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ARTICLE I
INTRODUCTORY PROVISIONS

Section 101. Authority and Enactment. In pursuance of the authority granted by the General Statutes of North Carolina, Chapter 160A, Article 19, Part 3, Chapter 143, Article 21, Watershed Protection Rules. BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF YOUNGSVILLE as follows:

Section 102. Title. This ordinance shall be known and may be cited as the Zoning Ordinance of the Town of Youngsville, North Carolina, and may be referred to as the Zoning Ordinance.

Section 103. Purpose. For the purpose of promoting the health, safety, morals and general welfare, this ordinance is adopted by the governing body to regulate and restrict the height, number of stores and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence or other purposes. The zoning regulations in this ordinance are in accordance with a comprehensive plan and are designed to lessen congestion in the streets, to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of adequate provisions of transportation, water sewerage, schools, parks, and other public requirements. The regulations have been made with reasonable consideration, among other things, as to the character of the jurisdiction and its areas and their peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdiction.

Section 103.1 As part of the Town Codified Ordinance, Subdivision Ordinance and the Official Zoning Ordinance it shall be required for any new construction to install sidewalks on one (1) or both sides of the street. This shall be done in compliance with **Section 4.3 Sidewalks and Handicapped Access** in the Subdivision Ordinance. This shall be effective this 13th day of April 2006.

Section 103.2 The builder shall be responsible for the construction of the sidewalk. If no sidewalk is designated for that side of the street, a fee will be assessed for the market value per foot of a sidewalk by the builder. The fee will be designated for sidewalks only.

Section 104. Jurisdiction. The area to which this ordinance applies is shown on the official zoning map.

ARTICLE II GENERAL PROVISIONS

Section 201. Application of Regulations. The regulations set forth in this ordinance shall affect all land, every structure, and every use of land and/or structure and shall apply as follows:

201.1 No structure or land shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, or structurally altered except in compliance with the regulations of this ordinance for the district in which it is located.

201.2 No structure shall hereafter be erected or altered so as to exceed the height limit or density regulations of this ordinance for the district in which it is located.

201.3 No lot, even though it may consist of one or more adjacent lots of record in single ownership, shall be reduced in size so that the lot area per dwelling unit, lot width, yard and lot coverage requirements and other requirements of this ordinance are not maintained. This prohibition shall not be construed to prevent the purchase or condemnation of narrow strips of land for public utilities or street right-of-way purposes.

201.4 No part of a yard or other open space required about any structure or use for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space similarly required for another structure or use.

201.5 In any district, no more than one (1) principal building or use may be erected on a single lot of record, except as specifically permitted in other sections of this ordinance.

Section 202. Interpretation of Regulations. The regulations in this ordinance shall be enforced and interpreted according to the following rules:

202.1 Uses not designated in the district regulations as permitted, conditional, or special uses shall be prohibited. Conditional and special uses are permitted according to the additional regulations imposed. These conditional and special uses can be approved only by the Board of Commissioners as specified in this ordinance. Additional uses may be added to the ordinance by amendment.

202.2 Regulations set forth by this ordinance shall be minimum regulations. If the requirements set forth in this ordinance are at variance with the requirements of any other lawfully adopted uses, regulations, or ordinances, the more restrictive or higher standards shall govern.

202.3 Unless restrictions established by covenants with the land are prohibited by or contrary to the provisions of this ordinance, nothing herein contained shall be construed to render such covenants inoperative.

Section 203. Exceptions and Modifications

203.1 The minimum front yard requirements of this ordinance for dwellings shall not apply on any lot where the average front yard of existing dwellings located wholly or in part within one hundred (100) feet on each side of such lot within the same block and zoning district and

fronting on the same side of the street is less than the minimum required front yard. In such cases, the front yard on such a lot may be less than the required front yard, but not less than the adjacent dwelling with the greatest front yard depth or the average front yard of existing dwellings located wholly or in part within one hundred (100) feet on each side, whichever is greater.

203.2 In any residential district for corner lots, the side yard requirements along the side street(s) shall be increased by ten (10) feet.

203.3 The Board of Commissioners shall review as a conditional use structures such as church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flag poles, radio towers, masts, aerials, and similar structures, which exceed the height limitations of this ordinance.

203.4 Uncovered stairs, landings, terraces, porches, balconies, and fire escapes may project into any yard, but such projection may not exceed six (6) feet and may not be closer than ten (10) feet to any lot line.

203.5 Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard, but such projection shall not exceed three (3) feet.

203.6 The requirements of this ordinance do not apply to roads, water, sewer, gas, electric, telephone and similar utility lines except as specifically mentioned in this ordinance.

203.7 Lot width on lots which front on the turnaround circle of a cul-de-sac may be measured at the line formed by connecting the midpoint of the side lot line of the shorter side with a point on the longer side lot line which is the same distance from the front lot line at the midpoint of the shorter side, or if both side lot lines are the same length, at the line connecting the midpoints of the side lot lines. All yard requirements must be met on such lots. If a lot has more than two (2) sides, the side lot lines to be used are the two which connect with the front lot line.

203.8 Nothing contained herein shall repeal, modify, or amend any federal or State Law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor shall any provisions of this Ordinance amend, modify, or restrict any provisions of the Code of Ordinances of Town; however, the adoption of this Ordinance shall and does amend any and all ordinances, resolutions, regulations in effect in the Town at the time of the adoption of this ordinance that may be construed to impair or reduce the effectiveness of this Ordinance or to conflict with any of its provisions.

203.9 It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.

Section 204. Visibility at Intersections. On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 1/2) and ten (10) feet in a triangular area formed by a diagonal line between two (2) points on the right-of-way lines, twenty (20) feet from where they intersect.

Section 205. Regulations Concerning Home Occupations

205.1 Home Occupations. Home occupations are permitted in all districts only as an incidental use and must comply with the following regulations.

205.1.1 No more than two (2) persons other than a resident of the dwelling shall be engaged in such occupation.

205.1.2 No more than three (3) customers, clients, or patrons shall come to the dwelling at any one time nor more than ten (10) in any one day.

205.1.3 No more than two (2) vehicles may be used in the conduct of the home occupation. Any such vehicle shall be parked off the street. The parking of any such vehicles on the property, other than an automobile, shall be in an enclosed building as described in Section 205.14 below, or shall be a conditional use subject to approval by the Board of the commissioners.

205.1.4 No more than twenty-five (25) percent of the total actual floor area of the dwelling or five hundred (500) square feet, whichever is less, shall be used in the conduct of the home occupation. In addition, one (1) accessory building, not exceeding one thousand (1000) square feet, shall be a conditional use in connection with the home occupation. The accessory building may not be used for manufacturing, processing, instruction, sales, service or other work in connection with the home occupation. All lot coverage, dimensional, and other requirements of this ordinance must be met by such accessory building. Such accessory building must resemble a residential garage. A sketch of the proposed building and a list of the materials to be used on the outside must be submitted with the application for a conditional use permit.

205.1.5 Notwithstanding the provisions of subsection 205.1.4, a home greenhouse shall be permitted provided that such greenhouse meets the requirements of Section 206 and that any sales in connection with such greenhouse meet the requirements of this Section (Section 205).

205.1.6 No outdoor sales or storage shall be permitted in connection with the home occupation.

205.1.7 The exterior appearance of the dwelling shall not be altered in such a manner nor shall the occupation in the residence be conducted in such a way as to cause the premises to differ from its residential character in exterior appearance.

205.1.8 The use may not emit noise beyond that which normally occurs in the applicable zoning district, nor shall it emit dust, vibration, odor, smoke, fumes, glare, electrical interference, interference to radio and television reception or other nuisance and shall not be volatile or present a fire hazard, nor may the occupation discharge into any waterway, stream, lake, or into the ground or a septic tank any waste which will be dangerous or a nuisance to persons or animals, or which will damage plants or crops.

205.1.9 No home occupation shall involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the home occupation is conducted.

205.1.10 There shall be no more than two (2) deliveries per day to the premises of materials to be used in conjunction with the home occupation and these shall take place between the hours of seven (7:00) a.m. and nine (9:00) p.m.

205.1.11 No customers, clients, patrons, or employees other than the residents' household may be on the premises in connection with the home occupation before seven (7:00) a.m. or after nine (9:00) p.m.

205.1.12 The following are strictly prohibited as home occupations: car washes, commercial automotive repair garages, truck terminals, slaughterhouses, paint, petroleum, and chemical plants, any occupation which involves the storage of liquid petroleum, gasoline, kerosene or other flammable liquids, funeral homes and mortuaries, massage parlors, sale of reading or viewing material of a pornographic nature, movie theaters, animal hospitals and kennels, and bottled gas sales.

205.1.13 Any home occupation not complying with these regulations shall be a special use.

Section 206. Accessory Uses. Accessory uses are permitted in any zoning district in accordance with the following regulations:

206.1 An accessory building, structure or use is a building, structure or use on the same lot or site with, of a nature customarily incidental or subordinate to, and of a character related to the principal use or structure.

206.2 Accessory uses to single-, and two-family dwellings, and multi-family dwellings may not include commercial uses, except as permitted as home occupations in Section 205 of this ordinance or for multi-family dwellings, as allowed by the Board of Commissioners in accordance with the provisions of Section 710 of this ordinance.

206.3 Residences for watchmen and caretakers are permitted accessory uses to research and industrial uses.

206.4 No accessory building shall exceed thirty-five (35) feet in height, nor shall any accessory building exceed the principal building in height.

206.5 An accessory building sharing one or more common walls with the principal building shall be considered part of the principal building for purposes of this ordinance and must meet all yard requirements applied to the principal building.

206.6 No detached accessory building shall be located closer than ten (10) feet to any other building or mobile home.

206.7 No accessory building or recreational structure or use may extend in front of the rear line of a single or two-family dwelling or mobile home.

206.8 No accessory building or recreational structure or use may extend within three (3) feet of a lot line, nor within twenty (20) feet of a street right-of-way line.

206.9 Recreational uses and buildings accessory to apartment complexes shall be in accordance with Section 710 of this ordinance.

206.10 Fences and walls are permitted as accessory uses provided that they comply with the following:

206.10.1 No fence more than three (3) feet in height, nor retaining wall more than five (5) feet in height which is more than seventy-five (75) percent solid may be placed in any front yard including along the side lot line to the front of any principal building, unless approved by the Youngsville Board of Commissioners, as a buffer in accordance with Section 207.6 of this ordinance.

206.10.2 Rear and side fences greater than seven (7) feet in height shall be of an open type similar to woven wire or wrought iron fencing except where a buffer with different specifications is required elsewhere in this ordinance.

206.10.3 Fences may not exceed seven (7) feet in height, except in commercial and industrial districts, where such fences may be no more than ten (10) feet in height.

206.10.4 Fences need not comply with the setback requirements of this ordinance.

206.10.5 No fence shall impede vision as regulated in Section 204 of this ordinance.

206.11 Dish Antennas (earth station) are permitted as accessory uses provided that they comply with the following regulations:

206.11.1 General Requirements.

- a.** A building permit is required when installing, moving, or substantially constructing or reconstructing a dish antenna.
- b.** A dish antenna must be installed in compliance with the manufacturer's specifications at a minimum.
- c.** In all residential districts, dish antennas must be installed on the ground.
- d.** In commercial and industrial districts, dish antennas may either be installed on the ground or on the roof of the building. If installed on the roof, the dish shall not be larger than twelve (12) feet in diameter, shall not project higher than ten (10) feet above the maximum building height of the zoning district or more than one third (1/3) the actual building height above the roof, whichever is less, shall be set back from the front and sides of the building at least the same distance as one and one-half (1 ½) times the diameter of the dish, and shall not be used for any advertising purpose.
- e.** A dish antenna may be attached to an accessory building which is permanently secured to the ground, but may not be attached to the principal building except as provided for in 206.11.1(d) above.

- f.** If a dish antenna is repainted, the only permissible colors are the original color used by the manufacturer or porous mesh, or painted a dark color that blends with the surrounding environment. The paint must have a dull (non-glossy) finish and no patterns, lettering, or numerals shall be permitted on the dish surface.
- g.** No dish antenna shall be installed in any public right-of-way or in any drainage or utility easement.

206.11.2 Location in Yards

- a.** A dish antenna shall be installed in the rear yard only, in all districts except as provided for in 206.11.1(d) above and in 206.11.2(b) below.
- b.** In commercial and industrial districts only, a dealer selling dish antennas may have a maximum of one (1) such antenna installed in the front or side yard for display purposes providing all other requirements are met. If a dealer displays a dish antenna in the front or side yard, his permissible sign area shall be reduced by one-half (1/2).

206.11.3 Setback Requirements

- a.** The minimum required setback for dish antennas, from the side lot lines, shall be the same as for the principal building except on corner lots, on the side abutting the street. The minimum required setback shall be the same as the required front yard setback along that street.
- b.** The minimum required setback for dish antennas from the rear lot line shall be six (6) feet or the same as accessory buildings, whichever is greater, but in no case shall any part of the antenna come closer than one (1) foot to the property line.
- c.** In districts where there are no side or rear yard requirements, a minimum setback of six (6) feet from the side and rear lot lines shall be required of dish antennas, but in no case shall any part of the antenna come closer than one (1) foot to the property line.
- d.** In all cases, no dish antenna shall be located within fifteen (15) feet of any street right-of-way.
- e.** No dish antenna shall be located within ten (10) feet of the principal building except as provided for in 206.11.1(d) above.
- f.** There are no setback requirements between a dish antenna and any other accessory structure.

206.11.4 Maximum Height Requirements

- a.** In all residential districts, the maximum height of dish antennas shall be twenty (20) feet or the height of the principal building, whichever is less.
- b.** In commercial and industrial districts, the maximum height of dish antennas installed on the ground shall be thirty (30) feet. Dish antennas mounted on the

roof of a building shall not project higher than ten (10) feet above the maximum building height of the district or more than one-third (1/3) the actual building height above the roof, whichever is less.

206.11.5 Buffering Requirements

a. In all Residential districts, dish antennas shall be surrounded on all sides with any one or combination of evergreen vegetation, topography, landscaped earth berm, or architectural features such as fences or buildings so that view of the lower two-thirds (2/3) of the dish area is restricted from all public streets and six (6) feet above ground level of surrounding residential property. If evergreen vegetation is used a species and size may be planted which can be expected to screen the required area within two (2) years of normal growth. Any screening vegetation which dies must be replaced.

b. In commercial and industrial districts, dish antennas must be screened from view from surrounding residential property and residential streets. The screening requirements as to materials and height shall be the same as in 206.11.5(a) above.

Section 207. Buffer Yards: Buffer yards are designed to protect adjoining land uses, particularly residential, from the noise, heat, dust, lights, threats to privacy, and aesthetic impacts from more intense land uses. Buffer yards shall be required along all property lines adjacent to a residential use. The Zoning Administrator will determine the type of buffer on a case-by-case basis.

207.1 Buffer yards shall be required to screen any residential use from any non-residential uses or districts. The exact location and arrangement of materials and plantings in the buffer yards will be determined based upon an analysis of site topography and sight lines from public spaces or private properties which are to be protected. Where practical, buffer strips will be designed to facilitate stormwater management objectives, including bio-retention, constructed wetlands, and infiltration except where it would result in damage or removal of existing vegetation otherwise required to be preserved.

207.2 A buffer strip shall consist of a planted strip which shall be a minimum of sixteen (16) feet in width, shall be composed of evergreen bushes, shrubs, and/or trees such that at least two (2) rows of coverage are provided from the ground to a height of six (6) feet within six (6) years and foliage over laps. The sixteen (16) feet required for the buffer strip shall be in addition to all normal yard requirements of the ordinance. Buffer strips shall be required in the following situations, as well as in any others specified in other sections of this ordinance: whenever a manufacturing, processing, retail wholesale trade, or warehouse use or public utility installation is established, a buffer strip shall be provided wherever the lot on which the use is established abuts or is across an easement or right-of-way from land zoned RA, RS, RSM, RMH.

207.3 Wall, Fence, and Berm Standards: Whenever a screening alternative is selected which includes a wall, fence, or berm, such wall, fence, or berm shall meet the following requirements:

207.3.1. Any wall shall be constructed in a durable fashion of brick, stone, or other masonry materials with no greater than 25% of the wall surface left open. All walls,

except those constructed of stone, shall be of a consistent pattern. Gates constructed to the standards for fence materials below, may be included in the wall to allow passage.

207.3.2. Any fence shall be constructed in a durable fashion of wood (or similar material) posts and/or planks with a minimum diameter or width of three (3) inches and with no greater than 25% of the fence surface left open between posts and/or planks. Wooden gates meeting such standards of opacity may also be included.

207.3.3. No wall or fence used as part of a screen shall be less than six (6) feet nor more than eight (8) feet in height above grade.

207.3.4. All berms shall be grassed and/or planted with other plant materials sufficient to prevent soil erosion. If grassed alone, any berm installed to meet the requirements of this section shall be no less than four (4) feet or greater than eight (8) feet in height. No slope of a berm shall exceed a slope greater one (1) foot of rise for every three (3) feet of plane. No part of the berm shall be left as bare soil. Any required plant materials accompanying a berm may be planted on the berm and/or along either side of the berm. It is recommended that, where feasible, at least 75 percent of any required shrubs be planted on the slope of the berm opposite the new development.

207.4. Additions to Buffers and Screening: When it is determined that the conflict of land use is so great that the public safety is not served adequately by the minimum buffer and screening requirements, or where there is a need to prevent obvious visual disorder of land uses, then the Zoning Administrator may require the installation of fencing or earthen berms in addition to buffer and screening. When required, the following standards shall apply.

207.4.1. Fencing:

- a. In all cases, the finished side of the fence must face the use with the lower intensity.
- b. Masonry, stone, block wall, brick or board fences of solid appearance, which complies with the purposes stated by the Board of Commissioners.
- c. Required where a high degree of visual, audio, or physical disorder prevails.
- d. A decorative fence constructed of masonry, ornamental block or wood, required when physical screening is needed, but to a lesser extent than described above.
- e. The height of the fence shall be determined by the Board of Commissioners based on the following variables: site conditions; topography; use; and/or building height. The minimum height of a fence required by this section shall be four (4) feet, and the maximum height shall be eight (8) feet.

207.4.2. Berms. Earthen berms may be required in combination with plant material and fencing for the purposes of screening. Berms shall be tapered appropriately to allow for practical maintenance.

- a. The slope of all berms shall not exceed a 2:1 ratio (horizontal to vertical), shall have a top width at least one-half the berm height, and a maximum height of six feet above the toe of the berm.
- b. All berms regardless of size, shall be stabilized. Topsoils brought in for mounds are to be mixed with native soil to avoid interfacing problems.

- c. Berms shall be constructed as to provide adequate sight distances at intersections and along all roads.
- d. Berms proposed to satisfy the screening requirements of this section shall be vegetated as required. Use of berms as a substitute for existing healthy vegetation is strongly discouraged.

207.5 Improvement Guarantees: It is recognized 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 section and to reduce the potential expense of replacing landscaping or screening materials which were installed in an untimely or improper fashion, in lieu of requiring the completion and installation of these improvements prior to occupancy, the Town of Youngsville may enter into an agreement with the developer whereby the developer shall agree to complete all required landscaping and screening. To secure this agreement, the developer shall provide to the Town of Youngsville one of the following guarantees. The amount of such guarantee shall be equal to 1/25 times the cost of purchasing, installing, and completing landscaping and screening materials required under this Ordinance. All such guarantees shall be subject to the approval of the Town Zoning Administrator and shall be made payable to the Town of Youngsville. The developer shall provide either one or a combination of the following guarantees:

207.5.1 Surety Performance Bond(s): The developer shall obtain a performance bond(s) from a surety company authorized to do business in North Carolina. The duration of the bond(s) shall be until such time as the improvements are accepted by the Zoning Administrator.

207.5.2 Cash or Equivalent Security: The developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the town or in escrow with a financial institution designated as an official depository of the Town of Youngsville. If cash or other instrument is deposited in escrow with a financial institution as herein provided, the developer shall then file with the Town of Youngsville an agreement between the financial institution and himself guaranteeing the following:

- a. That said escrow account shall be held in trust until released by the Zoning Administrator and may not be used or pledged by the developer in any matter during the term of the escrow; and
- b. That in the case of a failure on the part of the developer to complete said improvement, the financial institution shall, upon notification by the Town of Youngsville and submission by the Town of Youngsville to the financial institution of a landscape architect's estimate of the amount needed to complete the improvements, immediately either pay to the Town the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town.

207.5.3 Default: Upon default, meaning failure on the part of the developer to complete the required improvements in a timely manner as spelled out in the performance bond or

escrow agreement, then the surety, or the financial institution holding the escrow account, shall, if requested by the Zoning Administrator, pay all or any portion of the bond or escrow fund to the Town of Youngsville up to the amount needed to complete the improvements based on a landscape architect's estimate. Upon payment, the Zoning Administrator, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The Town shall return to the bonding firm any funds not spent in completing the improvements. Should the amount of funds needed to complete the installation of all required improvements exceed the amount in the bond or escrow account, the developer shall nonetheless be responsible for providing the funds to cover such costs. The developer shall at all times bear the financial burden for the installation of all required improvements. A lien shall be attached to the property if the developer fails to provide the full financial responsibility under this Section.

207.6 Installation of Landscaping Required Prior to Occupancy: Fences, walls, berms, and landscaping materials required shall be installed prior to occupancy.

Section 208. Nonconformities. A lawful pre-existing use, structure, or lot which does not meet the requirements of the current zoning ordinance is called nonconformity. Special provisions apply to nonconformities and these are listed in Sections 208.1 to 208.5 of this ordinance. In lieu of the provisions in this Section, nonconforming shall comply with the requirements in Article V.

208.1 Existing Substandard Structures

208.1.1 The conforming use of a structure as explained in Section 208.4 of this ordinance existing at the time of the adoption of this ordinance may be continued although the structure's size or location does not conform with the yard, dimensional, height, parking, loading, access, lot area and lot coverage provisions of this ordinance. Such structures are called substandard structures.

208.1.2 Substandard structures with conforming uses may be added to or enlarged provided that the enlargements comply with the yard, height, parking, loading, access and all other applicable requirements of this ordinance for the district in which such a structure is located.

208.1.3 Substandard structures which are damaged or destroyed by fire, explosion, flood, or other calamity, may be reconstructed and shall comply with the yard, height, parking, loading, access and all other applicable provisions of this ordinance for the district in which such structure is located unless the structure is situated on a substandard lot of record in which case the provisions concerning substandard lots of record shall apply.

208.1.4 A substandard structure may not be moved off the lot or lots on which it is located unless when relocated it complies with the regulations for the district in which it is located.

208.2 Existing Nonconforming Uses. The lawful nonconforming use of a structure, land or water existing at the time of the adoption of this ordinance may be continued except that:

208.2.1 Only that portion of the land or water in actual use may be so continued and the nonconforming use may not be enlarged or extended, nor may any additional structures be added to be occupied by the nonconforming use, except that existing cemeteries can expand to the boundaries of the property which they owned at the time they became nonconforming.

208.2.2 Normal maintenance, repair, and incidental alteration of a building occupied by a nonconforming use are permitted provided it does not extend the nonconforming use. A structure occupied by a nonconforming use may be changed to make the district in which it is located.

208.2.3 If such nonconforming use is damaged by fire, explosion, flood or other calamity to the extent of more than seventy-five (75) percent of its current equalized value, it shall not be restored except so as to comply with the use provisions of this ordinance.

208.2.4 If such nonconforming use is discontinued or terminated for a period of more than one hundred-eighty (180) days, any future use of the structure, land or water shall comply with the provisions of this ordinance.

208.2.5 A nonconforming use may not be moved off the lot or lots on which it is located unless when relocated it complies with the regulations for the district in which it is relocated.

208.2.6 The Board of Commissioners may permit as a conditional use a change in nonconforming use provided that the requirements of subsection 208.2.1, 208.2.2, 208.2.3, 208.2.4, and 208.2.5 of this Section are met and the board of Commissioners finds that such new use would be more in character with the uses permitted in the district than the previous use. In permitting such change, the Board of Commissioners may require appropriate conditions and safeguards in accordance with the provisions of this ordinance.

