

Town of Newton Grove
North Carolina

Zoning Ordinance

update

Acknowledgements

Reviewed and recommended for adoption by the
Planning Board

Adopted by the
Town Board of Commissioners

Town of Newton Grove

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Newton Grove, NC 28366

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Table of Contents

Section 1:	Legal Provisions	10
1.1	Purpose.....	10
1.2	Authority.....	10
1.3	Jurisdiction.....	10
1.4	Minimum Regulations.....	10
1.5	Validity	10
1.6	Effective Date.....	11
Section 2:	Official Zoning Map and Zoning Districts	12
2.1	Zoning Map.....	12
2.2	Zoning Districts.....	12
2.3	Interpretation of District Boundaries.....	12
Section 3:	Application and Enforcement	14
3.1	Application.....	14
3.2	Enforcement.....	14
A.	Administrative Officer.....	14
B.	Certificate of Zoning Compliance and Building Permit Required.....	14
C.	Application Procedures.....	14
D.	Temporary Certificate.....	15
E.	Right of Appeal.....	15
F.	Penalty.....	15
G.	Remedies.....	16
H.	Complaints Regarding Violations.....	16
I.	Cancellation of Permits.....	16
J.	Certificate of Occupancy.....	16
Section 4:	Nonconforming Uses	18
4.1	Continuance of Nonconforming Buildings.....	18
4.2	Continuance of Nonconforming Uses of Land.....	18
4.3	Nonconforming of Use.....	18
4.4	Reconstruction Prohibited.....	18
4.5	Normal Maintenance Repair of Nonconforming Uses.....	18

Town of Newton Grove - Zoning Ordinance

Section 5: **General Provisions**..... 20

5.1 Required Yards Not to be Used by Another Building..... 20

5.2 Relationship of Building to Lots..... 20

5.3 Street Access..... 20

5.4 Reduction of Lot and Yard Areas Prohibited..... 20

5.5 Standards for Effluent and Emissions..... 20

5.6 Newly Incorporated Areas..... 20

5.7 Lot of Record..... 21

 A. Prior to the Time of Ordinance Adoption..... 21

 B. After the Ordinance Adoption..... 21

5.8 Adjoining and Vacant Lots of Record..... 21

5.9 Curb Cuts Giving Access to Public Rights-of-Way..... 21

5.10 Height Limit Exceptions..... 22

5.11 Accessory Buildings..... 22

5.12 Manufactured Homes as Temporary Uses..... 22

5.13 Travel Trailers as Temporary Uses..... 22

5.14 Vested Rights..... 22

 A. Definition..... 22

 B. Establishment of Vested Rights..... 23

 C. Termination of a Vested Right..... 23

 D. Changes and Exceptions..... 23

Section 6: **District Regulations**..... 25

6.1 Residential (RA) District..... 26

 A. Table of Uses..... 26

 B. Dimensional Requirements..... 26

 C. Parking..... 26

6.2 Residential (R-20) District..... 27

 A. Table of Uses..... 27

 B. Dimensional Requirements..... 27

6.3 Office and Institutional (OI) District..... 29

 A. Table of Uses..... 29

 B. Dimensional Requirements..... 29

 C. Required Buffer..... 29

 D. Parking..... 29

 E. Signs..... 30

6.4 Neighborhood Business (NB) District..... 31

Town of Newton Grove - Zoning Ordinance

A.	Table of Uses.....	31
B.	Required Buffering.....	31
C.	Off-Street Parking and Loading.....	31
D.	Dimensional Requirements.....	31
E.	Signs.....	31
6.5	Thoroughfare Business (TB) District.....	32
A.	Table of Uses.....	32
B.	Dimensional Requirements.....	32
C.	Required Buffers.....	32
D.	Off-Street Parking.....	33
E.	Signs.....	33
6.6	Central Business (CB) District.....	34
A.	Table of Uses.....	34
B.	Dimensional Requirements.....	34
C.	Off-Street Parking and Loading.....	34
D.	Signs.....	34
6.7	Industrial (I) District	35
A.	Table of Uses.....	35
B.	Dimensional Requirements.....	35
C.	Conditional Industrial Uses.....	35
D.	Required Buffers.....	35
E.	Off-Street Parking and Loading.....	36
F.	Signs.....	36
6.8	Open Space (OS) District.....	37
A.	Permitted Uses.....	37
B.	Dimensional Requirements.....	37
C.	Off-Street Parking Requirement.....	37
6.9	Use Standards.....	38
6.10	Table of Uses	42
Section 7:	Off-Street Parking and Loading	48
7.1	Off-Street Parking Requirements.....	48
A.	Certification of Minimum Parking Requirements.....	48
B.	Joint Use of Required Parking Space.....	48
C.	Remote Parking Space.....	48
D.	Improvement and Location Standards.....	49
E.	Minimum Off-Street Parking Requirements.....	49

Town of Newton Grove - Zoning Ordinance

7.2 Off-Street Loading..... 52
A. Off-Street Loading and Unloading Space Requirements..... 52
B. Number of Required Off-Street Loading Spaces..... 52

Section 8: **Manufactured Home Parks**..... 53
8.1 Introduction..... 53
8.2 Manufactured Homes..... 53
8.3 Permits..... 53
8.4 Procedure..... 54
8.5 Operating Standards..... 54
8.6 Manufactured Home Space Requirements.....56
8.7 Additional Requirements..... 58
8.8 Application Procedure - Manufactured Home Park..... 58
A. Preliminary Plan..... 58
B. Final Plan..... 59
8.9 Operating Permit..... 59
8.10 Annual Inspection of Manufactured Home Park..... 60

Section 9: **Solar Array**.....61
9.1 Solar Array Accessory Use..... 61
A. Solar Array Accessory Use – Defined..... 61
B. Intent of Solar Array Accessory Use..... 61
C. Where Allowed – Solar Array Accessory Use – Table of Uses..... 61
D. General Standards Solar Array Accessory Use..... 61
E. Standards for Building Mounted Devices – Solar Accessory Use..... 62
F. Standards for Ground Mounted Devices – Solar Accessory Use..... 62
9.2 Solar Array – Medium and Large Facilities..... 63
A. Solar Array Medium Facility – Defined..... 63
B. Solar Array Large Facility – Defined..... 63
C. Intent of Medium and Large Solar Array Facility..... 63
D. Where Allowed Solar Medium and Large Facilities – Table of Uses..63
E. Submittal Requirements - Solar Array Medium and Large Facility.... 64
F. Standards of Evaluation – Solar Array Medium and Large Facility.... 65
G. Decommissioning – Solar Array Medium and Large Facility.....66

Section 10: **Landscaping and Buffer Screening**..... 68
10.1 Intent and Applicability..... 68
10.2 Tree Preservation..... 68

Town of Newton Grove - Zoning Ordinance

- A. Preservation of Existing Vegetation..... 68
- B. Preservation of existing Vegetation During Construction..... 68
- 10.3 Landscaping..... 70
 - A. Requirements for Landscaping at Streets..... 70
 - B. Requirements for Landscaping Parking Lots..... 70
 - C. Parking Lots – Perimeter Landscaping..... 70
 - D. Parking Lots – Interior Landscaping..... 71
 - E. Requirements for a Landscape Buffer Screen..... 71
 - F. Creek and Stream Buffers..... 71
 - G. Landscaping and Fences..... 72
 - H. Planting Standards for Trees and Shrubs..... 72
 - I. Screening Dumpsters..... 74
- 10.4 Alternative Methods of Compliance..... 74
- 10.5 Revisions to Approved Landscape Plans..... 74
- 10.6 Inspection of Sites..... 75
- 10.7 Replacement of Disturbed and Damaged Vegetation..... 75
- 10.8 Inspections..... 76

- Section 11: **Signs**..... 77
 - 11.1 Purpose..... 77
 - 11.2 General Provisions..... 77
 - A. Permit Required..... 77
 - B. Permit Application..... 77
 - C. Structural Requirements..... 77
 - D. Sign Area Computation..... 78
 - E. Fees..... 78
 - F. Maintenance..... 78
 - G. Location Restrictions..... 78
 - H. Setback and Height Requirements..... 78
 - I. Non-Conforming Signs..... 79
 - 11.3 Signs Not Requiring a Permit from the Administrative Officer..... 80
 - A. Directional and Information..... 80
 - B. Quasi-public..... 80
 - C. Professional and Home Occupations Signs..... 80
 - D. Temporary Subdivision Sign..... 81
 - E. Bulletin Board..... 81
 - F. Temporary Signs..... 81
 - G. Setbacks..... 82

Town of Newton Grove - Zoning Ordinance

11.4 Subdivision and Manufactured Home Park Signs..... 82

 A. Subdivision..... 82

 B. Manufactured Home Park..... 82

11.5 Business and Industrial Signs..... 82

 A. Canopy..... 82

 B. Wall..... 83

 C. Lighting..... 83

 D. Freestanding..... 83

 E. New Business Opening or Going Out of Business – Feather Signs.... 84

Section 12: **Conditional Uses**..... 86

 12.1 Purpose..... 86

 12.2 Application for Conditional Use..... 86

 12.3 Public Hearing by Planning Board..... 86

 12.4 Action by Planning Board..... 86

 12.5 Conditions and Guarantees..... 87

 12.6 General Provisions in Granting Conditional Use Permits..... 88

Section 13: **Board of Zoning Adjustment**..... 89

 13.1 Creating the Board of Adjustment..... 89

 13.2 Proceedings of the Board of Adjustment..... 89

 13.3 Appeals to the Board, Hearing, and Notes..... 89

 A. Filing Procedure..... 89

 B. Hearing the Appeal..... 89

 C. Stay of Proceedings by Appeal..... 90

 13.4 Fee..... 90

 13.5 Powers and Duties of the Board of Adjustment..... 90

 A. Powers and Duties..... 90

 B. Decisions..... 92

 13.6 Appeal from the Board of Zoning Adjustment..... 92

Section 14: **Changes and Amendments**..... 93

 14.1 Purpose..... 93

 14.2 Action by the Applicant..... 93

 A. Initiation of Amendments..... 94

 B. Application..... 94

 C. Fee..... 94

 D. Notice of Public Hearing Letters..... 94

Town of Newton Grove - Zoning Ordinance

14.2 Action by the Board..... 94

14.3 Action by the Board of Commissioners..... 94

 A. Notice and Public Hearing..... 94

 B. Board of Commissioners Action..... 95

 C. Protests..... 95

 D. Reconsideration One-Year Limitation..... 95

 E. Moratorium..... 96

Section 15: **Definitions**..... 97

Appendix 1: **Suggested Landscaping Plant List**..... 104

Section 1. Legal Provisions

1.1 Purpose

This Ordinance provides zoning for the Town of Newton Grove, North Carolina.

In order to lessen congestion in the streets; to secure safety from fire and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, sewerage, schools, parks, and other public requirements; to conserve the value of buildings; and encourage the most appropriate use of land throughout the corporate area, there is hereby adopted and established an official zoning plan of the Town of Newton Grove.

This Ordinance shall conform with the Town land use plan (NCGS 160A-383).

1.2 Authority

This zoning Ordinance is adopted pursuant to the authority vested in the Town of Newton Grove by its charter and the General Statutes of North Carolina, particularly Chapter 160A, Article 19, Part 3.

1.3 Jurisdiction

The provisions of this Ordinance shall apply within the corporate limits of the Town of Newton Grove, North Carolina, and within its extraterritorial jurisdiction as now or hereafter fixed, as shown on the zoning map on file in the Town Hall.

1.4 Minimum Regulations

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare. It is not intended by this Ordinance to interfere with, abrogate, or annul easements, covenants, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern.

1.5 Validity

Town of Newton Grove - Zoning Ordinance

LEGAL PROVISIONS

1.6 EFFECTIVE DATE

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

Approved and adopted by the Board of Commissioners this 12 day of October 2015.

Barbara F. Burch

Mayor



ATTEST:

Amanda M. An

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Section 2. Official Zoning Map and Zoning Districts

2.1 Zoning Map

For the purposes of this Ordinance, the Town of Newton Grove is hereby divided into several zoning districts whose locations and boundaries are shown on the Official Zoning Map for the Town of Newton Grove which is hereby adopted by reference and declared to be a part of this Ordinance.

This Zoning Map and all the notations, references, and all amendments thereto, and other information shown thereon are hereby made a part of this Ordinance the same as if such information set forth on the map were all fully described and set out herein. The Zoning Map properly attested is on file in the Municipal Building and is available for inspection by the public.

The Administrative Officer or his representative shall be responsible for the maintenance and revision of the Official Zoning Map. Upon notification by the Town Board that a zoning change has been made, the Administrative Officer shall make the necessary changes on the Official Zoning Map within seven (7) calendar days of notification.

2.2 Zoning Districts

In order that the purpose of this Ordinance may be accomplished, the zoning districts are hereby established within the zoning jurisdictional area described in Section 6, and are hereby given the following designations:

- Residential District - R-20
- Residential Agricultural District - RA
- Office and Institutional District - O & I
- Neighborhood Business District - NBD
- Thoroughfare Business District - TBD
- Central Business District - CBD
- Industrial District - I
- Open Space District - OS

2.3 Interpretation of District Boundaries

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

Town of Newton Grove - Zoning Ordinance

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

Section 3. Application and Enforcement

3.1 Application

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

3.2 Enforcement

A. Administrative Officer

The Town Board shall appoint an Administrative Officer to enforce the provisions of this Ordinance. The assistance of such other persons may be provided as the Town Board may direct.

