

ARTICLE 10. OFF-STREET PARKING AND LOADING, SIGNS, LANDSCAPING AND BUFFERING, OUTDOOR LIGHTS

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PART I. OFF-STREET PARKING, STACKING AND LOADING REQUIREMENTS

10.1. GENERAL REQUIREMENTS.

10.1.1. **Off-Street Parking Required.** There shall be provided at the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area; or before conversion from 1 type of use of occupancy to another, permanent off-street parking space in the amount specified by this section. A parking space may be provided in a parking garage or properly graded open space. No public right-of-way shall be used in determining or providing required off-street parking.

(Ord. 05/31/1977; 154.032)

10.1.2. **Certification of Minimum Parking Requirements.** Each application for a zoning permit submitted to the Zoning Enforcement Officer as provided for in this chapter shall include information as to the location and dimensions of off-street parking and loading space and the means of entrance and exit to the space. This information shall be in sufficient detail to enable the Zoning Enforcement Officer to determine whether or not the requirements of this section are met.

(Ord. 05/31/1977; 154.032)

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

10.1.4. **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 shall be provided on any lot a substantial portion of which is within five hundred (500) feet of the main

entrance of such principal use, provided such land is in the same ownership as the principal use or leased on a long-term basis for the specific purpose to serve as parking space for the aforesaid principal use.

- A. 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.
- B. Such instrument shall become a permanent record and be attached to the Zoning Permit or Certificate of Occupancy application.
- C. 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.

10.1.5. **Interpretation by Zoning Enforcement Officer.** The number of Off-Street Parking Spaces Required shall be as follows:

- A. All land uses in all zoning districts shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question.
- B. The *Table of Parking Requirements* below may be flexibly administered.
- C. The Board of Commissioners recognizes that the Parking Requirements set forth in *Figure 10-1* cannot and does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the Zoning Enforcement Officer is authorized to determine the parking requirements using this table as a guide. The Zoning Enforcement Officer may also require more parking or allow less parking whenever s/he finds that such a deviation is more likely to satisfy the standard set forth in the *Table of Parking Requirements*.

10.1.6. **Improvement and Location Standards.**

- A. All off-street parking, including entrances, exits, and maneuvering and parking areas shall:
 - (1) Have the access drive(s) paved from the existing street paving to a point at least fifteen (15) feet beyond the public right-of-way, except that residential uses requiring less than five spaces shall be exempt from this paving requirement.
 - (2) Be permanently maintained by the owners.
- B. In addition, all parking lots that are used regularly (at least five days per week), except as provided below, shall be paved up to the required paved driveway. This paving requirement shall not apply to:

- (1) Parking lots used only by churches, private clubs, or similar organizations on an irregular schedule, and
 - (2) Parking lots for residential uses where less than five spaces are required.
- C.** A strip of land five (5) feet wide adjoining any street line or any zoned for residential uses shall be preserved as open space and may be planted in shrubbery.

Figure 10-1

Number of Spaces Required

<i>Residential Uses</i>	<i>Maximum</i>	<i>Minimum</i>
Residential Housing	2.5	0-1 bedroom 1.5; 2 bedrooms 2; 3 bedrooms or more 2.25. If the Town determines that the parking requirements of the anticipated resident population requires additional parking, the Town may require up to 2.5 spaces per unit. Elderly housing may be reduced up to 1 space per 2 units.
Day care, adult or child		1 per 8 participants
Dwellings, Duplex		Two (2) parking spaces per dwelling unit.
Dwellings, Multi-Family		Two (2) parking spaces per dwelling unit.
Family care home		1 per 4 beds and 1 per supervisor and staff person.
Group home residential		2 plus 1 per 4 beds and 1 per supervisor and staff person.
Nursing homes/Convalescent Home		1 per 4 beds and 1 per supervisor and staff person.

<i>Nonresidential Uses</i>	<i>Maximum</i>	<i>Minimum</i>
Amusement and recreation services, indoor	1 per 200 square feet of gross floor area	1 per 400 sq. ft. gross floor area
Assembly Halls, Exhibit Halls and similar places of public assembly	1 per 100 sq. ft. gross floor area or 1 per every 3 seats, whichever is greater	1 per 400 sq. ft. gross floor area or 1 per every 4 seats, whichever is greater
Automobile renting, leasing and sales		1 per 400 sq. ft. gross floor area N
Automobile repair shop	1 per 400 sq. ft. gross floor area max	1 per 600 sq. ft. gross floor area and 1 per 2,000 sq. ft. gross floor area of display area
Automotive services, except repair and towing see also Service Stations	1 per 400 sq. ft. gross floor area max	per 600 sq. ft. gross floor area and 1 per 2,000 sq. ft. gross floor area of display area
Banking services	1 per 200 sq. ft. gross floor area	1 per 400 sq. ft. gross floor area
Bowling alleys and pool halls		1 per alley plus requirements for any other use associated with the establishment, such as a restaurant
Building material dealers	1 per 250 sq. ft. gross floor area	1 per 400 sq. ft. gross floor area
Business services	1 per 250 sq. ft. gross floor area	1 per 400 sq. ft. gross floor area
Churches and other Religious institutions	1 per 3 seats	1 per 4 seats

<i>Nonresidential Uses</i>	<i>Maximum</i>	<i>Minimum</i>
Clinics		4 spaces for every doctor or Physician's Assistant; plus 2 spaces for each 3 employees
Communications facilities	1 per 250 sq. ft. gross floor area	1 per 400 sq. ft. gross floor area
Contractor's equipment and supply dealers and service	1 per 200 sq. ft. gross floor area	1 per 300 sq. ft. gross floor area
Contractor, general or special trade	1 per 200 sq. ft. gross floor area	1 per 300 sq. ft. gross floor area
Contractor's storage yard	1 per 200 sq. ft. gross floor area	1 per 300 sq. ft. gross floor area
Cultural arts center, Library, Museum	1 per 250 sq. ft. gross floor area	1 per 400 sq. ft. gross floor area
Customary Home Occupations	In addition to residence requirements, 1 parking space per 100 square feet devoted to the home occupation use	
Drive-in theater	1 per 1,000 sq. ft. gross floor area	1 per 1,500 sq. ft. gross floor area or 1 per 1.5 employees
Electric motor repair shop	1 per 250 sq. ft. gross floor area	1 per 400 sq. ft. gross floor area
Farmer's market, Open Air Market	1 per 200 sq. ft. gross floor area	1 per 400 sq. ft. gross floor area
Fire Station, EMS Stations, Law Enforcement Operations		One and one-half (1½) parking spaces per employee on duty at one time