208.2.7 Once a nonconforming use has been changed or altered so as to comply with the provisions of this ordinance, it shall not revert back to a nonconforming use. Once the board of Commissioners has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board. If the structure occupied by a nonconforming use is changed so as to be more in character with the uses permitted in the district in which it is located, it shall not subsequently be changed to be less in character.

208.3 Existing Vacant Substandard Lots

208.3.1 Where the owner of a lot at the time of adoption of this ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the lot area or lot width requirements of the ordinance, such a lot may be used as a building site for a single family residence in a district in which residences are permitted, provided that the lot width and lot area are not more than twenty (20) percent below the minimum specified in this ordinance, and further provided that the Franklin county Health

Department approves the reduction if on-site water or wastewater facilities are involved. In cases where the lot area and lot width are more than twenty (20) percent below the minimum specified in this ordinance or other dimensional requirements cannot be met, the Board of Commissioners is authorized to approve as a variance such dimensions as shall conform as closely as possible to the required dimensions, if the Franklin county Health Department submits a letter of approval if on-site water or wastewater facilities are involved. If the pre-existing substandard lot is not in a district where single family residence are permitted, the board of Commissioners may issue a variance to allow some reasonable use.

208.3.2 If two or more adjoining and vacant lots are in one ownership when this ordinance is adopted or at any time after the adoption of this ordinance, and such lot individually do not meet the minimum dimensional requirements of this ordinance for the district in which such lots are located, then such group of lots shall be considered as a single lot or several lots of minimum permitted width and area for the district in which located, and therefore, the provisions of 208.3.1 do not apply.

208.4 Conforming Uses and Structures

208.4.1 Any use or structure existing prior to the effective date of this ordinance which conforms to the regulations of this ordinance for permitted uses and satisfies the dimensional requirements and any other applicable regulations of the district in which it is located may be continued, provided any changes shall comply with the provisions of this ordinance.

208.4.2 Any structure or use existing prior to the effective date of this ordinance which would be permitted by this ordinance as a special or conditional use in the district in which it is located may be continued as if a special or conditional use permit has been applied for and issued, provided that any changes shall comply with the provisions of this ordinance.

208.5 Effects of Amendments. If subsequent amendments to this ordinance or the official zoning map result in the creation of additional nonconformities or conformities, such nonconformities or conformities shall be governed by the provisions of this Section unless otherwise stated in the amendment.

Section 209. Complexes. Office centers, shopping centers, institutional and industrial and similar complexes may have more than one principle building on a single lot provided that the following requirements are met:

209.1 Uses in complexes shall be limited to those permitted within the zoning district in which the project is located.

209.2 The overall intensity of land use shall be no higher, and the standard of open space no lower, than that permitted in the district in which the project is located.

209.3 The distance of every building from the nearest property line shall meet the front yard setback and side yard requirements of the district in which the project is located or fifty (50) feet, whichever is greater.

209.4 The building heights shall not exceed the height limits permitted in the district in which the project is located.

209.5 The buildings shall be located so as to provide access for emergency vehicles.

209.6 Complexes also called cluster development in the SC-WS-II and LR-WS-II districts must conform to Section 310.

Section 210. Lots on Which Principal Buildings, Structures, and Uses are Established Must Abut Street. No principal building, structure, or use may be erected or established on any lot which does not abut at least twenty (20) feet on one of the following:

210.1 A public street dedicated to and maintained by the Town of Youngsville or the North Carolina Department of Transportation;

210.2 A street constructed to the standards of the town of Youngsville, or the North Carolina Department of Transportation, with a written agreement concerning maintenance of the street.

211. Tree Ordinance (Zoning)

211.1 Purpose and Intent.

211.1.1 The purpose of this section is to regulate the protection, preservation, planting, and long-term management of trees and shrubs within the Town of Youngsville.

211.1.2 The intent is to minimize potential nuisances such as visual impacts from adjacent properties; transmission, noise, dust, odor, litter, and glare of lights; provide for a separation of space and establish a sense of privacy, promote the preservation of open space, and to mitigate adverse grade changes between adjacent properties.

211.1.3 The appropriate use of existing and supplemental landscaping enhances the aesthetic appearance of new development and blends new development with the natural landscape. The use of native evergreen and deciduous plant materials blend the built environment with new construction while maintaining the aesthetic character of the town.

211.1.4 It is furthermore the intent of this section to promote the preservation of trees which are of significant enough size and/or of such a historic nature as to be an asset to the community as a whole.

211.1.5 Existing landscaping should be retained where possible to preserve the established tree canopy.

211.2 Applicability. This section shall apply to all newly developed properties as well as expansion or changes in use which result in the expansion of gross floor area of an existing

building and/or parking and loading area of over 25%. Uses that expand over 255 shall be brought into full compliance for the entire project. All development plans shall comply with the provisions of this section.

211.3 Residential Landscaping

211.3.1 Each single-family or two-family residential lot shall contain a minimum of one (1) small shade tree (10-15 feet in height at maturity) for each three thousand five hundred (3,500) square feet of lot area or fraction thereof up to 20,000 square feet in lot area. Existing trees remaining on the lot after development that meet the above requirements may be credited toward this requirement.

211.3.2 The location of planting to account for physical conditions may be adjusted by the Administrator. The use of existing vegetation to satisfy this requirement is encouraged. Required street trees may not be counted towards the fulfillment of this requirement.

211.4 Street Tree Planting

211.4.1 All commercial, institutional and multi-family development shall be required to have street trees along all public right-of-ways. In the case of a major subdivision, street tree planting shall be required along all public rights-of-way classified as arterials and collectors.

211.4.2 Street trees shall be installed according to the following standards:

- a.** One (1) canopy tree for every fifty (50) linear feet of planting area, or fraction thereof equal to or greater than twenty-five (25) feet'
- b.** One understory tree for every thirty-five (35) linear feet of planting area, or fraction thereof equal to or greater than eighteen (18) feet.

211.5 Historic and Landmark Trees

211.5.1 Landmark Trees: Where there exists one or more Landmark Trees on property subject to the regulations of the section, every effort shall be made to preserve and protect that tree or trees, according to the protection standards as outlined in this section.

211.5.2 Historic Trees: Where there exists one or more designated Historic Trees on property subject to the regulations of this Section, every effort shall be made to preserve and protect that tree or trees, according to the methods outlined in this Section.

211.5.3 Designation: Upon petition by the owner of the property on which the tree(s) is located, and the recommendation of the Youngsville Board of Commissioners, a specific tree or group of trees may be designated as "Historic". In order to be designated as such, the criteria in Section 211.5.2 and 211.5.3 must be met.

211.6 Removal of Historic or Landmark Trees

211.6.1 The term tree removal shall include, but not be limited to damage inflicted to the root system by machinery, girdling, storage of materials and soil compaction, changing the natural grade above or below the root system or around the trunk, damage inflicted on the tree permitting fungus or pest infection, excessive pruning, excessive thinning, paving with concrete, asphalt or other impervious material within such proximity as to be harmful to the tree, or any act of malicious damage to a tree. Excessive pruning or thinning that exceeds more than 25 percent of the leaf surface on both the lateral branch and the overall foliage of a mature tree.

211.6.2 Permits for tree removal of HISTORIC or LANDMARK trees may be approved where one or more of the following conditions are deemed to by the town Board and a qualified arborist. Arborist fees are to be paid by the landowner or contractor. In situations of immediate danger the town Board hereby allows emergency permits to be approved by the Town Administrator.

- a. Trees are diseased, dead or dying.
- b. Trees pose an eminent threat to nearby buildings, or pedestrian/vehicular traffic.
- c. If a tree is in the footprint of a projected building or parking lot, and every effort has been made to avoid removing said tree, such as planning to avoid said tree in plotting buildings, parking lots, and sidewalks.
- d. Tree roots greater than 6 inches in diameter can only be removed if approved by an arborist at the owner's expense.

211.6.3 Permits for the removal of three or more limbs of a Landmark or Historic tree with an individual diameter of six inches or greater shall require approval of the town Board if deemed necessary by a qualified arborist at the owner's expense.

211.7 Required Tree Protection

211.7.1 General: All Landmark and Historic trees required to remain in a site as outlined in this ordinance must be protected during construction and development of the parcel. **Tree protection must be shown on all development plans prior to site plan approval.** A site inspection of the tree barricades must be scheduled by the applicant with the Zoning Administrator for approval prior to the issuance of permits and the start of development activities.

211.7.2 Tree protection during development and construction: Protective barricades shall be placed around all required trees in or near development areas on all zoning parcels, prior to the start of development activities. These barricades, constructed of wood or plastic fencing or other approved materials shall be erected in accordance with standards set by the Zoning Administrator and placed beneath the tree canopy drip line or one and one-half (1 ½) feet times the diameter at breast height (DBH) of the tree. The barricades shall remain in place until development activities are complete. The area within the protective barricade shall remain free of all building materials, dirt, fill, or other construction debris, vehicles, and development activities.

211.7.3 Separation of trees from pavement, grading, and structures: Paved areas shall be separated from trees by a minimum distance of the canopy drip line or one and one-half (1 ½) feet times the DBH or as modified by the Zoning Administrator as deemed necessary to protect the root system of the tree. Paved areas shall not constitute more than 25% of the protected area beneath a tree. Any paving, grading, trenching, or filling within the remaining 75% may require specific construction techniques to be used and must be approved by an Arborist, at the owner's expense, in order to preserve the health of the tree.

211.8 Definitions:

211.8.1 Canopy Tree: Any tree expected to reach a height in excess of thirty (30) feet at maturity.

211.8.2 Historic Tree: Must be associated with a specific and significant historic event or individual; or contribute to the character of a historic building or property and has been designated as a "Historic Tree" by the Youngsville Board of Commissioners.

211.8.3 Landmark Tree: Any tree measuring 24 inches or greater in diameter measured 4.5 feet from the ground. A standard measuring tape may be used to obtain the circumference divided by 3.14 to get the diameter of the tree.

211.8.4 Understory Tree: Any tree expected to reach a typical height of greater than ten (10) feet but not more than thirty (30) feet at maturity.

ARTICLE III

DISTRICT REGULATIONS

Section 301. Establishment and Purpose of Districts. For the purposes of this ordinance, the zoning jurisdiction of the town of Youngsville is hereby divided into the following districts:

RA – Residential-Agricultural District. The purpose of this district is to provide areas for low-density residential development and agriculture in areas outside the corporate limits of the Town of Youngsville.

RS – Residential Single-Family District. The purpose of this district is to provide for existing single family residential housing and the establishment of new single-family residential housing.

RSM – Single and Multi-Family Residential District. The purpose of this district is to provide for a compatible mixture of single-family dwellings and multi-family buildings and complexes.

RMH – Mobile Home Residential District. The purpose of this district is to provide areas for the location of mobile homes.

C – Commercial District. The purpose of this district is to provide areas for offices, services, and businesses.

FL-WS-IV – Falls Lake Water Supply Protection District. The purpose of this district is to provide protection to the Falls Lake drinking water supply. In order to maintain a predominantly undeveloped land use intensity pattern, single family residential uses shall be allowed at a maximum of two dwelling units per acre and other permitted uses at a maximum built-upon area of twenty-four percent (24%). In addition, permitted uses may occupy ten percent (10%) of the FL-WS-IV district area, with a seventy percent (70%) built-upon area when approved as a conditional use permit.

LI – Light Industrial District. The purpose of this district is to establish and protect industrial areas for the use of light manufacturing operations, indoor warehousing, research facilities, and the distribution of products at wholesale, while protecting the environment from undesirable effects of industrial development. This district shall be located adjacent to or with direct access to thoroughfare roads in accordance with the Youngsville Land Use Plan.

LR-WS-II – Little River Water Supply Protection District. The purpose of this district is to provide protection to the Little River drinking water supply. In order to maintain a predominantly undeveloped land use intensity pattern, single family residential uses shall be allowed at a maximum of two dwelling units per acre and 30% built-upon area and other permitted uses at a maximum built-upon area of thirty percent (30%).

MI – Medium Industrial District. The purpose of this district is to establish and preserve areas for light and moderate industrial uses which may involve exterior operations, while protecting the environment from undesirable effects of industrial development. This district shall be

located adjacent to or with direct access to thoroughfare roads in accordance with the Youngsville Land Use Plan.

MU – Mixed Use. The purpose of this district is to allow current Light Industrial, Commercial uses meeting special requirements and apartment complexes with a Special Use Permit.

MSBD – Main Street Business District. The purpose of this district is to provide areas for offices, services, and businesses with guidelines for the architectural design.

SC-WS-II – Smith Creek Water Supply Protection District. The purpose of this district is to provide protection to the Smith Creek drinking water supply. In order to maintain a predominantly undeveloped land use intensity pattern, single family residential uses shall be allowed at a maximum of two dwelling units per acre and 30% built-upon area and other permitted uses at a maximum built-upon area of thirty percent (30%).

SFHA – Special Flood Hazard Area. The purpose of this district is to comply with Federal (FEMA) and State regulations for flood hazard areas not shown on zoning maps. (See special flood maps.) (FEMA, FHBM)

Section 302. Zoning Map. The boundaries of the districts are hereby established as shown upon the map accompanying this ordinance and made a part thereof, entitled “Zoning Map, Town of Youngsville, North Carolina”. The zoning map and all the notations, references and all amendments thereto, and other information shown thereon is hereby made a part of this ordinance and the same as if such information set forth on the map were fully described and set out herein. The zoning map properly attested is on file in the Office of the Zoning Administrator and is available for inspection by the public.

In the creation, by this ordinance, of the respective districts, the Board of Commissioners has given due and careful consideration to the particular suitability of each and every district for the particular regulations applied thereto, and the necessary, proper, and comprehensive groupings and arrangements of the various uses and densities of population in accordance with a well-considered plan for the development of the town and its extraterritorial area.

Section 303. Uncertainty as to Boundaries. The boundaries of such districts as are shown upon the map adopted by this ordinance are hereby adopted and the provisions of this ordinance governing the use of land and buildings, the height of buildings, the sizes of yard about buildings and other matters as hereinafter set forth are hereby established and declared to be in effect upon all land included with the boundaries of each and every zone shown upon said map. If uncertainty exists as to the boundaries of the use districts shown on the official zoning map which is not resolved by the ordinance or ordinances establishing and amending such boundaries, the following rules shall apply:

303.1 Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerline

303.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

303.3 Boundaries indicated as approximately following governmental incorporation or extraterritorial jurisdiction boundaries shall be construed as following such jurisdictional boundaries.

303.4 Boundaries indicated as approximately following the center of railroad lines shall be construed to be midway between the main tract and tracks.

303.5 Boundaries indicated as approximately following the centerline of streams, rivers, lakes, or other bodies of water shall be construed as following such centerline.

303.6 Boundaries indicated as following shorelines shall be construed to follow such shorelines, and if the shoreline is changed either naturally or as permitted by law, such a boundary shall be construed as moving with the actual shoreline.

303.7 Boundaries indicated as following the contours of certain elevations or soils of a particular type shall be construed as following the actual height or soil contour as determined by accepted surveying practices.

303.8 Boundaries indicated as parallel to or extensions of natural or man-made features indicated in subsections 303.1 through 303.7 above shall be so construed, and

303.9 Distances not specifically indicated shall be determined by the scale of the official zoning map.

303.10 Boundaries of SC-WS-II and LR-WS-II districts indicated as approximately following the ridge lines shall be construed as the actual ridge line as determined by accepted surveying practices. The property owner shall bear the expense of any surveys.

Section 304. Amendments to the Official Zoning Map. Amendments to the official zoning map shall be adopted by ordinance as provided in Article VIII. Promptly after the adoption of an amendment, the zoning administrator shall alter or cause to be altered the official zoning map to indicate the amendment. The town clerk shall enter in writing upon the face of the map a certification indicating the alteration and citing the date of adoption and the effective date of the amendment as well as the book and page of record of the ordinance amending the map.

Section 305. True Copy to be Maintained. The Chairman of the Planning Board shall also maintain a true copy of the official zoning map which shall include thereon all matters shown on the official zoning map. The true copy shall have no legal effect except as provided in Section 306.

Section 306. Replacement and Preservation of Official Map and True Copy Thereof

306.1 If the official zoning map is damaged, lost, or destroyed in whole or in part, the governing body may by resolution adopt the true copy in whole or in part as the official zoning map, and the zoning administrator and town clerk shall promptly prepare or cause to be prepared a new true copy of the official zoning map. From time to time, the governing body may, by resolution, adopt a new official zoning map if the prior map becomes difficult to interpret due to the number

of amendments or other matters shown thereon, provided that the new map is an exact copy of the prior map.

306.2 The zoning administrator shall preserve any and all remaining parts of all prior official zoning maps and true copies thereof together with all available records pertaining to their adoption, amendment, or repeal.

Section 307. Regulations for Residential-Agricultural, Residential Single-Family, Single and Multi-Family Residential, and Residential Mobile Home Districts.

307.1 List of Permitted Uses. Where there is no public water and/or sewer, lots must meet requirements of the Franklin County Health Department, as well as the requirements of this ordinance.

307.1.1 Residential-Agricultural (RA)

- a. Single family dwellings on individual lots, two family dwellings.
- b. Day nurseries, kindergartens, public education institutions and private schools having a curriculum the same as ordinarily given in public schools.
- c. Public buildings; uses and utilities. **(This use is a special use which requires approval of the Youngsville Board of Commissioners.)**
- d. Hospitals, clinics, (except animal hospitals), nursing homes.
- e. Family care homes as defined in 6.5.168-21 for handicapped persons as defined in 6.5.168, Article 3, provided that no such home may be located within a ½ mile radius of an existing family care home.
- f. Any agricultural or horticultural use except commercial nurseries, commercial chicken house, yard or hatchery, dairy, livestock pen or yard, horse or mule stable, fowls for commercial purposes. Non-commercial buildings or structures used for the keeping of livestock, fowls, or other noncommercial use permitted shall be located in the rear yard and shall not be located closer than fifty (50) feet from any property line. No livestock will be kept in the Town of Youngsville.
- g. Churches, temples, synagogues, libraries, museums, cemeteries.
- h. Radio and TV stations and transmission towers. **(This use is a conditional use which requires approval of the Youngsville Board of Commissioners.)**
- i. Parks, golf courses, playgrounds, community centers, private clubs.
- j. Fraternal organizations not open to the public. **(This use is a conditional use which requires approval of the Youngsville Board of Commissioners.)**

k. Farming including sale of products on property where produced, commercial plant nurseries and greenhouses, riding stables.

l. Planned Unit Development. **(This use is a special use which requires approval of the Youngsville Board of Commissioners.)**

m. Temporary uses, such as circuses, carnivals, fairs. **(This use is a special use which requires approval of the Youngsville Board of Commissioners.)**

307.1.2 Residential Single-Family (RS)

a. Single family dwellings on individual lots.

b. Day nurseries, kindergartens, public education institutions and private schools having a curriculum the same as ordinarily given in public schools

c. Public buildings; uses and utilities. **(This use is a special use which requires approval of the Youngsville Board of Commissioners.)**

d. Family care homes as defined in 6.5.168-21 for handicapped persons as defined in 6.5.168, Article 3, provided that no such home may be located within a ½ mile radius of an existing family care home.

e. Churches, temples, synagogues, libraries, museums

f. Parks, playgrounds.

g. Community centers, private clubs, fraternal organizations, not open to the public. **(This use is a conditional use which requires approval of the Youngsville Board of Commissioners.)**

307.1.3 Single and Multi-Family Residential (RSM)

a. Single Family dwellings on individual lots, two family dwellings, three or four family dwellings in one building.

b. Multi-family dwellings and complexes, townhouses. **(This use is a special use which requires approval of the Youngsville Board of Commissioners.)**

c. Day nurseries, kindergartens, public education institutions and private schools having a curriculum the same as ordinarily given in public schools.

d. Public buildings; uses and utilities. **(This use is a special use which requires approval of the Youngsville Board of Commissioners.)**

e. Hospitals, clinics, (except animal hospitals), nursing homes, family care homes as defined in 6.5.168-21 for handicapped persons as defined in 6.5.168,

Article 3, provided that no such home may be located within a ½ mile radius of an existing family care home.

f. Churches, temples, synagogues, libraries, museums, cemeteries.

g. Parks, golf courses, playgrounds.

h. Community centers, private clubs, fraternal organizations, not open to the public. **(This use is a conditional use which requires approval of the Youngsville Board of Commissioners.)**

i. Planned unit development. **(This use is a special use which requires approval of the Youngsville Board of Commissioners.)**

j. Temporary uses, such as circuses, carnivals, fairs. **(This use is a special use which requires approval of the Youngsville Board of Commissioners.)**

307.1.4 Residential Mobile Home Districts (RMH)

a. Single family dwellings on individual lots, two family dwellings, manufactured homes on individual lots, Class A, B & C.

b. Manufactured home parks. **(This use is a special use which requires approval of the Youngsville Board of Commissioners.)**

c. Day nurseries, kindergartens, public education institutions and private schools having a curriculum the same as ordinarily given in public schools.

d. Public buildings; uses and utilities. **(This use is a special use which requires approval of the Youngsville Board of Commissioners.)**

e. Hospitals, clinics, (except animal hospitals), nursing homes, family care homes as defined in 6.5.168-21 for handicapped persons as defined in 6.5.168, Article 3, provided that no such home may be located within a ½ mile radius of an existing family care home.

f. Churches, temples, synagogues, libraries, museums, cemeteries.

g. Parks, golf courses, playgrounds.

h. Community centers, private clubs, fraternal organizations, not open to the public. **(This use is a conditional use which requires approval of the Youngsville Board of Commissioners.)**

i. Planned unit development. **(This use is a special use which requires approval of the Youngsville Board of Commissioners.)**

j. Temporary uses, such as circuses, carnivals, fairs. (This use is a special use which requires approval of the Youngsville Board of Commissioners.)

307.2 Dimensional Requirements.

<u>Minimum lot area in square feet</u>	<u>RA</u>	<u>RS</u>	<u>RSM</u>	<u>RMH</u>
Single family dwelling	20,000	15,000	15,000	20,000
Mobile Home on individual lot	-----	-----	-----	20,000
Two-family dwelling or two townhouse units	20,000	-----	20,000	20,000
Other proposed building or use	20,000	20,000	15,000	20,000
Multi-family unit	25,000 for 3 units plus 5,000 for each additional Unit			
<u>Minimum lot width in feet</u>	<u>RA</u>	<u>RS</u>	<u>RSM</u>	<u>RMH</u>
Single Family dwelling	100	100	100	100
Mobile Home on individual lot	----	----	----	100
Two family dwelling	100	----	100	100
Multi-family dwelling	100	----	100	100
Townhouse	100	----	100	100
Other principal bldg or use	100	100	100	100
Minimum depth in feet	150	150	150	150
Front	30	30	30	30
Side (each side)	15	10	10	15
Rear	25	25	25	25
<u>Minimum lot width in feet</u>	<u>RA</u>	<u>RS</u>	<u>RSM</u>	<u>RMH</u>
Maximum height in feet	35	35	35	35
Maximum lot coverage in percent	40%	40%	40%	40%

Section 308. Regulations for Commercial District

308.1 List of Permitted Uses.

308.1.1 Permitted use as of right.

a. Any retail or wholesale business or service establishment, or public use or utility which is enclosed in a building and does not emit smoke, odor, dust, fumes, glare, noise, or vibration from the building in which it is located, and does not

involve bulk storage of volatile materials or other fire hazard, except commercial amusements.

- b.** Offices-businesses, professional, and public, financial institutions, assembly halls.
- c.** Restaurants, shopping centers, hotels and motels.
- d.** Automobile service stations, car washes.
- e.** Electronic game machines and pinball machines within an establishment devoted to another purpose shall be an accessory use provided that there shall be no more than two (2) machines. More than two (2) machines shall be considered a commercial amusement requiring a conditional use permit.

308.1.2 Conditional use which requires approval of the Youngsville Board of Commissioners.

- a.** Amusement parks, commercial amusement buildings.
- b.** Retail or wholesale business or service establishment or public uses or utilities other than those specifically listed which have outdoor sales, service or storage areas or would emit smoke, odor, dust, fumes, or noise from the building in which they are located or involve possible fire hazards.