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

B. Certificate of Zoning Compliance and Building Permit Required

No land shall be used or occupied (except for agricultural purposes) and no building hereafter erected, structurally altered, or moved or its use changed until a Certificate of Zoning Compliance shall be issued by the Administrative Officer, except in conformity with the provisions of this Ordinance or except after written order from the Board of Adjustment.

A Building Permit cannot be issued by the Building Inspector unless zoning compliance is certified.

A record of all certificates shall be kept on file in the office of the Administrative Officer and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land involved.

C. Application Procedures

Town of Newton Grove - Zoning Ordinance

Each application for a Certificate of Zoning Compliance shall be accompanied by two (2) sets of plans drawn to scale, one (1) of which shall be returned to the applicant upon approval. The plan shall show the following:

- (1) The shape and dimensions of the lot on which the proposed building or uses to be erected or conducted;
- (2) The location of said lot with respect to adjacent rights-of-way;
- (3) The shape, dimensions, and location of all buildings, existing and proposed, on the said lot;
- (4) The nature of the proposed use of the building or land, including the extent and location of the use, on the said lot;
- (5) The location and dimensions of off-street parking and loading space and the means of ingress and egress to such space; and
- (6) Any other information which the Administrative Officer may deem necessary for consideration in enforcing the provisions of this Ordinance.

A fee, set by the Town Board, shall be charged for the processing of such application. The adopted fee schedule shall be posted in the Town Clerk's Office.

D. Temporary Certificate

The Administrative Officer may issue a temporary Certificate of Zoning Compliance for rallies, carnivals, religious revivals, and similar uses. Such certificates shall be issued for a fixed period of time, but not to exceed ninety (90) days, shall be subject to such limitations as the Administrative Officer may impose to protect the character of the district affected, and may be considered for reapplication. A fee set by the Town Board shall be charged for the processing of such application. The adopted fee schedule shall be posted in the Town Clerk's Office.

E. Right of Appeal

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

F. Penalty

Town of Newton Grove - Zoning Ordinance

Any person, firm, or corporation who violates the provisions of this Ordinance shall upon conviction be guilty of a misdemeanor and shall be fined not exceeding fifty (\$50) dollars and/or imprisoned not exceeding thirty (30) days. Each day of violation shall be considered a separate offense.

G. Remedies

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

H. Complaints Regarding Violations

When a violation of this Ordinance occurs or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the cause and basis thereof and shall be filed with the Administrative Official. He/she shall record properly such complaint, investigate within ten (10) days, and take action thereon as provided in these regulations.

I. Cancellation of Permits

A demolition, building, or occupancy permit shall be cancelled by the Administrative Officer when the method of demolition, construction, or use violates any provisions contained in these regulations, or any state or local ordinance or resolution. Upon such cancellation, any further work upon the demolition, construction, alteration, or repair on said building or structure, or further use of said building or structure or land shall be deemed a violation. Each and every day such unlawful demolition, construction, alteration or repair on said building or structure, or further use of said building or structure or land continues shall be deemed a separate offense.

J. Certificate of Occupancy

No land shall be used or occupied, except for agricultural purposes, and no building hereafter structurally altered, erected, or moved shall be used or occupied until a certificate of occupancy shall have been issued by the Administrative Officer stating that the building and/or the proposed use thereof complies with the provisions of this Ordinance and any other appropriate regulatory codes. A like certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a nonconforming use. A certificate of occupancy, either for the whole or part of a building, shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or structural alterations of such building, or part, shall have been

Town of Newton Grove - Zoning Ordinance

completed in conformity with the provisions of this Ordinance and any other appropriate regulatory codes. A record of all certificates shall be kept on file in the office of the Administrative Officer and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building erected. No permit for excavation for, or erection of, a building shall be issued until after a statement of its intended use has been filed by the applicant.

Section 4. Nonconforming Uses

4.1 Continuance of Nonconforming Buildings

The nonconforming use of a building existing at the time of the passage of this Ordinance shall not be affected by this Ordinance, although if such use does not conform to the provisions of this Ordinance, such use may be extended throughout the building provided no structural alterations except those required by law or ordinance or ordered by an authorized officer to secure the safety of the building are made therein but no such use shall be extended to occupy and land outside such building. The size of the nonconforming building shall not be increased. If such nonconforming building is removed or the nonconforming use of such building is discontinued for a continuous period of more than one hundred and eighty (180) days, every future use of such premises shall be in conformity with the provisions of this Ordinance. (Manufactured Home Parks existing at the time of the passage of this Ordinance shall not be treated as nonconforming uses; see Section 8.)

4.2 Continuance of Nonconforming Uses of Land

The lawful use of "land" existing at the time of the passage of this Ordinance, although such use does not conform to the provisions of this Ordinance, shall not be affected by this Ordinance provided, however, that no such nonconforming use be extended to occupy a greater area of land than that occupied by such use at the time of the passage of this Ordinance. If such nonconforming use is discontinued for a continuous period of more than one hundred and eighty (180) days, any future use of said land shall be in conformity with the provision of this Ordinance.

4.3 Nonconforming Use

A nonconforming use shall not be allowed to change and shall remain the same use.

4.4 Reconstruction Prohibited

Nothing in this Ordinance shall be construed to prevent the restoration of a building destroyed to the extent of not more than sixty (60) percent of its assessed value at the time of destruction by fire, explosion, or other casualty, if such construction is begun within one hundred and eighty (180) days of the date of such damage. Owner occupied residences which are nonconforming uses may be rebuilt regardless of the extent of the destruction. A rebuilt structure shall not be a larger building than what was existing.

4.5 Normal Maintenance and Repair of Nonconforming Uses

Town of Newton Grove - Zoning Ordinance

Normal maintenance and repair in a building occupied by a nonconforming use is permitted provided it does not increase the bulk of the structure nor extend the nonconforming use.

Section 5. General Provisions

5.1 Required Yards Not to be Used by Another Building

The minimum yards or other open spaces required by this Ordinance for each and every building hereafter erected, moved, or structurally altered shall not be encroached upon or considered as meeting the yard or open space requirements of any other building.

5.2 Relationship of Building to Lots

Every building hereafter erected, moved, or structurally altered shall be located on a lot and in no case shall there be more than one principal building and its customary accessory buildings on the lot except in the case of designed complex of institutional, residential, commercial, industrial buildings in an appropriate zoning district, i.e., school campus, cluster housing, shopping center, etc.

5.3 Street Access

No building shall be erected on a lot which does not abut a public street for a distance of at least twenty-five (25) feet provided, that in a designed shopping center in a commercial district, or a planned project in a residential district a building may be erected adjoining a parking area or other dedicated open space, used in common with other lots.

5.4 Reduction of Lot and Yard Areas Prohibited

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

5.5 Standards for Effluent and Emissions

All effluents and emissions into the air or surface or ground water from new development permitted by this Ordinance must be in conformity with applicable state, county, or town health and environmental regulations.

5.6 Newly Incorporated Areas

All territory which may hereafter be included within the zoning jurisdiction of the Town of Newton Grove shall be zoned by the Town Board at the time of such incorporation. For example by extra territorial jurisdiction or annexation.

5.7 Lot of Record

A. At the Time of Ordinance Adoption

Where the owner of a lot at the time of the adoption of this Ordinance or his successor in title thereto does not own sufficient land to enable him or her to conform to the dimensional requirements of this Ordinance, such lot may be used as a building site in the district in which it is located; provided, that the lot width and lot area are not more than twenty (20) percent below the minimum specified in this Ordinance. In any case 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 Adjustment may approve, as a special exception, such dimensions as shall conform as closely as possible to the required dimensions.

B. After the Ordinance Adoption

A lot created after the effective date of this Ordinance shall meet the minimum, area width and yard requirements established by this Ordinance. However, the owner of such a lot or yard that does not meet the minimum requirements may use the Board of Adjustment procedures and requirements to petition below the minimum requirements. The Board of Adjustment will evaluate whether to grant the lot and yard variance in accordance with Section 11.

5.8 Adjoining and Vacant Lots of Record

If two (2) or more adjoining and vacant lots of record are in a single ownership at any time after the adoption of this Ordinance and such lots individually have less frontage or area than the minimum requirements of the district in which such a single lot or several lots are located, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

5.9 Curb Cuts Giving Access to Public Rights-of-Way

Construction of curb cuts for purposes of ingress or egress to property abutting a public right-of-way shall be approved by the public authority in the Town which has jurisdiction over the maintenance of public streets and the North Carolina Department of Transportation where said curbs affect access to State Highways. Provision for all access work done on highway right-of-way is subject to approval by the Department of Transportation.

5.10 Height Limit Exceptions

The height limitations contained in the schedule of district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, mechanical equipment penthouses, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

5.11 Accessory Buildings

No accessory building shall be located in any required front or side yard but may be located to within five (5) feet of any rear property line or of a side property line when located behind the principal structure. (Amended 8/1999)

5.12 Manufactured Homes as Temporary Uses

Manufactured homes may be allowed as temporary quarters in any district at the discretion of the Administrative Officer. Examples of permitted temporary quarters are construction offices and temporary disaster relief quarters for any type of use. Permits for 60-day periods of use must be obtained from the Administrative Officer, who can renew the permits for additional 60-day periods at his discretion. Appeal of the Administrative Officer's decisions are to the Board of Adjustment.

5.13 Travel Trailers as Temporary Uses

The Administrative Officer may issue a temporary permit [not to exceed seven (7) days] allowing travel trailers to locate on lots provided that sanitary facilities are provided. Temporary permits may be renewed as long as the total stay for such trailers does not exceed twenty-one (21) consecutive days.

5.14 Vested Rights

The purpose of this section is to implement provisions of G.S. 160A-385.1 which establishes a statutory zoning vested right upon the approval of a site specific development plan.

A. Definition.

1. At the time that the landowner submits application for a conditional land use permit, the landowner must declare he is seeking to acquire a vested right pursuant to G.S. 160A-385.1 and the Town of Newton Grove Zoning Ordinance by completing the accompanying form.
2. The Planning Board will schedule the public hearing.
3. If a variance is needed with the site specific development plan, then a vested right shall not be conferred unless or until the necessary variance is obtained.

Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property may constitute a site specific development plan.

B. Establishment of Vested Right.

1. A vested right shall be established upon a valid approval, or approval of the conditional use permit. Such vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the subdivision plat, or conditional use permit.
2. A right which has been vested as provided for in this section shall remain vested for a period of two years. This vesting shall not be extended by any amendments or modifications unless expressly provided by the town.

C. Termination of a Vested Right.

A right which has been vested as provided in this section shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed. An established vested right runs with the land.

E. Changes and Exceptions.

A vested right, once established as provided for in this section, precludes (prevents from happening) any zoning action by the town which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site specific development plan. A vested right may be terminated by the Town with the following conditions.

1. There is a written explanation to the affected landowner.
2. Upon findings that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan.
3. To the extent that the affected landowner receives compensation for all costs and losses.

Town of Newton Grove - Zoning Ordinance

4. Upon findings that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the plan approval by the town.
5. Upon the enactment of a State or federal law or regulation which precludes development as contemplated in the site specific development plan.

Section 6. District Regulations

This Section 6 of the Zoning Ordinance regulates the zoning districts in the Town.

- **Residential Agricultural (RA) District**
- **Residential (R-20) District**
- **Office Institutional (OI) District**
- **Neighborhood Business (NB) District**
- **Thoroughfare Business (TB) District**
- **Central Business (CB) District**
- **Industrial (I) District**
- **Open Space (OS) District**

Also listed in this Section 6 is information regarding: the permitted dimensional requirements (lot, yards, building height, lot coverage); parking; buffers; off street parking and loading; use standards (Section 6.9), and Table of Uses (Section 6.10).

6.1 Residential Agriculture (RA) District

This district is composed of quiet, low density residential development and of open areas used as farm land and woodland. The regulations of this district are intended (1) to insure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at sufficiently low densities to insure a healthful environment and (2) to protect agricultural and residential areas from an influx of incompatible uses which would render such areas undesirable for farms and future development.

A. Table of Uses

Section 6.10 Table of Uses lists the permitted by right and conditional uses allowed in the Residential Agricultural (RA) district.

B. Dimensional Requirements

The following regulations limiting the bulk and arrangements of buildings shall govern all permitted and conditional uses in this district:

Lot

Width	Minimum 150 feet
Area	Minimum 30,000 square feet

Yards

Front	Minimum 30 feet
Rear	Minimum 35 feet
Side	Minimum 15 feet

Building Height	Maximum 35 feet
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Lot Coverage	The total ground area covered by the principal building and all accessory buildings shall not exceed 20 percent of the total lot area.
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C. Parking

Off-street parking shall be provided according to the provisions set forth in Section 7 of this Ordinance.

6.2 Residential (R-20) District

Town of Newton Grove - Zoning Ordinance

The Residential (R-20) district is established to accommodate single-family and planned residential developments at minimum urban densities in areas where urban services are available, to stabilize existing residential areas by limiting conflicting uses from occurring in such residential areas; to prevent unduly dense development in areas not receiving urban services; and to enhance the prospects for future residential development in an orderly manner.

