commenced until the Zoning Enforcement Officer or his designated agent has issued a zoning clearance for such work, in the form of a Zoning Compliance Authorization. Such authorization will only be provided once a property is issued a special use permit. When a special use permit is approved, the proposed tower type, tower height, setbacks, easements, as well as other specifics presented to the Board of Adjustment shall be included in the Zoning Compliance Authorization. The telecommunications provider must abide by the specifics they presented to the Board when they obtained their rezoning. If, at a later date, the provider wishes to modify those specific conditions, an amendment to telecommunications tower overlay district must be obtained through a new review and public hearing by the Anson County Board of Adjustment.

9.11.3.1 Each application to the Zoning Enforcement Officer for Zoning Compliance Authorization shall be accompanied by plot plans showing:

- a) The actual dimensions of the lot to be built upon or leased. If leased, then also the dimensions of the lot on which leased portion is located.
- b) The size and height of the tower to be erected.
- c) Tower type (i.e. monopole or lattice).
- d) The location of any existing structures on the lot, if any.
- e) The distance to the nearest residential structure.
- f) Setbacks or the collapse zone. If collapse zone is used, documentation verifying the collapse zone dimensions.
- g) Other information as may be essential for determining whether the provisions of this ordinance are met.

9.11.3.2 Any Certificate of Zoning Compliance issued shall expire and be canceled unless the work authorized by it shall have begun within six (6) months of its date of issue, or if the work authorized by it is suspended or abandoned for a period of one (1) year. Written notice thereof shall be given to the persons affected, including notice that further work as described in the canceled permit shall not proceed unless and until another zoning compliance clearance has been obtained.

9.11.4 Telecommunication tower requests can be denied on the basis of negative influence on property values or on aesthetic concerns provided that there is evidence to prove the impact on adjacent property owners will be significant. As per the Telecommunications Act of 1996, the Anson County Board of Adjustment must clearly state the reasoning and available evidence of the impact

on adjacent property values if the request is denied on this basis, which in essence denies the tower.

The following factors may be used to evaluate a tower for aesthetic reasons:

1. To protect the view in scenic areas, unique natural features, scenic roadways, etc.
2. To prevent the concentration of towers in one specific area.
3. The height, design, placement, and other characteristics of the tower can be modified to have a less intrusive visual impact on the County.

9.11.5 Supplementary Regulations for new Telecommunications Towers, Antennae, and Facilities

If it is determined that telecommunications providers cannot 1) provide an adequate service level from co-locating on an existing telecommunications tower, 2) locate on an existing Power transmission tower or similar structure, or 3) locate camouflaged antennae within an existing structure, then telecommunications towers and facilities will be allowed when property is issued a special use permit, subject to the following regulations here and elsewhere in this Ordinance:

(A) In all Residential underlying zoning districts (RA-1, R-C, RA-20, R-40, R-20, R-10, and R-8,) and in all Business underlying zoning districts (N-B, C-B, O-I, G-B, and H-B), all telecommunication towers shall be of a monopole design and construction. All monopoles must be designed to “telescope” or collapse inward unless documentation can be provided to prove that such design is not feasible.

In the Industrial (L-1 and L-2) underlying zoning districts, a monopole or lattice construction steel structure tower is acceptable. Monopoles must be designed to “telescope” or collapse inward; lattice towers must be designed to collapse inward upon itself.

(B) It is the intent of Anson County to encourage providers to co-locate facilities in an effort to reduce the number of telecommunication towers in Anson County. Unless it is determined to be unfeasible, new communications towers should be capable of supporting additional communications antennas. This will assist Anson County in reducing the total number of towers in the County. Anson County requires providers to negotiate in good faith with other providers to lease space at a reasonable cost and for reasonable terms, and to publicize the fact that space is available on a lease basis as part of the overlay district rezoning process.

(C) The maximum allowable height of a tower is 199.9 feet in the RA-1, R-C, RA-20, R-40, R-20, R-10, R-8, O-I, N-B, C-B, HB, and G-B zoning districts. The maximum height of a tower located in the L-1 and L-2 underlying zoning district is 300 feet. No variance to the height may be granted unless the applicant can prove the maximum height will not allow for the provision of adequate service levels (i.e. cannot provide a reasonable level of service in the area). The height of the tower or structure shall be the vertical distance measured from the mean elevation of the finished grade at the front of the structure to the highest point of the structure.

(D) Where a telecommunication tower is to be located on a lot with an existing principal use, the tower shall be located in the rear yard only. In addition, a recorded easement for an access road at least twelve (12) feet wide shall be maintained by the property owner and/or the applicant from a public street to the tower for use by service and emergency vehicles.

(E) Anson County encourages stealth tower locations. Telecommunications towers which can locate in or on an existing structures or which can be camouflaged to resemble a tree (not a flagpole) are encouraged. Or towers which are located in a stand of trees, rather than in an open field, are preferred.

(F) Towers are prohibited on the top of buildings or structures in all the Residential and Business underlying zoning districts. In the Industrial underlying zoning districts, towers may be permitted on roofs or walls after submittal of a report by a qualified and licensed professional engineer indicating the existing structure’s suitability to accept the antenna, and the proposed method of affixing the antennae to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated, for review by the County Commissioners.

Towers on roofs may be allowed when the tower height 1) does not exceed more than 30% of the height of the building, or 2) is no more than 50 feet above the building/structure, whichever is less. Towers on roofs or walls shall be screened, constructed, and/or colored to match the structure to which they are attached.

(G) Anson County recognizes that telecommunications facilities (both towers and co-locators) cannot be prohibited, nor can a rezoning for a telecommunications tower overlay district be denied on the basis of environmental or health concerns relating to radio emissions if the telecommunications equipment and facility complies with the Federal Radio Frequency Emission

Standards. Anson County requires that each applicant for a permit must provide documentation proving that their telecommunications equipment complies with the Federal Radio Frequency Emission Standards.

(H) All accessory structures on the ground which contain switching equipment or other related equipment should be architecturally compatible with surrounding buildings and land uses in the underlying zoning district, or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical. This means structures with pitched roofs, made of local construction materials, such as brick, wood, stone, or vinyl lapped siding.

(I) A minimum eight-foot high chain link fence is required immediately around the telecommunications tower and any equipment building(s) since the tower can be considered an attractive nuisance. Barbed wire shall be used along the top of the fence and access to the tower area and equipment buildings shall be through a locked gate. The County Board of Adjustment may waive fencing requirements for stealth towers and other types of structures if the fencing serves no useful purpose.

Note: Applicants building new towers shall plan the fence and screening (see below) to accommodate all future providers on the site such that the fence and screening materials surround the land designated for all future equipment buildings and the tower.