308.2 Dimensional Requirements – Commercial District

Minimum area in square feet	20,000 for site. More than one use can be grouped on a site or in a building
Minimum lot width in feet	100 feet
Minimum lot depth in feet	150 feet
Minimum yards in feet	-----
Front	30 feet
Side (each side)	10 feet
Rear	25 feet
Maximum permitted height in feet	50 feet
Maximum lot coverage in percent	40%

Section 309. Regulations for Light and Medium Industrial and Mixed Use Districts

309.1 List of Permitted Uses. Only uses listed below shall be permitted.

309.1.1 Permitted use for Light Industrial (LI)

- a.** Research facility, warehouse, communications facility, mini-storage, manufacturing facility, wholesale business or utility use which is entirely in a building and does not emit odor, dust, glare, noise, or vibration.

- b.** Research facility, warehouse, communications facility, mini-storage, manufacturing facility, wholesale business or utility use which is enclosed in a building but may have up to one thousand (1,000) square feet of outdoor storage and may emit smoke, odor, dust, glare, noise, or vibrations. **(Special use which requires approval of the Youngsville Board of Commissioners.)**
- c.** Accessory uses-day care facilities, food service recreation facilities, and office and employee services.
- d.** Agricultural uses, excluding confined feeding operations.
- e.** Industrial trade school, community college.
- f.** Water towers, electronic substation. **(Special use which requires approval of the Youngsville Board of Commissioners.)**
- g.** Petroleum storage less than five thousand (5,000) gallons.
- h.** LP gas distributing plant with less than 10,000 pounds or 9.0m³ aggregate water capacity, towers, smokestacks, etc. over fifty (50) feet tall. **(Special use which requires approval of the Youngsville Board of Commissioners.)**

309.1.2 Permitted use for Medium Industrial (MI).

- a.** Research facility, warehouse, communications facility, mini-storage, manufacturing facility, wholesale business or utility use which is entirely in a building and does not emit odor, dust, glare, noise, or vibration.
- b.** Research facility, warehouse, communications facility, mini-storage, manufacturing facility, wholesale business or utility use which is enclosed in a building but may have up to one thousand (1,000) square feet of outdoor storage and may emit smoke, odor, dust, glare, noise, or vibrations.
- c.** Research facility, warehouse, and communications facility, mini-storage, manufacturing facility, wholesale business or utility use with outdoor operations. **(Special use which requires approval of the Youngsville Board of Commissioners.)**
- d.** Accessory uses-day care facilities, food service recreation facilities, and office and employee services.
- e.** Agricultural uses, excluding confined feeding operations.
- f.** Industrial trade school, community college.
- g.** Water towers, electronic substation, petroleum storage less than five thousand (5,000) gallons.

h. Wood products processing (timber yards, sawmills) with outdoor operations, towers, smokestacks, etc. over fifty (50) feet tall. **(Special use which requires approval of the Youngsville Board of Commissioners.)**

i. Petroleum products distribution/storage facility with total on-site storage capacity less than 100,000 gallons, LP gas distributing point, LP gas distributing plant with less than 10,000 pounds or 9.0m³ aggregate water capacity. **(Special use which requires approval of the Youngsville Board of Commissioners.)**

309.1.3 Permitted use for Mixed Use Districts.

a. Accessory uses-day care facilities, food service recreation facilities, and office and employee services, agricultural uses excluding confined feeding operations.

b. Petroleum storage less than five thousand (5,000) gallons.

c. Public Utilities uses that are contained in a building and do not emit smoke, odor, dust, fumes or noise from the building in which the use is located and does not involve possible public health or safety hazards.

d. LP gas distributing plant with less than 10,000 pounds or 9.0m³ aggregate water capacity, towers, smokestacks, etc. over fifty (50) feet tall, Planned Unit Development, educational facilities. **(Special use which requires approval of the Youngsville Board of Commissioners.)**

e. The following uses must be presented as a combined project with two or more allowed uses to receive approval from the Zoning Administrator. Uses are subject to all zoning regulations in addition to district and dimensional requirements for Light Industrial, Commercial, and Planned Unit Development.

1. Shopping center.
2. Hotel/motel.
3. Retail/Wholesale business.
4. Office, business, professional and public research center.
5. Retail or wholesale service establishments.
6. Financial institutions.
7. Assembly halls.
8. Mini-storage (enclosed no outdoor storage).

309.2 Uses not permitted in the Light Industrial District and the Medium Industrial District include, but are not limited to, the following uses; mining; ore-extraction; ore processing; acid manufacture; explosive manufacture or storage; fat rendering; fish and/or fertilizer plant, landfill; gas manufacture; glue manufacture; toxic or hazardous waste storage, processing, or disposal; rodenticide manufacture; insecticide manufacture; pesticide manufacture; petroleum storage facility with on-site storage greater than one hundred thousand (100,000) gallons; outdoor salvage operation greater than ten thousand (10,000) square feet; liquefied natural gas process plant.

309.3 Standards for development

STANDARD	LIGHT INDUSTRIAL	MEDIUM INDUSTRIAL
Building height maximum	50 feet	50 feet
Minimum lot size	2 acres	5 acres
Minimum lot width	200 feet	400 feet
Building setback		
Front	50 feet	50 feet
Side	50 feet	50 feet
Rear	50 feet	50 feet
Parking/internal drive setback		
Front	30 feet	30 feet
Side/rear if abutting industrial zoning	10 feet	10 feet
Side/rear if abutting non-industrial zoning	30 feet	30 feet
Impervious area maximum	70%	70%

309.3.1 Loading docks: Shall be located to the rear of the front building line and shall be screened from view from public right-of-ways and property zoned for residential use with topography, a solid fence or eight (8) foot minimum evergreen hedge.

309.3.2 Outdoor storage: Shall be located behind the front building setback and within parking setbacks and shall be screened from adjoining properties with a security fence and an eight (8) foot visual barrier which may be a solid fence or evergreen hedge.

309.3.3 Outdoor operations: Includes timber yard, sawmill, and truck terminal. It shall be located within the building setback lines and shall be screened from adjoining properties with a visual barrier which may be eight (8) foot minimum height solid fence or eight (8) foot minimum height evergreen vegetation.

309.3.4 Petroleum/natural gas storage tanks: Shall be located behind the front building setback line and within parking setbacks and shall meet State and Federal requirements. Application for a Special Use Permit shall include the material which will be stored, volume of material to be stored, delivery method, distribution or use method, emergency response plan for spill, ruptures and fire.

309.3.5 Definitions.

a. Solid fence: shall be constructed of wood, metal or masonry units and must be solid with no openings to a height of eight (8) feet, may not be of chain link or wire mesh with strips or attachments to achieve partial opacity.

b. Evergreen vegetation barrier; shall be evergreen vegetation which will achieve eight (8) foot height within three years.

SCREENING RECOMMENDATIONS

<u>Scientific/Common Name</u>	<u>Mature Height/Installed Spacing/Size</u>			<u>Comments</u>
Elaeagnus pungens Thorny Elaeagnus	10-15'	6'	36" height	sun, fast grower coarse texture
Eriobotrya japonica Loquat	15-25'	10'	48" height	sun, may be pruned as a hedge
Ilex cornuta Burfordi Burford Holly	10-20'	5'	36" height	sun, may be pruned as a hedge
Ilex x Nellie R. Stevens Nellie Stevens Holly	15-25'	5'	24-36" height	sun to part shade, may be pruned
Ligustrum lucidum Waxleaf Lidustrum	15-20'	5'	24-36" height	Davidson Hardy variety is cold tolerant
Myrica cerifera Wax Myrtle	15-20'	5'	24-36" height	sun to part shade
Oxmanthus fortune Fortune's Osmanthus	15-20'	5-6'	36" height	
Photinia fraseri Fraser Phontinia	15-25'	5-6'	30-36" height	sun to part shade, commonly called Red Tip, hardy & fast

<u>Scientific/Common Name</u>	<u>Mature Height/Installed Spacing/Size</u>			<u>Comments</u>
Photinia glabra Japanese Photinia	10-12'	5'	36" height	sun to part shade
Prunus caroliniana Carolina Cherry Laurel	20-30'	5-6'	30-36" height	sun to part shade, may be pruned as a hedge
Prunus laurocerasus English Laurel	10-15'	4'	30" height	sun to part shade, upright habit

Section 310. Regulations for SC-WS-II and LR-WS-II Protection Districts.

310.1 Permitted Uses

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

310.1.2 Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).

310.1.3 Residential development including all uses as permitted in the RS and RA Districts in Section 307.

310.1.4 Commercial Development limited to those uses permitted in the Commercial District (see Section 308) excluding the storage of toxic and hazardous materials.

310.1.5 Cluster development.

310.2 Density and Built-upon Limits:

310.2.1 High Density Option:

a. Single Family Residential – Development shall not exceed two dwelling units per acre and 30% built upon area on a project by project basis. The built upon area should not exceed 30%. In addition, all single family development is subject to Section 307.

b. All Other Residential and Commercial – Non-single family development shall not exceed thirty percent (30%) built upon area. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed. When the total project area involves the development of public streets, the built-upon area in those new streets is included in the calculation of the built-upon area for the project. As a result, the allowable built-upon area for the remaining lot or lots shall be adjusted to account for the built-upon area of the street. Any final subdivision plat, zoning permit and conditional use permit for the project shall indicate the maximum permitted square feet of built-upon area for each parcel.

310.2.2 Low Density Option

a. Single Family Residential – Development shall not exceed one (1) dwelling unit per acre on a project by project basis. The built upon area should not exceed 12%. In addition, all single family development is subject to Section 307.

b. All other Residential and Commercial – Non-single family development shall not exceed 12% built upon area. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed. When the total project area involves the development of public streets, the built-upon area in those new streets is included in the calculation of the built-upon area for the project. As a result, the allowable built-upon-area for the remaining lot or lots shall be adjusted to account for the built-upon area of the street. Any final subdivision plat, zoning permit and conditional use permit for the project shall indicate the maximum permitted square feet of built-upon area for each parcel.

- c. Storm water runoff from the development shall be transported by vegetated conveyances to the maximum extent practicable.

310.2.3 Cluster Development – Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed two units per acre. Built-upon area shall not exceed twelve percent (12) using the Low Density Option and thirty percent (30%) using the High Density Option. Cluster development is subject to Section 307. All built-upon area shall be designed and located to minimize storm water runoff impact to the receiving waters and minimize concentrated storm water flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas. Areas of concentrated density development shall be located in upland area and away from surface waters and drainageways. The remainder of the tract shall remain in a vegetated or natural state. The title to the open space area shall be conveyed to an incorporated homeowners association for management; to a local government for preservation as a park or open space; or to a conservation organization for preservation in a permanent easement. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds. Cluster developments that meet the applicable low density requirements shall transport storm water runoff by vegetated conveyances to the maximum extent practicable.

310.2.4 If a non-conforming lot of record is not contiguous to any other lot owned by the same party, then that lot of record shall not be subject to the development restrictions of this ordinance if it is being developed for single family residential purposes. However this exemption is not applicable to multiple contiguous lots under single ownership. Whenever two or more contiguous vacant residential lots are in single ownership at any time after September 30, 1993, and such lots individually are less than one acre, such lots shall be combined to create one or more lots that meet the one acre minimum lot size for this district or if this is impossible to reduce the nonconformity of the lots.

310.3 High Density Development Permit Application

310.3.1 Application for a High Density Development shall be addressed and submitted to the Zoning Administrator on the proper form and shall include the following information.

- a. A completed High Density Development Permit Application signed by the owner of the property. The signature of the consulting engineer or other agent will be accepted on the application only if accompanied by a letter of authorization.
- b. Two reproducible copies of the development plan within the drainage basin including the application information listed in Appendix A: Application forms, Subdivision Plat checklist and detailed information concerning built-upon area;
- c. Two reproducible copies of the plans and specifications of the storm water control structure consistent with Section 310.4;

d. When required by law, written verification that a soil erosion and sedimentation control plan has been approved by the appropriate state agency;

e. Permit Application Fees consistent with Section 310.7.

310.3.2 Prior to taking final action on any application, the Board or the Zoning Administrator may provide an opportunity to public agencies affected by the development proposal to review and make recommendations on the application. However, failure of the agencies to submit their comments and recommendations shall not delay the Board's action within prescribed time limit.

310.3.3 The Watershed Review Board shall either approve or disapprove each application for a High Density Development Permit based on the applicable criteria contained in this Ordinance. First consideration of a completed application shall be at the next regularly scheduled meeting of the Boards following its receipt. The board shall take action on the application as its first consideration or within sixty days (60) days of the first consideration if more review time is needed.

a. If the Board approves the application based on the findings, such approval shall be indicated on the permit and both copies of the site plan and both copies of the plans and specifications of the storm water control structure. A High Density Development Permit shall be issued after the applicant posts a performance bond acceptable security as required in Section 310.5.2a and executes an Operation and Maintenance Agreement as required in Section 310.5.3. A copy of the permit and one copy of each set of plans shall be kept on file at the Zoning Administrator's office. The original permit and one copy of each set of plans shall be delivered to the applicant either by personal service or registered mail, return receipt requested.

b. If the Board disapproves the application based on its findings, the reasons for such action shall be stated in the minutes of the Board and presented to the applicant in writing either by personal service or registered mail, return receipt requested. The applicant may make changes and submit a revised plan. The applicant may make changes and submit a revised plan. All revisions shall be submitted, reviewed, and acted upon by the Board pursuant to the procedures of this section.

310.3.4 The Zoning Administrator shall issue a High Density Development Permit within sixty (60) days of its first consideration upon finding that the proposal is consistent with the applicable standards set forth in the Watershed Ordinance and the following conditions are met:

a. The use will not endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;

b. The use minimizes impacts to water quality through the use of best management practices, cluster development, and/or maximum setbacks from perennial waters;

c. The use is vital to the continued growth and economic development of the Town. The Zoning Administrator shall find a development as vital if one or more of the following are met.

1. The development when completed and fully occupied will increase the tax base of the town, or;
2. The development will create full-time employment positions not including construction and development of the use, or;
3. The development is an expansion or affiliate of an existing development located within the watershed and requires a location in close proximity to the existing facility.
4. The use is consistent with the official Land Use Plan for Youngsville. If the Watershed Review Board finds that any one of the above conditions is not met, the Board shall deny the application.

310.3.5 In addition to any other requirements provided by this Ordinance, the Board may designate additional permit conditions and requirements to assure that the use will be harmonious with the area in which it is proposed to be located and with the spirit of this Ordinance. All additional conditions shall be entered in the minutes of the meeting, at which the permit is granted, on all plans and the permit certificate. All conditions so imposed shall run with the land and shall be binding upon the applicant and the applicant's heir, successors, or assigns during the continuation of the permitted use.

310.3.6 The Board shall issue a written ruling and make copies available at the Office of the Zoning Administrator and the Town Clerk. If the Board approves the application based on its findings, such approval shall be indicated on the permit and both copies of the site plan and both copies of the plan and specifications of the storm water control structure(s). A High Density Development Permit shall be issued after the applicant post a performance bond or other acceptable security as required in Section 310.5.2a and executes an Operation and Maintenance Agreement as required in Section 310.5.3. A copy of the permit and one copy of each set of plans shall be kept on file at the Zoning Administrator's office. The original permit and one copy of each set of plans shall be delivered to the applicant either by personal service or registered mail, return receipt requested.

310.4 Storm Water Control Structures

310.4.1 All storm water control structures shall be designed by a North Carolina registered professional with qualifications defined as professional engineers or landscape architects, to the extent that the General Statutes, Chapter 89A allow and land surveyors, to the extent that the design represents incidental drainage within a subdivision, as provided in General Statutes 89(C)-3(7).

310.4.2 All storm water controls shall use wet detention as a primary treatment system *unless alternative storm water management measures, as outlined in Section 310.4.3, are used*. Wet detention ponds shall be designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Environmental Management. Specific requirements for these systems shall be in accordance with the following design criteria:

- a. Wet detention ponds shall be designed to remove 85% of total suspended solids in the permanent pool and storage runoff from a one inch rainfall from the site above the permanent pool;
- b. The designed runoff storage volume shall be above the permanent pool;
- c. The discharge rate from these systems following the one inch rainfall design storm, shall be such that the runoff does not draw down to the permanent pool level in less than two (2) days and that the pond is drawn down to the permanent pool level within at least five (5) days;
- d. The mean permanent pool depth shall be a minimum of three (3) feet;
- e. The inlet structure shall be designed to minimize turbulence using baffles or other appropriate design features;
- f. Vegetative filters shall be constructed for the overflow and discharge of all storm water wet detention ponds and shall be at least thirty feet in length. The slope and width of the vegetative filter shall be determined so as to provide a non-erosive velocity of flow-through the filter for a 10-year, 24-hour storm with a 10-year, 1-hour intensity with a slope of five percent or less. Vegetation in the filter shall be natural vegetation, grasses or artificially planted wetland vegetation appropriate for the site characteristics;

310.4.3 Alternative storm water management systems, consisting of one treatment option or a combination of treatment options, may be used. The design criteria for approval shall be 85 percent average annual removal of Total suspended Solids. Also, the discharge rate shall meet one of the following criteria.

- a. The discharge rate following the 1-inch design storm shall be such that the runoff draws down to the pre-storm design stage within five days, but not less than two days; or
- b. The post development peak discharge rate shall equal the predevelopment rate for the 1-year, 24-hor storm.

310.4.4 In addition to the vegetative filters required in Section 310.4.2f, all land areas outside of the pond shall be provided with a ground cover sufficient to restrain erosion within thirty (30) days after any land disturbance. Upon completion of the storm water control structure, a permanent ground cover shall be established and maintained as part of the maintenance agreement described in Section 310.6.3.

310.4.5 A description of the area containing the storm water control structure shall be prepared and filed in consistent with Section 310.8.1 and 310.8.2, as a separate deed with the Franklin County Register of Deeds along with any easements necessary for general access to the storm water control structure. The deed shall include the storm water control structure, vegetative filters, all pipes and water control structures, berms, dikes, etc., and sufficient area to perform inspections, maintenance, repairs, and reconstruction.

310.4.6 Qualifying areas of the storm water control structure may be considered pervious when computing total built-upon area. However, if the structure is used to compute the percentage built-upon area for one site, it shall not be used to compute built-upon area for any other site or area.

310.5 Posting of Financial Security Required

310.5.1 All new storm water control structures shall be conditioned on the posting of adequate financial assurance for the purpose of maintenance, repairs, or reconstruction necessary for adequate performance of the storm water control structures.

310.5.2 Financial assurance shall be in the form of the following:

a. Security Performance Bond or other security. The permit applicant shall obtain either a performance bond from a surety bonding company authorized to do business in North Carolina, an irrevocable letter of credit or other instruction readily convertible into cash at face value payable to the Town of Youngsville or placed in escrow with a financial institution designated as an official depository of the Town of Youngsville. The bond or other instrument shall be in an amount equal to 1.25 times the total cost of the storm water control structure, as estimated by the applicant and approved by the Watershed Review Board. The total cost of the storm water control structure shall include the value of all materials such as piping and other structures; seeding and soil stabilization; design and engineering; and grading, excavation, fill, etc. The cost shall not be prorated as part of a larger project, but rather under the assumption of an independent mobilization.

b. Cash or Equivalent Security Deposited After the Release of the Performance Bond. Consistent with Section 310.8.3.a, the permit applicant shall deposit with the Town either cash or other instrument approved by the Watershed Review Board that is readily convertible into cash at face value. The cash or security shall be in an amount equal to fifteen percent (15%) of the total cost of the storm water control structure over a ten (10) year period, whichever is greater. The estimated cost of maintaining the storm water control structure shall be consistent with the approved operation and maintenance plan or manual provided by the developer under Section 310.6.1. The amount shall be computed by estimating the maintenance cost for twenty-five (25) years and multiplying this amount by two fifths or 0.4.

c. Dedication of the storm water control structure after its construction to the Town storm water utility.

310.5.3 Consistent with Section 310.3, the permit applicant shall enter into the binding Operation and Maintenance Agreement between the Watershed Review Board and all interests in the development. Said Agreement shall require the owning entity to maintain, repair, and if necessary, reconstruct the storm water control structure in accordance with the operation management plan or manual provided by the developer. The Operation and Maintenance Agreement shall be filed with the Franklin County Register of Deeds by the Watershed Review Board.

310.5.4 Default under the performance bond or other security. Upon default of the permit applicant to complete and/or maintain the storm water control structure as spelled out in the performance bond or other security, the Board may obtain and use all or any portion of the funds necessary to complete the improvements based on an engineering estimate. The Board shall return any funds not spent in completing the improvements to the owning entity.

310.5.5 Default under the cash security. Upon default of the owning entity to maintain, repair and, if necessary, reconstruct the storm water control structure in accordance with the Operation and Maintenance Agreement, the board shall obtain and use all or any portion of the cash security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after exhausting all other reasonable remedies seeking the owning entity to comply with the terms and conditions of the Operation and Maintenance Agreement. The Board shall not return any deposited cash funds.

310.6 Maintenance and Upkeep

310.6.1 An operation and maintenance plan or manual shall be provided by the developer for each storm water control structure, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are to be taken and, consistent with the Operation and Maintenance Agreement, who is responsible for those actions. The plan shall clearly indicate the steps that will be taken for restoring a storm water control structure to design specifications if a failure occurs.

310.6.2 Landscaping and grounds management shall be the responsibility of the owning entity. However, vegetation shall not be established or allowed to mature to the extent that the integrity of the control structure is diminished or threatened, or to the extent of interfering with any easement or access to the storm water control structure.

310.6.3 Except for general landscaping and grounds management, the owning entity shall notify the Zoning Administrator prior to any repair or reconstruction of the storm water control structure. All improvements shall be made consistent with the approval plans and specifications of the storm water control structure and the operation and maintenance plan or manual. After notification by the owning entity, the Zoning Administrator shall inspect the completed improvements and shall inform the owning entity of any required additions, changes, or modifications and of the time period to complete said improvements. The zoning Administrator may consult with an engineer or landscape

architect (to the extent that the General Statutes, Chapter 89A, allow) designated by the Watershed Review Board.

310.6.4 Amendments to the plans and specifications of the storm water control structure and/or the operation and maintenance plan or manual shall be approved by the Watershed Review Board. Proposed changes shall be prepared by a North Carolina registered professional engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) and submitted to and reviewed by the Zoning Administrator prior to the Watershed Review Board.

a. If the Watershed Review Board approves the proposed changes, the owning entity of the storm water control structure shall file sealed copies of the revisions with the Office of the Zoning Administrator.

b. If the Watershed Review Board disapproves the changes, the proposal may be revised and resubmitted to the Watershed Review board as a new proposal. If the proposal has not been revised and is essentially the same that already reviewed, it shall be returned to the applicant.

310.6.5 If the Watershed Review Board finds that the operation and maintenance plan or manual is inadequate for any reason, the Board shall notify the owning entity of any required changes and shall prepare and file copies of the revised agreement with the Franklin County Register of Deeds, the Office of the Zoning Administrator and the owning entity.

310.7 Application and Inspection Fees

310.7.1 Processing and inspection fees shall be submitted in the form of a check or money order made payable to the Town of Youngsville. Applications will be returned if not accompanied by the required fee.

310.7.2 A permit and inspection fee schedule, as approved by the Town Board of Commissioners, shall be posted in the Office of the Zoning Administrator.

310.7.3 Inspection fees shall be valid for 60 days. An inspection fee shall be required when improvements are made to the storm water control structure consistent with Section 310.6(3), except in the case when a similar fee has been paid within the last 60 days.

310.8 Inspections and Release of the Performance Bond

310.8.1 The storm water control structure shall be inspected by the Zoning Administrator, after the owning entity notifies the Zoning Administrator that all work has been completed. At this inspection, the owning entity shall provide:

a. The signed deed, related easements and survey plat for the storm water control structure ready for filing with the Franklin County Register of Deeds.

b. A certification sealed by an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) stating that the storm water control structure is complete and consistent with the approved plans and specifications.

c. All storm water control structures shall be inspected at least once on an annual basis to determine whether the controls are performing as designed and intended. Records of inspection shall be maintained on forms approved or supplied by the Division of Water quality. Annual inspections shall begin within one year of filing date of the deed for the storm water control structure.