A. Table of Uses

Section 6.10 Table of Uses lists the permitted by right and conditional uses allowed in the Residential (R-20) district.

B. Dimensional Requirements

Single-family dwelling

Lot

Width	Minimum 100 feet
Area	Minimum 20,000 square feet (without public sewer and water) Minimum 15,000 square feet (with public sewer or water)

Yards

Front	Minimum 30 feet
Rear	Minimum 25 feet
Side	Minimum 15 feet
Corner Side	Minimum 25 feet

Building Height	Maximum 35 feet
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Two-family dwelling (Conditional use, see Section 10)

Lot

Width	Minimum 150 feet
Area	Minimum 30,000 square feet (without public sewer and water) Minimum 20,000 square feet (with public sewer or water)

Yards	Same as for a single-family dwelling
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Building Height	Same as for a single-family dwelling
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Multi-family dwellings (conditional use; see Section 10)

Town of Newton Grove - Zoning Ordinance

Lot

Width	Minimum 150 feet
Area	Minimum 5,000 square feet per dwelling unit

Yards

Front	Minimum 30 feet
Rear	Minimum 40 feet
Side	Minimum 18 feet

Building Height Maximum 40 feet

Lot Coverage Maximum 40 percent of lot area

Other uses permitted in zone

Lot

Width	Minimum 150 feet
Area	Minimum 20,000 square feet

Yards

Front	Minimum 30 feet
Rear	Minimum 18 feet

Building Height Maximum 35 feet

Lot Coverage Maximum 50 percent of lot area

6.3 Office and Institutional (OI) District

The Office and Institutional District is established primarily for office and institutional uses which have limited contact with the general public and which cause no offensive noises, odors, smoke, fumes, or other objectionable conditions. This district is usually adjacent to residential districts.

A. Table of Uses

Section 6.10 Table of Uses lists the permitted by right and conditional uses allowed in the Office and Institutional (OI) district.

B. Dimensional Requirements

The following regulations limiting the bulk and arrangements of buildings shall govern all permitted and conditional uses in this district:

Lot

Width	Minimum 100 feet (for 20,000-square-foot lots) Minimum 80 feet (for 10,000 square-foot lots)
Area	Minimum 20,000 square feet (without public sewer and water) Minimum 10,000 square feet (with public or community sewer or water)

Yards

Front	Minimum 30 feet
Rear	Minimum 25 feet
Side	Minimum 15 feet
Corner Side	Minimum 25 feet

Building Height Maximum 35 feet

Lot Coverage Maximum 50 percent of lot area

C. Required Buffer

Required buffer screen language is in Section 10.3.E.

D. Parking

Town of Newton Grove - Zoning Ordinance

Off-street parking shall be provided according to the provisions set forth in Section 7 of this Ordinance.

E. Signs

All signs shall conform to the provisions set forth in Section 9 of this ordinance.

6.4 Neighborhood Business (NB) District

The Neighborhood Business (NB) district is established to provide goods and services for the frequent needs of neighborhood residents and to assure that operation of neighborhood business is not detrimental to adjacent residential uses.

A. Table of Uses

Section 6.10 Table of Uses lists the permitted by right and conditional uses allowed in the Neighborhood Business (NB) district.

B. Required Buffering

Required buffer screen language is in Section 10.3.E.

C. Off-Street Parking and Loading

Off-street parking shall be provided according to the provisions set forth in Section 7 of this Ordinance.

D. Dimensional Requirements

Lot

Width	Minimum 100 feet
Area	Minimum 6,000 square feet

Yards

Front	Minimum 20 feet
Side	Minimum 18 feet adjacent to residential districts. In cases where a side yard is provided but not required or where the side yard abuts a public right-of-way, it shall be at least 10 feet in width.
Rear	Minimum 20 feet

Building Height	Maximum 35 feet
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E. Signs

All signs shall conform to the provisions set forth in Section 9 of this Ordinance.

6.5 Thoroughfare Business (TB) District

The principal use of land in this district shall be for the wholesaling and retailing of durable goods and services and for planned shopping areas located adjacent to major thoroughfares leading into and around the developed areas. This district is also designed to encourage the provision of services to travelers.

A. Table of Uses

Section 6.10 Table of Uses lists the permitted by right and conditional uses allowed in the Thoroughfare Business (TB) district.

B. Dimensional Requirements

Lot

Width	100 feet
Area	20,000 square feet (30,000 feet where not provided with public sewer and water)

Yards

Front	Minimum 50 feet. A strip at least 15 feet wide adjoining the street shall be developed with sidewalks, grass, and plants and necessary entrances and exits of driveways. Off-street parking shall not be permitted in this minimum required front yard area.
Side	Minimum 15 feet adjacent to residential districts. In cases where a side yard is provided but not required or where the side yard abuts a public right-of-way, it shall be at least 10 feet in width.
Rear	Minimum 25 feet

Building

Height	Maximum 35 feet
Area	Maximum 50 percent of lot area

C. Required Buffers

Required buffer screen language is in Section 10.3.E.

D. Off-Street Parking

Off-street parking shall be provided according to the provisions set forth in Section 7 of this Ordinance.

E. Signs

All signs shall conform to the provisions set forth in Section 9 of this Ordinance.

6.6 Central Business (CB) District

The principal use of land in this district shall be for concentrated business development. Regulations are intended to encourage the construction of and the continued use of the land for downtown commercial and service areas; and to prohibit heavier commercial and industrial uses which would substantially interfere with the orderly growth of the district to meet the needs of increased populations in the market area.

A. Table of Uses

Section 6.10 Table of Uses lists the permitted by right and conditional uses allowed in the Central Business (TB) district.

B. Dimensional Requirements

No front yards are required.

Minimum required depth of rear yard - 10 feet.

No side yards are required except on lots that are adjacent to residentially zoned lots. These lots shall have a minimum of twenty (20) foot side yards. In instances where a side yard is provided although not required, it shall be at least ten (10) feet in width.

No building shall exceed forty (40) feet in height.

C. Off-Street Parking and Loading

Off-street parking and loading shall be provided according to the provisions set forth in Section 7 of this Ordinance, with the following exceptions:

1. Hotels, motels, and similar uses shall meet the parking requirements of Section 7.1.E.
2. Banks and other establishments with drive-in windows shall file a circulation plan providing adequate off-street waiting lanes for drive-in customers.
3. The Town Board, upon recommendation by the Planning Board, may waive parking requirements.

D. Signs

All signs shall conform to the provisions set forth in Section 9 of this Ordinance.

6.7 Industrial (I) District

This district includes warehousing, mixed industrial, and industrial- heavy commercial type uses. The purpose is to promote and protect both existing industrial activities and potential sites where urban services are available and which are considered suitable for continued or future industrial use; to prohibit uses or land which would substantially interfere with the continuation of uses permitted in the district; and to promote the operation of industrial facilities in a relatively clean and quiet manner.

A. Table of Uses

Section 6.10 Table of Uses lists the permitted by right and conditional uses allowed in the Industrial (I) district.

B. Dimensional Requirements

Lot

Width	Minimum 100 feet
Area	Minimum 1 acre

Yards

Front	Minimum depth, 15 feet, which shall be devoted to sidewalks, plantings, and necessary driveways. Off-street parking shall not be permitted in front yard area.
Side	Minimum 15 feet
Rear	Minimum 20 feet

Building Height

Maximum building height, 40 feet, unless the depth of front yard and total width of side yards required be increased 5 feet for each 10 feet or fraction thereof of building height in excess of 40 feet.

Lot Coverage

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

C. Conditional Industrial Uses

An industrial use may be allowed with a conditional permit when the Town Board finds that there is conformance with to the following requirements:

1. There is no unusual fire, explosion, or safety hazard.

Town of Newton Grove - Zoning Ordinance

2. There is no emission of fly ash, dust, fumes, vapors, mist, or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property.
3. There is no production of heat or glare perceptible from any lot line of the premises on which the use is located.
4. There is no emission of any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside the premises.

D. Required Buffers

Required buffer screen language is in Section 10.3.E.

E. Off-Street Parking and Loading

Off-street parking and loading shall be provided according to the provisions set forth in Section 7 of this Ordinance.

F. Signs

All signs shall conform to the provisions set forth in Section 9 of this Ordinance.

6.8 Open Space (OS) District

The open space district is established as a district in which the primary use of the land is predominantly reserved for flood control, future thoroughfare right-of-way, public recreation, community facility sites, airport approaches, natural or man-made bodies of water, forests, and other similar open space uses. In promoting the general purposes of this Ordinance, the specific intent of this subsection is:

1. To encourage the preservation of, and continued use of, the land for conservation purposes.
2. To prohibit residential, commercial, and industrial use of the land, and to prohibit any other use which would substantially interfere with the preservation of this district.
3. To encourage the discontinuance of uses that would not be permitted as uses in the district.

A. Permitted Uses

The permitted uses for the Open Space (OS) district are shown in Section 6.10 Table of Uses. They also include: buffers, roads, cemeteries, soil conservation districts, streets, watersheds, highways, and railroad tracks.

B. Dimensional Requirements

There shall be no minimum lot areas, widths, or yards required due to the exceptional physical characteristics of this zoned district.

C. Off-Street Parking Requirement

Off-street parking shall be provided, as required in Section 7 of this Ordinance.

6.9 Use Standards

The following use standards are to be used with Section 6.10 Table of Uses.

Accessory use and structure

Any use or structure customarily incidental to a principal use or structure or to a conditional use for which a permit has been issued.

Accessory building to residential use, provided that no accessory building shall be rented or occupied for gain and provided that no accessory building shall be constructed upon a lot until the construction of the main building has commenced. For residential lot less than 40,000 square feet, two (2) accessory uses shall be allowed; for residential lots 40,000 square feet or more, three (3) accessory uses are allowed; for every additional 20,000 square feet (over 40,000), one (1) additional accessory building shall be allowed.

Automobile, vehicle wrecking and salvage yard

This facility and similar types of used material industry when conducted within a structure or on a lot enclosed by a solid fence at least six (6) feet in height, provided that the Town Board finds that such a wrecking yard will not have an injurious effect on the public interest or welfare.

Construction trailer - temporary

A manufactured home or unit or trailer that is used as a temporary office or commercial establishment while permanent quarters are being constructed. Should construction not begin within (6) months of the establishment of the temporary use, such use must be discontinued. However, the Board of Zoning Adjustment may extend the temporary zoning compliance permit for an additional six (6) months if the Board receives adequate assurances that construction of the permanent building will commence within the extended time period.

Industrial shop, repair and trade

Shop such as carpentry, electrical, plumbing, heating and ventilating, upholstery, decorating, paint, and sign shops. Provided that all materials are stored and operations shall take place within an enclosed building.

Telecommunication Facilities

A. Defined

Telecommunication facilities are towers and antennas that are greater than 60 feet in height; or the facilities have the following characteristics: a set of

Town of Newton Grove - Zoning Ordinance

equipment and network components exclusive of the underlying wireless support structure or tower; may include antennas, transmitters, receivers, base stations, power supplies, and cabling; and associated equipment necessary to provide wireless data and telecommunication services to a discrete geographic location.

B. Zoning Districts Allowed

A telecommunication facility is permitted with a Conditional Use Permit in the following zoning districts: Residential Agricultural (RA); Office Institutional (OI); Thoroughfare Business (TB); and Industrial (I) as shown in Section 6.10 Table of Uses.

C. Permit Application

The submitted Conditional Use Permit application shall contain the following information.

1. Identification of the intended user(s) of the tower.
2. A site plan showing the site of the proposed tower and all existing structures within 500 feet thereof drawn to scale, including descriptions of the color and nature of exterior material.
3. A landscape plan drawn to the same scale as the site plan showing existing and proposed trees, shrubs, ground cover, and other landscape materials.
4. Documentation by the applicant that no suitable existing facilities within the coverage area are available to the applicant.
5. Documentation provided by a registered engineer that the tower has sufficient structural integrity to accommodate more than one user.
6. A statement indicating the owner's intent to allow shared use of the tower and how many other users can be accommodated.
7. Documentation from applicable State or Federal agencies indicating requirements that affect the appearance of the proposed tower, such as lighting and coloring.
8. A statement shall be submitted indicating that the proposed facility and its equipment will comply with all Federal, State, and local emission requirements.

D. Cessation of Use

It shall be the responsibility of the applicant and landowner to remove the tower and all associated components within 12 months of the cessation of use.

E. Setbacks

When located on property adjacent to a residential zoning district, minimum setbacks from the base of the tower to the property line shall be equal to the height of the tower at its highest point. When located on property adjacent to non-residential zoning districts, minimum setbacks from the base of the tower to the property line shall be 20% of the tower height, or the minimum required setback, whichever is greater.

F. Security Fencing

Security fencing shall be provided around the tower base or around the perimeter of the site. Vegetation for use as a buffer shall be located on the outside of the fence.

G. Visual Characteristics and Lighting

The color of the tower shall be a natural tone, except to the extent required by law, so as to minimize its visual impact. No commercial advertisements may be located on the tower. The tower will not be artificially lighted unless required by the FAA, FCC, or other Federal or State agency. Where such agencies allow a choice between painting the tower or installing strobe lighting, painting shall be the preferred choice.