Nonresidential Uses	Maximum	Minimum
Existing says Rescue Buildings and Armories		
Funeral Homes		One (1) parking space for each four (4) seats in the chapel or parlor.
Golf course, private or public	25 spaces	50 per 18 holes
Government Offices including Municipal Buildings/ Veteran's Affairs/ Social Security/Post Offices	1 space per employee plus 1 space for every 100 sq. ft. of gross floor area.	
Home Occupations	One (1) parking space per home occupation in addition to residence requirements.	
Hospitals, except animal hospitals	1 per each 4 licensed beds intended for patient use, plus 1 per each staff person, including medical and support staff based on the largest employee shift	
Hotels and Motels	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	1 per 1,000 sq. ft. gross floor area	1 per 1,500 sq. ft. gross floor area
Kennels, commercial boarders and breeders	1 per 250 sq. ft. gross floor area	1 per 400 sq. ft. gross floor area

<i>Nonresidential Uses</i>	<i>Maximum</i>	<i>Minimum</i>
Laboratories	1 per 400 sq. ft. gross floor area	1 per 600 sq. ft. gross floor area and 1 per 2,000 sq. ft. gross floor area of display area
Libraries	1 per 200 sq. ft. gross floor area	1 per 300 sq. ft. gross floor area
Marinas		1 per 4 dry slips, plus 1 per 2 wet slips
Manufacturing and Wholesale Operations		One space for each 2 employees at maximum employment on a single shift
Manufactured housing dealers		1 per 100 sq. ft. gross floor area
Mini-warehousing		1 per 400 sq. ft. gross floor area of office space and 1 per 5,000 sq. ft. gross floor area of additional indoor area. When calculating required parking for single-story mini-warehousing, internal drive aisles adjacent to units with exterior access may be included
Mobile Homes	Two spaces for each mobile home	
Motor freight companies		1 per 1,000 sq. ft. gross floor area of non-office floor area plus 1 per 300 sq. ft. gross floor area office floor area
Movers, van lines and storage		1 per 1,000 sq. ft. gross floor area
Movie theaters, except drive-in		1 per 4 seats

Nonresidential Uses	Maximum	Minimum
Offices, medical	1 per 170 sq. ft. gross floor area	1 per 250 sq. ft. gross floor area
Offices, professional	1 per 200 sq. ft. gross floor area	1 per 300 sq. ft. gross floor area
Parks and recreation areas, municipal	1 per 200 sq. ft. gross floor area	1 per 400 sq. ft. gross floor area
Personal services	1 per 225 sq. ft. gross floor area	1 per 400 sq. ft. gross floor area
Public Utility Buildings		One (1) parking space for each employee.
Recreation facility, Wellness Center	1 per 200 sq. ft. gross floor area	1 per 400 sq. ft. gross floor area
Recreational Facilities Not otherwise listed, without spectator seating		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 spectator seating		Same as recreational facilities without spectators plus one (1) parking space for every four (4) spectator seats.
Repair shops, not elsewhere classified	1 per 250 sq. ft. gross floor area	1 per 400 sq. ft. gross floor area
Restaurant: standard and fast food carry-out	1 per 2.5 seats or 1 per 65 sq. ft. gross floor area exclusive of kitchen and restroom facilities	1 per 4 seats or 1 per 80 sq. ft. gross floor area exclusive of kitchen restroom facilities

Nonresidential Uses	Maximum	Minimum
Restaurants, Drive-In	Parking space equivalent to 5 times the floor space in the main building	
Rest Homes	One space for each 6 patient beds, plus 1 space for each staff or visiting doctor, plus 1 space for each 4 employees	
Retail sales establishment	1 per 200 sq. ft. gross floor area	1 per 400 sq. ft. gross floor area
Rooming and Boarding Houses	One space for each 3 guest rooms, plus 1 additional space for the owners or managers	
Sales office, off-premises	1 per 1,000 sq. ft. gross floor area	1 per 1,500 sq. ft. gross floor area or 1 per <u>1.5</u> employees
Schools: High Schools, Colleges and Universities; Industrial Trade Schools	1 per 5 students, or 1 per 3 seats in auditoriums and other places of assembly or facilities available to the public, whichever is greater plus 1 per	
Schools: Elementary and Junior High	One space for each employee	
Service stations	1 per 200 sq. ft. gross floor area	1 per 400 sq. ft. gross floor area
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. N
Skating rink, roller or ice	1 per 200 sq. ft. gross floor area	1 per 400 sq. ft. gross floor area

<i>Nonresidential Uses</i>	<i>Maximum</i>	<i>Minimum</i>
Small engine repair, except automotive	1 per 200 sq. ft. gross floor area	1 per 400 sq. ft. gross floor area
Social services, not elsewhere classified	1 per 200 sq. ft. gross floor area	1 per 300 sq. ft. gross floor area
Swimming pool, private	1 per 200 sq. ft. gross floor area	1 per 400 sq. ft. gross floor area
Telecommunication facility unattended	1 per 1,000 sq. ft. gross floor area	1 per 1,500 sq. ft. gross floor area
Tire dealers and service		1 per 500 sq. ft. gross floor area
Towing services, automobile and truck	1 per 400 sq. ft. gross floor area	1 per 600 sq. ft. gross floor area and 1 per 2,000 sq. ft. gross floor area of display area
Used merchandise stores, except automotive goods	1 per 225 sq. ft. gross floor area	1 per 400 sq. ft. gross floor area
Utility stations and plants outside public rights-of-way	1 per 1,000 sq. ft. gross floor area	1 per 1,500 sq. ft. gross floor area or 1 per <u>1.5</u> employees
Veterinary services with kennels	1 per 170 sq. ft. gross floor area	1 per 250 sq. ft. gross floor area
Warehousing general		1 per 1,000 sq. ft. gross floor area
Welding, repair	1 per 250 sq. ft. gross floor area	1 per 400 sq. ft. gross floor area

<i>Nonresidential Uses</i>	<i>Maximum</i>	<i>Minimum</i>
Wholesale trade, durable goods		1 per 1,000 sq. ft. gross floor area
Wholesale trade, nondurable goods		1 per 1,000 sq. ft. gross floor area

(Ord. 05/31/1977; 154.033)

10.2. PARKING LOTS.

Where parking lots for more than five (5) cars are permitted or required, the following provisions shall also be applied.