310.8.2 The Zoning Administrator shall present the materials submitted by the developer and the inspection report and recommendations to the Watershed Review Board at its next regularly scheduled meeting.

a. If the Board approves the inspection report and accepts the certification, deed, and easements, the Board shall file the deed and easements with the Franklin County Register of Deeds, release up to seventy-five percent (75%) of the value of the performance bond or other security and issue a Watershed Protection Occupancy permit for the storm water control structure, consistent with Section 310.4.

b. If deficiencies are found, the Board shall direct that improvements and inspections be made and/or documents corrected and resubmitted to the Board.

310.8.3 No sooner than one year after the filing dates of the deed, easements and maintenance agreement, the developer may petition the Watershed Review Board to release the remaining value of the performance bond or other security. Upon receipt of said petition, the Zoning Administrator shall inspect the storm water control structure to determine whether the controls are performing as designed and intended. The Zoning Administrator shall present the petition, inspection report, and recommendations to the Watershed Review Board.

a. If the Board approves the report and accepts the petition, the developer shall deposit with the Watershed Review board a cash amount equal to that described in Section 310.5.2b after which, the Board shall release the performance bond or other security.

b. If the Board does not accept the report and rejects the petition, the Board shall provide the developer with instructions to correct any deficiencies and all steps necessary for the release of the performance bond or other security.

310.9 Stream Buffer Requirements

310.9.1 A minimum one hundred (100) foot vegetative buffer is required for all new development activities that exceed one unit per acre or twelve percent (12%) built-upon area; otherwise, a minimum thirty (30) foot vegetative buffer for development activities is required along all perennial waters indicated on the most recent version of U.S.G.S.

1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial stream banks or shoreline stabilization is permitted.

310.9.2 No new development is allowed in the buffer except that water dependent structures, other structures such as flag poles, signs, and security lights which result in only diminutive increase in impervious area, and public works 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.

Section 311. Regulations for FL-WS-IV Water Supply Protection District.

311.1 Permitted Uses

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

311.1.2 Silviculture, subject to the provisions of the forest practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).

311.1.3 Residential Development including all uses as permitted in the RS and RA Districts in Section 307.

311.1.4 Commercial Development limited to those uses permitted in the Commercial District (see Section 308) excluding the storage of toxic and hazardous materials.

311.1.5 Cluster Development

311.2 Density and Built-upon Limits:

311.2.1 With a conditional use permit up to ten percent (10%) of the watershed district may be developed for non-residential uses to seventy percent (70%) built-upon area on a project by project basis. Requirements of Section 310.3 and Section 710.4 must be met for all conditional uses. All commercial uses shall also comply with Section 308. Non-single family residential uses shall also comply with Section 307 and Section 708.

311.2.2 Low Density Option

311.2.2.1 Single Family Residential – Development shall not exceed two (2) dwelling units per acre on a project by project basis. The built upon area should not exceed 24%. In addition, all single family development is subject to Section 307.

311.2.2.2 All Other Residential and Commercial – Non-single family development shall not exceed 24% built upon area. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed. When the total project area involves the development of public streets, the built-upon area in those new streets is included

in the calculation of the built-upon area for the project. As a result, the allowable built-upon area for the remaining lot or lots shall be adjusted to account for the built-upon area of the street. Any final subdivision plat, zoning permit and conditional use permit for the project shall indicate the maximum permitted square feet of built-upon area for each parcel.

311.2.2.3 Storm water runoff from the development shall be transported by vegetated conveyances to the maximum extent practicable.

311.2.3 Cluster Development – Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed two units per acre. Built-upon area shall not exceed twenty four (24%) using the Low Density Option and 70% using the 10/70 option. Cluster development is subject to Section 307. All built-upon area shall be designed and located to minimize storm water runoff impact to the receiving waters and minimize concentrated storm water flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas. Areas of concentrated density development shall be located in upland area and away from surface waters and drainage ways. The remainder of the tract shall remain in a vegetated or natural state. The title to the open space area shall be conveyed to an incorporated homeowners association for management; to a local government for preservation as a park or open space; or to a conservation organization for preservation in a permanent easement. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds. Cluster developments that meet the applicable low density requirements shall transport storm water runoff by vegetated conveyances to the maximum extent possible.

311.2.4 If a non-conforming lot of record is not contiguous to any other lot owned by the same party, then that lot of record shall not be subject to the development restrictions of this ordinance if it is being developed for single family residential purposes. However, this exemption is not applicable to multiple contiguous lots under single ownership. Whenever two or more contiguous vacant residential lots are in single ownership at any time after September 30, 1993, and such lots individually are less than one acre, such lots shall be combined to create one or more lots that meet the one acre minimum lot size for this district, or if this is impossible to reduce the nonconformity of the lots.

311.3 Permitted conditional Uses. Projects must minimize built-upon surface area, direct storm water away from surface waters and incorporate Best Management Practices to minimize water quality impacts.

311.3.1 Up to ten percent (10%) of the area in the FL-WS-IV district may be developed for commercial and multi-family uses to seventy percent (70%) built-upon area on a project by project basis.

311.3.2 FL-WS-IV Conditional Uses shall comply with Section 710.4.

311.4 Stream Buffer Requirements

311.4.1 A minimum one hundred (100) foot vegetative buffer is required for all new development activities that exceed two units per acre or twenty four percent (24%) built-upon area; otherwise, a minimum thirty (30) foot vegetative buffer for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial stream banks or shoreline stabilization is permitted.

311.4.2 No new development is allowed in the buffer except that water dependent structures, other structures such as flag poles, signs, and security lights which result in only diminutive increase in impervious area, and public works 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.

Section 312. Regulations for Main Street Business District (MSBD).

312.1 List of Permitted Uses.

312.1.1 Permitted use as of right.

- a.** Any retail or wholesale business or service establishment, or public use or utility which is enclosed in a building and does not emit smoke, odor, dust, fumes, glare, noise, or vibration from the building in which it is located, and does not involve bulk storage of volatile materials or other fire hazard, except commercial amusements.
- b.** Offices-business, professional and public, financial institutions.
- c.** Restaurants, shopping centers, hotels and motels.
- d.** Automobile service stations, car washes.
- e.** Electronic game machines and pinball machines within an establishment devoted to another purpose shall be an accessory use provided that there shall be no more than two (2) machines. More than two (2) machines shall be considered a commercial amusement requiring a conditional use permit.

312.1.2 Conditional use which requires approval of the Youngsville Board of Commissioners.

- a.** Amusement parks, commercial amusement buildings.
- b.** Retail or wholesale business or service establishments or public uses or utilities other than those specifically listed which have outdoor sales, service or storage areas or would emit smoke, odor, dust, fumes, or noise from the building in which they are located or involve possible fire hazards.

312.2 Dimensional Requirements – Main Street Business District (MSBD). The requirements of this district are set as the same for Commercial zoning. Variances for lot size may be applied for and requires approval of the Youngsville Board of Commissioners.

Minimum area in square feet	20,000 for site. More than one use can be grouped on a site or in a building
Minimum lot width in feet	100 ft.
Minimum lot depth in feet	150 ft.
Minimum yards in feet	
Front	30 ft.
Side (each side)	10 ft.
Rear	25 ft.
Maximum permitted height in feet	50 ft.
Maximum lot coverage in percent	40%

312.3 Fire District Limitations - All properties in this District are considered in fire District 1 up to 150’ in depth and in Fire District 2 for a continuance of 355’. Fire Districts 1 and 2 states that no wooden building shall be built, placed, constructed, or removed from one place to another nor any material be used in the construction, alteration, or replacement, of any outside walls, except stone or brick, nor shall any wooden addition, or additions, with other than stone or brick be made to any building, nor shall any new building or buildings be constructed with any wooden materials.

312.4 Architectural Design

312.4.1 The face of the buildings in the district shall be brick or may be substituted with materials, such as synthetic materials that are similar in appearance and/or equal to or exceed the durability of the original material.

312.4.2 All buildings shall share a frontage line (primary façade) with a street or square.

312.4.3 Awnings shall be in keeping with existing awnings. Style may vary as well as edging. Colors shall be a choice of green, burgundy or green/burgundy strip.

ARTICLE IV

PARKING AND LOADING REQUIREMENTS

Section 401. Off-Street Parking Requirements. There shall be provided at the time of the erection of any building or the establishment of any use or at the time any principal building or use is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, floor, storage or sales area; or before conversion from one type of use or occupancy to another, permanent off-street parking in the amount specified by this Section. Such parking space may be provided in a parking garage or properly graded open space. The following regulations concerning required parking shall apply.

401.1 Each zoning permit application filed with the Zoning Administrator shall include information as to the location and dimensions of off-street parking spaces and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Zoning Administrator to determine whether or not the requirements of this Section are met. No certificate of occupancy shall be issued until the parking requirements and regulations are fully met.

401.2 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.

401.3 If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principle use.

401.4 Parking space sizes shall be governed by the following dimensions:

Parallel stall	20' x 9.0'
Angle stalls	19' x 8.5'
90 degree stalls	19' x 9.0'

401.5 Minimum aisle widths shall be:

Aisle Width in Feet

Parking Angle	One-way Traffic	Two-way Traffic
0-15 degrees	12'	24' (0 degrees only)
16-37 degrees	11'	---
38-57 degrees	13'	---
58-74 degrees	18'	---
75-90 degrees	24'	24'

401.6 A safe means of ingress and egress shall be provided for all parking spaces and driveways for uses other than single and two-family residential and shall be at least twenty-four (24) feet wide.

401.7 When off-street parking for more than twenty (20) vehicles is provided, the following regulations shall apply in addition to all other regulations in this article:

401.7.1 Surfacing: All such parking lots shall be graded and surfaced with compacted gravel, black top, concrete or other such surfacing material to ensure a dustless surface condition.

401.7.2 Markings: Each parking stall shall be marked off and maintained so as to be distinguishable.

401.7.3 Lighting: Any lighting shall be so arranged as to direct the light and glare away from streets and adjacent property.

401.7.4 Yards: All such parking lots shall observe a minimum front yard of not less than five (5) feet and a side yard on a corner lot of not less than five (5) feet. Parking lots in residential-agricultural and residential districts shall have front yards of not less than fifteen (15) feet and side and rear yards of not less than five (5) feet. Yards surrounding parking lots shall be planted and maintained in lawn or other appropriate planting or shall be improved otherwise in keeping with the character of adjacent property. When a parking lot is adjacent to residential-agriculture or residential zoned or used property, and a buffer as defined in Section 207 is not required, natural planting, hedge, or a decorative fence to a height of at least six (6) feet shall screen the residential property.

401.7.5 Curbs or Bumpers: The required yards shall be set off from the parking area by either continuous curb or one non-continuous stationary bumper for each parking space abutting on a yard, which curb or bumper shall not be less than five (5) inches or more than two (2) feet high.

401.7.6 Drainage: Parking lots shall not drain onto or across public sidewalks, or into adjacent property except into a natural watercourse or a drainage easement. In already developed areas where this condition would be impossible to meet, the Zoning Administrator may exempt the developer from this requirement, provided that adequate provision is made for drainage.

401.7.7 Separation of Bumper and Walkways: In the event any parking stall abuts upon a walkway there shall be a space of three and one-half (3 ½) feet between the wheel bumper or curb and edge of walkway.

401.7.8 Entrance and Exits: On all corner lots, all vehicular openings shall be located at least twenty (20) feet from the point of intersection of the established street right-of-way lines. No entrance or exit, whether on a corner lot or not, shall exceed thirty (30) feet in width at the property line or seventy (70) feet at the curb line. There shall be a minimum distance between driveways of twenty-five (25) feet measured along the curb line unless such driveways are less than five (5) feet apart.

401.7.9 Internal Circulation: Sufficient area shall be provided within the property lines of the parking lot, exclusive of required yards, so that all vehicles may enter and leave the lot in a forward motion.

401.7.10 Handicapped Parking: One (1) handicapped parking space is required for each twenty-five (25) parking spaces. If only one (1) handicapped space is required, it must be 8' wide with an additional 5' (painted) for van access. If two (2) spaces are required, only one (1) needs van access.

401.8 Exceptions:

401.8.1 The Zoning Administrator may withhold a permit or certificate of occupancy if a parking layout not specifically prohibited by this Section would be likely to cause avoidable safety or traffic congestion problems until modification is made. The applicant may appeal the Zoning Administrator's decision to the Board of Commissioners under the normal procedure for an appeal.

401.8.2 If a peculiar characteristic of an establishment makes the requirements in this Section clearly unrealistic, the Board of Commissioners may grant the applicant a parking modification.

401.8.3 In the commercial district, the Zoning Administrator may allow a new use to be established in an existing building even if all parking requirements of this article cannot be met for the new use, provided that as much off-street parking as can reasonably be provided is provided by the use, and no foreseeable traffic congestion problems will be created.

401.9 The minimum number of required off-street parking spaces shall be calculated as provided in subsection 401.10. In the case of a building or use not expressly provided for, the number of off-street spaces shall be the same as for similar use or inclusive category which is provided for. Where there is more than one use in a single structure, or on a single tract, or two or more instances of the same use, the minimum number of required off-street parking spaces shall be equal to the sum of the requirements of the various uses, except for shopping centers which are expressly provided for.

401.10 The following shall be the minimum number of off-street parking spaces which shall be provided:

USE	NUMBER OF REQUIRED OFF-STREET PARKING SPACES
Residential	
Dwellings, single and two-family	2 per dwelling unit
Dwelling, multi-family	2 spaces for each dwelling unit plus 1 visitor space for each 2 dwelling units

USE	NUMBER OF REQUIRED OFF-STREET PARKING SPACES
Townhouses	2 spaces for each 1 dwelling unit plus 1 visitor space for each 2 dwelling units
Group housing such as boarding houses, dormitories and similar establishments	1.2 for each bedroom
Manufactured homes on individual lots	2 per manufactured home
Manufactured home parks	2 spaces for each manufactured home plus 1 visitor space for ea 4 manufactured homes
<u>Office and Institutional Uses</u>	
Financial institutions	1 for each 200 square feet of gross floor area or fraction thereof, plus safe facilities to accommodate passengers waiting in line for drive-in windows and banking machines
Hospitals	1 space for each 150 square feet of gross floor area or fraction thereof
Libraries	1 space for each 200 square feet for use by the public or fraction thereto
Museums & Art Galleries	1 space for each 800 square feet for use by the public or fraction thereof
Nursing homes, family care homes	1.0 times the maximum lawful number of occupants and similar institutions
<u>Offices</u>	
Doctor or Dentist	6 for each doctor or dentist plus one for each other employee
Other	1 for each 300 square feet of gross floor area or fraction thereof
Places of assembly, including clubs, lodges churches, funeral parlors, auditoriums, gymnasiums, amusement parks and similar places	1 for each 5 seats
<u>Schools and Colleges</u>	
Day nurseries, kindergartens, elementary,	2 for each 750 square feet of classroom

USE	NUMBER OF REQUIRED OFF-STREET PARKING SPACES
Junior high	floor area or fraction thereof, plus 1 for each administrative office, 1 for each 5 seats, plus auditorium/gymnasium/dormitory parking requirement if applicable
Senior high and college, trade, vocational with dormitories	5 for each 750 square feet of classroom floor area or fraction thereof, plus 1 for each administrative office, 1 for each 5 seats, plus auditorium/gymnasium parking requirement if applicable
College, trade, vocational, without dormitories	10 for each 750 square feet of classroom floor area or fraction thereof, 1 for each 5 seats, plus auditorium/gymnasium parking requirement if applicable
<u>Commercial Uses</u>	
Bowling alley	5 per lane
Campground -tent	1 for each campsite plus office parking requirement
-recreational vehicle	1 for each campsite plus office parking requirement
Car Wash	2 per wash lane
Golf course (not including putting greens accessory to multi-family dwelling or hotels or motels)	4 per hole
Hotel or motel	1.2 for each guest room plus requirement for restaurant or other facilities 50 square feet of gross floor
Restaurant	
-drive in or take out	Minimum of 15 spaces, plus one additional for each 50 sq. ft. of gross floor area or fraction thereof
-other	1.2 for each 100 square feet of gross floor area or fraction thereof

USE	NUMBER OF REQUIRED OFF-STREET PARKING SPACES
Service Stations	2 for each gas pump, plus three for each grease rack or similar
Shopping Centers (in lieu of individual store parking requirements)	5.5 per 1000 square feet of gross area or fraction thereof
Low generator retail and service	1 for each 500 square feet of gross floor area establishments such as furniture, appliance, or fraction thereof, including any outdoor household equipment, carpet and hardware store, sales area, repair shops, including shoe repair, contractor's showrooms, drapery, paint and wallpaper, upholstery, interior decorator, motor vehicles sales, plant nurseries
All other commercial uses such as retail	1 for each 200 square feet of gross floor area stores, wholesale outlet stores, department or fraction thereof, including any outdoor stores, discount stores, drug stores, coin-operated sales area laundries, variety stores
<u>Industrial Uses</u>	
Industrial and research uses, warehousing	1 for each employee on premises at any one time and very low customer volume wholesaling time operations

Section 402. Off-Street Loading Requirements

402.1 Every building or structure used for business, trade, industry, or office and institutional purposes, shall provide loading space as indicated in this Section. Each loading space shall be no less than fifteen (15) feet in width, and thirty (30) feet in depth. Each space shall also be no less than fifteen (15) feet in height if such space is covered. It shall have access driveways to public streets or alleys which driveways shall be at least twenty-four (24) feet wide and with adequate turning radii for the delivery vehicles customarily associated with the particular use. If there is not more than one delivery and pickup during the hours when a retail trade, office, or institutional establishment is open to patrons such space may be combined with the existing parking space on the premises. Loading space shall be provided in accordance with the following schedule:

402.1.1 Retail Business – 1 space for each 20,000 square feet of gross floor area or fraction thereof.

402.1.2 Wholesale trade or Industry – 1 space for each 10,000 square feet of gross floor space or fraction thereof.

402.1.3 Office and Institutional Uses including hotels and motels – 1 space for each 50,000 square feet of gross floor area or fraction thereof.

402.1.4 As well as meeting the requirements of 402.1.3, elementary, junior high, high schools, kindergartens, nurseries, and day care centers shall also provide a safe place off the street for the loading and unloading of children from automobiles and buses.

402.2 Exceptions

402.2.1 If a peculiar characteristic of an establishment makes the requirements in the Section clearly unrealistic, the Board of Commissioners may grant the applicant a modification of the loading requirements in regard to that particular establishment.

402.2.2 In the commercial and mixed use districts, the Zoning Administrator may allow a new use to be established in an existing building even if all loading requirements of this Section cannot be met for the new use, provided that as much loading space as can reasonably be provided is provided by the use and traffic or safety hazards will not be created.

ARTICLE V SIGNS

Section 501. Signs

501.1 General Purpose and Intent. It is the intent of this section to authorize the use of signs whose types, sizes and arrangements are compatible with their surroundings, protect existing property values in both residential and non-residential areas, express the identity of the community, and are appropriate to traffic safety. These sections are designed and intended to improve the overall aesthetic of the community by preventing over-concentration, improper placement, and excessive height, bulk and area of signs.

501.2 Applicability. No sign or sign structure may be erected, posted, hung, painted, re-hung, repainted, repaired, replaced, changed or maintained in any district except in compliance with this Section.

501.3 General sign regulations

501.3.1 No sign or sign structure shall be erected or constructed to interfere with vision clearance as defined in Section 204.

501.3.2 No ground sign structure may be placed in the right-of-way.

501.3.3 Individual stores in a shopping center may not have separate ground sign structures. The shopping center as a whole may display signs in accordance with this Section.

501.3.4 Signs and sign structures shall meet all requirements of the North Carolina State Building Code.

501.3.5 Signs and sign structures shall be maintained at all times in a state of proper repair, with all braces, bolts, clips, guys, anchors, supporting frames and fastening free from deterioration, insect infestation, rot, rust or loosening. All signs shall be kept neatly finished, with lettering intact, and of a type which requires painting, free from visible peeling or chipping.

501.3.6 Obsolete signs and their supporting structures shall be removed within ninety (90) days after they have been made obsolete by reason of the activity, business, product, or usage which the sign identifies or advertises being abandoned at the location to which the sign refers. This provision does not refer to billboards, until the commercial use of the billboard for rent has ceased. An extension of the ninety (90) day time limit for removal may be granted by the zoning administrator for reasonable cause.

501.3.7 Illuminated signs shall be limited to those lighted from behind to silhouette letters and internally illuminated and spotlighted signs. All illuminated and spotlighted signs shall be placed so as to prevent the light rays, illumination or glare from being cast directly on any building or on traffic.

501.3.8 Strings of light bulbs used in connection with commercial premises for commercial purposes shall be limited to white, yellow, or bug repellent bulbs and shall not cast glare on traffic or adjoining premises.

501.4 Prohibited signs. The following types of signs are expressly prohibited.

501.4.1 Signs with moving, revolving or rotating parts, or any sign which moves or gives an illusion of movement, except for time and temperature units, and traditional barber poles, shall be prohibited in all districts (except those authorized under internally illuminated scrolling displays).

501.4.2 Signs with lights or illumination which flash, move, spin, blink, flicker, vary in intensity or color, or use intermittent electrical pulsations, except for time and temperature units.

501.4.3 Signs which obstruct the view of or could be confused with any authorized traffic sign, signal, or device or make use of words "stop", "look", "danger", or any other words, phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic.

501.4.4 Signs which obstruct openings required to be left uncovered or unobstructed by building codes, the housing code, or other laws relating to buildings.

501.5 Off-site advertising signs. Off-site advertising signs (billboards) shall be permitted only as a special use in the C and LI districts. The conditions in Section 710 of this ordinance are not applicable to off-site advertising signs. A special use permit shall be granted provided the following conditions are met:

501.5.1 The property on which the sign is to be located must be adjacent to an interstate or federal aid primary highway.

501.5.2 The sign must be located within six hundred sixty (660) feet of the edge of the right-of-way of such highway.

501.5.3 The sign shall comply with all regulations of the North Carolina Department of Transportation, and with the North Carolina General Statutes.

501.5.4 No two (2) such structures shall be placed less than two thousand (2000) feet apart. Distance shall be measured as specified in the North Carolina Administrative Code T19A:02E.O200.

501.5.5 The sign will be compatible with the general neighborhood in which it is located and will not have a detrimental effect on adjoining properties.

501.6 Nonconforming signs. Nonconforming signs, when removed for other than normal maintenance, may not be erected again, nor may any such sign be replaced with another nonconforming sign.

501.7 Permitted signs. Signs shall be permitted in accordance with TABLE 501.5.

Section 502. Types of Signs

Banner - A sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges. National flags, state or municipal flags or the official flag of an institution or business shall not be considered banners.

Ground Sign - A sign erected on a freestanding frame, mast and/or pole and not attached to any building, fence or wall.

Identification Sign - A sign which contains any or all of the following: the name of the occupant, owner, or establishment, the type of establishment, the name of the franchise, the hours of operation, and house number when located on the site of the establishment.

Internally Illuminated Scrolling Displays - Backlit signs that show a maximum of fifteen (15) individual images that change, not showing more than three (3) images per minute, and are attached flat to the wall or facade of a building or permanently erected monument.

Monument Sign - Any sign, other than a pole sign, which is attached directly to the ground by means of one or more upright pillars, braces or posts and not attached to any other structure.

On-Site Advertising Sign - A sign which contains information about an establishment or the products or services that it offers, other than that contained in an identification sign, when located on the same site as the establishment to which it refers.

Off-Site Advertising Sign - A sign which contains information about an establishments business, commodity, activity or service not conducted, sold, or offered upon the premises where such sign is located.

Projecting Sign - A sign which extends beyond and is attached to a building wall and may extend over a public right-of-way.

Roof Sign - A sign attached to and extending upward from the roof of a structure.

Wall Sign - A sign which is attached flat to the wall or facade of a building, or to a fence or wall.

Window Sign - Signs placed or painted on the interior or exterior of glass windows or doors. At no such time shall the visibility into the building be less than 50 percent of the total window area.