H. Fall Zone Buffer

A facility located on the ground or top of a tower accessory structure are required to incorporate a fall zone buffer which is a land buffer around a tower base to provide for containment of the tower to the site in the event that it falls.

I. Co-Location Encouraged

To further encourage co-location, additional users and associated equipment that do not add to the tower's height may be added without additional approval. However, additional building code regulations may apply.

Water and sewer treatment plant

Town of Newton Grove - Zoning Ordinance

All structures except fences shall be set back from all property lines by at least one foot for every foot of structure height. All such structures shall be architecturally in keeping with surrounding development.

Wholesale storage, distribution and sales of petroleum

This facility shall not have above-ground storage tank closer than fifty (50) feet to any property line. This use shall conform with state, county, and town regulation governing the storage of combustible fuel.

Town of Newton Grove - Zoning Ordinance

Section 6.10 Table of Uses

See Section 6 District Regulations for Information.

RA = Residential – Agricultural OI = Office and Institutional TB = Thoroughfare Business I = Industrial
 R-20 = Residential NB = Neighborhood Business CB = Central Business OS = Open Space

“p” = Permitted by right; “c” = Conditional use permit; “d” = Development standards.

List of Uses	RA	R-20	OI	NB	TB	CB	I	OS
Agriculture and Farming Uses								
Agriculture (including orchards, pasturage, and field crop, but not including commercial production of swine, poultry, or poultry product)	p	p					p	
Nature preserve, cemetery, open space land, commons, parking, crop field, park, trail, pasture, tree farm, horse path, public building. <i>Note: golf course is listed in recreational use</i>								p
Residential Uses								
Manufactured Home, Class “B”	p							
Manufactured Home, Class “A”	p	c						
Manufactured home park (see Section 8 standards)	c, d							
Dwelling, single family	p	p						
Dwelling, two family (<u>duplex</u>)	c	c						
Dwelling, multifamily (served by public water and sewer)	c	c						
Boarding house	c		c	c				
Education, Government and Institution Uses								
Cemetery	c	c						
Library			p	p	p	p		
Office for government and service			p	p	p	p		
Public building providing office or service, with no outside storage or maintenance yard permitted			c	c	p	p	p	

Town of Newton Grove - Zoning Ordinance

Section 6.10 Table of Uses

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List of Uses	RA	R-20	OI	NB	TB	CB	I	OS
Religious use, including church and other place of worship; religious education building and parish house	p	p	p	p		p		
School, college, library, public institution	c	c	p	p	p	p		
Recreational Uses								
Club facility, meeting hall, lodge, and athletic facility	c	c	p					
Golf course	c	c						c
Social use, such as social hall, lodge, fraternal organization, club and similar activity				c	p	p		
Public park and recreation facility (indoor and outdoor)	p	p	p	p	p	p		p
Recreation, private non-profit (outdoor)	c	c						
Recreation use, such as bowling alley, miniature golf course, driving range and similar recreation			p	p	p	p		
Commercial Uses								
Animal hospital, kennel					c			
Bank			p	p	p	p		
Bed and breakfast inn	c	c	p	p				
Clinic, medical and dental			p	p	p	p		
Day care center, nursery	c	c	p	p				
Florist				p	p	p		

Town of Newton Grove - Zoning Ordinance

Section 6.10 Table of Uses

See Section 6 District Regulations for Information.

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List of Uses	RA	R-20	OI	NB	TB	CB	I	OS
Food and beverage store, general and specialty				p	p	p		
Funeral home, mortuary			p	p	p	p		
Hospital, nursing home, rehabilitation clinic, rest home, medical and dental clinic			c	c	p	p		
Hotel, motel					p	p		
Laundry, dry cleaner				p	p	p		
Laundromat, coin operated				p	p	p		
Office: business, professional, government and organizational purpose			p	p	p	p		
Eating establishment, restaurant				c	p	p		
Drug store				p	p	p		
Farm supply store	c			p	p	p	p	
Shop: repair, trade, carpentry, electrical, plumbing, heating and air conditioning, upholstery, decorating, paint, and signs				p	p	p	p	
Retail and service store				p	p	p		
Barber and beauty shop				p	p	p		
Service station and other auto oriented commercial establishment				c	p	p	p	
Shopping center				c	p	p		
Gift shop				p	p	p		

Town of Newton Grove - Zoning Ordinance

Section 6.10 Table of Uses

See Section 6 District Regulations for Information.

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List of Uses	RA	R-20	OI	NB	TB	CB	I	OS
Auto and vehicle sales and service					p			
Theater, movie				c	p	p		
Industrial Uses								
Automobile, vehicle wrecking and salvage yard (see standards Sections 6.7D and 6.9)							c, d	
Fertilizer manufacture and sale (see standards Section 6.7D)							c, d	
Wholesale storage, distribution and sale of petroleum. (see standards Sections 6.7D and 6.9)							c,d	
Industry conforming to requirements (Section 6.7D)							c, d	
Manufacture, assembly, process industry: (indoor only). See requirements (Section 6.7D)				c	c	p	p	
Manufacture, assembly, process industry: (outside activity allowed only). See requirements (Section 6.7D)							c	
Industrial shops, repair and trade (see standards Section 6.9) <i>Move wording to Section 6.9</i>				p, d	p, d	p, d	p, d	
<i>See above; combine with Wholesale storage, distribution and sales of petroleum.</i>								
Wholesale establishment not including salvage and used parts sales							p	
Transportation, Warehouse and Utility Uses								
Manufacture, assembly, process industry: (indoor only). See requirements (Section 6.7D)				c	c	p	p	

Town of Newton Grove - Zoning Ordinance

Section 6.10 Table of Uses

See Section 6 District Regulations for Information.

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List of Uses	RA	R-20	OI	NB	TB	CB	I	OS
Manufacture, assembly, process industry: (outside activity allowed only). See requirements (Section 6.7D)							c	
Industrial shops, repair and trade (see standards Section 6.9) <i>Move wording to Section 6.9</i>				p, d	p, d	p, d	p, d	
<i>See above; combine with Wholesale storage, distribution and sales of petroleum.</i>							ε	
Wholesale establishment not including salvage and used parts sales					ϕ		p	
Transportation, Warehouse and Utility Uses								
Parking lot	p	p	p	p	p	p	p	p
Utility line, pump station, related facility	p	p	p	p	p	p	p	p
Solar array medium facility					c d		c d	
Solar array large facility							c d	
Storage, including mini storage, self storage: indoor storage only					p	p	p	
Storage, including mini storage, self storage,: indoor and outdoor storage							p	
Telecommunication facilities (See standards Section 6.9)	c		c		c		c	
Wholesale, warehouse, and transfer activity							p	
Water and sewer treatment plant (See standards Section 6.9) <i>Move below wording standards Section 6.9.</i> <i>Utility lines and pump stations see above</i>							c,d	
Accessory and Temporary Uses								
Accessory use and structure (for residential standards see Section 6.9) <i>Move the wording standards to use development standards section of ordinance</i>	p,d	p,d	p	p	p	p	p	p
Storage, including mini storage, self storage,: indoor and outdoor storage							p	
Telecommunication facilities (See standards Section 6.9)	c		c		c		c	

Town of Newton Grove - Zoning Ordinance

Section 6.10 Table of Uses

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Wholesale, warehouse, and transfer activity								p	
Water and sewer treatment plant (See standards Section 6.9) <i>Move below wording standards Section 6.9.</i> <i>Utility lines and pump stations see above</i>								c,d	
Accessory and Temporary Uses									
Accessory use and structure (for residential standards see Section 6.9) <i>Move the wording standards to use development standards section of ordinance</i>	p,d	p,d	p	p	p	p	p	p	p
Circus, carnival, fair								c	
Home occupation	p	p		∅					
Construction trailer - temporary (See standards Section 6.9) <i>Move the wording standards to use development standards section of ordinance</i>	c, d	c, d	c, d	c, d	c, d	c, d	c, d	c, d	c, d
Solar array accessory use	p, d	p, d	p, d	p, d	p, d	p, d	p, d	p, d	p ¹ , d
Taxi stand							p		

1. Shall only be permitted as part of a public building.

Section 7. Off-Street Parking and Loading

7.1 Off-Street Parking Requirements

Off-Street automobile parking or storage space shall be provided on the same lot as the principal use except in the Central Business District and as provided in Section 7.1 C below at the time or erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area; or before conversion from one type of use or occupancy to another, in the amount specified by this section. Such parking space may be provided in a covered parking structure or properly graded open space.

A. Certification of Minimum Parking Requirements

Each application for a building permit or certificate of occupancy submitted to the Building Inspector as provided for in this Ordinance shall include information as to the location and dimensions of off-street parking and loading space and the means of exit and entrance to such space. This information shall be in sufficient detail to enable the Building Inspector to determine whether or not the requirements of this section are being met. The Town Board may, upon recommendation by the Planning Board, waive parking requirements for the CBD only.

B. Joint Use of Required Parking Space

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

C. Remote Parking Space

If the off-street parking space required by this Ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space shall be provided on any lot a substantial portion of which is within five hundred (500) feet of the main entrance of such principal use, provided such land is in the same ownership as the principal use or leased on a long-term basis for the specific purpose to serve as parking space for the aforesaid principal use.

D. Improvement and Location Standards

Town of Newton Grove - Zoning Ordinance

1. All off-street parking, including entrances, exits, and maneuvering and parking areas shall:
 - (a) Have the access drive(s) paved from the existing street paving to a point at least fifteen (15) feet beyond the public right-of-way, except that residential uses requiring less than five spaces shall be exempt from this paving requirement.
 - (b) Be permanently maintained by the owners.
2. In addition all parking lots that are used regularly at least five days per week, except as provided below, shall be paved up to the required paved driveway. This paving requirement shall not apply to:
 - (a) Parking lots used only by churches, private clubs, or similar organizations on an irregular schedule, and
 - (b) Parking lots for residential uses where less than five spaces are required.
3. A strip of land five (5) feet wide adjoining any street line or any zoned for residential uses shall be reserved as open space, guarded with wheel bumpers and planted in shrubbery.

E. Minimum Off-Street Parking Requirements

Off-street parking space shall be provided with vehicular access to a street or alley; such use shall not thereafter be encroached upon or altered; and shall be equal in number to at least the minimum requirements for the specific uses set forth below:

Use Classification	Parking Space Requirement
Auditorium or Theatre	One (1) space for each four (4) seats in the largest assembly area.
Banks	One (1) parking space for each two hundred square feet of gross floor space plus one (1) space for each two (2) employees.
Bowling Alley	Three (3) spaces per alley plus requirements for any other use associated with the establishment such as a restaurant, etc.

Town of Newton Grove - Zoning Ordinance

Church	One (1) space for each four (4) seats in the main chapel.
Club or Lodge	One (1) space for each two hundred (200) square feet of gross floor space.
Golf Courses	Four (4) spaces for each hole plus requirements for any other use associated with the golf course (restaurant, etc.).
Home Occupation	In addition to residence requirements one (1) parking space per five hundred (500) square feet of floor space devoted to the home occupation use.
Hospital	One (1) parking space for each two (2) beds plus one (1) space for each two (2) employees (nurses, attendants, etc.) plus one (1) space for each staff or visiting doctor.
Nursing Home	One (1) parking space for each two (2) beds plus one (1) space for each two (2) employees (nurses, attendants, etc.) plus one (1) space for each staff or visiting doctor.
Hotel	One (1) space for each room to be rented plus one additional space for each two (2) employees.
Industrial or Manufacturing Establishment or Warehouse	One (1) space for each two (2) employees on shift of greatest employment, one (1) parking space for each managerial personnel, one (1) visitor parking space for each ten (10) managerial personnel and one (1) space for each vehicle used directly in the conduct of the business.
Kindergarten or Nursery	One (1) space for each employee and four (4) spaces for off-street drop-off and pick-up.
Library	One (1) space for each three (3) seats provided for patron use.
Medical and	

Town of Newton Grove - Zoning Ordinance

Dental Offices	Four (4) spaces for each physician or dentist practicing at the clinic, plus one (1) space for each employee.
Mortuary or Funeral Home	One (1) space for each four (4) seats in the assembly room or chapel.
Motel, Motor Court or Tourist Home	One (1) space for each unit plus one (1) space for each two (2) employees plus requirements for any other use associated with the establishment.
Offices, <u>Professional</u> , Business and Public	One (1) space for each two hundred <u>fifty (250)</u> (200) square feet of floor area.
Restaurant, Cafe, Tavern or Other Place Serving Food or Drink	One (1) space for each four (4) seats plus one (1) space for each two (2) employees.
Rooming and Boarding Houses	One (1) space for each two (2) guest rooms, plus one (1) additional space for the owners.
Retail Uses Not Otherwise Listed	One (1) parking space for space for each three hundred (300) square feet of gross floor area.
School, Elementary and Junior High	One (1) space for each classroom and administrative office plus administrative office plus adequate facilities for school bus parking and convenient loading and unloading of students.
Service Station	Five (5) spaces for each lubrication rack and one (1) space for each two (2) employees.
Shopping Center	One (1) parking space for every three hundred (300) square feet of overall floor area.
Multi-Family Residence	One and one-half (1 1/2) spaces for each dwelling unit.