(J) Landscape screening shall be required along the outside area of the perimeter-fenced area(s) to mitigate the visual impacts of the tower and equipment buildings from nearby viewers. Landscape materials shall consist of evergreen shrubs planted with a twenty (20) foot screen/buffer with twelve (12) trees [1/3 shall be evergreen] and twenty (20) shrubs required per one-hundred (100) feet of buffer strip. Evergreen shrubs should be of a size expected to reach a minimum of 6' in height at maturity. Trees may be evergreen or deciduous. All landscaping shall be xeriscape (drought) tolerant or irrigated to ensure good health and vitality.

Screening requirements shall not apply to telecommunications providers who have camouflaged (stealth towers) towers or who have located antennas within another structure (such as a steeple), or who have co-located on an existing tower. Nor shall screening apply when an antennae will be mounted on an electrical transmission tower or on structures such as a water tower/tank, grain silos, etc. or similar structures.

The Board of Adjustment may waive any or all of the screening requirements upon determining that the existing topography or existing natural materials on site will screen the property as effectively as the required screening, provided that the spirit and intent of this subsection are met. The Board of Adjustment may also waive screening on those sides of the proposed tower that are located adjacent to undevelopable property. Such a waiver may not be sought to relieve the screening requirement for towers to be located adjacent to vacant properties or along any public right-of-way. Undevelopable property shall constitute any such property or land that is unable to be used as a building site, i.e. a floodplain, etc.

(1) Plant Standards and Plant Installation Standards.

- (a) Minimum tree caliper measured 6" above ground on all trees shall be 2 ½" and the minimum height shall be 8 feet.
- (b) Shrubs must be at least 2 feet tall when planted and shall be of a variety and adequately maintained so that an average height of 5 to 6 feet could be expected as normal growth within 3 years of planting.
- (c) All plant material installed shall be free from disease.
- (d) Plant materials shall be planted in accordance with generally accepted and recommended planting and growing practices.
- (e) All plant material shall be installed in a fashion that ensures the availability of sufficient soil and water to sustain healthy growth.

(2) Landscaping Maintenance.

(a) The plantings that constitute a required landscaping shall be properly maintained in order for the landscaping to fulfill the purpose for which it is established. The owner of the property and any tenant on the property where a screen is required shall be jointly and severally responsible for the maintenance of all screen materials. Such maintenance shall include all actions necessary to keep the screened area free of litter and debris and to keep plantings healthy. Any vegetation that constitutes part of a screen shall be replaced in the event that it dies.

(K) Minimum setback requirements for free-standing towers located with the RA-1, RA-20, R-40, R-20, R-10, R-8, N-B, C-B, R-C, O-I, H-B and G-B zoning districts shall be one (1) foot for

every one (1) foot of actual tower height (i.e. a 199.9 foot tower would require a 199.9 foot setback on all sides), or the documented collapse zone, whichever is less. Minimum setbacks for free standing towers located in the Industrial (L-1 and L-2) underlying zoning district shall be determined by the underlying zoning district. These setback requirements are applicable on all sides of the property including any side along the road right-of-way, and for all leased areas of a parcel. The purpose of these setback requirements is to prevent icefall materials and/or debris from tower failure or collapse from damaging off-site property. For the purpose of establishing setbacks, the measurements shall be from the edge of the concrete base on which the tower is located, unless the tower is located in a leased area. Setbacks for towers located on leased parcels shall be measured to the edge of the parcel in which the leased area is located.

The Anson County Board of Adjustment may reduce minimum setback requirements, if warranted, or to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standards, power line support device, or similar structure.

(L) All towers shall be a minimum of 300' from the nearest residential dwelling unit not on the same tract.

(M) Telecommunications providers who are leasing a portion of a lot for the proposed telecommunication tower shall obtain written a signed certification from the property owner that no future development or subdivisions or leased portions will be made within the established setbacks of the telecommunication tower until such tower is removed from the site (i.e. is abandoned and removed by the provider). This does not apply to telecommunication providers seeking to co-locate on an existing tower.

(N) Towers and related facilities must be removed by the applicant and/or property owner upon abandonment of the tower (no longer used for its original intent) for a period greater than ninety (90) consecutive days. Such removal (clearing from the site) shall take place within six (6) months of the first day the tower was abandoned, and be completed within this same six (6) month period. It shall be the responsibility of the applicant to notify Anson County Zoning Administrator when the tower has been abandoned for greater than ninety (90) days. When towers are removed, the special use permit becomes null and void, and the zoning on the property then simply becomes the underlying zoning district designation only.

(O) Towers having a height of 199.9 feet or less shall not contain lights or light fixtures at a height exceeding fifteen (15) feet. Furthermore, lighting of all towers in any district shall be directed toward the tower and/or accessory uses to reduce glare *onto adjacent properties*. It is recognized that towers over 200 feet in height require night time strobe lights as per the Federal Aviation Administration.

(P) Freestanding telecommunications towers should be located to avoid a dominant silhouette on ridges or in open fields.

(Q) Any planned increase in tower height to an existing approved telecommunication tower located within an overlay district requires the provider to apply for a zoning amendment to the telecommunication tower special use permit. Once such an amendment has been approved by the Board of Adjustment, a Zoning Compliance Authorization can be issued to permit the increase in tower height.

Normal maintenance and repair of the structure can be completed without the issuance of Zoning Compliance at the discretion of the Zoning Enforcement Officer.

Planned height increases for towers which were constructed prior to the adoption of these regulations shall require the provider or owner to apply for a special use permit which includes a review and approval by the County Board of Adjustment. Once such permit is approved, the Zoning Enforcement Officer will review a Zoning Compliance Authorization application. Required information for this application is described in Section 9.11.3.1.

(R) Applications by providers to use co-location space on an existing tower, within an approved telecommunications tower special use permit then shall be permitted by right provided that the tower height is not increased. The issuance of a Zoning Compliance Authorization form shall be required along with any related review fee.

If the co-locator or owner proposes to increase the tower height in an established telecommunications tower special use permit, this would require a zoning amendment of the telecommunications tower special use permit, which includes review and approval by the Board of Adjustment, prior to the issuance of a Zoning Compliance Authorization.

(S) Freestanding signs are prohibited. Wall signs shall be limited to 1) identification signage allowed on equipment structures or fences surrounding the telecommunication tower/structure

provided it does not exceed nine square feet in size and 2) "No trespassing" signs, "Danger - High Voltage" signs, and other similar warning signs shall be installed to discourage trespassing by unauthorized persons. Signs shall be installed and/or mounted on the perimeter fence, and/or on the tower at its base.