PERMITTED USE IN RESIDENTIAL/AGRICULTURE DISTRICTS

<u>Dimensions/Type of Sign</u>	<u>Max. area in sq. ft.</u>	<u>Max. ht. in feet</u>	<u>Other Requirements</u>
Agricultural, advertising products on premises	32	8	
Bulletin board, church or public warning	32	8	
Entrance or monument type signs to subdivisions, neighborhoods, public, commercial, industrial, institutional establishments & manufacture home parks	32	**	No more than 2 per entrance allowed
House numbers	4		May contain no advertising matter
Memorial signs, tablets, name of building and date of construction			Must be cut into a masonry surface or case of metal and affixed flat against surface
Name of occupant of residential premises	2		
Newspaper name on newspaper tube			
No trespassing			
Off site directional to churches, meeting halls	12		
Political signs	4		Must be removed within 15 days after election to which they pertain
Professional or announcement signs or home occupations	4		1 per establishment
Real Estate signs	6		
Religious symbols at formal places of worship			
Roof signs-see wall signs			
Temporary signs relating to farm auctions, agricultural production sales, annual charitable, civic or fraternal events, excluding commercial signs	20 off site 32 on site		Off site. No more than 1 per lot. On site. No more than 3 per lot. May remain for no more than 45 days in all.

RESIDENTIAL/AGRICULTURE DISTRICTS CONT

<u>Dimensions/Type of Sign</u>	<u>Max. area in sq. ft.</u>	<u>Max. ht. in feet</u>	<u>Other Requirements</u>
Temporary directional to garage sales and similar events in residential area, excluding portable commercial signs	4		Must be posted no more than 24 hours before sale and removed within 24 hours after sale
Traffic, safety, utility			
Traffic and pedestrian, private			

PERMITTED USE IN COMMERCIAL DISTRICTS

<u>Dimensions/Type of Sign</u>	<u>Max. area in sq. ft.</u>	<u>Max. ht. in feet</u>	<u>Other Requirements</u>
Advertising, off-site (billboards)	See Section 501.5		See Section 501.5
Awning, silk-screened or sewn on front of awning	n/a	n/a	
Bulletin board, church or public warning	32	8	
Canopy signs (may also be placed on non-raised marquees)	4		Identification only. 1 per establishment entranceway, bottom must be at least 7 feet above sidewalk level more over public right-of-way if required by Town Code
Entrance or monument type signs to public, commercial, industrial, & institutional establishments	32	**	No more than 2 per entrance allowed
Business numbers	4		May contain no advertising matter
Ground signs	40	20	Must be at least 30 feet from any other ground sign. Must meet vision clearance of Section 204.
Memorial signs, tablets, name of building and date of construction			Must be cut into a masonry surface or case of metal and affixed flat against surface
Newspaper name on newspaper tube			
No trespassing			
One double faced on site advertising sign per street frontage showing the current price of fuel sold on the premises.	20	5	
Off site directional to churches, meeting halls	12		
Political signs	4		Must be removed within 15 days after election to which they pertain
Professional or announcement signs	4		1 per establishment

COMMERCIAL DISTRICTS CONT.

<u>Dimensions/Type of Sign</u>	<u>Max. area in sq. ft.</u>	<u>Max. ht. in feet</u>	<u>Other Requirements</u>
Real Estate signs	32		
Religious symbols at formal places of worship			
Roof signs-see wall signs			
Service station signs, automobile or truck			Permitted use in all districts when accessory to a service station
Sign on racks for the orderly display of engine oil, provided such signs are no longer than the racks			
Signs on pumps and/or pump islands concerning the type and price of the fuel			
Portable signs, including any signs mounted on a vehicle or trailer type device	32	10	Nonrenewable permit for zoning administrator required 20 day time limit. No more than 1 sign per establishment per street frontage.
Temporary signs relating to farm auctions, agricultural production sales, annual charitable, civic or fraternal events, excluding commercial signs	20 off site 32 on site		Off site. No more than 1 per lot. On site. No more than 3 per lot. May remain for no more than 45 days in all.
Temporary banners, pennants, streamers, excluding portable commercial signs.		*	Only for opening of business. May remain for no more than 4 weeks
Traffic, safety, utility Traffic and pedestrian, private			
Wall or roof signs	**	***	Wall signs must be mounted on area of wall free of windows, doors, or other agricultural features. Only 1 wall, roof or projecting sign per establishment per street frontage is permitted other than those specifically mentioned in this table.
Internally illuminated scrolling displays	32		Backlit signs that show a maximum of 15 individual images that change, not showing more than 3 images per minute, and are attached flat to the wall or facade of a building or permanently erected monument

COMMERCIAL DISTRICTS CONT.

<u>Dimensions/Type of Sign</u>	<u>Max. area in sq. ft.</u>	<u>Max. ht. in feet</u>	<u>Other Requirements</u>
Window signs			Placed or painted on interior or exterior of glass. At no such time shall the visibility into the building be less than 50% of total window area.

Ground Signs for Shopping Centers/Malls/Business Parks

One (1) ground sign per street frontage for the **entire development**, including outparcels:

Shopping/Commercial Centers along main corridors (US 1, Hwy 96 & US1A)	50'	12'	With less than 300,000 sq. ft. of building area and less than 400 feet of road frontage
Shopping/Commercial Centers along main corridors (US 1, Hwy 96 & US1A)	105'	15'	With more than 300,000 sq. ft. of building area and more than 400 feet of road frontage

OR

Multiple low-profile ground signs for the entire development, including outparcels (One (1) per street frontage for the development and one (1) per outparcel).

Shopping/Commercial Centers along main corridors (US 1, Hwy 96 & US1A)	32'	3.5'	Less than 200 ft. street frontage
	50'	20'	200 feet or greater street frontage

* Same establishment may not have temporary sign(s) again for 30 days after removal of such sign(s). Such sign shall not have colored or flashing lights or lights which cause glare on traffic or adjacent properties. Such signs shall not be located on public right-of-way, nor obstruct vision clearance as indicated in 501.1

** 1.25 sq. ft. of sign area per running ft. of bldg. front

*** Such signs not project over the roof line of the building to which they are connected

PERMITTED USE IN LIGHT INDUSTRIAL DISTRICTS

<u>Dimensions/Type of Sign</u>	<u>Max. area in sq. ft.</u>	<u>Max. ht. in feet</u>	<u>Other Requirements</u>
Advertising, off-site (billboards)	See Section 501.5		See Section 501.5
Agricultural, advertising products on premises	32	8	
Awning, silk-screened or sewn on front of awning	n/a	n/a	
Bulletin board, church or public warning	32	8	
Canopy signs (may also be placed on non-raised marquees)	4		Identification only. 1 per establishment entranceway, bottom must be at least 7 feet above sidewalk level; more over public right-of-way if required by Town Code
Entrance or monument type signs to public, commercial, industrial, & institutional establishments	32	**	No more than 2 per entrance allowed
Ground signs	150	25	No more than 1 per street frontage containing entrance to use; may be used for identification or on site advertising
Memorial signs, tablets, name of building and date of construction			Must be cut into a masonry surface or case of metal and affixed flat against surface
Newspaper name on newspaper tube			
No trespassing			
One double faced on site advertising sign per street frontage showing the current price of fuel sold on the premises. Such signs shall be located off the right of way.	20	5	
Political signs	4		Must be removed within 15 days after election to which they pertain
Professional or announcement signs	4		1 per establishment

LIGHT INDUSTRIAL DISTRICTS CONT.

<u>Dimensions/Type of Sign</u>	<u>Max. area in sq. ft.</u>	<u>Max. ht. in feet</u>	<u>Other Requirements</u>
Off site directional to churches, meeting halls	12		
Portable signs, including any signs mounted on a vehicle or trailer type device	32	10	Nonrenewable permit for zoning administrator required 20 time limit. No more than 1 sign per establishment per street frontage.
Real Estate signs	32		
Religious symbols at formal places of worship			
Roof signs-see wall signs			
Service station signs, automobile or truck			Permitted use in all districts when accessory to a service station
Sign on racks for the orderly display of engine oil, provided such signs are no longer than the racks			
Signs on pumps and/or pump islands concerning the type and price of the fuel			
Temporary signs relating to farm auctions, agricultural production sales, annual charitable, civic or fraternal events, excluding commercial signs	20 off site 32 on site		Off site. No more than 1 per lot. On site. No more than 3 per lot. May remain for no more than 45 days in all.
Temporary banners, pennants, streamers, excluding portable commercial signs		*	Only for opening of business. May remain for no more than 4 weeks.
Traffic, safety, utility Traffic and pedestrian, private			
Wall or roof signs	**	***	Wall signs must be mounted on area of wall free of windows, doors, or other agricultural features. Only 1 wall, roof or projecting sign per

LIGHT INDUSTRIAL DISTRICTS CONT.

<u>Dimensions/Type of Sign</u>	<u>Max. area in sq. ft.</u>	<u>Max. ht. in feet</u>	<u>Other Requirements</u>
Internally illuminated scrolling displays	32		establishment per street frontage is permitted other than specifically mentioned elsewhere in this table Backlit signs that show a maximum of 15 individual images that change, not showing more than 3 images per minute, and are attached flat to the wall or facade of a building or permanently erected monument

* Same establishment may not have temporary sign(s) again for 30 days after removal of such sign(s). Such sign shall not have colored or flashing lights or lights which cause glare on traffic or adjacent properties. Such signs shall not be located on public right-of-way, nor obstruct vision clearance as indicated in 501.1

** 1.25 sq ft of sign area per running foot of building front

*** Such sign not project over the roof line of the bldg. to which they are connected.

PERMITTED USE IN MAIN STREET BUSINESS DISTRICT (MSBD)

<u>Dimensions/Type of Sign</u>	<u>Max. area in sq. ft.</u>	<u>Max. ht. in feet</u>	<u>Other Requirements</u>
Awning, silk-screened or sewn on front of awning	n/a	n/a	
Canopy signs (may also be placed on non-raised marquees)	4		Identification only. 1 per establish- ment entranceway, bottom must be at least 7 feet above sidewalk level more over public right-of-way if required by Town Code
Ground signs	40	20	Must be at least 30 feet from any other ground sign. Must meet vision clearance of Section 204.
On-site advertising signs			Can contain information about an establishment or the products or services that it offers, other than that contained in an identification sign, when located on the same site as the establishment to which it refers.
Real Estate signs	32		
Traffic, safety, utility Traffic and pedestrian, private			
Temporary banners, pennants, streamers, excluding portable commercial signs		*	Only for opening of business. May remain for no more than 4 weeks.
Wall or roof signs	**	***	Wall signs must be mounted on area of wall free of windows, doors, or other agricultural features. Only 1 wall, roof or projecting sign per establishment per street frontage is permitted other than those specifically mentioned elsewhere in this table.
Window signs			Placed or painted on interior or exterior of glass. At no such time shall the visibility into the building be less than 50% of total window area.

MAIN STREET BUSINESS DISTRICT (MSBD) CONT.

<u>Dimensions/Type of Sign</u>	<u>Max. area in sq. ft.</u>	<u>Max. ht. in feet</u>	<u>Other Requirements</u>
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* Same establishment may not have temporary sign(s) again for 30 days after removal of such sign(s). Such sign shall not have colored or flashing lights or lights which cause glare on traffic or adjacent properties. Such signs shall not be located on public right-of-way, nor obstruct vision clearance as indicated in 501.1

** 1.25 sq. ft. of sign area per running ft. of bldg. front

*** Such signs not project over the roof line of the building to which they are connected

ARTICLE VI

MANUFACTURED HOMES AND MANUFACTURED HOME PARKS

Section 601. Manufactured Homes on Individual Lots. Manufactured homes on individual lots shall be a permitted use where indicated in Section 307 of this ordinance.

Requirements: All requirements for the location of a single-family dwelling on an individual lot shall be met. Any manufactured home constructed before July 1, 1970 must be approved by Underwriters Laboratories and any manufactured home constructed after that time must meet all applicable State and Federal standards. All mobile homes shall be tied down in accordance with the State of North Carolina Regulations for Mobile Homes and Modular Housing. All Franklin County Health Department requirements shall be met.

Additional Requirements:

1. Exterior finishes shall be in good repair and in no case shall the degree of reflectivity of the exterior siding, foundation skirting and roofing, exceed that of gloss white paint.
2. A continuous foundation enclosure, not pierced except for required ventilation and access, shall be installed. The enclosure may consist of brick or concrete block, or wood, vinyl or metal fabricated for this purpose. Any wood framing for foundation skirting shall be constructed with treated lumber.
3. Permanent steps shall be constructed at all exterior doors as necessary and a permanent porch or patio measuring at least three (3) feet in width and five (5) feet in length shall be constructed at the front or main entrance to the mobile home.
4. The running lights shall be removed and the hitch shall either be removed or screened with shrubbery.
5. At least two (2) off-street parking spaces shall be provided.
6. All areas not used for parking, mobile home, or required porches shall be grassed or otherwise suitably landscaped to prevent erosion.
7. All standards must be met prior to issuance of a Certificate of Occupancy.

Section 602. Manufactured Home Parks. Manufactured home parks shall be a special use in the RMH district which shall be subject to approval by the Youngsville Board of Commissioners in accordance with the procedures in Article VII.

ARTICLE VII

ADMINISTRATIVE PROVISIONS

Section 701. Zoning Administrator

701.1 The Zoning Administrator who shall be appointed by the Board of Commissioners is duly charged with the enforcement of the provisions of this ordinance. If the Zoning Administrator finds that any of the provisions of this ordinance are being violated, he shall notify in writing the person(s) responsible for such violations, indicating the nature of the violation and ordering action(s) necessary to correct it. He shall also take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

701.2. Duties.

701.2.1 The Zoning Administrator shall issue Zoning Permits and Occupancy Permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours of the Administrator.

701.2.2 The Zoning Administrator shall serve in an administrative capacity to both the Planning Board and Board of Commissioners.

701.2.3 The Zoning Administrator shall keep records of all amendments to the Zoning Ordinance. The Zoning Administrator shall provide copies of all amendments which might impact compliance with Chapter 143, Article 2, and Watershed Protection Rules upon adoption to the Division of Water Quality.

701.2.4 The Zoning Administrator shall keep records of the jurisdiction's utilization of the provisions that a maximum of ten percent (10%) of the SC-WS-II district and that a maximum of ten percent (10%) of the LR-WS-II district may be developed with non-residential development to a maximum of seventy percent (70%) built-upon surface area. Records shall include for each district (SR-WS-II and SC-WS-II) the total acres of watershed area in the planning jurisdiction of Youngsville, total acres eligible to be developed under this option, and individual records for each project with the following information: location, acres, site plan, use, storm water management plan as applicable and inventory of hazardous materials with spill containment and emergency response plan as applicable.

701.2.5 The Zoning Administrator is granted the authority to administer and enforce the provisions of this Ordinance, exercising in the fulfillment of his responsibility the full police power of the town. The Zoning Administrator, or his duly authorized representative, may enter any building, structure, or premises, as provided by law, to perform any duty imposed upon him by this Ordinance.

701.2.6 The Zoning Administrator shall keep a record of all major variances to properties zoned LR-WS-II and SC-WS-II. The Zoning Administrator shall submit this record to the Supervisor of the Classification and Standards Group, Water Quality Section, Division of Environmental Management on an annual basis and shall provide a description of each project receiving a variance and the reasons for granting the variance.

701.2.7 The Zoning Administrator shall act as the Hearing Officer for all public hearings concerning zoning matters to come before the Planning Board and the Board of Commissioners.

Section 702. Zoning Permit

702.1 No building or structure or any part thereof shall be erected, enlarged or structurally altered until a zoning permit has been issued by the Zoning Administrator or his authorized representative. A fee shall be charged for the issuance of each zoning permit.

702.2 Application for Permit. All applications for permits shall be in the form prescribed by the Zoning Administrator and shall include a plot or site plan drawn to scale which shall clearly show:

702.2.1 The actual shape and dimensions of the lot to be built upon or used and total acreage in the lot.

702.2.2 The location of the proposed structure or use on the lot.

702.2.3 The exact location and size of existing structures and uses.

702.2.4 The existing and intended use of each structure or part of structure.

702.2.5 The number of dwelling units the building is designed to accommodate, if applicable.

702.2.6 The height and number of stories of a structure.

702.2.7 The location and design of any off-street parking and/or loading.

702.2.8 The location and dimensions of driveways. Driveway approval procedures as required by the North Carolina Department of Transportation shall be initiated.

702.2.9 Date of plan preparation.

702.2.10 Location and description of landscaping, buffering, and signs.

702.2.11 Such other information as may be necessary for determining whether the provisions of this ordinance are being met.

702.3 In addition to the information required in subsection 702.2, any use which involves the groupings of more than one principal building or use on the same lot shall include the following information:

702.3.1 A vicinity map showing the relationship of the proposed development to the surrounding area.

702.3.2 North arrow and declination.

702.3.3 Detailed layouts for all utilities, rights-of-way, and roads and other improvements.

702.3.4 Railroads, bridges, culverts, storm drains, wooded areas, marshes, swamps, rocky outcrops, ponds or lakes, streams or stream beds, and any other similar features affecting the site.

702.3.5 A copy of any proposed deed restrictions or similar covenants.

702.3.6 For projects over an acre in size, or if otherwise required by the zoning Administrator, a topographic map showing vertical contours every two (2) feet.

702.3.7 The names, addresses, and telephone numbers of owners, mortgagees, registered surveyors, land planners, architects, landscape architects, and professional engineers responsible for the development.

702.4 The Zoning Administrator may exempt the applicant from meeting any plan requirement which is clearly inapplicable to the proposed use.

702.5 Mobile home parks shall comply with the requirements in Section 710.3 of this ordinance in lieu of the requirements in this section.

702.6 Cancellation of permit. Any permit issued shall become invalid unless the work authorized by it shall have been commenced within six (6) months of its date of issue, or if the work authorized by it is suspended or abandoned for a period in excess of one (1) year.

702.7 Record of zoning permits. A record of all zoning permits shall be kept on file and open to the public, subject to State law.

Section 703. Certificate of Compliance. No land shall be used or occupied, and no building or structure erected or altered shall be used or changed in use until a Certificate of Compliance has been issued by the zoning Administrator stating that the building and/or the proposed use complies with the provisions of this ordinance. A certificate of the same shall be required for the purpose of changing any existing use; as well as for maintaining, reviewing, changing, or extending any nonconforming use. The aforementioned Certificate shall be applied for coincidentally with the application for a zoning permit and shall be issued within ten (10) working days after the erection or alterations of such building or part shall have been completed in conformity with the provisions of this ordinance. A record of all such certificates shall be kept on file and open to the public, subject to State law.

Section 704. Conformance with Plans. Permits or certificates issued on the basis of plans and applications shall authorize only the use, arrangement and construction set forth in such approved plans and applications and no other use arrangement or construction.

Section 705. Enforcement

705.1 Enforcement Authority. This ordinance shall be enforceable in accordance with provisions available in the General Statutes of North Carolina chapter 160A Section 175.

705.2 Combination of Remedies. The Town may choose to enforce this ordinance by any one, all, or combination of the procedures states in this section.

705.3 Separability Clause. Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

705.4 Civil Remedies and Equitable Relief.

705.4.1 Civil Remedies.

705.4.1.1 Injunction and Order of Abatement.

a. If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is occupied or used in violation of the General Statutes of North Carolina, this ordinance, or other regulations made under authority conferred thereby, the Town of Youngsville (or any adjacent, nearby, or neighboring property owners who would be affected by such violations), in addition to other remedies, may apply to the District Court, Civil Division, or any other court of competent jurisdiction, for a mandatory or prohibitory injunction and order of abatement commanding the defendant

to correct the unlawful condition upon or cease the unlawful use of the property.

b. In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the case. An order of abatement may direct that buildings or other on the property to be closed, demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this ordinance. If the or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt and the Town may execute the order of abatement. The Town shall have a lien on the property for the cost of executing an order of abatement.

705.4.1.2. Civil Citations.

a. Pursuant to G.S. 160A-175, the regulations and standards of this ordinance may be enforced through the issuance of civil citation penalties by the zoning enforcement Officer if it is determined that a person has failed to comply with the provision of this ordinance. Violations shall be corrected within ten (10) days of the issuance of a warning citation. If the violation is not corrected within the specified time period, a citation subject to a civil penalty shall be issued. The Town may recover this penalty in a civil action in the nature of a debt if the offender does not pay the penalty within seventy-two (72) hours after being cited for a violation. In addition, failure to pay the civil penalty within seventy-two (72) hours may subject the violator to an additional citation and/or criminal charges.

b. The following civil penalties are established for violations under this section:

Warning Citation	Correct violation within 10 days
First citation	\$25.00, correct violation within 10 days
Second citation for same offense	\$100.00, correct violation within 10 days
Third citation for same offense	\$250.00, correct violation within 10 days
Fourth and subsequent citations Same offense	\$500.00 per day that violation continues to exist

Subsequent citations for the same violation may be issued by the Zoning Enforcement Officer once the initial warning citation has expired. Each day which the violation continues upon the issuance of the fourth citation may subject the violator to additional citations. The violator may seek an appeal to the actions of the Zoning Enforcement officer through the Board of Commissioners within thirty (30) days of the initial notice of violation.

c. If the Zoning Enforcement Officer notifies a party of a violation and that violation is remedied but subsequently reestablished with a period of 180 days thereafter, a warning citation shall not be reissued. Rather, this shall be considered a continuation of the violation and the zoning administrator shall have the ability to immediately issue citations with monetary penalties as of the cessation had never occurred.

705.5 Equitable Relief. The Town of Youngsville may apply to the District Court, Civil Division or other court of competent jurisdiction for an appropriate equitable remedy. It shall not be a defense to the Town's application for equitable relief that there is an adequate remedy at law.

705.6 Criminal Penalties. Any person violating any provisions of any article of this ordinance, or who shall violate or fail to comply with any order made thereunder; or who shall continue to work upon any structure after having received written notice from the Zoning Enforcement Officer to cease work, shall be guilty of a misdemeanor and punishable by a fine not to exceed fifty dollars (\$50). Each day such violation shall be permitted to exist shall constitute a separate offense. Notice of violation shall be sufficient if directed to such owner, the agent of the owner, or the contractor and left at his known place of residence or place of business.

705.7 SC-WS-II District and LR-WS-II District. The N.C. Environmental Management Commission may assess civil penalties in accordance with G.S. 143-215.6(a) for violations in the SC-WS-II District or the LR-WS-II District. Each day that the violation continues shall constitute a separate offense.

Section 706. Right of Appeal. If the zoning permit and/or Compliance Certificates are denied, the applicant may appeal the action of the Zoning Administrator to the Board of Commissioners.

Section 707. Board of Commissioners

707.1 Hearings by the Board of Commissioners shall be conducted in accordance with Section 709 of this ordinance.

707.2 Decision and Appeal. Every decision of the Board of Commissioners shall be filed in the office of the Zoning Administrator and a written copy thereof shall be delivered to the appellant by personal service or registered mail. Every decision by the board shall be subject to review by

superior court by proceeding in the nature of certiorari. Any appeal to the superior court shall be taken within thirty (30) days after the decision of the board is filed in the office of the Zoning Administrator, or after a written copy thereof is delivered to the appellant by personal service or registered mail, whichever is later.

707.3 Powers and Duties of the Board of Commissioners. The Board of Commissioners shall have the following powers and duties:

707.3.1 Administrative Review. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this ordinance. An appeal may be taken by any person aggrieved or by an officer, department, board, or bureau of the town. Appeals shall be taken within times prescribed by the Board of Commissioners by general rule, by filing with the officer from whom the appeal is taken, and with the Board of Commissioners, a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Commissioners, after notice of appeal has been filed with him, that because of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property or that because the violation charged is transitory in nature, a stay would seriously interfere with enforcement of this ordinance. In that case, proceedings shall not be stayed except by a restraining order, which may be granted by the Board of Commissioners or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown. The Board of Commissioners shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties and decide it within a reasonable time. The Board of Commissioners may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and shall make any order, requirement, decision, or determination that in its opinion ought to be made in the premises. To this end, the Board shall have all the powers of the officer from whom the appeal is taken.

707.3.2 Variances. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this ordinance will, in an individual case, result in practical difficulty, or unnecessary hardship, so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done. The existence of a non-conforming use of neighboring land, building, or structure in the same district, or of permitted or non-conforming uses in other districts, shall not constitute a reason for the requested variance. Such variance may be granted in such individual cases of unnecessary hardship upon a finding by the Board of Commissioners that the following condition(s) exist.

707.3.2.1 There are exceptional conditions pertaining to the particular piece of property in question because of its shape, size, or topography, that are not applicable to other lands or structures in the same district, or there is a peculiar characteristic of an establishment which makes the parking and/or loading requirements of the ordinance unrealistic.