Town of Newton Grove - Zoning Ordinance

Single Family Residence and Duplex	Two (2) spaces for each dwelling unit.
Stadium	One (1) space for each eight (8) seats.

Special situations which are not covered by the above shall be handled by the Board of Adjustment. In such cases the Board of Adjustment shall make the final determination as to the number of spaces to be required, but shall in all cases give due consideration to the needs and space available, and shall classify the proposed use in one of the categories listed above.

7.2 Off-Street Loading

A. Off-Street Loading and Unloading Space Requirements

Every building or structure used for business, trade, or industry hereafter erected, shall provide space as indicated herein for the loading and unloading of vehicles off the street or public alley. Such space shall have adequate access to an alley or in the absence of an alley, a public street. For the purposes of this section, an off-street loading space shall have minimum dimensions of twelve (12) feet by fifty (50) feet exclusive of adequate access drives and maneuvering space, and overhead clearance of fifteen (15) feet in height above the alley or street grade. A loading space requirement may be modified or waived by the Board of Adjustment on application in the case of a bank, auditorium, theatre, assembly hall, or other building of similar limited space requirement.

B. Number of Required Off-Street Loading Spaces

<u>Square Feet of Gross Floor Area</u>	<u>Required Number of Spaces</u>
0 - 25,000	1
25,000 - 40,000	2
40,000 - 100,000	3
100,000 - 160,000	4
160,000 - 240,000	5
240,000 - 320,000	6
320,000 - 400,000	7
Each 90,000 above 400,000	1

Section 8. Manufactured Home Parks

8.1 Introduction

Although Manufactured Home Parks are a conditional use in the RA district, they are not allowed as either a permitted or conditional use in the other zoning districts within the town limits of Newton Grove. An existing mobile home parks will be allowed to continue operation only by complying with the following Sections 8.2 to 8.10.

8.2 Manufactured Homes

Only Class A or B manufactured homes (Section 15 – Definitions) may be erected in the manufactured home park. An existing non-conforming manufactured home (at the adoption date of this ordinance) may remain as a nonconforming use but shall be kept in good repair (Section 8.5.9).

8.3 Permits

1. It shall be unlawful for any person to maintain or operate a manufactured home park within the jurisdiction of this ordinance unless such person shall first obtain from the Town Board a Manufactured Home Park Operating Permit as described below.
2. The Manufactured Home Park Operating Permit shall be issued and subsequently renewed if the Town finds that all the provisions of this ordinance are being met.
3. No Manufactured Home Park Operating Permit shall be issued for any manufactured home park until the compliance plan has been approved by the Town Board.
4. A Temporary Manufactured Home Park Operating Permit shall be issued by the Zoning Officer permitting an existing park to be maintained and operated while the compliance plan is being prepared.
5. No person shall make any additions to a manufactured home park that alters the number of sites for manufactured homes within the park without the express permission of the Town Board. In addition, no person shall make any alteration to a park that affects the facilities required therein until he first secures a Business License authorizing such alteration.

8.4 Procedure

Town of Newton Grove - Zoning Ordinance

1. Once a Temporary Manufactured Home Park Operating Permit has been issued, a park owner will have a six-month period to develop and submit a park compliance plan to the Town Board.
2. The Park Compliance Plan shall show how the park presently complies or will, within a three-year period, comply with all standards listed in this Section 8.
3. Once the Park Compliance Plan is approved by the Town Board, the park owner will be issued a Manufactured Home Park Operating Permit, which is valid for three years. Six months prior to its expiration, the park owner will receive notice that the Manufactured Home Park Operating Permit must be renewed.
4. If no compliance plan is submitted, the park owner shall be considered to have chosen not to comply with the standards set forth in this Section 8, and will be considered to have chosen the alternative of ceasing operation upon the expiration of his Temporary Manufactured Home Park Operating Permit.
5. Upon recommendation by the Planning Board, the Town Board may waive an operating standard if the Board determines it infeasible for the operator.

8.5 Operating Standards

The following standards must be met in order to obtain a Manufactured Home Park Operating Permit, renewable every three years:

1. **Area.** The area of the manufactured home park shall be a minimum of five manufactured home spaces available at first occupancy.
2. **Density.** The maximum number of units allowed per acre of land shall be the same as the minimum area per unit required for multi-family dwellings (Section 6.2 B) subject to yard, and other setback requirements. When not served by public water and sewer, the minimum size manufactured home space shall be 7,500 square feet.
3. **Utilities.** The manufactured home park and all occupied units located in it must be connected to the municipal water and sewerage systems or other systems approved by the Sampson County Health Department or the North Carolina Division of Health Services and the North Carolina Division of Environmental Management.
4. **Yards and Setbacks.** All manufactured units and permanent structures must meet yard and setback requirements for principal structures in the district.

Town of Newton Grove - Zoning Ordinance

5. Other Permitted Uses. Service buildings, recreation buildings, and other areas or structures providing laundry, sanitation and managerial facilities are permitted and shall serve only the park in which they are located. No such facility shall have direct access to a public street but shall be served by the privately maintained roadway.
6. Access and Parking. Paved or gravel, privately maintained roadways must be provided for access to individual units and other facilities located within the park. No manufactured home shall have direct access to a public street.
7. Screening and Landscaping. The manufactured home park shall have a screening strip of plant material five (5) feet wide minimum adjacent to and within the park boundary extending along the entire perimeter of the park. This requirement may be waived by the Town Board upon the recommendation of the Planning Board along any boundary which is naturally screened by evergreen plant materials or topography. Screening strips shall not be a portion of any manufactured home space, street, or private drive. Evergreen shrubs shall be four (4) feet or more in height at the time of planting. The park shall be completely screened at a height of four (4) to six (6) feet from the view of adjacent properties. Plants in the existing hedge that die shall be replaced with a minimum of six (6) feet high plants. Landscaping shall be provided throughout the park with ample trees and shrubs to provide shade and break up open areas. All banks and open areas shall be grassed. The owner of the park is responsible to insure that the grass is mowed.
8. One Manufactured Home Per Space. No more than one (1) manufactured home may be parked on any manufactured home space.
9. Good Repair. All manufactured homes in the park shall be subject to code enforcement inspection by the Town or their agent. This inspection may include plumbing, heating, general dwelling repair, structural, skirt maintenance, and sewer or septic. All windows shall function (open and close) properly and broken windows shall be repaired. All loose siding, molding trim, roof shingles, leaks, or holes to the structure shall be repaired. Peeling exterior paint to the exterior of the manufactured home shall be removed, repainted with a matching color, and kept in good condition. Failure to comply with the preceding language constitutes a violation of the manufactured home park permit and may result in Town fines to the park owner (Section 3.2F) until the inspection repairs are completed. Neglect by the owner of the park may also lead to the manufactured home park permit being revoked by the Town Commissioners if the above and this entire Section 8 of the ordinance is not addressed.
10. Additions. A structural addition to a manufactured home other than those which are built into the unit and designed to fold out or extend from it shall be erected only after a building permit shall have been obtained. The addition shall conform

to the International Building Code with North Carolina Amendments and the setback requirements of this Ordinance. A check by the manufactured park owner and verified by the Town shall be required to ensure the proposed addition does not encroach on any part of a septic system.

11. Junked Items. No junked items or wrecked vehicles may remain in the manufactured home park.
12. Temporary Dwelling. Unless located in designated storage areas, campers, recreational vehicles, travel trailers, and other temporary dwelling structures are not permitted in the manufactured home park.
13. Garbage Collection. The manufactured home park owner shall be responsible for garbage collection. Arrangements may be made for a private vendor or other sources to collect garbage either from individual sites or from conveniently located dumpster sites. Individual garbage receptacles shall be waterproof and rodent proof. The method of garbage disposal shall be noted on the plan. Garbage shall be collected and disposed to prevent the creation of nuisance and public health hazards. Garbage containers shall be screened by an evergreen hedge or fence to a height of the receptacles. If a hedge is used it shall be maintained in good condition (Section 10).
14. Pest Control. Building and grounds shall be maintained free of rodent and insect infestation. Extermination methods and other control measures shall be in accordance with the requirements of licensed pest control operators. The manufactured home park owner shall be responsible for pest extermination and pest control measures to prevent the development of unsanitary conditions.
15. Maximum Number of Persons. As written in the definition of a Family (Section 15) the maximum number of persons who are unrelated that are permitted to live together in a manufactured home (dwelling unit) is 3 persons. More than 3 persons who are unrelated living together in the manufactured home is prohibited.
16. Lighting. The manufactured home park is to be lighted with street lamps that operate at night.

8.6 Manufactured Home Space Requirements

1. Access. Each space shall have access to an interior roadway with a width of at least 18 feet. No space shall have direct access to a public street.
2. Clearance. Each space shall be designed so that at least 30 feet clearance will be maintained between units and other structures within the park.

Town of Newton Grove - Zoning Ordinance

3. Setbacks. Manufactured home units shall be located so that at a 25-foot setback is maintained from the centerline of the private interior roadway.
4. Minimum Size. A manufactured home space shall consist of a minimum of seventy-five hundred (7,500) square feet and shall have a width of at least forty-five feet at the location of the manufactured home stand.
5. Patio. Each manufactured home space shall contain a patio of at least two hundred forty (240) square feet and have a minimum width of seven (7) feet. It must be constructed of concrete, brick, flagstone or other such hard surface material. A hard surface walkway, two (2) feet wide minimum, leading from the road or off-street parking space to the patio shall be provided.
6. Parking. Parking spaces sufficient to accommodate at least two (2) automobiles shall be constructed within each manufactured home space and they shall be graveled or covered with four (4) inches of crushed stone.
7. Grading. Each manufactured home space shall be graded and graded areas grassed to prevent erosion and provide adequate storm drainage away from the manufactured home.
8. Utilities. Each space shall have hook-up facilities for water, sewer, electricity, and telephone services. All occupied manufactured home units shall have and use sanitary facilities within the manufactured home unit. All manufactured homes shall be placed individually on approved home sites where all design standards and utilities have been completed.
9. Accessory Structure. An accessory structure such as a shed to a manufactured home shall be located only on the site space and may not be located in any required yard setbacks. The structure shall be kept in good repair (Section 8.5.9).
10. Marked Corners. Each manufactured home site shall have the front and rear corners clearly, permanently marked so that visual establishment of the boundaries of each site can be made.
11. Site Identification. Each manufactured home site shall be identified by a permanent number which shall not be changed. The appropriate number of each manufactured home site must be permanent and visibly displayed on each site once the site is occupied. Each number shall be placed on a concrete, wood, metal, or any permanent post and conspicuously located on the site.
12. Recreation Open Space. For new manufactured home park development a minimum of 5% of the total land area of the park shall be devoted to accessible

common open space intended for recreational use. These areas are to be separate from the manufactured home lot areas, and shall be grouped and of character suitable for active and passive recreation and shall be reasonably located for safe and convenient access to residents. No manufactured home be placed on any open common open space or recreation area within the park.

8.7 Additional Requirements

Each manufactured home shall be underpinned with materials and in a manner approved by the administrative officer within 30 days of the dwelling being brought to the site.

Manufactured home parks are permitted as a conditional use only, and may be developed following approval of an application for a conditional use permit.

The transfer of title of a manufactured home site or sites either by sale or by any other manner shall be prohibited within a manufactured home park as long as the park is in operation.

8.8 Application Procedure - Manufactured Home Park

A. Preliminary Plan

A preliminary plan drawn to a scale of not less than 1" = 200' nor more than 1" = 50 may be submitted to the Town Board prior to application for a permit. The sketch plan should include among other things:

- (a) Location of drives and parking areas.
- (b) Location of manufactured home spaces.
- (c) Location and sizes of service buildings and other service area.
- (d) Topography and contours in areas where major grading will occur.
- (e) Location, type and size of water supply and sewage systems.
- (f) Common open space recreational areas.

The owner and developer may discuss the proposed manufactured home park plan with the Administrative Officer, members of the Planning Board, and members of the Town Board to determine if the proposal meets the requirements and intent of this Ordinance.

B. Final Plan

Town of Newton Grove - Zoning Ordinance

Applications to the Town Board for a conditional use permit to construct, alter, or enlarge a mobile home park shall be accompanied by a plan for the park, prepared by a registered engineer or architect, drawn to a scale of not less than 1" = 200' nor more than 1' = 50'. Three copies shall be submitted. The plan shall show the following:

- (a) Locations of manufactured home spaces.
 - (b) Drives, parking areas, walks, and access to a public street.
 - (c) The name of the manufactured home park, the name(s) and the addresses of the owner(s), the developer if applicable and the designer of the park.
 - (d) Date, scale, and approximate North arrow.
 - (e) Location and uses of any proposed buildings and building lines.
 - (f) Proposed storm drainage plan for the entire manufactured home park.
 - (g) Location and dimensions of all recreation areas, open spaces and parks.
 - (h) When public water or public sewer is not available, a written statement from the County Health Department shall be submitted with the manufactured home park plan indicating that the manufactured home park has adequate land area and suitable topography and soils to accommodate the proposed methods of water supply and sewage disposal.
 - (i) Where a park is to be developed in sections, the plan shall show what part which is to be developed initially. No permit shall be issued for the initial establishment of any section of a manufactured home park with less than 5 spaces.
- (f) Garbage collection.