(T) The provider must show proof of adequate insurance coverage for any potential damage caused by or to the telecommunications tower prior to the issuance of a Zoning Compliance Authorization. Once such authorization is approved, documentation of adequate insurance must be provided to the Anson County Zoning Administrator every twelve (12) months.

(U) Outdoor storage of equipment or other related items is prohibited.

(V) Associated telecommunications equipment buildings located in any zoning district shall not be used as an employment center. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.

(W) All applications for a telecommunications tower overlay district, or any amendment to the overlay district must include the following information in addition to any other applicable information contained in the Zoning Ordinance:

1. Identification of intended provider(s);

2. Documentation by a registered engineer that the tower has sufficient structural integrity to accommodate more than one user, if applicable. A statement about the general capacity of the tower in terms of the number of additional providers, or co-locators, it is designed to accommodate.

3. A statement from the provider indicating intent to allow shared use of the tower and how others will be accommodated;

4. Documentation that all property owners of residentially zoned property within 300 feet of the edge of all sides of the property (for leased sites this means the edge of the larger parcel in which the leased portion is located), as well as adjacent property owners, have been notified by the applicant of the proposed tower height and design. Notification of property owners is also required for amendments to the overlay district.

5. Documentation that the telecommunication equipment complies Federal Radio Frequency Emission Standards;

6. Documentation that towers over 199.9 feet are necessary for a minimal level of service;

7. A site plan(s) drawn to scale, identifying the site boundary, tower(s), existing and proposed structures, including equipment buildings, access, fencing area, fall radius and landscape screening, detailing the type of landscaping, amount of plantings, and location. A site plan is not needed for providers who are seeking co-location on an existing tower within an approved telecommunication tower overlay district, when the equipment building is to be located within the existing fenced area.

8. Documentation of monopole tower or lattice tower collapse area, if applicable.

9. Expert testimony that demonstrates to the satisfaction of the Anson County Board of Adjustment that the provider has explored all means for stealth tower locations and co-location opportunities, if applicable. Evidence may consist of the following:

a. Existing or approved telecommunications towers with available co-location space are not located within the search area.

b. Existing or approved towers or structures are not of sufficient height to meet the provider's specifications.

c. Existing or approved towers or structures do not have sufficient structural strength to support the applicant's proposed antennae.

d. The provider's proposed antenna would cause objectionable radio frequency interference with existing or planned antennae on an existing or planned tower, (i.e. the spacing requirement between antennae cannot be met).

e. Existing or approved towers lack co-location space.

f. If it is determined that an existing tower does not have the structural strength or integrity to support additional antennae and associated equipment, then the proposed provider shall provide documentation that the existing tower can not be structurally strengthened to accommodate an additional user.

(X) Towers shall not restrict or interfere with air traffic or air travel to and from any existing or proposed public or private airport. All proposed towers shall comply with the Federal Aviation Administration (FAA) standards.

(Y) The following requirements apply for Telecommunications Tower Special Use Permit:

1) Decisions by the Anson County Board of Adjustment to approve or deny a telecommunications tower overlay district for a telecommunications tower must be in writing to the applicant, along with detailed reasoning for the approval/denial, as per federal law.

2) The applicant and the public are requested to submit their comments and arguments in writing prior to addressing the Anson County Board of Adjustment at the public hearing, as suggested by federal law.

3) The decision of the Anson County Board of Adjustment must be based upon substantial evidence, which must be recorded in the Minutes, as per federal law.

4) In determining if a telecommunications tower should be approved/denied, through the special use process, the Board of Adjustment may take into account the tower's harmony with the surrounding area and its compatibility with adjacent properties. The aesthetic effects of the tower, as well as any mitigating factors concerning the aesthetics may be used to evaluate the telecommunications tower overlay district rezoning. In reaching a decision, the Anson County Board of Adjustment may request the height, design, screening, placement, or other characteristics of the tower be modified to produce a more harmonious situation.

5) Annual inspections are required at the option of the County. These inspections shall review all the requirements of the Special Use permit and this Ordinance. A fee may be established for such inspection.

9.11.6 Supplementary Regulations for Telecommunications Antennae and Associated Equipment Locating on Existing Towers and Structures.

(A) Applications by providers to use co-location space on an approved existing telecommunications tower in an approved telecommunications tower overlay district shall be allowed with an approved Zoning Compliance provided that the tower height is not increased. Any co-location which will result in an increase to the tower height, shall require the co-locator or applicant to apply for an amendment to the telecommunications tower Special Use Permit, allowing an increase in tower height if the tower existed prior to the adoption of these regulations, a Special Use Permit is required.

(B) Provided the structural integrity of the structure/tower is not compromised or diminished as determined or documented by a licensed professional structural engineer, telecommunications antennae and its associated equipment buildings may locate on any Power transmission tower, water tank/tower, or similar structures by right in all underlying zoning districts so long as the addition does not increase the original height of the existing structure or tower, when Zoning Compliance authorization has been approved. Such antennae shall be painted to match the color of the building/structure or the background against which it is most commonly seen. Note: No antennae used for the purpose of telecommunications shall be mounted on any structure used solely for residential purposes.

(C) The County requires that each applicant shall provide documentation proving that their telecommunications equipment complies with the Federal Radio Frequency Emission Standards.

(D) Screening requirements shall not apply to telecommunications providers who camouflage antennas within another structure (stealth locations) such as a church steeple, or co-locate on an existing tower. Nor shall any screening apply when an antennae will be mounted on an electrical transmission tower or on structures such as a water tower/tank, grain silos, etc. or similar structures.

(E) Outdoor storage of equipment or other related or non-related items are prohibited.

(F) The associated telecommunication antennae equipment buildings located in all zoning districts shall not be used as an employment center. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.

(G) Telecommunications antennae and associated equipment shall not restrict or interfere with air traffic or air travel to or from any existing or proposed public or private airport. All proposed towers shall comply with Federal Aviation Administration (FAA) standards.

Article 10 OFF STREET PARKING AND LOADING	Anson County, NC Zoning Ordinance
--	--

10.1 OFF-STREET PARKING REQUIRED

At the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guestrooms, seats, or floor area, or before conversion from one type of use or occupancy to another, permanent off-street parking space shall be provided in the amount specified by this Section. Such parking space may be provided in a parking garage or properly guarded open space.

10.2 CERTIFICATION OF MINIMUM PARKING REQUIREMENTS

Each application for a Zoning Permit (except for dwellings) shall include information as to the location and dimensions of off-street parking and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Zoning Officer to determine whether the requirements of this Article are met.