- 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 preserved 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.
 - (1) 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

10.3. PARKING AND STORING OF MANUFACTURED HOMES AND VEHICLES.

10.3.1. **Manufactured Home Parking and Storing.** It shall be unlawful to park or otherwise store for any purpose whatsoever any manufactured home within any zoning district except as follows:

- A. At a safe, lawful, and non-obstructive location on a street, alley highway, or other public place, providing that the trailer or mobile home shall not be parked overnight;
- B. Within a mobile home park, provided, however, the mobile home shall either have a North Carolina or HUD Label of Compliance permanently attached thereto; and,
- C. On any other lot or plot provided that trailers shall be stored in a garage or carport or in the rear or side yard.
- D. Junk or Dilapidated Mobile Home/Manufactured Home Storage or repair yards must obtain a special use permit.

10.3.2. **Vehicle Storage.**

- A. Only vehicles intended for personal use shall be parked or stored on any property zoned 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. 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 where a Special Use Permit has been secured.

10.4. DESIGN REQUIREMENTS FOR PARKING SPACES AND DRIVEWAYS.

10.4.1. **Design Requirements for Parking Spaces.** 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 in *Figure 10-2*:

**Figure 10-2
Parking Space Dimensional Requirements**

Parking Angle	Aisle Dimension
90 degrees	24 feet
60 degrees	18 feet
45 degrees	14 feet
30 degrees	12 feet
0 degrees	12 feet

- A. 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.
- B. 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.
- C. 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.
- D. No driveway shall be located closer than twenty-five (25) feet to any street intersection.

- E. All applicable ADA (American Disabilities Act) standards shall apply.
- F. Vehicle accommodation areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.
- G. Vehicle accommodation areas that include lanes for drive-in windows, or contain parking areas that are required to have more than ten (10) parking spaces and that are used regularly at least live days per week shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion, and dust.
- H. Vehicle accommodation areas that are not provided with the type of surface specified in Section 10.4.1. (G) shall be graded and surfaced with crushed stone, gravel, or other suitable material to provide a surface that is stable and will help to reduce dust and erosion. The perimeter of such parking, areas shall be defined by bricks, stones, railroad ties, or other similar devices. In addition, whenever such a vehicle accommodation area abuts a paved street, the driveway leading from such a street to such area (or if there is no driveway, the portion of the vehicle accommodation area that opens onto such streets) shall be paved as provided in Section 10.4.1. (G) for a distance of 15 feet back from the edge or the paved street. This subsection shall not apply to single-family or two-family residences or other uses that are required to have only one or two parking spaces.
- I. Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle accommodation area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

10.4.2. Number of Spaces Required for Off-Street Parking. The number of off-street spaces required by this Article shall be provided on the same lot with the principal unless otherwise specified 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.

10.5. DESIGN REQUIREMENTS FOR OFF-STREET LOADING SPACE.

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 and retail sales establishments shall provide off-street loading facilities in the amounts: shown on *Figure 10-3*.

**Figure 10-3
Off-Street Loading**

Gross Floor Area (Square Feet)	Minimum Number of Spaces 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:

**Figure 10-4
Off-Street Loading**

Gross Floor Area (Square Feet)	Minimum Number of Spaces 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

(Ord. 5/31/1977, Section 154.034)

10.6. RESERVED.

PART II. SIGNS.

10.7. PURPOSE OF SIGN REGULATIONS.

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. These regulations are intended to establish standards which recognize the rights of all citizens to protection under the First Amendment to the US Constitution while also supporting public safety and the natural attractiveness of the area.

10.8. GENERAL SIGN REGULATIONS.

10.8.1. **Permit Required.** With the exception of those signs specifically authorized in *Section 10.9.* below, no sign may be erected without a permit from the Zoning Enforcement Officer.

(Ord. 05/31/1977; 154.066)

10.8.2. **Permit Application.** Application for permits shall be submitted on forms obtainable at the Office of the Zoning Enforcement Officer. Each application shall be accompanied by plan, which shall:

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

If conditions warrant, the Zoning Enforcement Officer may require such additional information as will enable him to determine if such sign is to be erected in conformance with this Ordinance.

(Ord. 05/31/1977; 154.067)

10.8.3. **Structural Requirements.** Structural Requirements for signs shall be those requirements found in the North Carolina State Building Code.

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

(Ord. 05/31/1977; 154.001)

10.8.5. **Fees.**

- A. No permit shall be issued until the exact dimensions and area of the sign have been filed with the Zoning Enforcement Officer and the fees posted in the Planning office are paid accordingly.

B. Exempt from this fee requirement shall be those signs specified in *Section 10.9.* below.

(Ord. 05/31/1977; 154.067)

10.8.6. **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 Enforcement Officer, structurally unsafe and endangers the safety of the public or property. The Zoning Enforcement 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 Enforcement Officer. If such order is not complied with in thirty (30) days, the Zoning Enforcement Officer shall remove such at the expense of the owner or lessee thereof.

10.8.7. **Location Restrictions.**

- A. No sign shall be permitted on any public right-to-way except as specifically authorized herein.
- B. 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.
- C. 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.

10.8.8. **Setback and Height Requirements.**

- A. Except as otherwise provided herein, signs are required to observe the same yard setback and height regulations as the principal structures or buildings.
- B. 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 10.12.

10.8.9. **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.

10.9. SIGNS NOT REQUIRING A PERMIT FROM THE ZONING ENFORCEMENT OFFICER

The signs listed below shall not require a permit from the Zoning Enforcement Officer. However, all signs using electrical wiring and connection shall have an electrical permit.

10.9.1. **Direction/Informational Signs.** Directional and information signs, erected and maintained by public agencies and governmental bodies.

10.9.2. **Public/Quasi-Public Name Signs.** 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:

- A. The name of location of the Town, hospital, community center, public or private school, church, synagogue, or other place of worship;
- B. The name of a place of meeting or an official or civil body such as the Chamber of Commerce, service club, or fraternal organization.
- C. An event of public interest such as public hearing, rezoning, announcement, general election, church or public meeting; local or Town fair; and other similar community activities and campaigns;
- D. Soil conservation, 4-H and similar projects; and zoning and subdivision jurisdiction boundaries.