8.9 Operating Permit

When the developer of the manufactured home park is satisfied that construction has been completed in accordance with the terms of the conditional use granted by the Town Board, certification of the completion shall be made, and the site shall be inspected by the Administrative Officer or his representative. After completion of the manufactured home park in compliance with the approved plan and other application regulations has been ascertained, the Operating Permit shall be issued by the Administrative Officer.

The manufactured home park shall be maintained in compliance with the terms of the conditional use. In the event of violation of the conditional use, the Operating Permit may be revoked for a specific section of a manufactured home park which is in violation or for the manufactured home park in its entirety if necessary.

8.10 Annual Inspection of Manufactured Home Park

The Sampson County Health Department and Newton Grove Administrative Officer may conduct as many inspections of manufactured home parks as deemed necessary to insure the maintenance of applicable standards. The operators of manufactured home parks in Newton Grove shall once a year pay an annual inspection fee as posted in the Town Clerk's Office and the Operating Permit may be revoked if the fee is not paid.

Section 9. Solar Array

9.1 Solar Array Accessory Use

A. Solar Array Accessory Use – Defined

The solar array accessory use shall be no more than half the footprint of the primary structure on the lot, but no more than one acre.

B. Intent of Solar Array Accessory Use

Any photovoltaic, concentrated solar thermal, or solar hot water devices that are accessory to and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs.

C. Where Allowed - Solar Array Accessory Use - Table of Uses

A solar array accessory use is permitted by right in all the Town zoning districts (Section 6.10, Table of Uses) with the following development standards in Sections 9.1.D to 9.1.F.

D. General Standards - Solar Array Accessory Use

Residential and non-residential land uses shall be allowed to develop onsite solar arrays as an accessory use subject to submittal of a site plan and demonstrate compliance with all the following in this Section 9.1.D to 9.1.F.

1. Nothing detailed herein shall be construed as the Town mandating or requiring property owners adjacent, or in close proximity, to a parcel where a solar array is being erected to manage, remove, or otherwise alter foliage to guarantee solar access to a proposed array.
2. Device(s) shall provide power for the principal use of the property on which it is located and shall not be installed and or used solely for income generation purposes where power is sold either to a utility provider or other similar third party entity.

This provision shall be in no way construed as limiting the ability of the property owner to: transfer or sell excessive power generated onsite back to the utility provider or other third party entity; or receive credit from a local utility provider for the power generated onsite as a means to offset utility bills.

3. The property owner shall provide the Town with written authorization from the local utility company acknowledging and approving the utility connection.

Town of Newton Grove - Zoning Ordinance

4. The site plan shall denote the location of any batteries or similar storage devices onsite.
5. Solar panels shall be designed and oriented on the property such that concentrated solar radiation or glare shall not be directed onto nearby properties or road right-of-way, or otherwise create a safety hazard.
6. All mechanical equipment associated with and necessary for the operation of the array shall be shielded to avoid damage. This shielding may take the form of a small enclosed structure properly vented to allow for air flow or a fence.
7. A solar array shall not be located within the required setback areas of the underlying zoning district.
8. Before commencement of earth disturbing activities, the property owner must acknowledge that he/she is the responsible party for owning and ensuring the perpetual maintenance of the solar array.
9. In cases where a solar array has not been in operation for a period of 6 months due to a malfunction or other defect the property owner shall repair the system within 30 days of notice from the Town in accordance the zoning ordinance.
10. In cases where the array has been deemed unsafe it shall be repaired or immediately removed.

E. Standards for Building Mounted Devices - Solar Array Accessory Use

1. An array may be mounted on the roof of a principal or an accessory structure located on the property.
2. The array shall be viewed as an extension of the roof structure and as a result, shall not exceed the maximum building height for the underlying zoning district where the property is located.
3. As part of the building permit review process, structural engineering shall be provided demonstrating the roof can support the weight of the proposed array.
4. Roof mounted systems shall not exceed the maximum height for the applicable zoning district.

F. Standards for Ground Mounted Devices - Solar Array Accessory Use

Town of Newton Grove - Zoning Ordinance

1. The ground mounted system shall not exceed a maximum height of 15 feet from finished grade.
2. Arrays shall observe the setback requirements of the underlying zoning district where the property is located.
3. An array in the R-20 district shall only be permitted within the side and rear portions of a property.
4. Arrays shall not be located in septic system areas as identified by the County environmental health department.
5. Ground mechanical equipment on residential property is to be screened with a landscaped maintained opaque hedge within three years of planting and or a fence.
6. If a ground mounted array is removed, any earth disturbance shall be graded and reseeded within 60 days.

9.2 Solar Array – Medium and Large Facilities

A. Solar Array Medium Facility – Defined

A ground mounted system less than or equal to 10 acres.

B. Solar Array Large Facility – Defined

A ground mounted system greater than 10 acres.

C. Intent of Medium and Large Solar Array Facility

A solar facility located on a developed or undeveloped parcel of property producing power that converts sunlight into electricity, whether by photo-voltaics, concentrating solar thermal devices, or various experimental solar technologies, with the purpose of supplying power to existing land use(s) as well as the wholesale or retail sale of generated electricity

D. Where Allowed - Solar Array Medium and Large Facility - Table of Uses

A solar array medium facility is permitted in the Thoroughfare Business (TB) and Industrial (I) zoning districts, and a solar array large facility is permitted in the Industrial (I) zoning district (Section 6.10, Table of Uses) with the following development standards in Sections 9.2.E to 9.2.G. A conditional use permit is required for a solar array medium or large facility.

E. Submittal Requirements - Solar Array Medium and Large Facility

In addition to the information required by a conditional use permit, the following shall be submitted as part of the application in this Section 9.2.E.

1. A site plan showing all existing structures on the property, any proposed buildings or structures that are necessary to support the proposed array, existing and proposed storage areas, parking and access areas, topography at a contour interval of five feet, and any officially designated floodplains.
2. An assessment of the power needs for all structures on the property and the anticipated power generated by the proposed array.
3. The proposed arrays distance from all structures located on the property.
4. Plans and elevations for all proposed structures and arrays as well as descriptions and nature of all exterior materials.
5. The portion(s) of the solar array medium or large facility that is (are) adjacent to residential property (R-20 and RA zoning districts) and town, county, or state roads shall be screened to a height of the solar array with a maintained opaque landscaped hedge within three years of planting. For example if the solar array is 12 feet high it must be screened to this height. Existing vegetation may be used to satisfy the landscaping requirements. Typical plants that may be used include evergreen trees and shrubs. For every one hundred linear feet a minimum of 4 trees and 45 shrubs shall be installed to provide continuous coverage. Section 10 and Appendix 1 provides additional landscaping and information regarding vegetative plantings. Additional buffer screening as deemed reasonable and appropriate as part of the Conditional Use Permit by the Planning Board and Town Commissioners may be required.
6. Each owner, operator, or maintainer of a solar array medium or large facility shall use good plant vegetation husbandry techniques, including but not limited to property pruning, fertilizer and mulching. This is so that the vegetation will reach maturity as soon as practical and will have opaque foliage (in conformance with Section 2.E.5 above). Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time. It is the responsibility of the owner to maintain the opaque hedge.
7. The portion(s) of the solar array medium or large facility that is (are) adjacent to buildings or parking lots on adjacent property in the Thoroughfare Business (TB) and Industrial (I) RA zoning districts shall have an opaque buffer that is a minimum of 8 feet high within three years of planting. For every one hundred linear feet a

Town of Newton Grove - Zoning Ordinance

minimum of 3 trees and 20 evergreen shrubs (5 feet apart) shall be installed to provide continuous coverage. Additional buffer screening as deemed reasonable and appropriate as part of the Conditional Use Permit by the Planning Board and Town Commissioners may be required.

8. A soils report denoting the types of soil on the property including detail on the compaction necessary to support the proposed development.
9. All improved areas of the solar array medium or large facility shall be at least 100 feet from a public road and 50 feet from a side and rear property line. Improved areas shall be at least 300 feet from any residence on adjoining property, schools, or churches.
10. Any glare generated by the facility must be mitigated or directed away from an adjoining property or adjacent road when it creates a nuisance or safety hazard.
11. A solar array medium or large facility shall be completely fenced. The fence shall be a continuous barrier extending from the surface of the ground to a uniform height of not less than six (6) feet from the ground at any given point constructed of metal, wood, or stone. The perimeter fence shall be designed to restrict unauthorized access. The fencing shall be located inside the required vegetation buffer (Section 9.2.E).
12. A surety bond by the facility owner and landowner shall be submitted to the Town. The amount shall be in determined and be in accordance with an approved Town fee schedule.

F. Standards of Evaluation - Solar Array Medium and Large Facility

1. All on-site utility and transmission lines shall to the extent feasible be placed underground.
2. The height of proposed arrays and support structures shall not exceed the height requirements of the underlying zoning district where the property is located.
3. Individual array solar panels shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.
4. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. Applicable safety signage shall be posted on the property including a contact number in case of emergency.

Town of Newton Grove - Zoning Ordinance

5. All mechanical equipment including any structure for batteries or storage cells, shall be completely enclosed by a minimum six (6) foot high fence with a self-locking gate and screened with an opaque landscaped hedge and or fence.
6. The applicant shall submit proof of liability insurance covering bodily injury and property damage demonstrating a minimum coverage limit of \$500,000.00 per occurrence.

G. Decommissioning - Solar Array Medium and Large Facility

1. The applicant agrees to the following conditions in this Section 9.2.G in case the utility is to be abandoned.
2. The solar array owner and property owner shall complete and submit by US Post Office registered mail to the Town the Solar Array Facility Decommissioning Plan. The form to use is available from the Town. The submitted form shall be notarized.
3. The solar array owner and property owner of the facility is required to notify the zoning administrator in writing 60 days prior to planned the cessation or abandonment of the facility for any reason. This notice shall provide the exact date when the use of the facility will cease.
4. Documentation shall be provided by the solar array owner and property owner indicating that the public utility purchasing the power has been made aware of the decision.
5. The facility shall be removed by the solar array owner and property owner within 12 months from the date the applicant ceases use of the facility.
6. Once the infrastructure is removed the by the solar array owner and property owner shall obtain the necessary county or state erosion control permits to re-stabilize the property.
7. The solar array owner and property owner shall provide financial security in the form and amount acceptable to the Town to secure the expense of dismantling and removing the structure.

The Town requires a surety-performance bond or certified check meeting terms and amounts determined by the Planning Board to ensure decommission and removal of hazardous material is expeditiously completed at no cost to the Town.

This is to ensure full completion of decommissioning requirements regarding mitigation and abatement of public nuisances, health hazards from debris, and hazardous material, whether by natural or man-made causes.

Town of Newton Grove - Zoning Ordinance

Upon removal of the solar facility the Town through the quasi-judicial process shall revoke the conditional use permit.

Section 10. Landscaping and Buffer Screening

10.1 Intent and Applicability

The landscaping regulations apply to both public and private property. The purpose and intent of these regulations is to establish minimum standards for preservation of existing and the planting of new trees and shrubbery for the following.

- Better control soil erosion.
- Reduce the hazards of flooding.
- Stabilize ground water tables.
- Absorb carbon dioxide.
- Provide shade for cooling.
- Screen noise, dust, and glare.
- Enhance property values.
- Provide architectural interest and human scale.
- Preserve and enhance the natural environment.
- Maintain and or improve aesthetic values.

The standards in this Section 10 shall apply to all new development in the Town except for the development of single family and duplex dwellings. The standards in this Section 10 also apply to redevelopment where 5 or more new parking spaces are installed. The applicant shall address the standards of this Section 10 with a site landscaping plan with the applicable information to the zoning ordinance administrator including tree preservation, landscaping, and or buffer screening.

10.2 Tree Preservation

A. Preservation of Existing Vegetation

Existing vegetation shall be preserved whenever feasible. When selecting which trees to preserve, the following shall be considered: existing and proposed grading; age, condition and type of tree; and location of site improvements and utility connections. In the critical root zone of the trees to be preserved the following activity is prohibited: trenching, placing backfill, driving or parking equipment, dumping of trash, spilling oil, paint or other materials detrimental to plant health.