10.3 COMBINATION OF REQUIRED PARKING SPACE

The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to the one (1) use may not be assigned to another use, with one exception. One-half (1/2) of the parking space required for churches whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays or in shopping centers where uses may have different peak hours.

10.4 REMOTE PARKING SPACE

If the off-street parking space required by this Ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within reasonable distance of the main entrance to such principal use, provided such land is in the same ownership as the principal use and in the same zoning district. Said land shall be used for no other purposes so long as no other adequate provisions of parking space meeting the requirements of this Ordinance have been made for the principal use. In such cases, the applicant for a permit for the principal use shall submit with his application for a Zoning Permit or a Certificate of Occupancy an instrument duly executed and acknowledged, which subjects said land to parking use in connection with the principal use for which it is made available. Such instrument shall become a permanent record and be attached to the Zoning Permit or Certificate of Occupancy application. In the event such land is ever used for other than off-street parking space for the principal use to which it is encumbered and no other off-street parking space meeting the terms of this Ordinance is provided for the principal use, the Certificate of Occupancy or Zoning Permit for such principal use shall become void.

10.5 REQUIREMENTS FOR PARKING LOTS

Where parking lots for more than five (5) cars are permitted or required, the following provisions shall be complied with in addition to the requirements below:

- A. The lot may be used only for parking and not for any type of loading, sales, dead storage, repair work, dismantling or servicing, but shall not preclude convention exhibits or parking of rental vehicles.
- B. All entrances, exits, barricades at sidewalks, and drainage plans shall be approved and constructed before occupancy.
- C. A strip of land five (5) feet wide adjoining any street line or any lot zoned for residential uses shall be reserved as open space, guarded with wheel bumpers and planted in grass and/or shrubs or trees.

- D. Any parking lot of more than five (5) cars which is adjacent, along the side or rear property lines, to property used or zoned for residential uses, shall be provided with screening as described in Article 6.
- E. Only one (1) entrance and one (1) exit sign no larger than two (2) square feet prescribing parking regulations may be erected at each entrance or exit.

10.6 (RESERVED)

10.7 VEHICLE STORAGE

A. Residential District

Only vehicles intended for personal use shall be parked or stored on any property zoned R - Residential. No storage of commercial inventory whatsoever shall be permitted and no inoperative or unlicensed vehicles shall be permitted to be parked or stored longer than (14) fourteen days. Commercial trucks or vans driven home by employees or owners must be parked in the side or rear yard.

B. Residential Agricultural District

Storage of Junk, inoperable or unlicensed vehicles must comply with the following:

1. One junk, inoperable, or unlicensed vehicle will be allowed on any owner occupied lot if located in the side or rear yard.
2. Any owner occupied lot may store up to three junk, inoperable, or unlicensed vehicles if they are completely concealed from public view by:
 - a. a tarp(s) and placed in the rear yard of the subject property,
 - b. a canvas car cover and placed in the rear yard of the subject property, or
 - c. located in the rear yard surrounded by vegetative growth and screened from public view.
3. A property owner with more than three (four or more) junk, inoperable, or unlicensed vehicles must obtain a special use permit for a junkyard to continue to store the vehicles on their property.

C. Public and Conservation, Commercial and Industrial Districts

Customer and employee parking is permitted along with the parking and storing of governmental or commercial vehicles, in any public and conservation, commercial, or industrial district. Inoperative vehicles shall only be permitted to be parked or stored while undergoing repairs at a commercial garage or automobile service station or if stored in an approved junk or wrecking yard. (*Four or more junk, inoperable, or unlicensed vehicles constitute a junk yard)

10.8 MINIMUM PARKING REQUIREMENTS

The number of off-street spaces required by this Article shall be provided on the same lot with the principal use except as provided in Section 5 and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. In addition, a developer shall evaluate his own needs to determine if they are greater than the minimum specified by this Ordinance. For purposes of this Ordinance, an off-street parking space shall be no less than one hundred sixty (160) square feet in area, plus adequate ingress and egress provided for each off-street parking space.

<u>Land Uses</u>	<u>Required Parking</u>
Air, motor and rail freight terminals	Two (2) parking spaces for each three (3) employees, plus one (1) space for each vehicle in the operation.
Airports, railroad passenger stations and bus terminals	One (1) parking space for each four (4) seats for waiting passengers, plus two (2) spaces for each three (3) employees, plus one (1) space for each vehicle used in the operation.
Auditoriums	One (1) parking space for each four (4) seats in the largest assembly room.
Banks	One (1) parking space for each two hundred (200) square feet of gross floor space, plus one (1) space for each two (2) employees.
Beauty and Barber Shops	One (1) parking space for each service chair plus one (1) additional parking space for each employee.
Bed and Breakfast Operations	One (1) parking space for each room to be rented plus residential requirements.
Bowling Alleys	Two (2) parking spaces for each alley plus one (1) space for each 300 square feet of gross floor space for affiliated uses such as restaurants, bars and the like.
Camp or Care Center	One (1) parking space for each employee and one parking space for each five (5) beds.
Cemeteries	One (1) parking space for each employee.
Churches	One (1) parking space for each four (4) seats.
Civic Clubs, Fraternal Lodges, or Community Centers	One (1) parking space for each two hundred (200) square feet of gross floor space.
Clinics	Five (5) parking spaces for each doctor plus one (1) parking space for each employee.
Day Care Facilities and Preschools	One (1) parking space for each employee plus one (1) parking space for every (5) students.
Dwellings, Duplex	Two (2) parking spaces per dwelling unit.
Dwellings, Multifamily Dwellings, Single Family	Two (2) parking spaces per dwelling unit. Two (2) parking spaces per dwelling.

Fire Stations	One and one-half (1 1/2) parking spaces per employee or fireman on duty at one time.
Funeral Homes	One (1) parking space for each four (4) seats in the chapel or parlor.
Golf Courses	Four (4) spaces for each hole.
Greenhouse and Nursery Operations (without retail sales on premises)	One (1) parking space for each employee.
Home Occupations	One (1) parking space per home occupation in addition to residence requirements.
Hospitals and Sanitariums	One (1) parking space for each employee on the longest shift plus (1) parking space for each two (2) beds.
Hotels	One (1) parking space for each two (2) rooms to be rented, plus one (1) additional parking space for each (2) employees, plus additional parking spaces as may be required for any commercial or business uses located in the same building.
Industrial Uses	Three (3) parking spaces for each four (4) employees on the largest shift.
Libraries	One (1) parking space for each four (4) seats provided for patron use.
Mobile Homes	Two (2) parking spaces per mobile home plus one (1) for the office in a mobile home park.
Motels, Tourist Homes and Guest Houses	One (1) parking space for each room to be rented plus one (1) space for each employee.
Nursing, Retirement And Convalescent Homes	One (1) parking space for each five (5) beds intended for patient use.
Offices	One (1) parking space for each two hundred (200) square feet of gross floor space.
Private Clubs and Lodges	One (1) parking space for each two (2) seats at bars and one (1) parking space for each four (4) seats at tables.
Public Buildings	One (1) parking space for each employee plus one (1) parking space for each five (5) seats in the largest assembly room.
Public Utility Buildings	One (1) parking space for each employee.
Recreational Facilities, Not Otherwise Listed (without facilities for spectators)	One (1) parking space for each employee plus one (1) parking space for every two (2) participants at full capacity.
Recreational Facilities, Not Otherwise Listed (with facilities for spectators)	Same as recreational facilities without spectators plus one (1) parking space for every four (4) spectator seats.