10.9.3. **Professional and Home Occupations Signs:**

- A. One sign per lot not to exceed two (2) square feet attached to the principal structure.
- B. 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.
- C. No such signs shall be illuminated in the residential district.

10.9.4. **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.

10.9.5. **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.

10.9.6. Temporary Signs.

- A. Real Estate: One (1) temporary real estate sign 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. *Such signs shall not be illuminated.*
- B. 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.
- C. Temporary Construction Sign. 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 Enforcement 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.

10.9.7. Setback Requirements for Signs Not Requiring a Building Permit.

Signs which do not require a permit from the Zoning Enforcement 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. No illumination is permitted.

10.10. PERMANENT SIGNS FOR SUBDIVISIONS AND MULTI-FAMILY DEVELOPMENTS

10.10.1. 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.

10.10.2. Total area per entrance is sixty-four (64) square feet.

10.10.3. Signs shall be placed on private property no closer than ten (10) feet to any property line.

10.10.4. Illumination is restricted to white indirect lighting.

10.10.5. Content of sign is limited to the name of the subdivision.

10.11. BUSINESS AND INDUSTRIAL SIGNS

10.11.1. **Districts Where Allowed:** Commercial and Industrial Districts.

10.11.2. 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 one (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.
- H. Business signs, provided that signs projecting at right angles from the building shall be allowed when suspended from a canopy, provided the sign is at least 8 feet above the sidewalk. Otherwise, signs must be mounted flat with building walls and must not project more than 18 inches from the walls; **(Ord. 05/31/1977; 154.137)**
- I. Business signs and billboards, provided they are not located within 50 feet of any residential district, provided further, that not more than 1 billboard structure shall be allowed per 100 feet or less of lot frontage in single ownership, with 1 additional billboard structure allowed per additional 100 feet of lot frontage; **(Ord. 05/31/1977; 154.138)**
- J. Business signs, provided that signs projecting at right angles from the building shall, for on-going business establishments only, be allowed when suspended from above a canopy, provided the sign is at least 15 feet above the sidewalk, otherwise, signs must be mounted

flat with building walls and must not project more than 4 inches from the walls. Businesses no longer in operation must remove signs in accordance with §§ 96.57 through 96.60 of this Code. (**Ord. 05/31/1977; 154.142**)

10.12. OUTDOOR ADVERTISING SIGNS

10.12.1. **Districts Where Allowed:** Industrial district as a Use with Conditions.

10.12.2. **Defined:** *Outdoor Advertising, Off-Premises.* The use of land consisting of a sign erected and maintained for the purpose of (i) displaying, advertising, identifying, or directing attention to business products, operations, or services sold or offered at a site other than the site where the sign is erected or (ii) promoting an attraction, activity, idea, opinion, or other noncommercial messaging that is unrelated to the site where the sign is erected. A sign meeting this definition is commonly known as a billboard, where space is commonly made available or rented to advertisers to display their messages to the traveling public. For the purposes of this section, the term “off-premises outdoor advertising” includes off-premises outdoor advertising visible from the main-traveled way of any road.

Statutory Reference - *N.C.G.S. Chapter 160D-912(a)*

10.12.3. **General Requirements.**

- A. No outdoor advertising sign may exceed 600 square feet in area and fifty (50) feet in height.
- B. Attached signs, side by side signs and two sign structures facing in the same direction shall be prohibited.
- C. Rooftop billboard signs are prohibited.
- D. No part of any outdoor advertising sign shall be located within 800 feet of another outdoor advertising sign.
- E. The backs of all outdoor advertising sign shall be painted in a neutral color to blend with the surrounding area and to prevent the reflection of car lights and sunlight.
- F. No part of any outdoor advertising sign shall be located within 300 feet of any residential structure.
- G. No sign shall be affixed to trees without the written permission of the property owner.
- H. Allowed along designated state routes (highways) only.
- I. An NCDOT Outdoor Advertising Permit shall be required.

Statutory Reference - *N.C.G.S. Chapter 160D-912(b)*

10.12.4. **Nonconforming Off-Premises Advertising Signs.**

- A. Removal of **Nonconforming Off-Premises Outdoor Advertising Signs.** The Town may require the removal of an off-premises outdoor advertising sign that is nonconforming under a local ordinance and may regulate the use of off-premises outdoor advertising within its planning and development regulation jurisdiction in accordance with the applicable provisions of this Ordinance and subject to G.S. 136-131.1 and 136-131.2.

Statutory Reference - *N.C.G.S. Chapter 160D-912(b)*

- B. **Written Notice of Intent Required.** The Town shall give written notice of its intent to require removal of off-premises outdoor advertising by sending a letter by certified mail to the last known address of the owner of the outdoor advertising and the owner of the property on which the outdoor advertising is located.

Statutory Reference - *N.C.G.S. Chapter 160D-912(c)*

- C. The Town may not enact or amend an ordinance of general applicability to require the removal of any nonconforming, lawfully erected off-premises outdoor advertising sign without the payment of monetary compensation to the owners of the off-premises outdoor advertising, except as provided below. The payment of monetary compensation is not required if:
- (1) The Town and the owner of the nonconforming off-premises outdoor advertising enter into a relocation agreement pursuant to subsection (f) of this section.
 - (2) The Town and the owner of the nonconforming off-premises outdoor advertising enter into an agreement pursuant to subsection (k) of this section.
 - (3) The off-premises outdoor advertising is determined to be a public nuisance or detrimental to the health or safety of the populace.
 - (4) The removal is required for opening, widening, extending or improving streets or sidewalks, or for establishing, extending, enlarging, or improving any of the public enterprises listed in G.S. 160A-311, and the local government allows the off-premises outdoor advertising to be relocated to a comparable location.
 - (5) The off-premises outdoor advertising is subject to removal pursuant to statutes, ordinances, or regulations generally applicable to the demolition or removal of damaged structures. This subsection shall be construed subject to and without any reduction in the rights afforded owners of outdoor advertising signs along interstate and federal aid primary highways in this State as provided in Article 13, Chapter 136.

Statutory Reference - *N.C.G.S. Chapter 160D-912(d)*

D. Monetary compensation is the fair market value of the off-premises outdoor advertising in place immediately prior to its removal and without consideration of the effect of the ordinance or any diminution in value caused by the ordinance requiring its removal. Monetary compensation shall be determined based on:

- (1) The factors listed in G.S. 105-317.1(a); and
- (2) The listed property tax value of the property and any documents regarding value submitted to the taxing authority.