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

707.3.2.3 A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

707.3.2.4 The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.

707.3.2.5 The special circumstances are not the result of the actions of the applicant.

707.3.2.6 The variance requested in the minimum variance that will make possible the legal use of the land, building, or structure.

707.3.2.7 The variance is not a request to permit a use which is not a permitted or conditional use in the district involved. Conditions imposed on variances: In granting any variance, the Board of Commissioners may prescribe appropriate conditions and safeguards to ensure that substantial justice has been done and that the public safety and welfare have been assured. Such conditions may be imposed by the board regarding the location, character, and other features of the proposed building, structure, or use as may be deemed by the board to protect property values and general welfare of the neighborhood. Non-conformance with such conditions and safeguards when under part of the terms, under which the variance is granted, shall be deemed a violation of this ordinance.

707.3.2.8 LR-WS-II and SC-WS-II Major Variance. A variance is a SC-WS-II District or LR-WS-II District shall be designated a major variance if it involves any of the following criteria.

- a. Variance to increase permitted built-upon area.
- b. Variance to decrease minimum single family lot area.
- c. Variance to decrease minimum stream buffer.
- d. Variance to allow concentrated storm water flow.

707.3.2.9 SC-WS-II Major Variance and LR-WS-II Major Variance. The following criteria shall additionally apply to the granting of any variance in a SC-WS-II District or a LR-WS-II District. In addition, the Town shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the designated watershed where the variance is being considered. The Zoning Administrator shall notify in writing each local government having jurisdiction in the watershed. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Zoning Administrator prior to a decision by the Board of Commissioners. Such comments shall become a part of the record of proceedings of the Board of commissioners. If the application calls for the granting of a SC-WS-II Major Variance or LR-WS-II Major Variance, and if the Board of Commissioners decides in favor of granting a SC-WS-II Major Variance or LR-WS-II Major Variance, then the Board of Commissioners 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;
- f.** The proposed decision, including all conditions proposed to be added to the permit.

The Zoning Administrator shall send the preliminary record to the Environmental Management Commission 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, and (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 Board of Commissioners. If the Commission approves the variance as proposed, the Board shall prepare a final decision granting the proposed variance. If the Commission approves the variance with conditions and stipulations, the board shall prepare a final decision, including such conditions and stipulations, granting the 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 Administrator who shall present the report to the Board of Commissioners. The Board of Commissioner shall prepare a final decision denying the variance as proposed.

707.3.3 Conditional Uses. To hear and decide whether to allow specific conditional uses to be established in the district indicated; to decide such questions as are involved in determining whether a conditional use should be granted; to grant conditional uses with such conditions and safeguards as are appropriate under this ordinance, or to deny conditional uses when not in harmony with the purpose and intent of this ordinance. Application for conditional uses shall be decided in accordance with the provisions in Section 708 through 710 of this ordinance.

707.3.4 Map Interpretation. To interpret the official zoning map in accordance with Section 306 of this ordinance.

Section 708. Special Uses and Conditional Uses. The provisions of this ordinance permit some uses to be established by right in the appropriate district while other uses are listed which require a permit from the Board of Commissioners. Uses of a minor nature are conditional uses which involve broader policy considerations termed special uses. Both types of uses, in some circumstances, may be compatible with and desirable in the districts in which they are designated as special or conditional uses, but they may also have characteristics which could have detrimental effects on adjacent properties, or even the entire Youngsville area, if not properly designed and controlled. Special and conditional uses shall be in accordance with the requirements in Section 710, as well as other applicable requirements of this ordinance.

Section 709. Application to and hearing by the Board of Commissioners on Appeals, Variances, and Conditional Uses and Special Uses. The applicant shall submit the appropriate appeal for administrative review or for a variance, or an application for a special or conditional use permit accompanied by a site plan prepared in accordance with Section 702 in the number of copies established by and along with any other information required by the Zoning Administrator for property review of the application. The Youngsville Board of Commissioners for special uses shall cause a public hearing to be held on the application and shall give due notice of the hearing to the parties involved. In the case of a special use permit application, the Planning Board shall be given sixty (60) days to review the application, before the hearing. The hearing shall not be held until a Planning Board recommendation has been received or sixty (60) days have elapsed. The Planning Board shall give due notice to the applicant of any meetings at which the application will be considered. The hearing shall be conducted in accordance with the general law and court decisions of this State. More specifically, any interested party must be given the opportunity to present evidence or testimony, to cross-examine witnesses, to inspect documents, and to offer evidence or testimony in explanation or rebuttal. Findings shall be

based on substantial evidence or testimony which is competent, relevant, and material. Findings as to the existence or non-existence of crucial facts shall be based on sworn evidence or testimony unless the part or parties before the board stipulate the facts or waive this requirement. The clerk of the board shall keep minutes of the proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. A fee shall be paid to the town for each application, for an administrative review, for a variance or special or conditional use permit not initiated by an officer or agency of the town, to cover the costs of advertising and other administrative expenses involved. No application will be processed until the above fee has been paid.

Section 710. Conditions Which Must be Met by Special and Conditional Uses.

710.1 General Uses.

In order for any special or conditional use to be granted, the applicant, at the hearing, shall present sufficient evidence to enable the board to find that the following conditions exist where applicable.

710.1.1 All applicable specific conditions pertaining to the proposed use have been or will be satisfied.

710.1.2 Access roads or entrance and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or other emergency.

710.1.3 Off-street parking, loading, refuse, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood.

710.1.4 Utilities, schools, fire, police, and other necessary public and private facilities and services will be adequate to handle the proposed use.

710.1.5 The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts.

710.1.6 The type, size, and intensity of the proposed use, including such considerations as the hours of operation and numbers of people who are likely to utilize or be attracted to the use, will not have significant adverse impacts on adjoining properties or the neighborhood.

710.2 Additional Conditions.

If the board approves a special or conditional use, it may, as part of the terms of such approval, impose any additional reasonable conditions and safeguards as may be necessary to insure that the criteria for the granting of such a permit will be complied with and to reduce or minimize any potentially injurious effects of the use on adjoining properties, the character of the neighborhood, or the health, safety, morals, or general welfare of the community. Where appropriate, such conditions may include requirements that street and utility right-of-ways be dedicated to the public and that provisions are made for recreational space and facilities.

710.3 Specific Conditions

In addition to the general conditions in Section 710.1, special and conditional uses shall meet specific conditions for the type of use as indicated in this Section.

Use: Multi-family dwellings and complexes as a special use in RSM.

Requirements: Maximum density shall be as indicated in Section 307.2 of this ordinance. Where more than one building is to be located on site, building separation shall be determined as follows:

The minimum horizontal distance between the vertical projections of any point on two (2) adjacent buildings shall be determined according to the following table. The vertical projections for each building shall be drawn from that point on each building which is horizontally closest to the other building.

<u>Height of Taller Building</u>	<u>Minimum Horizontal Distance between Vertical projections</u>
20 feet or fewer	16 feet
Between 20.1 and 25.0 feet	25 feet
Between 25.1 and 30.0 feet	30 feet
Between 30.1 and 35.0 feet	40 feet

Distance Related to Windows: The minimum distance between the centers of facing windows of different dwelling units shall be twenty (20) feet.

A yard of at least fifty (50) feet shall be provided around the entire perimeter of the site, with the exception of driveways. Parking spaces and accessory buildings shall not be allowed in the required yard.

Access for emergency vehicles to all parts of the complex and to each dwelling unit shall be provided.

Accessory buildings and uses for multi-family dwellings shall not be placed in the fifty (50) foot yard around the perimeter of the site. The board may approve the inclusion of leasing offices, and of coin-operated laundry facilities, swimming pools, snack bars and similar service uses for

residents of the multi-family dwelling provided that they are intended to serve residents of the dwelling or complex only, and will not attract outside traffic to the site.

Use: Planned Unit Development as a special use in RA, RS, RSM, RMH

a. A planned unit development is a project which is at least two (2) gross acres in size to be located on land under unified control, planned as a whole, and developed in a single development operation or in a definitely programmed series of units or stage of development according to comprehensive and detailed plans, with a program for the provisions, operation, and maintenance of any areas, improvements, and facilities provided for the common use of the occupants or users of the development.

b. A planned unit development may contain any of the permitted, special or conditional uses listed for the RA, RS, or RSM districts, subject to approval of the plans by the Youngsville Board of Commissioners. Dimensional and density requirements for multi-family dwellings in a planned unit development shall be as indicated for multi-family dwellings in Section 307.2 and in this Section of this ordinance. Dimensional requirements for non-residential uses in a planned unit development shall be those listed for other principal use in Section 307.2 of this ordinance for the district in which the planned unit development is located. Shopping centers are also permitted in a planned unit development. Uses allowed in such shopping centers are: grocery stores, drug stores, laundry and dry cleaning establishments, offices, gift shops, card shops, camera and photography shops, barber and beauty shops, and restaurants.

c. In addition to the uses allowed in the RA, RS, or RSM districts, and shopping centers, the following uses are allowed in planned unit developments.

1. Clustered detached single-family dwellings. These are dwellings in which the lot size for each individual dwelling may be reduced, but may not be less than six thousand (6,000) square feet provided that the difference between the required dimensions for the district, as indicated in Section 307.2 of this ordinance, and the reduced dimensions, is dedicated to a homeowners' association as common open space.

2. Zero lot line dwellings, that is, detached single-family dwellings on lots without a side yard requirement on one side of the lot. The lot for a zero lot line dwelling may be reduced, but may not be less than six thousand (6,000) square feet provided that the difference between the required dimensions for the district as indicated in Section 307.2 of this ordinance and the reduced dimensions is dedicated to a homeowners' association as common open space.

d. Common areas and common open space shall be deeded to an owner's association and the developer or owner shall file with the Zoning Administrator and record in the Franklin County Register of Deeds office a declaration of covenants and restrictions as

well as regulations and by laws that will govern the open space. Provisions shall include, but not be limited to, the following:

1. The association shall be established before the homes, buildings or uses are sold.
2. Membership shall be mandatory for each buyer and all successive buyers, unless another arrangement is approved by the Youngsville Board of Commissioners which adequately protects the interests of the town and the owners.
3. The association shall be responsible for the liability insurance, local taxes, and maintenance of recreation and other facilities.
4. Any sums levied by the association that remain unpaid shall become a lien on the individual owner's property which shall be subordinate only to tax and mortgagee liens unless another arrangement is approved by the town board which adequately protect the interests of the town and the owners.
5. Any owner of each dwelling unit or each homeowner or other building owner shall have voting rights in the association.
6. Uses of common property shall be appropriately limited.
7. The following information shall also be provided:
 - a. Name of the association;
 - b. Manner in which directors of the association are to be selected;
 - c. Post office address of the initial registered office;
 - d. Name of the city and county in which the registered office is located;
 - e. Number of directors constituting the initial board of directors.

Use: Public buildings, uses, utilities as a special use in RA, RS, RSM

Requirements: The board shall review each application carefully and shall deny the permit if the benefit to the public will not outweigh any adverse effects the use might have.

Use: Radio and TV stations and transmission towers as a conditional use in RA

Requirements: The minimum distance from the center of the transmission tower to the nearest property line shall be two (2) times the height of the tower or the height of the tower plus two hundred (200) feet, whichever is greater. Off-street parking shall be provided at the rate of one (1) space for each employee.

Use: Community centers as a conditional use in RS, RSM, RMH, private clubs as a conditional use in RA, RS, RSM, RMH

Requirements: Noise from a public address system shall not be heard beyond the property. The use will not be located in an area where traffic congestion will be a problem for neighboring residential uses.

Use: Fraternal organizations not open to the public as a conditional use in RA, RS, RSM, RMH

Requirements: The use shall be located where there shall be no disturbance to residences and shall be adequately designed for its size and purpose. Noise from a public address system shall not be heard beyond the property where the use is located. The use shall not be located in an area where traffic congestion will be a problem for neighboring residential uses.

Use: Temporary uses such as circuses, carnivals, fairs or as a special use in RA, RS, RSM, RMH

Requirements: The site shall be located at least two hundred (200) feet from the nearest occupied residential structure, and shall be adequately designed for its size and purpose. The use shall meet any applicable Franklin County Health Department requirements.

Use: Commercial amusements as a conditional use in C

Requirements: No outdoor activities including parking shall be located within two thousand (2,000) feet of any residentially zoned land. No lights may shine where they will produce glare which will not be directly cast on a residential structure. Noise from commercial amusements shall not be a nuisance to any residentially zoned land. The board will pay close attention to buffering. For indoor activities, the board will take into consideration the proposed size of the operation and number of patrons and their effect on neighboring uses. Hours of operation will be limited to 10 a.m. to 10 p.m.

Use: Retail or wholesale businesses, service establishments or public uses other than those specifically listed with outdoor sales, service, storage areas or which would emit smoke, odor, dust, fumes or noise from the building in which they are located or involve possible fire hazard

Requirement: The board shall carefully consider the effects of the individual operation on neighboring property and the Youngsville area and shall deny the permit if an adverse effect would be created.

Use: Any manufacturing, processing, or warehousing or transportation use or public use or utility which involves outdoor storage, services, operations, emits or will emit smoke, odor, dust, fumes, glare, noise or vibration from the building in which it is located, or

involves storage of combustible materials, or is among the uses listed as exceptions to permitted uses

Requirements: The board will carefully consider the effects of the individual operation on neighboring property and the Youngsville area and shall deny the permit if an adverse effect would be created. The board shall require sufficient buffering to screen the outdoor use or portion of the use from view of streets and neighboring property. The outdoor use or portion of the use shall be maintained in a sanitary condition at all times so as not to harbor mosquitoes, vermin or otherwise be a menace to public health and safety. Where a use could involve potential fire or other health hazards, the fire Chief, and where applicable, the Franklin County Health Department shall have an opportunity to review the application. The applicant shall provide all needed information to enable the appropriate officials to determine the safety of the operations and any storage measures.

Use: Townhouses as a special use in RSM

Requirements:

- a. Minimum lot area, width, depth, and lot coverage requirements shall be as indicated in Section 307.2 of this ordinance.
- b. The yard requirements around the perimeter of townhouse projects with more than two attached townhouses shall be increased to fifty (50) feet.
- c. The minimum number of townhouses attached to each other shall be two (2) and the maximum shall be eight (8).
- d. Any common areas and common open space shall be deeded to a homeowners association which meets the requirements of Section 710.3. For the Use, Townhouses as a Special Use in RSM see Section e, sub-section 5.
- e. Recreation and Open Space.
 1. Every person or corporation who establishes a townhouse project for residential purposes shall be required to dedicate a portion of such land for the purposes of park, recreation, and open space sites to serve the residents of the townhouse project.
 2. The minimum hunt of land that shall be dedicated for recreation, parks, or open spaces in all townhouse projects shall be one-half (1/2) acre for each townhouse, or five (5) percent of the gross acreage, whichever is greatest.
 3. Suitability of Land. Criteria for evaluating suitability of proposed recreation, parks and open space areas shall include, but not be limited to, the following as determined by

the Board of Commissioners in consultation with the Planning Board and Recreation Advisory Committee.

a. Unity. The dedicated land shall be a single parcel except where it is determined that two or more parcels would be in the public interest. The Board of Commissioners may require that parcels be connected, and may require the dedication of a connecting path of up to sixty (60) feet, and in no case less than thirty (30) feet in width in addition to the land required in Section 2 of this use.

b. Location: The dedicated land shall be located so as to meet the recreation needs of the townhouse project.

c. Accessibility. Public access to the dedicated land shall be provided either by an abutting street or public easement. Such easement may be required to be up to sixty (60) feet in width and shall in no case be less than thirty (30) feet in width.

d. Usability. The dedicated land shall be usable for active recreation. (Play areas, ball fields, tennis courts, or similar recreation uses.) Lakes may not be included in computing amount of land to be dedicated unless acceptable to the Board of Commissioners. If the board of Commissioners determines that active recreation needs are being met by other dedicated parcels or existing recreation facilities, then land that is suitable for open space may be dedicated.

4. The Board of Commissioners may, in cases of unusual or exceptional nature, allow adjustments in the dedication requirements established in or required by this ordinance. Such adjustments shall be reviewed by the Planning Board and Recreation Advisory Committee before action by the Board of Commissioners.

5. The land required by this Section may be dedicated to the Town of Youngsville or may be deeded to a homeowners association. Where the land is deeded to a homeowners association, the developer or owner shall file with the zoning Administrator and record with the final townhouse project plat a declaration of covenants and restrictions as well as regulations and by laws that will govern the open space. Provisions shall include but not be limited to the following:

a. The association shall be established before the homes are sold.

b. Membership shall be mandatory for each home buyer and all successive buyers, unless another arrangement is approved by the Board of Commissioners which adequately protects the interest of the town and the owners.

c. The association shall be responsible for the liability insurance, local taxes, and maintenance of the recreation and other facilities.

d. Any sums levied by the association that remain unpaid shall become a lien on the individual homeowner's property which shall be subordinate only to tax and mortgagee liens unless another arrangement is approved by the Board of Commissioners which adequately protects the interests of the town and the owners.

e. If all or any portion of the property held by the association is being disposed of, or if the association is dissolved, adequate open space shall be deeded to the Town of Youngsville to satisfy the requirements for public recreation space under this Section of the ordinance.

f. An owner of each dwelling unit or each homeowner shall have voting rights in the association.

g. Uses of common property shall be appropriately limited.

h. The following information shall also be provided.

1. Name of the association.
2. Manner in which directors of the association are to be selected.
3. Post office address of the initial registered office is located.
4. Name of the city and county in which the registered office is located.
5. Number of directors constituting the initial board of directors.

i. Nothing herein shall be construed to limit the amount of privately controlled open space which may be included in this agreement, over and above the recreation and park site obligation.

Use: Commercial Amusement buildings as a special use in C, Disco and dance establishments as a special use in C, electronic and pinball machines as a special use in C, night clubs as a special use in C, skating rinks as a special use in C, billiard parlors as a special use in C.

Requirements: The board will take into consideration the proposed size and number of patrons and their effect on neighboring uses. Hours of operation will be limited to 10 a.m. to 10 p.m.

Use: Day nurseries as a conditional use in RA, RS, RSM, RMH

Requirements: The board will take into consideration the proposed size and number of patrons and their effect on neighboring uses. Hours of operations will be limited to 10 a.m. to 10 p.m.

Use: Day nurseries as a conditional use in RA, RS, RSM, RMH

Requirements: Before a day care center may be occupied, licensing is required by the North Carolina Day Care Licensing Board as provided in G.S. 110-85 through 110-95.

Use: Amusement parks as a conditional use in C, LI

Requirements: No activities including parking shall be located within 2000 feet of any residentially zoned land. No lights from the park may shine where they will produce glare which will not be directly cast on a residential structure. Noise from the park shall not be a nuisance to any residentially zoned land. The Board will pay close attention to buffering.

Use: Campground for youth or organized groups as a conditional use in RA, RS, RSM, RMH, MU, MI, Commercial

Requirements: The site shall be located where there shall be no disturbance to residences, and shall be adequately designed for its size and purpose. The use shall meet any applicable Franklin County Health Department requirements.

Use: Outdoor storage yards as a special use in LI

Requirements; The board shall require sufficient buffering to completely screen the use from view of streets and neighboring property. The use shall be maintained in a sanitary condition at all times so as not to harbor mosquitoes, vermin, or otherwise be a menace to public health and safety.

Use: Campground as a conditional use in RA

Requirements: The site shall be located where there shall be no disturbance to residents, and shall be adequately designed for its size and purpose. The use shall meet any applicable Franklin County Health Department requirements.

Use: Storage of inflammable liquids and other hazardous substances as a conditional use in LI

Requirements: The Fire Chief, and where applicable, the Franklin County Health Department, shall have an opportunity to review the application. The applicant shall provide all needed information to enable the appropriate officials to determine the safety of the storage measures.

Use: Manufactured/mobile home parks as a special use in RMH

Requirements: SPECIAL USE PERMIT REQUIRED

No person shall construct or engage in the construction of any manufactured home park or make any addition or alteration to a manufactured home park that either alters the number for mobile homes within the park or affects the facilities required therein except for normal maintenance

until he first secures a special use permit authorizing such construction, addition or alteration. The construction, addition or alteration shall be done in accordance with plans and specifications submitted with the application and approved by the property authorities. Procedures for the applicant's securing such permit and assuring the town that the requirements of the permit are complied with shall consist of the following:

a. No manufactured home or manufactured home park shall be permitted in the town or within its zoning jurisdiction unless it is located in an approved manufactured home district. The following regulations shall apply to all manufactured home parks.

1. Permitted Uses.

- a.** Manufactured homes, Class A, Class B, and Class C.
- b.** Service buildings and areas necessary to provide laundry, sanitation, storage, vending machines, and other similar services provided by the facility operator primarily for the use and convenience of mobile home occupants.
- c.** Recreation buildings and areas serving only the manufactured home park in which they are located.
- d.** Customary accessory buildings and facilities necessary for operation of the manufactured home park in which they are located.

2. Plan approval. None of the uses authorized for a manufactured home park shall be permitted until a site plan showing the proposed development of the area has been approved by the town board after a recommendation thereon by the planning board according to Section 709. After approval, a copy of the approval plan, signed by the Town Clerk, shall be filed with the zoning enforcement officer, and no building permit shall be issued except in conformity with the plan. The site plan shall include:

- a.** Location and boundary of tract in relation to abutting properties and public thoroughfares;
- b.** Streets, drives and walkways, existing and proposed;
- c.** Number, location and dimensions of all manufactured home spaces, including stands and parking areas;
- d.** Location and dimensions of all recreation areas, buildings and facilities;
- e.** General drainage system with existing and proposed topography;
- f.** Location and dimensions of all service or accessory buildings;
- g.** A sketch plan or written explanation of garbage disposal facilities;
- h.** General landscape plan including the location of open space, grassed areas, natural areas, screens, fences, etc; and
- i.** Plans for proposed utility layouts showing provisions for connections to existing or proposed public utility systems when available. Where

connections to public water or sewer systems are not available, a written statement from the Franklin County Health Department shall be submitted with the plan stating that the proposed development has adequate land area and suitable soil conditions to accommodate the proposed system of water supply and sewage disposal.

3. Development requirements.

a. Minimum area. Every manufactured home park shall be located on a tract of land not less than ten (10) acres in size and shall contain at least ten (2) manufactured home spaces available at first occupancy.

b. Space requirements. Every manufactured home space or plot shall consist of a minimum of five thousand (5,000) square feet and shall have an average width of at least fifty (50) feet. Every manufactured home space shall be clearly established on the ground by a type of permanent mark and shall be occupied by only one (1) manufactured home at any time, provided that the Town Board may approve a development plan showing less than five thousand (5,000) square feet per space, on the following conditions:

1. The developer demonstrate that the natural or dimensional characteristics of the tract are such that strict adherence to the minimum space requirement would interfere with the design of a plan more appropriate to the land.

2. The amount of area by which any and all spaces are reduced shall be consolidated into common open space. Areas such as green strips, walkways, or recreation areas, according to a comprehensive design for the manufactured home park (recreation areas so provided shall be in addition to those required under Section 5, Recreation Areas and Facilities of the Manufactured Home District Regulations).

3. The combined area of manufactured home spaces and consolidated open space areas in 2 above, shall maintain an average density of no more than one (1) mobile home per five thousand (5,000) square feet.

c. Preparation of space. The surface of each manufactured home stand shall be graded for proper drainage and shall be covered by a paved slab or compacted earth, gravel, or crushed stone as to be adequate to meet building code requirements for foundation footings for manufactured homes. The remainder of the space shall be graded for drainage and graded areas grassed to prevent erosion.

d. Setback. Setback of home from space or plot lines – minimum setbacks shall be as follows:

- 1.** From front plot line – twenty (20) feet
- 2.** From side plot line – ten (10) feet
- 3.** From rear plot line – ten (10) feet

e. Setback. Setback of home from property lines - thirty (30) feet (including adjoining street right-of-way).

f. Streets and driveways. All public streets and private drives within the manufactured home park shall be constructed and paved to the specifications of the N. C. Department of Transportation Subdivision Roads Minimum Construction Standards.