Restaurants and Cafeterias	One (1) parking space for each four (4) seats at tables, and one (1) parking space for each two (2) seats at counters or bars plus one (1) parking space for each two (2) employees.
Retail Uses Not Otherwise Listed	One (1) parking space for each four hundred (400) square feet of gross floor area.
Riding Stables and Academies	One (1) parking space for each employee plus one (1) parking space for every three (3) stalls or horses (whichever is more). Horse trailers are not to be stored in required parking spaces.
Rooming or Boarding Houses	One (1) parking space for each room to be rented plus one (1) parking space for each employee.
Schools, Elementary and Junior High or Middle School	One (1) parking space for each classroom and administrative office, plus (1) parking space for each employee and one (1) large space for each bus.
Schools, Senior High	One (1) parking space for each twenty (20) students for which the building was designed, plus one (1) parking space for each classroom and administrative office plus one (1) parking space for each employee, plus one (1) large space for each bus.
Schools, Colleges, Technical and Trade	One (1) parking space for every six (6) students, based upon the maximum number of students attending classes at any one time, plus one (1) space for each administrative office, plus one (1) space for each professor or teacher.
Service Stations	Five (5) parking spaces for each service bay.
Shopping Centers	Six (6) parking spaces for each 1,000 square feet of gross floor space in the center, plus one (1) space per business, provided collectively.
Stadiums and Arenas	One (1) parking space for each four (4) seats in the stadium or arena.
Stores, Department	One (1) parking space for each one hundred fifty (150) square feet of gross floor area.
Stores, Retail Food	One (1) parking space for each one hundred fifty (150) square feet of gross floor area.
Theaters, Indoor	One (1) parking space for each four (4) seats up to 400 seats, plus one (1) space for each six (6) seats above 400.
Video Arcades	One (1) parking space for every four (4) game machines plus one (1) space for each employee.
Wholesale Uses	One (1) parking space for each employee on the longest shift.

10.9 DESIGN STANDARDS FOR OFF-STREET PARKING

All off-street areas required by this Article shall conform with the following Design Standards:

- A. All parking spaces shall have minimum dimensions of nine (9) feet in width and eighteen (18) feet in length. All access or backup aisles shall conform to the following minimum dimensions:

<u>Parking Angle</u>	<u>Aisle Dimension</u>
90 degrees	24 feet
60 degrees	18 feet
45 degrees	14 feet
30 degrees	12 feet
0 degrees	12 feet

- B. The use of streets, sidewalks, alleys or other public rights-of-way for parking or maneuvering to and from off-street parking spaces is prohibited, except where such maneuvering is necessary in the use of driveways for access to and from single-family and two family dwellings. All off-street parking areas shall be so arranged that ingress and egress is by forward motion of the vehicle.
- C. Parking area edges shall be protected by suitable curbing, wheel guards, or other means to prevent vehicular encroachment on a public right-of-way or on adjacent property, and to protect the public right-of-way and adjoining properties from the damaging effects from surface drainage from parking lots.
- D. Where parking or loading areas are provided adjacent to the public street, ingress and egress thereto shall be made only through driveways not exceeding twenty-five (25) feet in width at the curb line of said street, except where the Zoning Officer finds that a greater width is necessary to accommodate the vehicles customarily using the driveway.
- E. Where two (2) or more driveways are located on the same lot, other than a mobile home park, the minimum distance between such drives shall be thirty (30) feet or one third (1/3) of the lot frontage, whichever is greater; however, this provision shall not apply to any commercial or industrial planned development. Driveway locations in such developments shall be approved by the North Carolina Department of Transportation.
- F. Businesses adjacent to, or integrated in, a shopping center or cluster of commercial facilities shall use the common access with other business establishments in the center.
- G. No driveway shall be located closer than twenty-five (25) feet to any street intersection.
- H. Any lighting of parking areas shall be shielded so as to cast no light upon adjacent properties and streets.
- I. All applicable ADA (American Disabilities Act) standards shall apply.

10.10 OFF-STREET LOADING PURPOSE AND GENERAL REQUIREMENTS

Off-street loading requirements are established in order to ensure the proper and uniform development of loading areas throughout the County, to relieve traffic congestion in the streets and to minimize any detrimental effects of off-street loading areas on adjacent properties.

Each application for a Zoning Permit or Certificate of Occupancy shall include plans and other information of sufficient detail to enable the Zoning Administrator to determine whether or not the requirements of this Article have been met. Plans for off-street loading areas shall include information as to:

- A. The location and dimensions of driveway entrances, access aisles and loading spaces.
- B. The provisions for vehicular and pedestrian circulation.
- C. The location of sidewalks and curbs.

The Zoning Permit or Certificate of Occupancy for the construction or use of any building, structure or land where off-street loading space is required shall be withheld by the Zoning Officer until the provisions of this Section have been met. If at any time such compliance ceases, any Certificate of Occupancy which shall have been issued for the use of the property shall immediately become void and of no effect.

10.11 DESIGN STANDARDS FOR OFF-STREET LOADING SPACE

The off-street loading space required by this Article shall be provided for standing, loading, and unloading operations either inside or outside a building, on the same lot with the use served, and shall conform to the following standards:

- A. For uses containing a gross floor area of less than 20,000 square feet, each off-street loading space shall have minimum dimensions of fifteen (15) feet in width and thirty (30) feet in length.
- B. For uses containing a gross floor area of 20,000 square feet or more, each off-street loading space shall be fifteen (15) feet in width and forty-five (45) feet in length as a minimum.
- C. All off-street loading spaces shall have a minimum vertical clearance of fifteen (15) feet.
- D. Access aisles or apron spaces shall be of sufficient width to allow for proper backing and/or turning movements.
- E. Required off-street loading areas including drives and access aisles shall be paved with an all-weather hard surface material.
- F. Loading spaces and access ways shall be located in such a way that no truck or service vehicle using such areas shall block or interfere with the free, normal movement of other vehicles on a service drive or on any off-street parking area, public street, aisle or pedestrian way used for general circulation. In addition, the off-street loading facilities shall be designed and constructed so that all maneuvering of vehicles for loading and unloading purposes shall take place entirely within the property lines of the premises.
- G. Loading area edges shall be protected by suitable curbing to prevent encroachment on a public right-of-way or on adjacent property, and to protect the public right-of-way and adjoining properties from the damaging effects of surface drainage from off-street loading areas.
- H. Any lighting of loading areas shall be shielded so as to cast no light upon adjacent properties and streets.
- J. Any off-street loading areas and access ways adjacent, along the side or rear property lines, to property used or zoned for residential purposes, shall be provided with screening meeting the standards described in Section 4.17 (Screening and Buffering).