Statutory Reference - *N.C.G.S. Chapter 160D-912(e)*

E. If the parties are unable to reach an agreement under subsection (d) above of this section on monetary compensation to be paid by the Town to the owner of the nonconforming off-premises outdoor advertising sign for its removal, and the Town elects to proceed with the removal of the sign, the Town may bring an action in superior court for a determination of the monetary compensation to be paid. In determining monetary compensation, the court shall consider the factors set forth in subsection (d) above of this section. Upon payment of monetary compensation for the sign, the Town shall own the sign.

Statutory Reference - *N.C.G.S. Chapter 160D-912(f)*

F. In lieu of paying monetary compensation, the Town may enter into an agreement with the owner of a nonconforming off-premises outdoor advertising sign to relocate and reconstruct the sign. The agreement shall include the following:

- (1) Provision for relocation of the sign to a site reasonably comparable to or better than the existing location. In determining whether a location is comparable or better, the following factors shall be taken into consideration:
 - a. The size and format of the sign.
 - b. The characteristics of the proposed relocation site, including visibility, traffic count, area demographics, zoning, and any uncompensated differential in the sign owner's cost to lease the replacement site.
 - c. The timing of the relocation.
- (2) Provision for payment by the Town of the reasonable costs of relocating and reconstructing the sign including:
 - a. The actual cost of removing the sign.
 - b. The actual cost of any necessary repairs to the real property for damages caused in the removal of the sign.
 - c. The actual cost of installing the sign at the new location.

- d. An amount of money equivalent to the income received from the lease of the sign for a period of up to 30 days if income is lost during the relocation of the sign.

Statutory Reference - N.C.G.S. Chapter 160D-912(g)

- G. For the purposes of relocating and reconstructing a nonconforming off-premises outdoor advertising sign pursuant to subsection (f) of this section, the Town consistent with the welfare and safety of the community as a whole, may adopt a resolution or adopt or modify its ordinances to provide for the issuance of a permit or other approval, including conditions as appropriate, or to provide for dimensional, spacing, setback, or use variances as it deems appropriate.

Statutory Reference - N.C.G.S. Chapter 160D-912(h)

- H. If the Town has offered to enter into an agreement to relocate a nonconforming off-premises outdoor advertising sign pursuant to subsection (f) of this section, and within 120 days after the initial notice by the Town the parties have not been able to agree that the site or sites offered by the Town for relocation of the sign are reasonably comparable to or better than the existing site, the parties shall enter into binding arbitration to resolve their disagreements. Unless a different method of arbitration is agreed upon by the parties, the arbitration shall be conducted by a panel of three arbitrators. Each party shall select one arbitrator and the two arbitrators chosen by the parties shall select the third member of the panel. The American Arbitration Association rules shall apply to the arbitration unless the parties agree otherwise.

Statutory Reference - N.C.G.S. Chapter 160D-912(i)

- I. If the arbitration results in a determination that the site or sites offered by the Town for relocation of the nonconforming sign are not comparable to or better than the existing site, and the Town elects to proceed with the removal of the sign, the parties shall determine the monetary compensation under subsection (d) of this section to be paid to the owner of the sign. If the parties are unable to reach an agreement regarding monetary compensation within 30 days of the receipt of the arbitrators' determination, and the Town elects to proceed with the removal of the sign, then the Town may bring an action in superior court for a determination of the monetary compensation to be paid by the Town to the owner for the removal of the sign. In determining monetary compensation, the court shall consider the factors set forth in subsection (d) of this section. Upon payment of monetary compensation for the sign, the Town shall own the sign.

Statutory Reference - N.C.G.S. Chapter 160D-912(j)

- J. Notwithstanding the provisions of this section, the Town and an off-premises outdoor advertising sign owner may enter into a voluntary agreement allowing for the removal of the sign after a set period of time in lieu of monetary compensation. The Town may adopt an ordinance or resolution providing for a relocation, reconstruction, or removal agreement.

Statutory Reference - N.C.G.S. Chapter 160D-912(k)

- K. The Town has up to three years from the effective date of an ordinance enacted under this section to pay monetary compensation to the owner of the off-premises outdoor advertising provided the affected property remains in place until the compensation is paid.

Statutory Reference - N.C.G.S. Chapter 160D-912(l)

- L. This section does not apply to any ordinance in effect on July 1, 2004. The Town may amend an ordinance in effect on July 1, 2004 to extend application of the ordinance to off-premises outdoor advertising located in territory acquired by annexation or located in the extraterritorial jurisdiction of the Town. The Town may repeal or amend an ordinance in effect on July 1, 2004 so long as the amendment to the existing ordinance does not reduce the period of amortization in effect on the effective date of this section.

Statutory Reference - N.C.G.S. Chapter 160D-912(m)

- M. The provisions of this section shall not be used to interpret, construe, alter or otherwise modify the exercise of the power of eminent domain by an entity pursuant to Chapter 40A or Chapter 136 of the General Statutes.

Statutory Reference - N.C.G.S. Chapter 160D-912(n)

- N. Nothing in this section shall limit the Town authority to use amortization as a means of phasing out nonconforming uses other than off-premises outdoor advertising.

Statutory Reference - N.C.G.S. Chapter 160D-912(o)

10.13. SIGNS ON TOWN PROPERTY

10.13.1. Posting of Signs Required. The Town Board of Commissioners is hereby ordered to post appropriate signage on each park, building or portion of a building now or hereafter owned, leased as lessee, operated, occupied, managed or controlled by the town, as well as the appurtenant premises to such buildings, indicating that concealed handguns are prohibited therein.

10.13.2. Location of Signs. Said signs shall be visibly posted on the exterior of each entrance by which the general public can access the building, appurtenant premise, or park. The Town Board of Commissioners shall exercise discretion in determining the necessity and appropriate location for other signs posted on the interior of the building, appurtenant premise, or park.

10.14. SIGNS PERMITS

See Section 5.7 of this Ordinance for regulations to issue a Sign Permit.

PART III. LANDSCAPING, BUFFERING AND SCREENING

10.15. PURPOSE OF BUFFERING AND SCREENING

The purpose of this Article is to establish minimum landscaping and screening requirements that provide (i) a visual buffer between parking and loading areas and public streets, (ii) a visual buffer between parking and loading areas and adjoining residential land uses, (iii) screening of solid waste collection dumpsters, and (iv) screening between certain incompatible land uses.