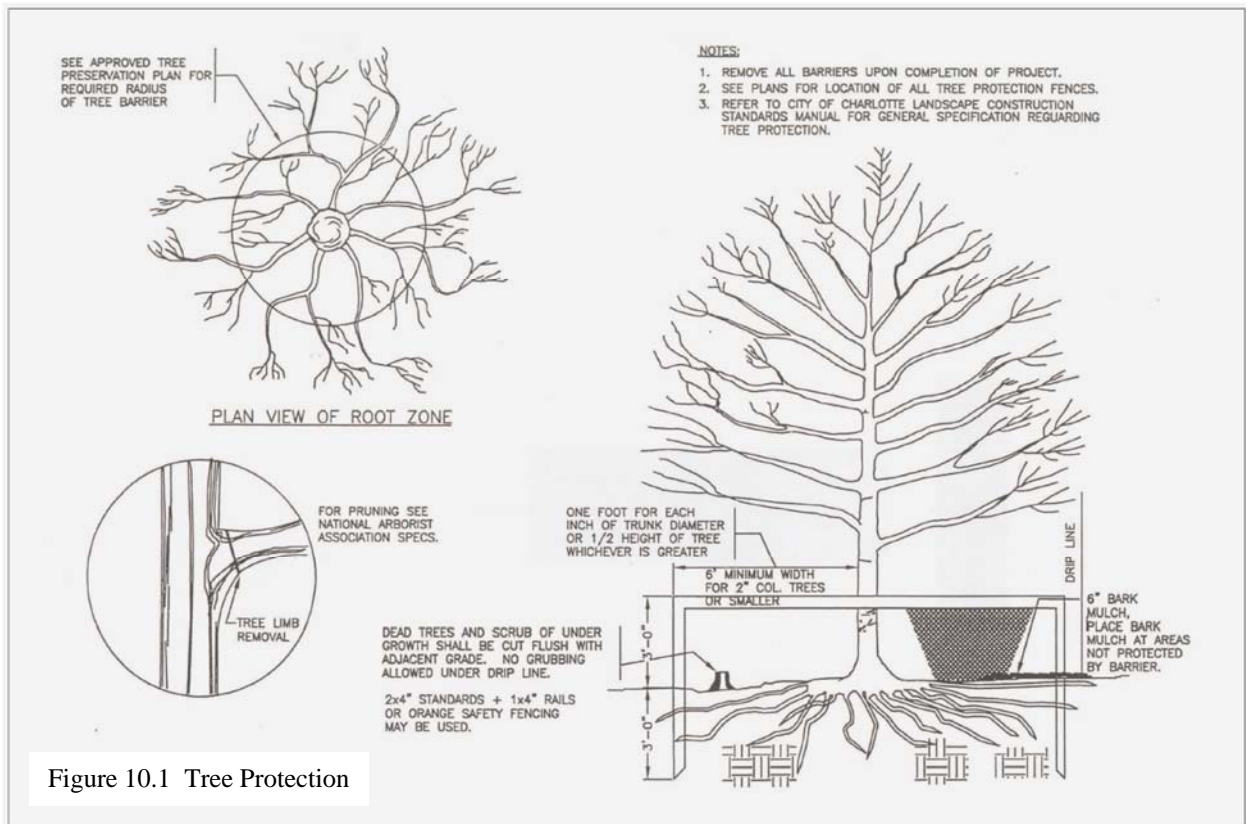
B. Preservation of Existing Vegetation During Construction

Protective barricades shall be placed around all trees designated to be saved, prior to the start of development activities or grading. These barricades shall consist of 2" x 4" posts with 1" x 4" rails or orange safety fence. Protective barricades shall remain in place until development activities are complete. The area within the protective barricade shall remain free of all building

Town of Newton Grove - Zoning Ordinance

materials, stockpiled soil or other construction debris. Construction traffic, storage of vehicles and materials, and grading shall not take place within the protective areas of the existing trees. Barricades shall be erected at a recommended minimum distance from the base of protected trees according to the following standards:

1. For trees 10" or less diameter at breast height (DBH): Protective barricades shall be placed a minimum distance of 10' from the base of each protected tree, or outside the drip line, whichever is greater.
2. For trees greater than 10" DBH: Protective barricades shall be placed at a minimum distance equal to 10' from the base of a protected tree plus an additional 1' for each additional 1" DBH greater than 10" DBH, or outside the drip line, whichever is greater.



Construction access to a site should occur where an existing or proposed entrance or exit is located. Land disturbance within a tree drip line is strongly discouraged except for driveway access points, sidewalks, and curb and gutter. Where grading within a tree drip line cannot be avoided, cut and fill shall be limited to 1/4 to 1/3 of the area within the drip line. Tree roots must be pruned with clean cuts at the edge of the disturbed area. No fill shall be placed within the drip line of a tree without venting to allow air and water to reach the roots. Trees and undergrowth

in designated open space in an approved landscape plan shall remain undisturbed, except for permitted pathways.

10.3 Landscaping

A. Requirements for Landscaping at Streets

Trees shall be planted wherever a new street right-of-way is constructed, or where new construction occurs along an existing street right-of-way. Trees shall consist of one large maturing tree per 40 linear feet, minimum. Existing trees may be applied toward the requirements. See the Appendix 1 for a suggested tree list and information.

B. Requirements for Landscaping Parking Lots

All new or expanded impervious surfaces in existing parking lots with 5 or more spaces shall comply with this section of the ordinance. All areas not specifically required for parking or circulation should be landscaped.

Parking lots are to be treated as enclosed rooms for cars. For small lots (36 spaces or less), landscaping shall be required at the perimeter; for large lots (more than 36 spaces), landscaping shall be at the perimeter and the interior. In large lots, the landscaping shall be placed to break the lot into parking modules of not more than thirty-six spaces.

C. Parking Lots- Perimeter Landscaping

- 1.** Perimeter landscape area shall be a minimum of 8' in width adjacent to all parking spaces and travel areas. Screening within this area shall be provided by installing a continuous row or staggered row of medium evergreen shrubs planted 5' on center.
- 2.** Landscaping along a right-of-way shall consist of a row of small shrubs.
- 3.** Trees and shrubs shall meet planting specifications provided in Section 10.3.H.
- 4.** Large maturing canopy trees shall be planted not more than 40' on center from each other.
- 5.** Existing vegetation located in the perimeter landscape area may be applied toward the requirements.
- 6.** Parking lots behind buildings that are connected the length of the parking area need not have perimeter landscaping between the two lots. If the two lots are connected by a drive only, the requirement will be for 5' of landscaping at each lot.

D. Parking Lots - Interior Landscaping

1. Landscape islands within parking lots shall be located so as to define and direct vehicular movement. Landscape islands shall have a minimum width of 8'.
2. Large maturing trees shall be planted within the interior landscape islands of parking lots so that any part of each parking space is 60' or less from a tree. Trees shall be planted in landscape islands with a minimum of 200 square feet of pervious space per tree.

E. Requirements for a Landscape Buffer Screen

1. A landscape buffer screen is required in situations where a new building or development is expected to create an incompatible relationship with existing buildings or districts, such as commercial and or industrial buildings adjacent to residential uses. Screens are required to protect against noise, lighting and other disruptive effects. Screens also protect the character of residential areas and conserve property values.
2. Where there is site development use in the OI, NB, TB, or I zoning district (Section 6) that abuts the RA or R-20 residential zoning district, there shall be provided and maintained along the property line a continuous opaque vegetative buffer, on the OI, NB, TB, or I property. The buffer screen shall be a compact evergreen hedge that is a minimum of 8' in height. Trees may be planted and fencing installed as part of the hedge. It is the property owner's responsibility to ensure that the hedge is opaque and meets the minimum height requirement within 3 years of planting, and that it is maintained in perpetuity.
3. A recommendation for a landscape buffer screen is that a combination of trees and shrubs be planted. It is recommended that a minimum of 6 trees and 40 shrubs for each 100 linear feet to provide continuous coverage. See Appendix 1 for the suggested landscaping and screening plant list.
4. It is recommended that where there is site natural vegetation that it be incorporated into the buffer screen. Where possible the vegetation should be left undisturbed with avoidance of limb cutting and undergrowth removal.

F. Creek and Stream Buffers

Where there is a creek or stream on the site the following vegetation buffering is recommended. The first 25' of vegetation closest to the creek or stream bank should be

left undisturbed. In the 25' to 50' distance away from the creek or stream bank the existing trees should be left undisturbed but undergrowth may be cleared.

G. Landscaping and Fences

It is recommended that where fencing is used on site that landscaping be placed in front of the fence facing a street or adjacent property.

H. Planting Standards for Trees and Shrubs

1. All new plant material shall be of good quality, installed in a sound, workmanlike manner and meet the standards set forth in the American Standard for Nursery Stock by the American Association of Nurserymen. Appendix 1, lists suggested landscaping and screening plants to choose from.
2. All trees shall be properly guyed or staked and mulched (3- 4" layer) in accordance with accepted practices in the landscape industry, to prevent winds from loosening the roots.

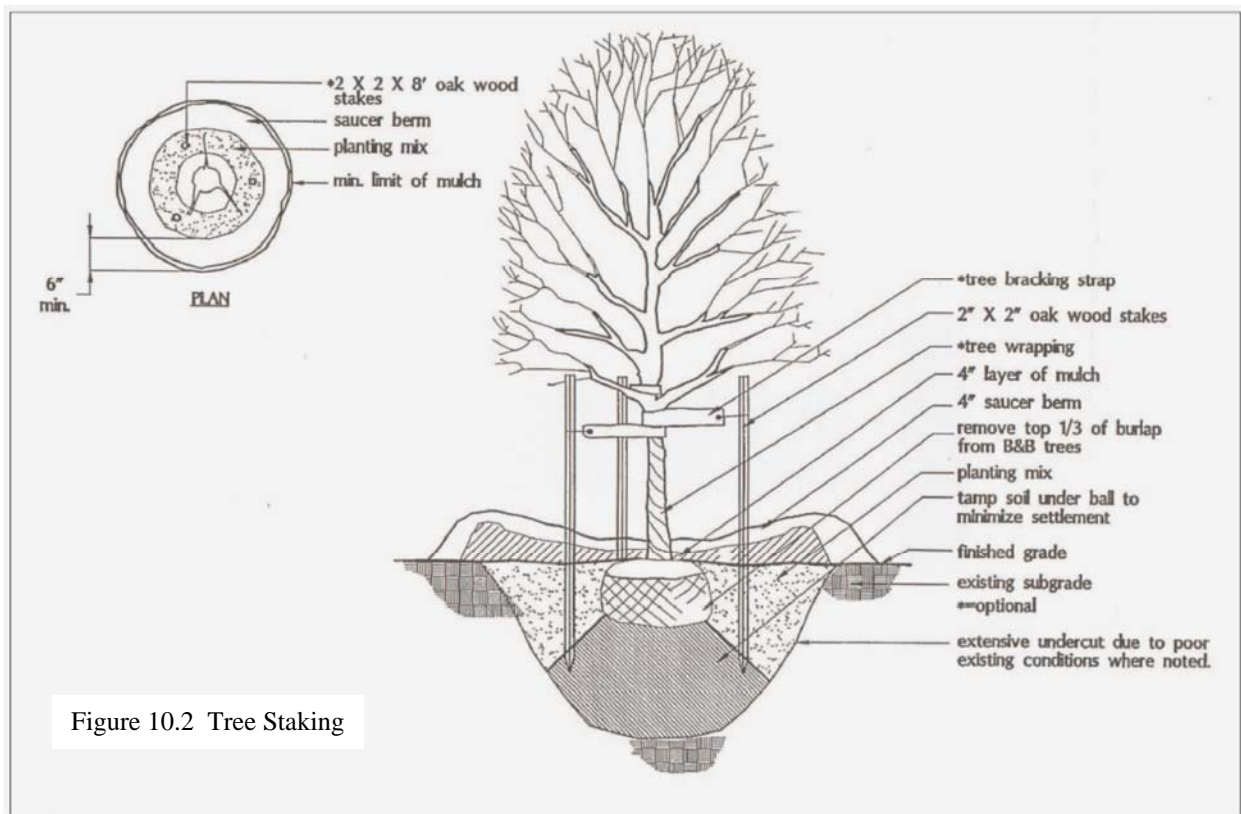
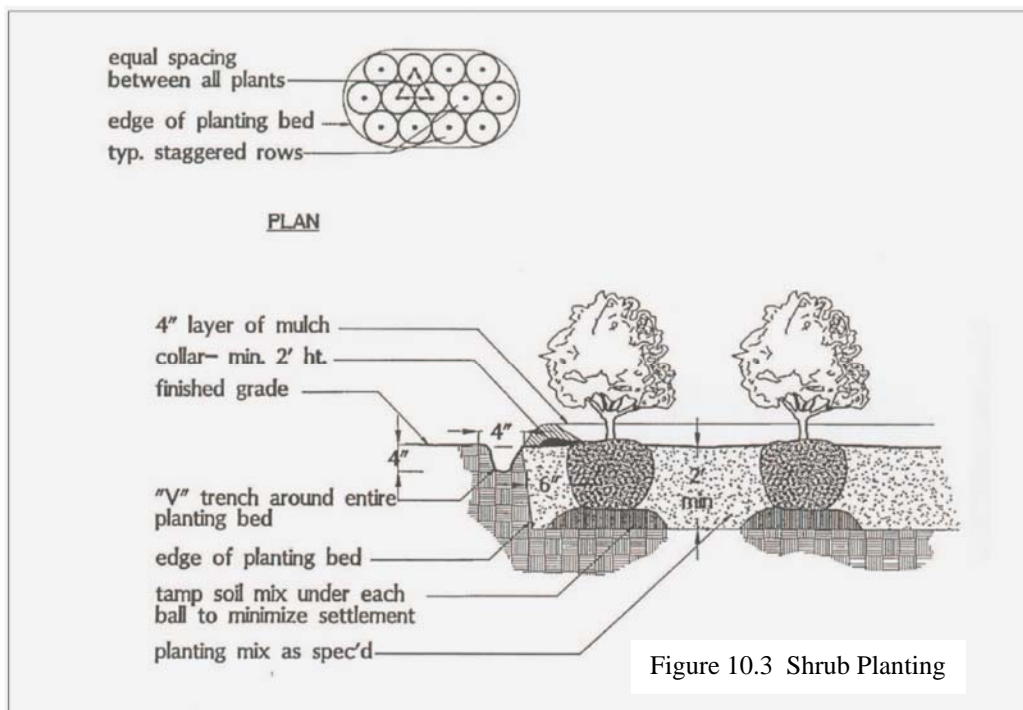


Figure 10.2 Tree Staking

3. Where large maturing trees are required and overhead utility lines exist, small maturing trees planted 1 per 30 lineal feet shall be substituted with the approval of the zoning administrator.