10.12 MINIMUM OFF-STREET LOADING REQUIREMENTS

Off-street loading shall be provided and maintained as specified in the following :

- A. Uses which normally handle large quantities of goods, including but not limited to industrial plants, wholesale establishments, storage warehouses, freight terminals, hospitals or sanitariums, and retail sales establishments shall provide off-street loading facilities in the following amounts:

Gross Floor Area (Square Feet)	Minimum Number of Space Required
5,000 - 20,000	1
20,001 - 50,000	2
50,001 - 80,000	3
80,001 - 125,000	4
125,001 - 170,000	5
170,001 - 215,000	6
215,001 - 260,000	7
For each additional 45,000	1 – Additional

- B. Uses which do not handle large quantities of goods, including but not limited to office buildings, restaurants, funeral homes, hotels, motels, apartment buildings, and places of public assembly, shall provide off-street loading facilities in the following amounts:

Gross Floor Area (Square Feet)	Minimum Number of Space Required
5,000 - 80,000	1
80,001 - 200,000	2
200,001 - 320,000	3
320,001 - 500,000	4
For each additional 180,000	1- Additional

It is the purpose of this section to permit signs of a commercial, industrial, and residential nature and to regulate the size and placement of signs, which are visible from any public way. These regulations shall apply to all districts. No exterior sign may be erected, painted, repainted, posted, placed, replaced or hung in any district, except in compliance with these regulations.

11.1 GENERAL PROVISIONS

- A. Permit Required. With the exception of those signs specifically authorized in 9.2 below, no sign may be erected without a permit from the Administrative Officer.
- B. Permit Application. Application for permits shall be submitted on forms obtainable at the County Permitting Office. Each application shall be accompanied by plan, which shall:
 - 1. Indicate the proposed site by identifying the property by ownership, location and use;
 - 2. Show the location of the sign on the lot in relation to property lines and building, zoning district boundaries, right-of-way lines, and existing signs; and
 - 3. Show size, character, complete structural specifications and methods of anchoring and support.

If conditions warrant, the Zoning Officer may require such additional information as will enable him to determine if such sign is to be erected in conformance with this Ordinance.
- C. Structural Requirements. Structural Requirements for signs shall be those requirements found in the North Carolina State Building Code.
- D. Sign Area Computation. Sign area shall be computed by the smallest square, triangle, rectangle, circle or combination thereof which will encompass the entire sign, including lattice work, wall work, frame or supports incidental to its decoration. In computing the area, only one (1) side of a double face sign structure shall be considered.
- E. Fees.
 - 1. No permit shall be issued until the exact dimensions and area of the sign have been filed with the Zoning Officer and the fees posted in the Planning office are paid accordingly.
 - 2. Exempt from this fee requirement shall be those signs specified in 9.2 below.
- F. Maintenance. All signs, together with all their supports and braces, shall be kept in a state of good repair and in a neat and clean condition. No sign shall be continued which becomes, in the opinion of the Zoning Officer, structurally unsafe and endangers the safety of the public or property. The Zoning Officer may order the removal of any sign that is not maintained in accordance with the provisions of this section. Such removal shall be at the expense of the owner or lessee and shall occur within ten days after written notification thereof by the Zoning Officer. If such order is not complied with in thirty (30) days the Zoning Officer shall remove such at the expense of the owner or lessee thereof.
- G. Location Restrictions.
 - 1. No sign shall be permitted on any public right-to-way except as specifically authorized herein.

2. No sign shall be attached to or painted on any telephone pole, telegraph pole, power pole, or other man-made object not intended to support a sign, nor on any tree, rock or other natural object except as specifically authorized herein.
3. Sign shall not obstruct any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress for any building, structure, or lot.

H. Setback and Height Requirements.

1. Except as otherwise provided herein, signs are required to observe the same yard setback and height regulations as the principal structures or buildings.
2. If the lot on which a ground sign is to be located is zoned other than residential, but is immediately adjacent to a lot zoned for residential use, then a distance of at least fifty (50) feet shall intervene between the closest part of such sign and the adjacent lot line of the property in the residential district. Provided further, that all out-door advertising signs shall conform to Section 9.5.

- I. Non-Conforming Signs. No non-conforming sign erected before the adoption of this Ordinance shall be moved or replaced, without complying with the provisions of this Ordinance. All signs existing on the effective date of this article which do not conform to the requirements set forth herein shall be removed or brought into compliance within thirty-six months (36) from the effective date of this Ordinance. However, an existing non-conforming business or industry shall, after the three year period, be allowed one sign not exceeding 12 square feet on a side or a total of twenty square feet, which sign shall be affixed to the building and have only non-flashing illumination.

11.2 SIGNS NOT REQUIRING A PERMIT FROM THE ZONING OFFICER

The signs listed below shall not require a permit from the Zoning Officer. However, all signs using electrical wiring and connection shall have an electrical permit.

- A. Directional and information signs, erected and maintained by public agencies and governmental bodies.
- B. Quasi-public signs, not to exceed four (4) square feet in area. Such signs shall only be used for the purpose of stating or calling attention to:
 1. The name of location of the city, hospital, community center, public or private school, church, synagogue, or other place of worship;
 2. The name of a place of meeting or an official or civic body such as the Chamber of Commerce, service club, or fraternal organization.
 3. An event of public interest such as public hearing, rezoning, announcement, general election, church or public meeting; local or county fair; and other similar community activities and campaigns;
 4. Soil conservation, 4-H and similar projects; and zoning and subdivision jurisdiction boundaries.
- C. Professional and Home Occupations Signs:
 1. One sign per lot not to exceed two (2) square feet attached to the principal structure.
 2. One sign per lot not to exceed two (2) square feet located at least ten (10) feet from the street line and side property lines. Where side yards are required, no such sign shall be permitted in the required side yards.