(Ord. 5/31/1977, Section 154.012)

10.16. LANDSCAPING OF PARKING AND LOADING AREAS

10.16.1. Street Side Buffer Yard Requirements. *(See Figure 10-1)*

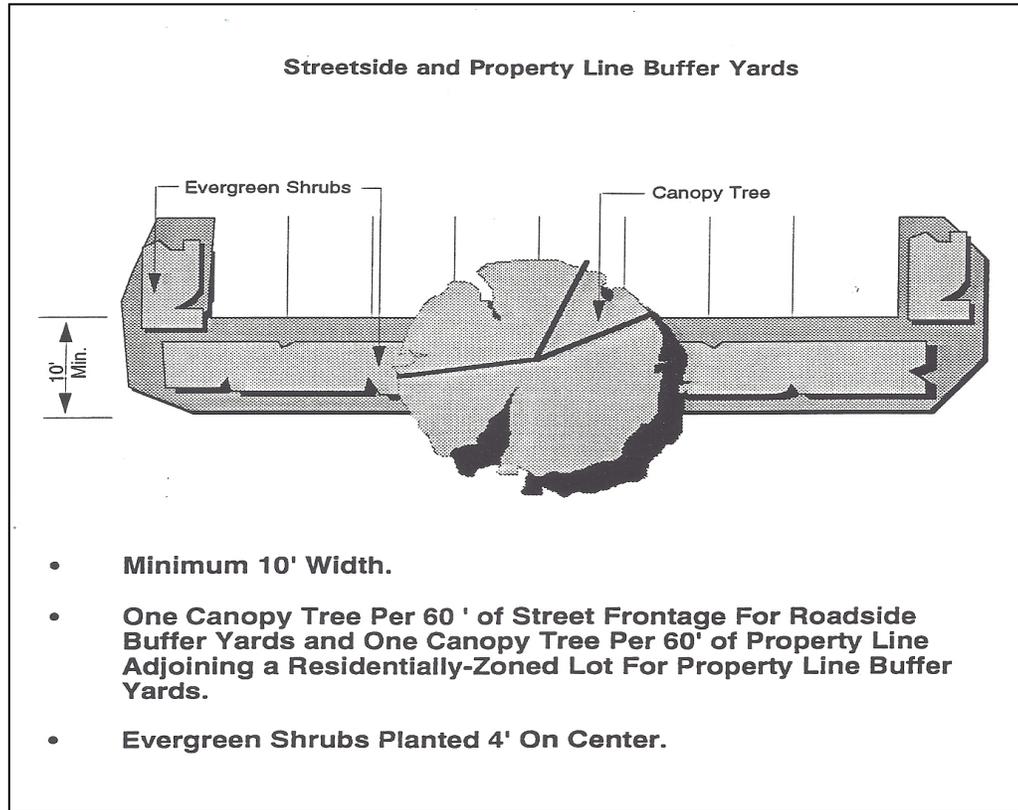
- A. All parking lots containing ten or more parking spaces shall include a minimum 10-foot perpetually maintained natural or planted buffer yard to screen the parking lot from all adjoining public street rights-of-way (where such parking lot is not screened visually by an intervening building).
- B. The required streetside buffer yard shall contain at least one canopy tree for each sixty linear feet of street frontage and each tree shall be a minimum of 8 feet in height and shall have a minimum caliper of 2 inches (measured six inches above grade) at the time of planting. Each tree shall be a species which can be expected to attain a minimum height of 40 feet and have a crown width of 30 feet or greater at maturity. No tree shall be planted within 20 feet of the edge of a driveway at its intersection with the street right-of-way.
- C. The required buffer yard shall also contain evergreen shrubs, planted four feet on center, which are of a species which can be expected to reach a minimum height of 36 inches and a minimum spread of 30 inches within 3 years of planting.
- D. All portions of the streetside buffer yard not planted with trees or shrubs or covered by a wall or other barrier shall be planted with grass, ground cover, or natural mulch of a minimum depth of 3 inches.

10.16.2. Property Line Buffer Yard Requirements. *(See Figure 10-1)*

- A. Any parking lot and loading area (i) which contains ten or more parking spaces, (ii) which is located on a commercially-, industrially-, institutionally-used lot, and (iii) which abuts a residentially zoned lot shall include a minimum 10-foot perpetually maintained natural or planted buffer yard along all adjoining property lines that do not coincide with street rights-of-way.
- B. The required property line buffer yard shall comply with the planting standards set out in Section 10.16.2(a). above for streetside buffer yards except that there shall be one canopy

tree for each 60 LF of property line adjoining a residentially zoned lot rather than for each 60 LF of street frontage.

Figure 10-1
Planting Requirements for Buffer Yards



10.17. SCREENING OF DUMPSTERS

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

10.18. SCREENING OF MULTI-FAMILY, INDUSTRIAL AND COMMERCIAL USES

10.18.1. Multi-family Residential Uses. (see Figure 10-2)

Whenever four or more multi-family residential, townhouse, or condominium dwelling units are proposed to be located directly abutting property which is used for single-family residential purposes or which is zoned for single-family residential use, the multi-family, townhouse, or condominium use shall provide screening in accordance with the following standards:

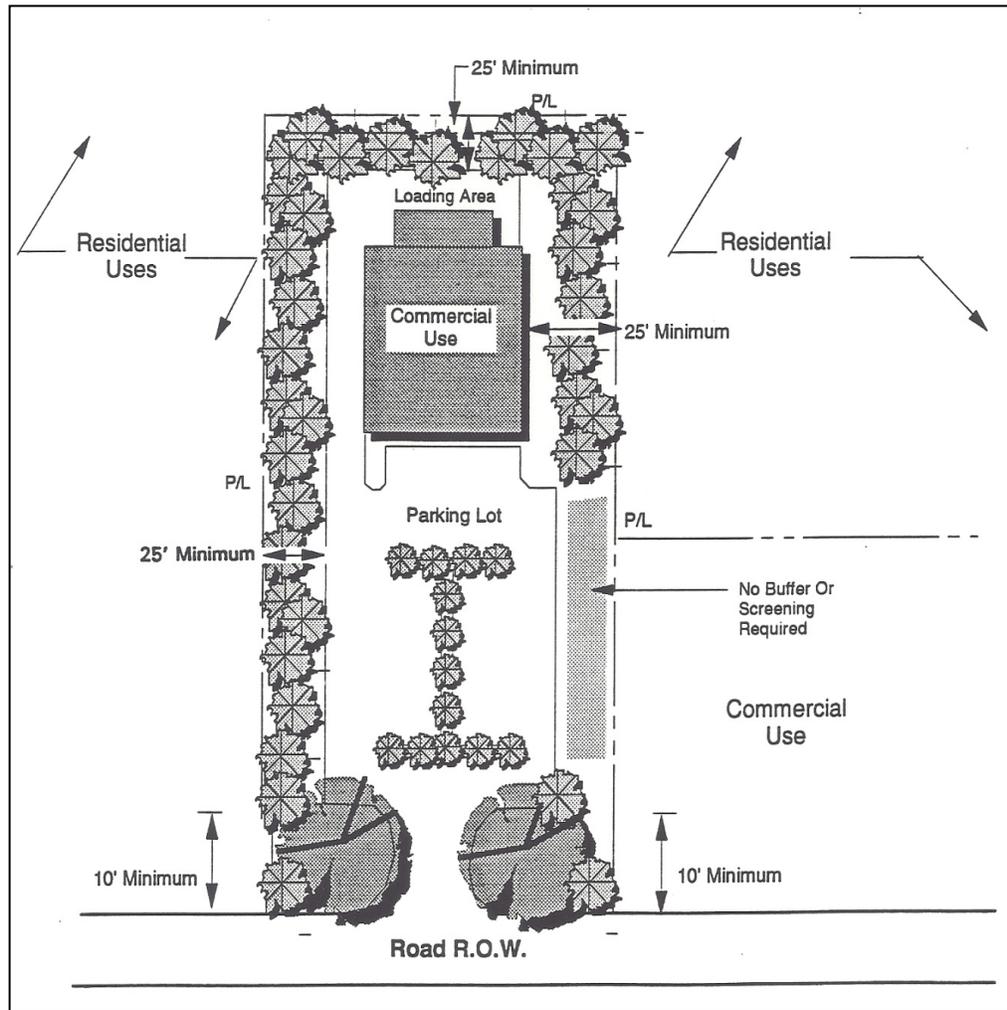
- A. A minimum 15-foot perpetually maintained natural or planted buffer yard shall be provided along all property lines directly abutting a single-family used or zoned lot.
- B. The buffer yard shall contain 2 canopy trees and 3 understory trees per 100 linear feet of buffer yard. Canopy trees shall be a minimum of 8 feet in height and 2 inches in caliper (measured 6 inches above grade) when planted. When mature, a canopy tree should be at least 40 feet high and have a crown width of 30 feet or greater. Understory trees shall be a minimum of 4 feet high and 1 inch in caliper (measured 6 inches above grade) when planted.
- C. The buffer yard shall also contain 17 shrubs per 100 linear feet of buffer yard. All shrubs shall be of a species which can be expected to reach a minimum height of 36 inches and a minimum spread of 30 inches within 3 years of planting.
- D. All portions of the buffer yard not planted with trees or shrubs or covered by a wall or other barrier shall be planted with grass, ground cover, or natural mulch of a minimum depth of 3 inches.

10.18.2. Industrial and Commercial Uses. (see Figure 10-2)

- A. Whenever an industrial or commercial (business) use is proposed to be located so that the principal building, accessory building(s), outdoor use areas, or parking and loading areas are within 100 feet of a lot which is used for residential purposes or which is zoned for residential use, the industrial or commercial use shall provide screening in accordance with the following standards:
 - 1) A minimum 25-foot perpetually maintained natural or planted buffer yard shall be provided along all property lines directly abutting a residentially used or zoned lot.
 - 2) The buffer yard shall contain 3 canopy trees and 5 understory trees per 100 linear feet of buffer yard. Canopy trees shall be a minimum of 8 feet in height and 2 inches in caliper (measured 6 inches above grade) when planted. When mature, a canopy tree should be at least 40 feet high and have a crown width of 30 feet or greater. Understory trees shall be a minimum of 4 feet high and 1 inch in caliper (measured 6 inches above grade) when planted.
 - 3) The buffer yard shall also contain 25 shrubs per 100 linear feet of buffer yard. All shrubs shall be of a species which can be expected to reach a minimum height of 36 inches and a minimum spread of 30 inches within 3 years of planting.

- 4) All portions of the buffer yard not planted with trees or shrubs or covered by a wall or other barrier shall be planted with grass, groundcover, or natural mulch of a minimum depth of 3 inches.
- B. Whenever an industrial or commercial (business) use is proposed on a parcel zoned for Industrial or Commercial uses, a minimum 10-foot buffer on the side and rear property lines shall be required. This may be achieved through a combination of a wall, fence or screen as detailed in Section 10.19.

Figure 10-2
Example of the Application of Buffers and Screens



10.19. WALLS, FENCES, AND PLANTED SCREENS

A fence, wall, or planted screen for the purposes of privacy and/or security may be located in any required yard provided:

- A. The activities of the principal use may not extend into a front yard that is screened by a solid fence, wall, or shrubbery screen (e.g., a restaurant shall not enclose the front yard with a solid fence for the purpose of providing customers a lounge, a bar or an eating area).
- B. No open wire fence of a type that could inflict injury from casual contact (such as barbed wire fence) is permitted below a height of six (6) feet in any district. Other types of open wire fencing (such as hurricane and chain link fencing) may be erected in any yard.
- C. The height of a fence, wall, or screen shall be measured from the average undisturbed grade of the adjacent property.
- D. Within residential zoning districts, the following fence, wall, and screen height limits shall apply:
 - (1) Within front yards, the height for fences, walls, or screens shall be limited to four (4) feet except that the board of adjustment shall hear and decide requests for variances to allow height up to six (6) feet within front yards adjacent to thoroughfares. The variance request application shall include information on the factors set forth below, other requirements of this section and chapter, and any other information pertinent to granting the variance.
 - (i) The fence, wall or screen shall be set back a minimum of one-half ($\frac{1}{2}$) the distance of the required front yard setback for the district or fifteen (15) feet, whichever is greater;
 - (ii) At least fifty (50) percent of the area of the fence, wall, or screen above four (4) feet shall be open along the entire length such that clear vision is possible from one side to the other; and
 - (iii) Additional conditions may be specified to maintain safe access, ingress, and egress to and from the subject and surrounding properties.
 - 1) Within any side or rear yard, the maximum height for any fence shall be eight (8) feet.
 - 2) Fence height limits shall not apply to electric/gas substations, water/sewer treatment plants or facilities, municipal water storage facilities, waste treatment facilities, or government facilities.
 - 3) Fence height limits shall not apply to chain link fences surrounding tennis courts or ball field backstops. Fences for private tennis courts shall be within the required setbacks for accessory uses in that zoning district.
 - 4) In all zoning districts, chain link, woven wire, and electric and barbed wire fences shall be prohibited in front yards, except on bona fide

farms, electric and gas substations, and government facilities. Fences and walls of exposed concrete block, tires, junk or other discarded materials shall be prohibited.