- 1.** Each manufactured home space shall abut upon a private street or driveway which shall have unobstructed access to a public thoroughfare.
- 2.** Reserved strip (adjoining surface). A strip six (6) feet wide and parallel to the paved surface of the street on both sides shall be reserved from use by the occupant except for driveways, walkways, and ornamental vegetation. No other uses shall be permitted within these strips.

g. Off-street parking. Each manufactured home space shall have off-street parking facilities for two (2) vehicles. These areas shall be covered by pavement or compacted earth, gravel, or crushed stone so as to be durable all seasons.

h. Vehicular access. Manufactured home spaces shall not have direct vehicular access to a public street but shall have access provided by way of a private drive.

i. Closed ends of dead-end drives or roads exceeding four hundred (400) feet in length shall be provided with a cul de sac paved to a minimum of eighty (80) feet in diameter.

j. Signs. Signs shall be in accordance with Table 501.5.

k. Maintenance of park and sanitary conditions. All cut or fallen trees, and rubbish, shall be completely removed from the mobile home park.

- 1.** Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Examination methods and other measures to control insects and rodents shall conform to the requirements of the County Health Department.
- 2.** Parks shall be maintained free of accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests. Storage areas shall be so maintained

as to prevent rodent harborage; lumber, pipe, and other building materials shall be stored at least one foot above ground.

3. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe, and other building materials shall be stored at least one floor above ground.

4. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable material.

5. The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open area shall be maintained free of heavy undergrowth of any description.

l. Clearing-drainage ways. During the construction, preparation, arrangement and installation of manufactured home park improvements and facilities in manufactured home parks located at or along a stream bed, the developer shall maintain the stream bed of each stream, creek or backwash channel contiguous to the manufactured home park in an unobstructed state and shall keep removed from the channel and banks of the stream all debris, logs, timber, junk, and other accumulations of a nature that would, in time of flood, clog or dam the passage of waters in their downstream course; installation of appropriately sized storm water drains, culverts, or bridges shall not be construed as obstructions in the stream. Nothing in this section shall be construed to prohibit the construction of dams for impoundment of water.

m. All manufactured homes shall be tied down in accordance with the State of North Carolina regulations for manufactured homes.

4. Sanitary facilities, water supply, garbage, collections. In every manufactured home park, all utility installations shall comply with applicable codes of the town, Franklin County and the State of North Carolina, and the requirements of the North Carolina Utilities Commission.

a. Utilities; manufactured home stand. Each manufactured home stand shall be equipped with water and sanitary sewer connections.

b. Street lights. A system of street lights shall be provided meeting the minimum standards of the Town of Youngsville.

c. Manufactured home equipment. Each manufactured home shall be required to connect with the utilities provided at each manufactured home space, and shall install skirting around the entire mobile home.

d. Garbage disposal. In those manufactured home parks located outside the town all garbage and refuse shall be regularly disposed of in a manner acceptable to the Franklin County Health Department.

e. Fire protection. Where a water system is available, fire hydrants shall be installed as to provide unobstructed access within a distance of five hundred (500) feet from any manufactured home space. The proposed water system shall be approved by the Youngsville Town Board.

f. Mail. All spaces within a manufactured home park shall be numbered for mailing address purposes. These numbers shall be displayed either on each lot space or on the manufactured home unit. Where more than five (5) rural mail boxes are used for mail delivery the approval of the Post Office Department and the District Highway Engineer shall be required.

5. Recreation areas and facilities. Each manufactured home park shall provide a minimum recreation area of ten thousand (10,000) square feet if any manufactured home space is less than ten thousand (10,000) square feet in area. An additional four hundred (400) square feet of recreation area shall be provided for each mobile home space in excess of twenty-five (25) manufactured home spaces with an area less than ten thousand (10,000) square feet. Recreation areas shall be located away from traffic hazards and easily accessible to the park residents. The recreation area shall contain a minimum of one (1) play lot at least one thousand (1,000) square feet in area for pre-school children with play equipment and seating for adults and a playground for school-age children and adults, of at least nine thousand (9,000) square feet.

6. Buffers. A buffer strip as defined in Section 207.1 shall be provided around the outside of the perimeter of the manufactured home park.

7. Certificate of Occupancy. The building inspector shall withhold a Certificate of Occupancy until he receives notice that all improvements shown on the approved plan have been made. When the Town Board approves a plan which specifies development in increments or stages, the initial Certificate of Occupancy will apply only to the first development stage which must include at least ten (10) or more spaces and stands. Each additional stage of development shown on the approved plan shall require the same procedure.

8. Registration of occupants. Every manufactured home park owner or operator shall maintain an accurate register containing a record of all occupants and owners of manufactured homes in the park. The register will be submitted to the Franklin County tax supervisor during January of each year and shall be available for inspection at all times by authorized county representatives. The register shall contain the following information.

a. Name of owner or occupant.

- b.** Manufactured home space number.
- c.** Make, model, and registration number of manufactured home.
- d.** Date when occupancy within the manufactured home park begins and date when occupancy within the manufactured home park ceases.

9. Inspection.

- a.** The Franklin County Health Department and other Codes Enforcement Officers are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance and the North Carolina State Building Codes. It shall be the duty of the owners or occupants of manufactured home parks to give these agencies free access to such premises at reasonable times for the purpose of inspection. Manufactured home park owners or operators shall report all new arrivals to the enforcement officer within ten (10) days of arrival.
- b.** The person to whom an operating permit for a manufactured home park is issued shall operate the park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- c.** The park owner or operator shall notify park occupants and prospective occupants of all applicable provisions of the ordinance and inform them of their duties and responsibilities under this ordinance.

10. Existing Manufactured Home Parks. Manufactured home parks existing at the time of the adoption of this ordinance shall not be allowed to expand or increase in any manner unless such expansions meet fully the requirements set forth in this ordinance.

710.4. Conditional which must be met by Conditional Use in the SC-WS-II and LR-WS-II Districts. The Conditional Use in the Sc-WS-II and the LR-WS-II districts is intended to offer additional flexibility and utility in the use of land. The Conditional Use permit in the Sc-WS-II and LR-WS-II districts may be applied to a maximum of ten percent (10%) of the area designated SC-WS-II or LR-WS-II by the Town of Youngsville. It is intended to provide for balanced development with services for the surrounding residential areas and with features to control any adverse impacts to residential areas.

710.4.1 All applications must clearly indicate the following information:

- a.** Site features including perennial streams, flood plains, topographical lines at two (2) foot contour interval area in square feet of site.
- b.** Proposed built-upon areas including calculation in square feet, proposed storm drainage system including calculations and size of conveyances, best management practices, natural buffers, water and waste water plans and approvals,

documentation of application and approval of Sedimentation and Erosion Control Plan when required, and proposed use of structures and land.

710.4.2 All conditional uses in a SC-WS-II district or a LR-WS-II district shall meet the following criteria.

- a.** The proposed use is vital to the continued growth and economic development of Youngsville.
- b.** The proposed use will not endanger public health or safety if located as proposed and developed according to the submitted plan.
- c.** Site locations must have direct driveway access to a paved collector road.
- d.** Permitted Uses. All uses permitted in the SC-WS-II and LR-WS-II district are permitted for a SC-WS-II Conditional use and a LR-WS-II Conditional Use. All commercial uses shall comply with Section 308 and other applicable standards of this Ordinance. All non-single family residential uses shall comply with Section 307 and all other applicable standards of this ordinance.
- e.** Stream buffers in accordance with Section 310.4
- f.** The proposed use shall minimize built upon area, direct storm water from surface waters and incorporate Best Management Practices to minimize water quality impacts.
- g.** The proposed use does not use or store any hazardous materials listed in SARA Section 302, CERCLA hazardous Substance or Section 311 of the Clean Water Act in volumes exceeding threshold amounts.
- h.** The proposed use is compatible with existing development and with future single family development.

ARTICLE VIII

AMENDMENTS 5

Section 801. Initiation of Amendments. This zoning ordinance, including the zoning map, may be tended only by the Board of Commissioners of the Town of Youngsville, according to the procedures of this article. Proposed amendments may be initiated by the Board of Commissioners, Planning Board, and Zoning Administrator of the Town of Youngsville. Proposed amendments to the text of the zoning ordinance may also be initiated by any resident or property owner within the jurisdiction covered by this ordinance and any property owner within the jurisdiction covered by this ordinance may initiate a request for a change in the zoning classification of his property.

Section 802. Application. Except for amendments initiated by the town Board, Planning Board, or Zoning Administrator, no proposed amendment shall be considered by the Town Board nor a public hearing held until an application containing the following information is submitted by the applicant: a statement of the present zoning regulation or district boundary, the name and signature of the applicant, and if an amendment to the zoning map is proposed, the tax parcel number of the lot proposed to be rezoned, the names and addresses of the owners of the lot in question, and the use of each adjacent property. The applicant shall provide any additional information related to the proposed amendment requested in writing by the Planning Board or Board of Commissioners. The Zoning Administrator shall transmit the original application to the Town Board, and the original application shall be filed in the office of the Zoning Administrator after consideration by the Town Board. A fee shall be paid to the town for each amendment application not initiated by an officer or agency of the town to cover the costs of advertising and other administrative expenses involved. No amendment shall be advertised until such fee is paid.

Section 803. Public Hearing. No amendment shall be adopted by the Board of Commissioners until they have held a public hearing on the amendment, and shall have given the Planning Board at least thirty (30) days after the public hearing to make a recommendation concerning the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Youngsville area at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) days or less than ten (10) days prior to the hearing date. In computing such period, the day of publication is not to be included, but the day of the hearing shall be included.

Section 804. Protest Petitions. Should a protest petition as described in 6.5.1GOA-385 and 1GOA-38G be submitted, it shall be handled in accordance with the procedures in 6.5.1GOA-385 and 6.S.1GOA-38G.

ARTICLE IX

LEGAL STATUS PROVISIONS

Section 901. Legal Status Provisions

901.1 In its interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Wherever the requirements of lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, are at variance with the requirements of this ordinance, the most restrictive, or that imposing the highest standards, shall govern.

901.2 This ordinance and the various parts, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid as applied to a particular property, buildings, or structures shall not be affected hereby. Whenever any condition or limitation is included in an order authorizing a special use permit, conditional use permit, variance, zoning compliance permit, certificate of occupancy or site plan approval, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this ordinance or the requirement of some provision hereof, and to protect the public health, safety and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

901.3 Repeal of Conflicting Ordinances. All ordinances or parts of ordinances of the town of Youngsville which are in conflict or inconsistent with this ordinance are repealed and superseded to the extent necessary to give this ordinance full force and effect.

901.4 Statute of Limitations. In accordance with G.S. 160A-364.1, a cause of action as to the validity of this ordinance, or amendment thereto, shall accrue upon the adoption of this ordinance or amendment thereto, and shall be brought within nine (9) months as provided in G.S. 1-54.1.

901.5 Effective Date. This ordinance shall take effect and be in force from and after October 1, 1993. Duly adopted by the Board of Commissioners of the town of Youngsville, North Carolina, this the 9th day of September, 1993.

(Signature on file)
Brenda Robbins
Clerk

(Signature on file)
Samuel Hardwick
Mayor

ARTICLE X

DEFINITIONS

Section 1001. General. For the purpose of interpreting this ordinance, certain words or terms are defined in this article. Except as defined herein or in other sections of this ordinance, all words used in this ordinance shall have their customary dictionary definition. Unless the context clearly indicates otherwise, the terms defined in this ordinance shall have the meanings indicated below:

Section 1002. Interpretation of Commonly Used Terms and Words. Words used in the present tense include the future tense. Words used in the singular number include the plural, and words used in the plural include the singular. Words used in the masculine gender include the feminine gender.

“**Person**” includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual.

“**Lot**” includes the words “**plot**”, “**parcel**” and “**tract**”.

The word “**structure**” includes the word “**building**”.

“**Used**”, as applied to any land or building, shall be construed to include the words “**intended, arranged or designed to be used**”.

“**Map**”, “**Zoning Map**”, or “**Youngsville Zoning Map**” shall mean the official zoning map of the Town of Youngsville, North Carolina.

The words “**town board**”, “**governing body**”, and “**Youngsville Board of Commissioners**” shall refer to the Board of Commissioners of the Town of Youngsville, North Carolina.

The words “**planning board**” shall refer to the planning board of the Town of Youngsville, North Carolina.

The words “**Board of Commissioners**” shall refer to the Board of Commissioners of the Town of Youngsville, North Carolina.

Section 1003. Definition of Commonly Used Terms and Words

“**Accessory building, structure, or use**” means a building, structure, or use on the same lot with, or of a nature customarily incidental or subordinate to, and of a character related to the principal use of structure.

“Abutting” means that the property directly touches another piece of property.

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

“Alley” means a strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

“Best Management Practices (BMP)” means 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.

“Buffer – WS-II” means an area of natural or planted vegetation through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

“Building” means any structure having a roof supported by columns or by walls, and intended for shelter, housing, or enclosure of persons, animals or chattels.

“Building, height of” means the vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the height level between the eaves and ridge of a gable, hip, or gambrel roof.

“Built-upon area” shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g., roads, parking lots, and paths), recreation facilities (e.g., tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

“Cluster Development” means the grouping of buildings in order to conserve land resources and provide for innovation in the design of the project. 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.

“Condominium” means a project meeting the requirements of the North Carolina General Statutes, Chapter 47A. The type of structure and use rather than the condominium form of ownership shall be the determining factor in deciding whether a use is permitted in a district.

“Development” means any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

“Distributing Plant” means a facility, the primary purpose of which is the distribution of gas and which receives LP gas in tank car, truck transport or truck lots distributing the gas to the end

user by portable container (package) delivery, by tank truck or through gas piping. Such plants have bulk storage (2,000 [7.6m³] water capacity or more) and usually have container filling and truck loading facilities on the premises. So called “bulk plants” are considered as being in this category. Normally, no persons other than the plant management or plant employees have access to these facilities.

“Distributing Point” means a facility other than a distributing plant or industrial plant, which normally receives gas by tank truck, and which fills small containers or the engine fuel tanks of motor vehicles on the premises. Any such facility having LP gas storage of 100 gallons (0.4m³) or more water capacity, and to which persons other than the owner of the facility or his employees have access, is considered to be a distributing point.

“Dwelling, single-family” means a building arranged to be occupied by one family, the building housing only one dwelling unit, but excluding manufactured homes and townhouses.

“Dwelling, two-family” means a building arranged to be occupied by two families, the building having two dwelling units, but excluding manufactured homes and townhouses.

“Dwelling, multi-family” means a building arranged to be occupied by more than two families, the building having more than two dwelling units, but excluding manufactured homes and townhouses.

“Dwelling unit” means a building or portion thereof designed, arranged and/or used for the living quarters for one or more persons living as a single-family, with cooking facilities, excluding units in rooming, boarding, and tourist houses, family or group care homes, or hotels or motels or other buildings designed for transient residence.

“Existing Lot (Lot of Record)” means a lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

“Family” means one or more persons related by blood, adoption, or marriage, living together as a single housekeeping unit, exclusive of household servants. A number of persons not exceeding five living together as a single housekeeping unit though not related by blood, adoption or marriage, shall be deemed to constitute a family, as shall a foster care home approved by the state.

“Family care home” means a facility as defined in G.S. 168-21.

“Flood Plain’s” means an area subject to periodic inundation which may result in loss of life, property, health or safety hazards, or possible disruption of commercial and governmental services, or may adversely affect the general welfare.

“Floor area, gross” means the number of square feet of total floor area bounded by the exterior faces of a structure, plus the number of square feet of unenclosed space devoted to the conduct of the use, excluding basements and unenclosed porches, balconies and terraces, unless used in conjunction with the use, such as for outdoor eating, merchandising storage, assembly, or similar uses, and excluding off-street parking and loading areas.

“Hazardous Material” means any substance listed as such in: SARA Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

“Home occupation” means an incidental use of a dwelling unit for gainful employment involving the manufacture, provisions, or sale of goods and/or services.

“Kennel” means an establishment for the keeping or breeding of dogs for profit.

“Lot” means a single lot of record, or more than one contiguous lot of record in the same ownership, which lot or lots of record are not divided by any street or public alley, and excluding any part of a lot or lots of record which, when severed from contiguous land in the same ownership, creates a nonconformity or a lot or parcel which does not meet the dimensional requirements of this ordinance.

“Lot, corner” means a lot which occupies the interior angle at the intersection of two or more right-of-way lines. A lot abutting on the right-of-way of a curved street or streets, shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five degrees.

“Lot coverage, maximum in percent” means the maximum percent of the lot which may be covered with structures. All yard requirements must be met in addition to lot coverage requirements.

“Lot depth” means the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear. On lots having an access strip extending from the front of the main portion of the lot in order to comply with the requirements of Section 210 of this ordinance, the foremost points of the side lot lines shall be measured at the place where the access strip joins the main portion of the lot.

“Lot of record” means a lot which is part of a subdivision recorded in the office of the Register of Deeds of Franklin County, or a lot described by metes and bounds, the description of which has been so recorded.

“Lot width” means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided however, that width between side lot lines at their foremost points (where they intersect the right-of-way line, or for lots having an access strip extending from the front of the main portion of the lot in order to

comply with the requirements of Section 210 of this ordinance, at the place where the access strip joins the main portion of the lot) shall be not less than eighty percent of the required lot width, except in the case of the turning circle of cul-de-sacs where the eighty percent requirement shall not apply.

“Major Variance – WS II” means a variance from the minimum statewide water supply watershed protection rules that result in any one or more of the following:

- a. Variance to increase permitted built-upon area.
- b. Variance to decrease minimum single family lot area.
- c. Variance to decrease minimum stream buffer.
- d. Variance to allow concentrated storm water flow.
- e. The relaxation, by a factor of greater than ten (10) percent, of any management requirement that takes the form of a numerical standard.

“Manufactured home” means a dwelling unit that: (i) is not constructed in accordance with the standards of the North Carolina Uniform Residential Building code for One and Two Family Dwellings; (ii) is composed of one (1) or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; and (iii) exceeds forty (40) feet in length and eight (8) feet in width.

“Manufactured home, Class A” means a manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

- a. The manufactured home has a length not exceeding four (4) times its width ‘ and
- b. The pitch of the manufactured home’s roof has a minimum vertical rise of two and two tenth’s feet for each twelve feet of horizontal run (2.2’ in 12’) and the roof is finished with shingles; and
- c. The exterior siding consists predominately of vinyl or aluminum horizontal lap siding wood or hardboard; and
- d. A continuous, permanent masonry curtain wall or foundation, not pierced except for ventilation and access, is installed under the manufactured home; and
- e. The tongue, axles, removable towing apparatus, and transporting lights are removed after final placement on the site.

“Manufactured home, Class B” means a manufactured home constructed after July 1, 1976 that meets or exceeds the standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction, but which does not meet the definition of a Class A manufactured home.

“Manufactured home, Class C” means a manufactured home which does not meet the definition of either a Class A or a Class B manufactured home.

“Manufactured home park” means any lot of record upon which two (2) or more manufactured homes, occupied for dwelling purposes, are located regardless of whether a charge is made for such accommodation. All manufactured home parks established after June 27, 1985 shall be at least ten (10) acres in size and shall have at least ten (10) manufactured home spaces.

“Modular homes” means a dwelling unit constructed in accordance with the construction standards of the North Carolina Uniform Residential Building Code for one and two family dwellings and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly and placement on a permanent foundation. Without limiting the generality of the foregoing, a modular home may consist of two (2) or more sections transported to the site on its own chassis or steel frame, or a series of panels or room sections transported to the site on a truck and erected, assembled, or joined there.

“Minor Variance WS-II” A variance from the minimum statewide watershed protection rules that result in a reduction, by a factor of up to ten (10) percent, of any management requirement under the low density option.

“Mini-Storage” A facility for the rental of storage space, both indoor and outdoor. If an outdoor storage area is to be included in the project it must be fenced, and may be used for the storage of passenger motor vehicles, recreational campers, boats, motorcycles or like items. Storage of items that by their design, or items damaged in a manner that may cause these items to collect water or become breeding place for rodents or insects will not be allowed. Storage of any items that present a danger or health hazard to the public as determined by an investigation of the zoning Administrator will not be allowed. Mini-storage projects will not be subject to outdoor storage dimension restrictions other than the following: no mini-storage project may have an outdoor storage area that exceeds an area equal to one third of the indoor storage area (to be calculated in square footage). No one will be allowed to use any part of a mini-storage facility for a residence or a business or as a place for entertainment, or for any use that causes loud noise. Junked or wrecked vehicles will be strictly prohibited.

“Mobile home” means a “manufactured home”.

“Mobile home park” means a “manufactured home park”.

“Net acreage, acres, land area, square footage of land area” means land area with streets, right-of-ways, driveways which serve as access to more than two units or uses, and major transmission line easements not included in its measurement.

“Nonconforming Lot of Record” means all development other than residential development, agriculture and silviculture.

“Planned Unit Development” is defined in Section 710.3.

“Plat” A map or plan of a parcel of land which is to be, or has been subdivided.

“Principal building, use, or structure” means the main use of a lot or the building or structure in or on which the main use of the lot takes place.

“Restaurant” means an establishment whose primary purpose is serving meals to patrons.

“Restaurant, indoor” means any restaurant except a drive-in or take-out restaurant.

“Restaurant, drive-in or take-out” means any restaurant which makes provisions for curb service, outdoor service or a drive-in window, or any restaurant more than ten percent of whose average daily customers take their food or beverages out of the restaurant.

“Right-of-way, street” means a strip of land, owned publicly or privately, which affords the principal means of access to abutting property.

“Roof line” means the top edge of the roof or the top edge of the parapet, whichever forms the top line of the building silhouette, but not including penthouses or equipment structures.

“Salvage Operations” means the reclamation, dismantling, or storage of pre-used commodities, junk and similar material, excluding toxic or hazardous waste, for the purpose of resale, processing, distribution, or deposition.

“Shopping center” means any building or group of buildings on the same site containing more than two retail or wholesale trade establishments.

“Single Family Residential” means any development where: 1) no building contains more than one dwelling unit, 2) every dwelling unit is on a separate lot, and 3) where no lot contains more than one dwelling unit.

“Sign” means any outdoor letter, symbol, number, trademark, or other form of publicity or combination of these as well as the surface on which they are painted or to which they are attached, and any background material, coloring, shapes or other trim shall be considered a sign, unless entirely enclosed by a fence or wall such that the above items and any structure or lighting attached to or accessory to them cannot be seen of the premises on which they are located. Works of fine art which in no way identify or advertise a product or business shall be excluded from this definition.

“Sign, area” means the area of the smallest regular polygon composed of eight (8) lines or less, circle, half-circle, ellipse or combination thereof, which will encompass the entire sign, excluding the base or apron, supports, or other structural members unless some part of the message appears on them, in which case they shall be included. Where symbols, letters, or numbers are attached separately to a structure, including a sign structure or to separate surfaces, the area between the separate items or letters, whether open or solid, shall be computed as part of

the sign area. The total sign area for a double-faced sign shall be measured on the largest face of the sign. Where three dimensional figures are used as signs, the largest dimensions of such figure shall be projected on a vertical plane and measured in the standard manner.

“Sign, height” means the vertical distance measured from the adjacent street grade or from the ground on which it rests, whichever allows the sign the greatest height, to the top of the sign.

TYPES OF SIGNS

“Identification sign” means a sign which contains any or all of the following: the name of the occupant, owner, or establishment, the type of establishment, the name of the franchise, the hours of operation, and house number when located on the site of the establishment.

“On-site advertising sign” means a sign which contains information about an establishment or the products or services that it offers, other than that contained in an identification sign, when located on the same site as the establishment to which it refers.

“Off-site advertising sign” means a sign which contains information about an establishments business, commodity, activity or service not conducted, sold, or offered upon the premises where such sign is located.

“Ground sign” means a sign erected on a freestanding frame, mast and/or pole and not attached to any building, fence or wall.

“Wall sign” means a sign which is attached flat to the wall or façade of a building, or to a fence or wall.

“Projecting sign” means a sign which extends beyond and is attached to a building wall and may extend over a public right-of-way.

“Roof sign” means a sign attached to and extending upward from a roof of a structure.

“Stream buffer – WS-II” means an area of natural or planted vegetation through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

“Street (Road)” means a right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

“Structure” means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, fences, signs and swirling pools.

“Townhouse” means a single-family dwelling unit constructed in a series or group of attached units with property lines separating such units.