3. *No such signs shall be illuminated in the residential district.*
- D. Temporary Subdivision Sign. Subdivision development signs, not over sixty-four (64) square feet in area which direct attention to the opening of a new subdivision may be erected on the site of such new subdivision. Only indirect illumination with white light will be permitted, such sign shall be removed when seventy-five (75) percent of the Subdivision is sold.
- E. Bulletin Board. One bulletin board for each school or other public building and for each church, synagogue or place of worship, provided that it be located on the same premises and shall not exceed fifty (50) square feet, such bulletin board may be free standing or attached. In residential districts, illumination of bulletin boards shall be white, non-flashing lights.
- F. Temporary Signs.
1. Real Estate

One (1) temporary real estate sign be illuminated and not exceeding four (4) square feet in area may be placed on a property that is for sale, lease, rent, or barter; however, when the property on which said sign is placed fronts on more than one (1) street, one (1) sign shall be allowed on each street frontage.
 2. Other Temporary Advertising Signs

Temporary advertising signs shall be permitted providing that such signs shall not exceed six (6) square feet in area in residential districts and shall be spaced no closer than 100 feet apart.
 3. One (1) temporary construction sign may be erected on the site during the period of construction or reconstruction to announce the name of the owner and /or developer, the name of the structure and its use or occupants to be, contractor, subcontractor, architect, and engineer; however, when the property on which said sign is placed fronts on more than one (1) street, one (1) sign shall be allowed on each street frontage. Such signs shall be removed when the building has been approved for occupancy by the Zoning Officer. Maximum size of construction signs in the residential zone shall be twenty-four (24) square feet; in all other zones, seventy-two (72) square feet.

Setback Requirements for signs Not Requiring a Building Permit

Signs which do not require a permit from the Zoning Officer shall be set back at least ten (10) feet any public right-of-way line or property line and shall be setback at least twenty-five (25) feet from any road intersection and not be illuminated.

11.3 PERMANENT SIGNS FOR SUBDIVISION

One permanent subdivision sign per major entrance is permitted. Exception: if a subdivision name sign is incorporated into gateposts, brick walls, or similar structures making the entrance, the name may appear on both sides of the entrance as a substitute for other subdivision identification signs.

- A. Total area per entrance is sixty-four (64) square feet.
- B. Signs shall be placed on private property no closer than ten (10) feet to any property line.
- C. Illumination is restricted to white indirect lighting.
- D. Content of sign is limited to the name of the subdivision.

11.4 BUSINESS AND INDUSTRIAL SIGNS

Business and industrial signs shall be permitted on the premises in districts in which the principal use is permitted subject to the following limitations:

- A. They shall not project more than 1 foot from any building wall or canopy.
- B. If suspended from a canopy, the sign must be at least eight (8) feet above the sidewalk level.
- C. Non-illuminated signs shall have a total surface area in square feet per establishment no greater than two (2) times the street frontage of the lot, in feet, but in no case shall the total for all signs be greater than 100 square feet.
- D. Illuminated signs shall have a total sign surface area in square feet per establishment, no greater than two (2) times the street frontage of the lot, in feet, but in no case shall the total for signs be greater than 50 square feet. Display lighting shall be shielded so as to prevent a direct view of the light source from a residence in a residential district. No intermittent lighting effect may be utilized.
- E. Freestanding signs shall be located not less than 12 feet from the street lot line or behind the setback line, whichever is greater. No freestanding sign shall be located in a required side yard or within 10 feet of the side property line.
- F. One freestanding shopping center identification sign is permitted per shopping center. The maximum area per sign is 200 square feet for centers having up to 15 businesses and 300 square feet for centers having more than 15 businesses.
- G. One manufactured home park sign is permitted per major entrance to a manufactured home park. Area of each sign shall not be more than one-half square foot per manufactured home space, but not to exceed fifty (50) square feet. setback shall be at least 10 feet from the front property line; illumination is restricted to indirect white lighting.

11.5 OUTDOOR ADVERTISING SIGNS

- A. Allowed only in the L-I, H-I, H-B and G-B districts.
- B. Allowed along designated state routes (highways) only.
- C. Shall be located a minimum of 300 feet away from any residential structure.
- D. No two outdoor advertising signs shall be spaced less than 800 feet apart.
- D. Maximum area of any outdoor advertising sign is 600 square feet.
- E. An NCDOT Outdoor Advertising Permit shall be required.

ARTICLE 12 RESERVED	Anson County, NC Zoning Ordinance
--------------------------------	--

13.1 AMENDMENTS IN GENERAL

- A. Amendments to the text of this Ordinance or to the Official Zoning Map may be made in accordance with the provisions of this Article.
- B. The term major map amendment shall refer to an amendment that addresses the zoning district classification of five (5) or more tracts of land in separate ownership, or any parcel of land (regardless of the number of lots or owners) in excess of fifty (50) acres. All other amendments to the Official Zoning Map shall be referred to as minor map amendments.

13.2 INITIATION OF AMENDMENTS

- A. Whenever a request to amend this Ordinance is initiated by the Board of County Commissioners, the Planning Board, the Zoning Board of Adjustment, or the County Administration, the County Attorney, in consultation with the Planning Director and Zoning Officer, shall draft an appropriate ordinance and present that ordinance to the Board of County Commissioners so that a date for a public hearing may be set.
- B. Any other person may also petition the Board of County Commissioners to amend this Ordinance. The petition shall be filed with the Zoning Officer and Planning Director and shall include, among the information deemed relevant by the Zoning Officer and Planning Director:
 - 1. The name, address, and telephone number of the applicant;
 - 2. The applicant's interest in the property
 - 3. A legal description (metes and bounds) of the land affected by the amendment if a change in zoning district classification is proposed;
 - 4. An accurate diagram of the land affected by the amendment, if a change in zoning district classification is proposed, showing:
 - a. all property lines with dimensions;
 - b. north arrow;
 - c. adjoining streets with road names and number, and right-of-way and paving widths stated;
 - d. the location of all structures located on the property;
 - e. the use of the land;
 - f. the current zoning classification of the land as well as all land abutting the subject property; and
 - g. the names of current abutting property owners.
 - 5. The alleged error in this Ordinance or on the Official Zoning Map, if any, that would be remedied by the proposed amendment;