- 5) A fence, wall, or screen shall not impede access by emergency services to the subject and surrounding properties.
- 6) A fence, wall, or screen shall be installed with the finished side facing adjoining properties and rights-of-way.
- 7) A fence, wall, or screen shall be maintained in a sturdy upright position free from any broken or missing parts, slats or boards. Finishes shall be maintained in good condition.

10.20. LINE OF SIGHT

- 10.20.1. In order to maintain an acceptable and safe line of sight for motor vehicle drivers, no parking spaces, fences, walls, posts, lights, shrubs, trees or other type of obstructions not specifically exempted shall be permitted in the space between thirty (30) inches and above ground level and ten (10) feet above ground level within a triangular sight distance.
- 10.20.2. The required triangular sight distance for any street intersections with thoroughfares shall be provided in compliance with the *American Association of State Highway and Transportation Officials* sight distance standards for roadway of similar classifications, intersections signalization/signage, and rated speeds.

10.21. ALTERNATIVE SCREENING METHODS

- 10.21.1. When screening is required by this Article or by other provisions of this Ordinance and the site design, topography, unique relationships to other properties, lot configuration, spatial separation, natural vegetation, or other special considerations exist relative to the proposed development, the applicant may submit a specific plan for screening to the Zoning Enforcement Officer. This plan must demonstrate how the purposes and standards of this Ordinance will be met by measures other than those listed in Sections 10.16 through 10.19. If approved by the Zoning Enforcement Officer, the alternative screening plan may be utilized to meet the requirements of this Ordinance.
- 10.21.2. A combination of natural vegetation, fences, walls and berms may be utilized to achieve the screening requirements of Sections 10.16 through 10.19 provided that the following standards are met:
 - A. Walls (a minimum of 5 feet in height and constructed of masonry, stone or pressure treated lumber) or an opaque fence (a minimum of 5 feet in height) may be used to reduce the widths of the buffer yards by 10 feet.

- B. Understory trees may be substituted for canopy trees if, in the opinion of the Zoning Inspector upon conferring with the electrical utility provider, a conflict exists with overhead utility lines.

- C. Wall planters shall be constructed of masonry, stone or pressure treated lumber and shall have a minimum height of 30 inches. The minimum height of shrubs in wall planters shall be 6 inches. The effective planting area of the wall planter shall be 4 feet in width (7 feet if the wall planter contains trees).

- D. Any berm utilized for screening purposes shall have a minimum height of 3 feet, a minimum crown width of 3 feet, and a side slope no greater than 3:1.

10.22. USE OF EXISTING SCREENING

When a lot is to be developed so that screening is required and that lot abuts an existing hedge, fence or other screening material on the adjoining lot, then that existing screen may be used to satisfy the requirements of this Ordinance. The existing screen must meet the minimum standards for screening established by this Ordinance and it must be protected from damage by pedestrians or motor vehicles. However, the burden to provide the necessary screening remains with the use to be screened and is a continuing obligation that runs with the land so long as the original use continues in operation. Consequently, should the screening on the adjoining lot be removed, the use required to be screened shall, at that time, provide screening in accordance with the requirements of this Ordinance.

10.23. GUARANTEE IN LIEU OF IMMEDIATE INSTALLATION

It is recognized that land development occurs continuously and that vegetation used in landscaping or screening should be planted at certain times of the year to ensure the best chance of survival. In order to ensure compliance with this Ordinance and reduce the potential expense of replacing landscaping or screening materials which were installed in an untimely or improper fashion, the developer may provide an adequately secured performance bond or other security to ensure that all of the requirements of this Article will be fulfilled.

10.24. – 10.29. RESERVED

PART IV. OUTDOOR LIGHTING

10.30. PURPOSE.

Sufficient outdoor lighting at night increases safety, enhances the Town's night time character, and helps provide security. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare, light trespass, and higher energy use. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of the Town.

10.31. DEFINITIONS.

As found in Article 2 of this Ordinance, the following definitions are used in this section:

Direct Light: Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Fixture: The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Flood or Spot Light: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Fully-Shielded Lights: outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

Glare: Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

Grandfathered luminaires: Luminaires not conforming to this code that were in place at the time this code was voted into effect. When an ordinance "grandfathers" a luminaire, it means that such already-existing outdoor lighting does not need to be changed unless a specified period is specified for adherence to the code.

Height of Luminaire: The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

Indirect Light: Direct light that has been reflected or has scattered off of other surfaces.

Lamp: The component of a luminaire that produces the actual light.

Light Trespass: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Lumen: A unit of luminous flux. One foot-candle is one lumen per square foot. For the purposes of this Ordinance, the lumen-output values shall be the INITIAL lumen output ratings of a lamp.

Luminaire: This is a complete lighting system, and includes a lamp or lamps and a fixture.

Outdoor Lighting: The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

Temporary Outdoor Lighting: The specific illumination of an outside area of object by any man-made device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.

10.32. OUTDOOR ADVERTISING SIGNS

10.32.1. **Top Mounted Fixtures Required.** Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements below. Bottom-mounted outdoor advertising-sign lighting shall not be used.

- A. All outdoor lighting fixtures shall be placed to prevent light trespass or glare beyond the property line.
- B. Flood or spot lamps shall be fully shielded and aimed no higher than 45 degrees above straight down when the source is visible from any offsite residential property or public roadway.

10.32.2. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols are preferred, to minimize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less than 41 watts.

10.32.3. **Prohibitions.** Electrical illumination of outdoor advertising off-site signs between the hours of 11:00 p.m. and sunrise is prohibited.

10.33. RECREATIONAL FACILITIES.

10.33.1. Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:

10.33.2. All fixtures used for event lighting shall be fully shielded or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.

10.33.3. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

10.34. RESERVED.