“Toxic substance” means any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their progeny or other adverse health effects.

“Travel trailer” means a structure that is 1) intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and 2) is designed for temporary use as sleeping quarters, but that does not meet the definition of a manufactured home.

“Variance” means a relaxation of the terms of this ordinance under the specific conditions set forth in Section 707.4.2.

“Water Dependent Structure” means any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facility such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

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

“Yard” means an open space on the same lot with a principal structure or use unobstructed and unoccupied by any structure or portion thereof or parking or loading area, except as provided in this ordinance.

“Yard, front” means a yard extending the full width of the lot and situated between the right-of-way line and the front line of the principal structure or use projected to the side lines of the lot. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of street intersections shall be assumed to be the point at which the side and front lines would have met without such rounding. The foremost points of the side lot lines in the case of lots having an access strip extending from the front of the main portion of the lot in order to comply with the requirements of Section 210 of this ordinance shall be measured at the place where the access strip joins the main portion of the lot. However, nothing may be placed in the access strip that is not permitted by this ordinance to be placed in a front yard. Front and rear yard lines shall be parallel.

“Yard, rear” means a yard extending the full width of the lot and situated between the rear line of the lot and the principal structure or use projected to the side lines of the lot.

“Yard, side” means a yard extending along either side of a lot measured from front yard line to rear yard line and lying between the side lot line and the principal structure or use on the lot.

“Zoning Administrator” means the official charged with the enforcement of this ordinance.

ARTICLE XI
FLOOD DAMAGE PREVENTION ORDINANCE

Non-Coastal Regular Phase

SECTION 1101. Statutory Authorization, Findings of Fact, Purpose, and Objectives.

Statutory Authorization

Municipal: The legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5 and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A 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.

Findings of Fact

1. The flood prone areas within the jurisdiction of Youngsville are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, affect the public health, safety, and general welfare.
2. These flood losses are caused by the cumulative effect of obstruction 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, flood proofed, 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:

1. 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;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural Floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging, and all other development which may increase erosion or flood damage; and,
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Objectives. The objectives of this ordinance are:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business losses and interruptions;
5. 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;
6. 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
7. To ensure that potential home buyers are notified that property is in a Special Flood Hazard Area.

SECTION 1102. 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 it's most reasonable application.

AAccessory Structure (appurtenant Structure)@ means a structure which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports, and storage sheds are more common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

AAddition (to an existing building)@ means an extension or increase in the floor area or height of a building or structure.

AAppeal@ means a request for a review of the Floodplain Administrator=s interpretation of any provision of this ordinance.

AArea of Shallow Flooding@ mean a designated AO Zone on a community=s Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These are areas located where a clearly defined channel does not exist, where the path of flooding is in predictable and indeterminate, and where velocity flow may be evident.

AArea of Special Flood Hazard@ see ASpecial Flood Hazard Area (SFHA)@.

ABasement@ means any area of the building having its floor sub grade (below ground level) on all sides.

ABase Flood@ means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

ABase Flood Elevation (BFE)@ means a determination as published in the Flood Insurance Study of the water surface elevations of the base flood.

ABuilding@ see AStructure@.

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

ADevelopment@ means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations, or storage of equipment or materials.

ADisposal@ means, as defined as in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment to be emitted into the air or discharged into any waters, including groundwater.

AElevated Building@ means a non-basement building which has its reference level raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

AEncroachment@ means 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.

AExisting Manufactured Home Park or Manufactured Home Subdivision@ means a manufactured park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and wither final site grading or the pouring of concrete pads) is pre-FIRM.

AFlood@ or **AFlooding**@ means 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/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

AFlood Boundary and Floodway Map (FBFM)@ means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the Floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

AFlood Hazard Boundary Map (FHBM)@ means an official map of a community, issued by the Federal Emergency Management Agency, where boundaries of the Special Flood Hazard Areas have been defined as Zone A.

AFlood Insurance@ means the insurance coverage provided under the National Flood Insurance Program.

AFlood Insurance Rate Map (FIRM)@ means an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

AFlood Insurance Study (FIS)@ mean an examination, evaluation, and determination of flood hazard areas, corresponding water surface elevations (if appropriate), flood insurance risk zones, and other flood data in a community issued by FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRM=s) and Flood Boundary and Floodway Maps (FBFM=s), if published.

AFloodplain@ or **AFlood Prone Area@** means any land area susceptible to being inundated by water from any source.

AFloodplain Management@ means the operation of an overall program of corrective and preventative measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the Floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

AFloodplain Administrator@ is the individual appointed to administer and enforce the floodplain management regulations.

AFloodplain Development Permit@ means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

AFloodplain Regulations@ means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

AFlood proofing@ means 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.

AFlood Prone Area@ see AFloodplain@.

AFloodway@ means 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.

AFlood Zone@ means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

AFloor@ see ALowest Floor@.

AFreeboard@ means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation plus the freeboard establishes the AREgulatory Flood Protection Elevation@.

AFunctionally Dependent Facility@ means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacturing, sales, or sales facilities.

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

AHighest Adjacent Grade (HAG)@ means the highest natural elevation of the ground surface, prior to construction, next to the proposed wall of the structure.

AHistoric Structure@ means any structure that is

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

ALowest Adjacent Grade (LAG)@ means the elevation of the ground, sidewalk, or patio slab immediately next to the building, or deck support, after completion of the building.

ALowest Floor@ means 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 limited 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.

AManufactured Home@ means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to required utilities. The term AManufactured home@ does not include a Arecreational vehicle@.

AManufactured Home Park or Subdivision@ means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

AMarket Value@ means the buildings 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 for age of building and quality of construction (Actual Cash Value) or adjusted assessed values.

AMean Sea Level@ means, purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988 or other vertical control datum used as a reference for establishing varying elevations within the Floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

ANew Construction@ means structures for which the Astart of construction@ commenced on or after the effective date of the initial version of this ordinance and includes any subsequent improvements to such structures.

ANonconforming Building or Development@ means any legally existing building or development which fails to comply with the current provisions of this ordinance.

ANon-Encroachment Area@ means 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.

AObstruction@ includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, 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.

APost-FIRM@ means construction or other development for which the Astart of construction@ occurred on or after the effective date of the initial Flood Insurance Rate Map.

APre-FIRM@ means construction or other development for which the Astart of construction@ occurred before the effective date of the initial Flood Insurance Rate Map.

APrimarily Above Ground@ means that at least 51% of the actual cast value of the structure is above ground.

APublic Safety@ and/or **ANuisance@** means 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.

AREcreational Vehicle (RV)@ means a vehicle, which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and,
4. Designed primarily not for use as permanent dwellings, but as temporary living quarters for recreational camping, travel, or seasonal use.

AREference 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, AO, or AH, the reference level is the top of the lowest floor.

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

AREmedy a Violation@ means to bring the structure or other development into compliance with State or Community 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.

AREpetitive Loss@ means flood-related damages sustained by a structure on two (2) separate occasions during any 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before damages occurred.

AREtrofitting@ means measures, such as Flood proofing, elevation, construction of small levees, and other modifications, taken on an existing building or its yard to protect it from flood damage.

ARiverine@ means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

ASalvage Yard@ means property used for the storage, collection, and/or recycling of any type of equipment whatsoever, whether industrial or noncommercial, and including but not limited to vehicles, appliances and related machinery.

ASpecial 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 Section 1103.2 of this ordinance.

ASolid Waste Disposal Facility@ means any facility involved in the disposal of solid waste, as defined in NCGS 103A-290(a)(35).

ASolid Waste Disposal Site@ means, as defined as in NCGS 130A-290(a)(36) any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

AStart of Construction@ includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either 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 excavation of a basement, footings, piers, or foundations or the erection of temporary form; 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

AStructure@ means a walled and roofed building, a manufactured home, a gas or liquid storage tank that is principally above ground.

ASubstantial Damage@ means 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 (50%) percent of the market value of the structure before the damage occurred. See definition of Asubstantial improvement@.

ASubstantial Improvement@ means any combination or repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one year period whereby the cost of which equals or exceeds 50 percent of the market value of the structure before the Astart of construction@ of the improvement. The term includes structures which have incurred

Asubstantial damage@, regardless of the actual repair work performed. The term does not, however, include either:

1. Any correction of existing violations of State or Community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of historic structure provided that the alteration will not preclude the structure=s continued designation as a historic structure.

AVariance@ is a grant of relief from the requirements of this ordinance.

AViolation@ means the failure of a structure or other development to be fully compliant with the community=s Floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 1104 & 1105 is presumed to be in violation until such time as that documentation is provided.

AWatercourse@ means 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.

AWater Surface Elevation (WSE)@ means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

SECTION 1103. General Provisions

1103.1 Lands to Which This Ordinance Applies. This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJ) is applicable, of Youngsville.

1103.2 Basis for Establishing the Special Flood Hazard Areas. The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Franklin County dated May 2, 2006, which are adopted by reference and declared to be a part of this ordinance.

The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date:

Franklin County Unincorporated Area, dated May 1, 2000
The Town of Youngsville, dated January 19, 2001

1103.3 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 Section 1103.2.

1103.4 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.

1103.5 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.

1103.6 Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

1103.6.1 considered as minimum requirements;

1103.6.2 Liberally construed in favor of the governing body; and,

1103.6.3 Deemed neither to limit nor repeal any other powers granted under State statutes

1103.7 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 manmade 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 The Town of Youngsville or by any officer or employee for and flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

1103.8 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 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 no more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Youngsville from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 1104. Administration

1104.1 Designation of Floodplain Administrator. The Zoning Administrator, hereinafter referred to as the AFloodplain Administrator@, is hereby appointed to administer and implement the provisions of this ordinance.

1104.2 Floodplain Development Permit and Certification Requirements

1104.2.1 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 the flood prone areas. The following items/information shall be presented to the Floodplain administrator to apply for a Floodplain development permit.

a. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed Floodplain development:

- 1.** 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;
- 2.** the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 1103.2 or a statement that the entire lot is within the Special Flood Hazard Area;
- 3.** Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 1103.2;
- 4.** The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 1103.2;
- 5.** The Base Flood Elevation (BFE) where provided as set forth in Section 1103.2; Section 1104.3.11 & 1104.3.12; or Sections 1105; 1105.2.5; 1105.3 & 1105.4
- 6.** The old and new location of any watercourse that will be altered or relocated as a result of proposed development;
- 7.** Preparation of the plot plan by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

b. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

- 1.** Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
- 2.** Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;

- 3.** Elevation in relation to mean sea level to which any proposed utility system will be elevated or flood proofed;
- c.** If Flood proofing a Flood proofing 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 Section 1105.2 and 1105.3.
- d.** A Foundation Plan drawn to scale which shall include details of the proposed foundation system to ensure all provisions of this ordinance is met. These details include but are not limited to:
 - 1.** Proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/piers);
 - 2.** Should solid foundation perimeter walls be used in Floodplains, details of sufficient openings to facilitate the unimpeded movements of flood waters in accordance with Section 1105.2.4;
- e.** Usage details of any enclosed space below the regulatory flood protection elevation.
- f.** 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;
- g.** 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.)
- h.** If Floodplain development permit is issued for placement of Recreational Vehicles and/or Temporary Structures, documentation to ensure Section 1105.2.6 & 1105.2.7 of this code are met.
- i.** If a watercourse is proposed to be altered and/or relocated, a description of the extent of watercourse alteration or relocation; and 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.

1104.2.2 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.

- a. Description of the development to be permitted under the Floodplain development permit issuance.
- b. The Special Flood hazard Area determination for the proposed development per available data specified in Section 1103.2.
- c. The regulatory flood protection elevation required for the reference level and all attendant utilities.
- d. The regulatory flood protection elevation required for the protection of all public utilities.
- e. All certification submittal requirements with timelines.
- f. Statement that no fill material shall encroach into the floodway or non-encroachment area of any watercourse, if applicable.
- g. The flood openings requirements, if in Zones A, AO, AE or A1-30.

1104.2.3 Certification Requirements

a. An elevation Certificate (FEMA Form 81-31) or Flood proofing Certification (FEMA Form 81-65) is required after the reference level is completed. Within seven (7) calendar days of establishment of the reference level elevation, or Flood proofing, by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Floodplain administrator a certification of the elevation of the reference level, of flood proofed elevation, whichever is applicable in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When Flood proofing is utilized, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one (21) day calendar period and prior to submission of the certification shall be at the permit holder's risk. 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 further progressive work being permitted to proceed. Failure to submit the certification or failure to make said corrections required shall be cause to issue a stop-work order for the project.

b. A Final As-Built Elevation Certificate (FEMA Form 81-31) or Flood proofing Certificate (FEMA 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 Flood proofing is utilized, said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When Flood proofing 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 Certification 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 issuance of a Certificate of Compliance/Occupancy.

c. Flood proofing Certificate. If non-residential flood proofing is used to meet the regulatory flood protection elevation requirements, a Flood proofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the flood proofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Flood proofing 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, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

d. 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 Section 1105.2.3.

e. 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 projection 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 application prior to issuance of a Floodplain development permit.

f. Certification Exemptions. The following structures, if located within A, AO, A

AE, or A1-30 zones, are exempt from the elevation/flood proofing certification requirements specified in items (a) and (b) above:

1. Recreational Vehicles meeting requirements of Section 1105.2.6;
2. Temporary Structures meeting requirements of Section 1105.2.7; and
3. Accessory Structures less than 150 square feet meeting requirements of Section 1105.2.8.

1104.3 Duties and Responsibilities of the Floodplain Administrator. Duties of the Floodplain administrator shall include, but not be limited to:

1104.3.1 Review all Floodplain development applications and issue permits for all proposed development within flood prone areas to assure that the requirements of this ordinance have been satisfied.

1104.3.2 Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received.

1104.3.3 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.

1104.3.4 Assure the maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

1104.3.5 Prevent encroachments within Floodways and non-encroachment area unless the certification and flood hazard reduction provisions of Section 1105.5 are met.

1104.3.6 Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) of all attendant utilities of all new substantially improved structures, in accordance with Section 1104.2.3.

1104.3.7 Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures and all utilities have been flood proofed, in accordance with Section 1104.2.3.

1104.3.8 Obtain actual elevation (in relation to mean sea level) of all public utilities, in accordance with Section 1104.2.3.

1104.3.9 When Flood proofing is utilized for a particular structure, obtain certifications from a registered engineer or architect in accordance with Section 1104.2.3 and Section 1105.2.2.

1104.3.10 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.

1104.3.11 When Base Flood Elevation (BFE) data has not been provided in accordance with Section 1103.2, obtain, review, and reasonably utilize and 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 Section 1105.5, in order to administer the provisions of this ordinance.

1104.3.12 When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with Section 1103.2, 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.

1104.3.13 When the exact location of boundaries of the Special Flood Hazard Areas conflict with the current, national 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.

1104.3.14 permanently maintains all records that pertain to the administration of this ordinance and make these records available for public inspection.

1104.3.15 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 actions.

1104.3.16 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.

1104.3.17 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.

1104.3.18 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 of the department at any reasonable hour for the purposes of inspection or other enforcement action.

1104.3.19 Follow through with corrective procedures of Section 1104.4.

1104.4 Corrective Procedures

1104.4.1 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.

1104.4.2 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

- a. That the building or property is in violation of the Flood Damage Prevention ordinance;
- b. 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,
- c. 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.

1104.4.3 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 specific 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.

a. 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.

b. 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.

1104.5 Variance Procedures

1104.5.1 The Board of Commissioners as established by Youngsville, hereinafter referred to as the Appeal board, shall hear and decide requests for variances from the requirements of this ordinance.

1104.5.2 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.

1104.5.3 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 reserve the historic character and design of the structure.

1104.5.4 In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance:

- a.** the danger that materials may be swept onto other lands to the injury of others;
- b.** the danger in life and property due to flooding or erosion damage;
- c.** the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- d.** the importance of the services provided by the proposed facility to the community;
- e.** the necessity to the facility of a waterfront location, where applicable;
- f.** the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

- g.** the compatibility of the proposed use with existing and anticipated development;
- h.** the relationship of the proposed use to the comprehensive plan and Floodplain management program for that area;
- i.** the safety of access to the property in times of flood for ordinary and emergency vehicles;
- j.** 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
- k.** the costs of providing governmental service during and after the flood conditions including maintenance and repair of public utilities and facilities such as water, sewer, gas, and electrical systems, and streets and bridges.

1104.5.5 A written report addressing each of the above factors shall be submitted with the application for a variance.

1104.5.6 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.

1104.5.7 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.

1104.5.8 Conditions for Variance

- a.** Variances may not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
- b.** Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- c.** Variances shall only be issued prior to development permit approval.
- d.** Variances shall only be issued upon:
 - 1.** A showing of good and sufficient cause;
 - 2.** A determination that failure to grant the variance would result in exceptional hardship; and
 - 3.** 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.

e. 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 variance actions.

f. 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.

SECTION 1105. Provisions for Flood Hazard Reduction

1105.1 General Standards. In all Special Flood Hazard Areas the following provisions are required:

1105.1.1 All new construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement of the structure.

1105.1.2 All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

1105.1.3 All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

1105.1.4 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, electrical meter panels/boxes, utility/cable boxes, hot water heaters, electric outlets/switches.

1105.1.5 All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

1105.1.6 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.

1105.1.7 On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

1105.1.8 Any alteration, repair, reconstruction, or improvements to a structure which is in compliance with the provisions of this ordinance, shall meet the requirements of Anew construction@ as contained in this ordinance.

1105.1.9 Non-conforming structures or other development may not be enlarged, replaced, or rebuild 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 requirements of this ordinance.

1105.1.10 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 flood proofed to at least the regulatory flood protection elevation and certified according to Section 1104.2.3 of this code.

1105.2 Specific Standards. In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section 1103.2, or Section 1104.3.11 and 1104.3.12 the following provisions, in addition to those provisions in Section 1105.1, are required:

1105.2.1 Residential Construction New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower that the regulatory flood protection elevation.

1105.2.2 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 flood proofed 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 the walls substantially impermeable to the passage of water, using structural components having the capacity 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 Section 1104.2.3.

1105.2.3 Manufactured Homes

- a. 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.
- b. 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 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.
- c. All foundation enclosures or skirting shall be in accordance with Section 1105.2.4.
- d. 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.

1105.2.4 Elevated Buildings. New construction and substantial improvements of elevated buildings that include fully enclosed areas that are below the lowest floor and are subject to flooding 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:

- a. Flood openings for complying with this requirement shall be designed to automatically equalize hydrostatic flood forces on exterior walls allowing for the entry and exit of floodwaters. To meet this requirement, the flood openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - 1. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - 2. 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.
 - 3. If a building has more than one enclosed area, each must have openings on exterior walls to allow floodwater to directly enter;

4. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade;
5. Openings may be equipped with screens, louvers, or other opening coverings or devices provided they permit the automatic flow of floodwaters in both directions, and
6. Foundation enclosures:
 - a. Vinyl or sheets 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.
 - b. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires hydrostatic openings as outlined above to comply with this ordinance.
- b. 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 premises (standard exterior door) or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas.

1105.2.5 Additions/Improvements

- a. Additions and/or improvements to pre-FIRM structures whereas the additions and/or improvements in combination with any interior modifications to the existing structure
 1. are not substantial improvement, the addition and/or improvement must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 2. are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- b. Additions to post-FIRM with no modifications to the existing structure shall require only the addition to comply with the standards for new construction.
- c. Additions and/or improvements to post-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure

1. Are not a substantial improvement, the addition and/or improvements only must with the standards for new construction.

2. Are substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

1105.2.6 Recreational Vehicles Recreation vehicles placed on sites within a Special Flood Hazard Area shall either:

- a. 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 not permanently attached additions); or

- b. Meets all the requirements for new construction.

1105.2.7 Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the following requirements must be met:

- a. 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

1. A specific time period for which the temporary use will be permitted;

2. The name, address, and phone number of the individual responsible for the removal of the temporary structure;

3. 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);

4. A copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and

5. Designation, accompanied by documentation, of a location outside the Special Hazard Area to which the temporary structure will be moved.

- b. The above information shall be submitted in writing to the floodplain administrator for review and written approval.

1105.2.8 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:

- a. Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas);
- b. Accessory structures shall not be temperature-controlled.
- c. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters
- d. Accessory structures shall be designed to have low flood damage potential;
- e. Accessory structures shall be firmly anchored in accordance with Section 1105.1.1;
- f. All service facilities such as electrical and heating equipment shall be installed in accordance with Section 1105.1.4; and
- g. Openings to relieve hydrostatic pressure during a flood shall be provided below regulatory flood protection elevation in conformance with Section 1105.2.4a...
- h. An accessory structure with a footprint less than 150 square feet does not require an elevation or flood proofing certificate. Elevation or flood proofing certifications are required for all other accessory structures in accordance with Section 1104.2.3.

1105.3 Subdivisions, Manufactured Home Parks and Major Developments. All subdivisions, manufactured home park and major development proposals located within Special Flood Hazard Areas shall:

1105.3.1 Meet provisions of Section 1105.1 to be consistent with the need to minimized flood damage;

1105.3.2 All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per Section 1103.2 and utilized in implementing this ordinance.

1105.3.3 Have adequate drainage provided to reduce exposure to flood hazards; and,

1105.4 Standards for Floodplains without Established Base Flood Elevations. Within the Special Flood Hazard Areas established in Section 1103.2, in addition to those of Section 1105.1 where no Base Flood Elevation (BFE) data has been provided, the following provisions shall apply:

1105.4.1 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.

1105.4.2 All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per Section 1103.2 and utilized in implementing this ordinance.

1105.4.3 If Section 1105.4.1 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 flood proofed in accordance with elevations established in accordance with Section 1104.3.11 & 1104.3.12. 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 two (2) feet above the highest adjacent grade. Requirements of Section 1105.2 and 1105.4 also shall apply for elevated structures.

1105.4.4 Have adequate drainage provided to reduce exposure to flood hazards.

1105.5 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. The following requirements shall apply.

1105.5.1 Requirement from Section 1105.1 and 1105.2; and

1105.5.2 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.

1105.6 Floodways and Non-Encroachment Areas. Located within the Special Flood Hazard Areas established in Section 1103.2 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;

1105.6.1 Requirement from Section 1105.1 and 1105.2; and

1105.6.2 No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through

hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in 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.

1105.6.3 If Section 1105.6.2 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

1105.6.4 No manufactured homes shall be permitted except replacement manufactured homes in an existing manufactured home park of subdivision provided the following provisions are met:

- a. the anchoring and the elevation standards of Section 1105.2.3; and
- b. the no encroachment standards of Section 1105.6.2 are met.

1105.7 Standards for Areas of Shallow Flooding (AO Zones). Located within the Special Flood Hazard Areas established in Section 1103.2, are areas designed 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 in addition to those of Section 1105.1 and 1105.2 shall apply within such areas:

1105.7.1 All new construction and substantial improvements of all structures shall have the lowest floor, including basement, elevated to as high as the depth number specified on the Flood Insurance 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 as high as the regulatory flood protection elevation as defined for Special Flood Hazard Areas where no BFE has been established.

1105.7.2 All new construction and substantial improvements of non-residential structures shall have the option to, in lieu of elevation, be completely flood proofed together with attendant utilities and sanitary facilities to or above that level established in Section 1105.7.1 so that any space below the 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 Section 1104.2.3 and Section 1105.2.2.

SECTION 1106 LEGAL STATUS PROVISIONS

1106.1 Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance. This ordinance in part come forward by re-enactment of the provisions of the Flood Damage Prevention Ordinance enacted on December 12, 1996 for the Town of Youngsville as amended, and it is not the intention to repeal but rather to reenact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued

hereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All earlier improvements or amendments of the flood damage prevention ordinance of Youngsville, which are not reenacted herein, are repealed. The date of the initial flood damage prevention ordinance for Franklin County is November 18, 1996.

1106.2 Effective 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.

1106.3 Effective Date. This ordinance shall become effective upon adoption.

1106.4 Adoption Certification. I hereby certify that this is a true and correct copy of the flood damage prevention ordinance as adopted by the Board of Commissioners of the Town of Youngsville, North Carolina, on the 8th day of March, 2007.

WITNESS my hand and the official seal of Town of Youngsville, this the 8th day of March, 2007.

Brenda T. Robbins
Zoning Administrator