6. The changing or changed conditions, if any, of neighborhoods or areas in the County that make the proposed amendment reasonably necessary in order to promote the public health, safety, and welfare;
 7. The manner in which the proposed amendment will carry out the purpose of the adopted Comprehensive Plan;
 8. All other circumstances, factors and reasons that the applicant offers in support of the proposed amendment;
 9. A description of the proposed map change, or a summary of the specific objective of any proposed change in the text of this Ordinance;
 10. Stamped envelopes containing the names and addresses of all those to whom notice of the public hearing must be sent as provided in Section 13.2.2 (Hearing Required; Notice).
- C. Upon receipt of a petition as provided in Subsection B, the Zoning Officer shall either:
1. Treat the proposed amendment as one initiated by the County Administration and proceed in accordance with Subsection A if he/she believes that the proposed amendment has significant merit and would benefit the general public, or
 2. Forward the petition to the Board of County Commissioners, with or without written comment, for a determination of whether an ordinance should be drafted and a public hearing set in accordance with Subsection D.
- D. Upon receipt of a proposed amendment as provided in Subsection A, the Board of County Commissioners may establish a date for a public hearing on it. Upon receipt of a petition for an Ordinance amendment as provided in Subsection B, the Board of County Commissioners may summarily deny the petition or set a date for a public hearing on the requested amendment and order the County Attorney, in consultation with the Zoning Officer, to draft an appropriate ordinance.

13.2.1 PLANNING BOARD CONSIDERATION OF PROPOSED AMENDMENTS

- A. If the Board of County Commissioners set a date for a public hearing on a proposed amendment, it shall also refer the proposed amendment to the Planning Board for its consideration.
- B. The Planning Board shall endeavor to review the proposed amendment in such a timely fashion that any recommendations it may have can be presented to the Board of County Commissioners at the public hearing on the amendment. The Planning Board shall have at least thirty (30) days in which to make its recommendation. However, if the Planning Board is not prepared to make recommendations at the public hearing, it may request the Board of County Commissioners to delay final action on the amendment until such time as the Planning Board can present its recommendations.
- C. The Board of County Commissioners need not await the recommendations of the Planning Board before taking action on a proposed amendment, nor is the Board of County Commissioners bound by any recommendations of the Planning Board that are before it at the time it takes action on a proposed amendment.

13.2.2 HEARING REQUIRED; NOTICE

- A. No ordinance that amends any of the provisions of this Ordinance may be adopted until a public hearing has been held on such ordinance.

- B. The County shall publish a notice of the public hearing on any ordinance that amends the provisions of this Ordinance once a week for two (2) successive weeks in a newspaper of general circulation in the area. The notice shall be published for the first time not more than ten (10) days nor more than twenty-five (25) days before the date fixed for the hearing. In computing this period, the date of publication shall not be counted, but the date of the hearing shall be.
- C. With respect to minor map amendments, the County shall mail written notice of the public hearing to the record owners for tax purposes of all properties whose zoning classification is changed by the proposed amendment, as well as the owners of all properties any portion of which is within one hundred (100) feet of the property rezoned by the amendment.
- D. Pursuant to NCGS 153A-323 (Procedure for Adopting or Amending Ordinances Under This Article and Chapter 160A, Article 19), with respect to all map, or any text amendment that would change or affect the permitted uses of land in the County's planning jurisdiction located within five (5) miles of a military installation, the County shall mail written notice of the proposed changes by certified mail, return receipt requested, to the commander of the particular military installation(s). The notice shall be mailed not less than ten (10) days nor more than twenty-five (25) days before the date fixed for the public hearing.
- E. The Zoning Officer shall also post notices of the public hearing in the vicinity of the property rezoned by the proposed amendment and take any other action deemed by the Zoning Officer to be useful or appropriate to give notice of the public hearing on any proposed amendment.
- F. The notice required or authorized by this Section shall:
 - 1. State the date, time, and place of the public hearing,
 - 2. Summarize the nature and character of the proposed change,
 - 3. If the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment,
 - 4. State that the full text of the amendment can be obtained from the Clerk to the Board of County Commissioners, and
 - 5. State that substantial changes in the proposed amendment may be made following the public hearing.
- E. The County shall make every reasonable effort to comply with the notice provisions set forth in this Section. However, it is the Board of County Commissioners intention that no failure to comply with any of the notice provisions (except those set forth in Subsection B) shall render any amendment invalid.

13.2.3 BOARD OF COUNTY COMMISSIONERS ACTION ON AMENDMENTS

- A. At the conclusion of the public hearing on a proposed amendment, the Board of County Commissioners may proceed to vote on the proposed ordinance, refer it to a committee for further study, or take any other action consistent with its rules of procedure.
- B. The Board of County Commissioners are not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.

- C. Voting on amendments to this Ordinance shall proceed in the same manner as other ordinances, subject to Section 13.4 (Protests to Zoning District Changes).

13.2.4 ULTIMATE ISSUE BEFORE BOARD OF COUNTY COMMISSIONERS ON AMENDMENTS

In deciding whether to adopt a proposed amendment to this Ordinance, the central issue before the Board of County Commissioners is whether the proposed amendment advances the public health, safety, or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the Chairperson and excluded. In particular, when considering proposed minor map amendments:

1. The Board of County Commissioners shall not consider any representations made by the petitioner that if the change is granted the rezoned property will be used for only one (1) of the possible range of uses permitted in the requested classification. Rather, the Board of County Commissioners shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.
2. The Board of County Commissioners shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.
3. Pursuant to NCGS 153A-323 (Procedure for Adopting or Amending Ordinances Under This Article and Chapter 160A, Article 19), if a military installation required to be notified of an Ordinance or official zoning map change provides comments or analysis regarding the compatibility of the proposed ordinance or amendment with military operations at the base, the Board of County Commissioners shall take the comments and analysis into consideration before making a final determination on the ordinance or amendment.

13.2.5 EFFECT OF DENIAL OR WITHDRAWAL ON SUBSEQUENT APPLICATIONS

When the Board of County Commissioners shall have denied an application for an amendment, or the application shall have been withdrawn by the applicant by written notice after the first public hearing required, the Zoning Officer shall not accept another application for the same or similar amendment affecting the same property or portion thereof, until the expiration of a twelve (12) month period extending from the date of denial or withdrawal as appropriate. Nothing in this Section, however, shall prohibit the Board of County Commissioners or Planning Board from initiating an amendment for any property at any time.

13.2.6 NOTICE TO NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) OF ESTABLISHMENT OR REVISION OF INDUSTRIAL ZONES ALONG INTERSTATE OR PRIMARY HIGHWAY RIGHTS-OF-WAY

Pursuant to NCGS 136-153 (Zoning Changes), all zoning authorities shall give written notice to the Department of Transportation of the establishment or revision of any industrial zone within six hundred and sixty (660) feet of interstate or primary highways. Notice shall be by registered mail sent to the offices of the Department of Transportation in Raleigh, North Carolina, within fifteen (15) days after the effective date of the zoning change or establishment.