Town of Newton Grove - Zoning Ordinance

4. The property owner is responsible for the continued proper maintenance of all landscaping materials and shall keep them in a proper, neat and orderly appearance, free from refuse and debris. All dead or unhealthy plant material shall be replaced within 180 days to maintain the quality of the landscaping. In no instance will the Town be responsible for the maintenance of any vegetation. This is unless such vegetation is located within the public right of way of a Town maintained street, or is located on Town owned property.
5. Where new landscape materials are to be installed use of native plant materials is encouraged.
6. At installation, large maturing trees shall not be less than 10' in height with a minimum 2-1/2" caliper. Small maturing trees shall be a minimum of 1-1/4" caliper and have a minimum height of 8'. Installation and construction practices shall be utilized which preserve and replace existing topsoil or amend the soil to reduce compaction.
7. At installation, evergreen trees shall not be less than 8' in height with a minimum 2" caliper.
8. At installation, small shrubs shall be a minimum 2' in height and medium or large shrubs a minimum 3'.



9. Installation and construction practices shall be utilized which preserve existing topsoil or amend the soil to reduce compaction.
10. No plants shall be planted within the sight distance triangle at an intersection, or driveway access points unless an unobstructed view between 30" and 72" in height is maintained.
11. Existing vegetation may be applied toward the requirements of this ordinance.
12. Chain link and similar fencing materials, if used, shall be landscaped on their exterior side with evergreen shrubs minimum 3' in height and 6 feet on center at installation.

I. Screening Dumpsters

Dumpsters shall be set on a concrete bed and shall be hidden by an opaque fence. Wooden shadow box fences are recommended. Trash containers such as dumpsters shall not be located adjacent to residential property.

10.4 Alternative Methods of Compliance

Alternate landscaping plan, plant materials, or planting methods may be used where unreasonable or impractical situations would result from application of landscaping requirements, or where necessary to protect existing vegetation. Such situations may result from the site being: affected by creeks, streams, topography, or other physical conditions; or from lot configuration, utility easements, unified development design, or unusual site conditions. The zoning administrator may approve an alternate plan that proposes different plant materials or methods provided that quality, effectiveness durability, and performance are equivalent to that required by this ordinance.

The performance of an alternate landscaping plan shall be evaluated by the zoning administrator to determine if the alternate plan meets the intent and purpose of this ordinance. This determination shall take into account the land use classification of adjacent property, number of plantings, species, arrangement and coverage, location of plantings on the lots, and the level of screening height, spread, and canopy of the planting at maturity.

10.5 Revisions to Approved Landscape Plans

Due to seasonal planting problems and, or a lack of plant availability, approved landscape plans may require minor revisions. Minor revisions to planting plans may be approved by the zoning administrator if:

- o There is no reduction in the quantity of plant material.

- There is no significant change in size or location of plant materials.
- The new plants are of the same general category (i.e., shade tree, ornamental tree, evergreen, or shrub) and have the same general design characteristics (mature height, crown spread) as the materials being replaced.

10.6 Inspection of Sites

Town staff, and authorized representatives of the Town may periodically inspect a site subject to the provisions of this ordinance. If, through inspection, it is determined that a person has failed to comply or is no longer in compliance with the provisions of this ordinance, a notice to comply shall be served upon that person by registered mail with return receipt or other means by the Town. The notice shall set forth that which will be necessary to comply with the ordinance.

The Town shall have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this ordinance and for this purpose may enter at reasonable times upon the property, public or private, for the purpose of inspecting the site subject to the provisions of this ordinance. No person shall refuse entry or access to any staff or authorized representative, of the Town who requests entry for the purpose of inspection, and who presents appropriate credentials. Nor shall any person obstruct, hamper, or interfere with the representative while in the process of carrying out official duties.

A certificate of occupancy for the development shall not be issued unless the landscaping required under this Section 10 is installed in accordance with these standards and in accordance with the approved site landscaping plan, or preliminary plat. The zoning administrator shall inspect the site one year after the issuance of a permanent certificate of occupancy in order to ensure compliance with the approved site plan and to ensure that the landscaping is properly maintained.

10.7 Replacement of Disturbed and Damaged Vegetation

The disturbance of any landscaped area or vegetation required by this Section 10 shall constitute a violation of the site landscaping plan. All disturbed landscaped areas and vegetation shall be replanted to meet the standards of this section and the approved site landscaping plan. Trees or vegetation that are installed and die within two years of construction completion, shall be removed and replaced with new vegetation of original installation size.

In all cases where existing vegetation is damaged or removed, the type and amount of replacement vegetation required shall be of the type and amount that is necessary to provide the type of landscaping required in Section 10 and this zoning ordinance. This is for example areas identified on the site landscape plan such as perimeter landscaping, interior landscaping, and or buffer screen.

The Town zoning administrator may require a replanting plan for approval. The zoning administrator may elect to present the replanting plan to the Planning Board for final approval.

10.8 Inspections

A permanent certificate of occupancy for the development shall not be issued unless the landscaping required under this Section 10 is installed in accordance with these standards and in accordance with the approved site landscaping plan or subdivision plat. The Town zoning administrator shall inspect the site one-year after the issuance of a permanent certificate of occupancy in order to ensure compliance with the approved site plan and to ensure that the landscape is properly maintained.

Section 11. Signs

11.1 Purpose

It is the purpose of this section to permit signs of a commercial, industrial, and residential nature, and to regulate the size and placement of signs which are visible from any public way. These regulations shall apply to all districts. No exterior sign may be erected, painted, repainted, posted, reported, placed, replaced or hung in any district, except in compliance with these regulations.

11.2 General Provisions

A. Permit Required

With the exception of those signs specifically authorized in Section 11.3 below, no sign may be erected without a permit from the Administrative Officer.

B. Permit Application

Application for permits shall be submitted on forms obtainable at the Office of the Administrative Officer. Each application shall be accompanied by plan which shall:

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

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

C. Structural Requirements

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

D. Sign Area Computation

Town of Newton Grove - Zoning Ordinance

Sign area shall be computed by the smallest square, triangle, rectangle, circle or combination thereof which will encompass the entire sign, including lattice work, wall work, frame or supports incidental to its decoration. In computing the area, only one (1) side of a double face sign structure shall be considered.

E. Fees

1. No permit shall be issued until the exact dimensions and area of the sign have been filed with the Administrative Officer and the fees posted in the Town Clerk's office paid accordingly.
2. Exempt from this fee requirement shall be those signs specified in 11.3 below.

F. Maintenance

All signs, together with all their supports and braces, shall be kept in a state of good repair and in a neat and clean condition. No sign shall be continued which becomes, in the opinion of the Administrative Officer, structurally unsafe and endangers the safety of the public or property. The Administrative Officer may order the removal of any sign that is not maintained in accordance with the provisions of this section. Such removal shall be at the expense of the owner or lessee and shall occur within ten days after written notification thereof by the Administrative Officer. If such order is not complied with in thirty (30) days the Administrative Officer shall remove such at the expense of the owner or lessee thereof.

G. Location Restrictions

No sign shall be permitted on any public right-of-way except as specifically authorized herein.

No sign shall be attached to or painted on any telephone pole, telegraph pole, power pole, or other man-made object not intended to support a sign, nor on any tree, rock or other natural object except as specifically authorized herein.

Signs shall not obstruct any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress for any building, structure, or lot.

H. Setback and Height Requirements

Town of Newton Grove - Zoning Ordinance

1. Except as otherwise provided herein, signs are required to observe the same yard setback regulations as other principal structures or buildings. Sign height regulations are shown in the following Sections 11.3 to 11.5.
2. If the lot on which a freestanding sign is to be located is zoned other than residential, but is immediately adjacent to a lot zoned for residential use, then a distance of at least fifty (50) feet shall intervene between the closest part of such sign and the adjacent lot line of the property in the residential district. Provided further, that freestanding signs shall conform to Section 11.5.

I. Non-Conforming Signs

1. Subject to the remaining restrictions of this Section 11.2.I, nonconforming signs that were otherwise lawful on the effective date of this Zoning Ordinance may be continued until they are required to be removed.
2. No person may engage in any activity that causes an increase in the extent of a nonconforming sign. No nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition, nor may illumination be added to any nonconforming sign.
3. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Ordinance.
4. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all of the provisions of this Ordinance, and the remnants of the former sign structure shall be cleared from the land. For purposes of this Section 11.2.I, a nonconforming sign is "destroyed" if damage to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value (tax value if listed for tax purposes) of the sign so damaged.
5. The message of a nonconforming sign may be changed so long as this does not create any new nonconformity.
6. Subject provisions of this Section 11.2.I, nonconforming signs may be repaired and renovated so long as the cost of such work does not exceed, within any 12-month period, 50 percent of the value (tax value if listed for tax purposes) of such sign.
7. A nonconforming sign shall be considered abandoned and shall be removed within 30 days after such abandonment by the sign property

owner where the sign is located, with a business, service, commodity, accommodation, attraction or other enterprise that is no longer operating or being offered or conducted.

11.3 Signs Not Requiring a Permit from the Administrative Officer

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

A. Directional and Information

Directional and information signs erected and maintained by public agencies and governmental bodies.

B. Quasi-Public

Quasi-public signs, not to exceed four (4) square feet in area. Such signs shall only be used for the purpose of stating or calling attention to:

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

C. Professional and Home Occupations Signs

1. One sign per lot not to exceed two (2) square feet attached to the principal structure.
2. One sign per lot not to exceed two (2) square feet located at least ten (10) feet from the street line and side property lines. Where side yards are required, no such sign shall be permitted in the required side yards.
3. No such signs shall be illuminated in the residential district.

D. Temporary Subdivision Sign

A subdivision development sign, not over twenty-four (24) square feet in area which directs attention to the opening of a new subdivision may be erected on the site of such new subdivision. The top of the sign shall not be higher than 6 feet. Only indirect illumination with white light will be permitted. Such sign shall be removed when seventy-five (75) percent of the subdivision is sold.

E. Bulletin Board

One bulletin board for each school or other public building and for each church, synagogue or place of worship, provided that it be located on the same premises and shall not exceed twenty-four (24) square feet. The top of the sign shall not be higher than 6 feet. Such bulletin board may be free standing or attached. In residential districts, illumination of bulletin boards shall be white, non-flashing lights.

F. Temporary Signs

1. Real Estate - One (1) temporary real estate sign not exceeding four (4) square feet in area may be placed on a property that is for sale, lease, rent, or barter; however, when the property on which said sign is placed fronts on more than one (1) street, one (1) sign shall be allowed on each street frontage. Such signs shall not be illuminated.
2. Other Temporary Advertising Signs - Temporary advertising signs shall be permitted providing that such signs shall not exceed six (6) square feet in area in residential districts and shall be spaced no closer than 100 feet apart. The top of the sign shall not be higher than 6 feet.
3. One (1) temporary construction sign may be erected on the site during the period of construction or reconstruction to announce the name of the owner and/or developer, the name of the structure and its use or occupants to be, contractor, subcontractor, architect, and engineer; however, when the property on which said sign is placed fronts on more than one (1) street, one (1) sign shall be allowed on each street frontage. Such signs shall be removed when the building has been approved for occupancy by the Administrative Officer. Maximum size of a construction sign in the residential zone shall be sixteen (16) square feet; in all other zones, twenty-eight (28) square feet. The top of the sign shall not be higher than 6 feet in the residential and other zones.

G. Setbacks

Signs which do not require a permit from the Administrative Officer shall be set back at least ten (10) feet from any public right-of-way line or property line and shall be setback at least twenty-five (25) feet from any road intersection.

11.4 Subdivision and Manufactured Home Park Signs

A. Subdivision

One permanent subdivision sign per major entrance is permitted. Exception: if a subdivision name sign is incorporated into gateposts, brick walls, or similar structures making the entrance, the name may appear on both sides of the entrance as a substitute for other subdivision identification signs.

1. Total area per entrance is twenty-four (24) square feet. The top of the sign shall not be higher than 6 feet.
2. Signs shall be placed on private property no closer than ten (10) feet to any property line.
3. Illumination is restricted to white indirect lighting.
4. Content of sign is limited to the name of the subdivision.

B. Manufactured Home Park

One manufactured home park sign up to a maximum of 20 square feet in area is permitted per major entrance to a manufactured home park. The top of the sign shall not be higher than 6 feet. Setback shall be at least 10 feet from the front property line; illumination is restricted to indirect white lighting.

11.5 Business and Industrial Signs

Business and industrial signs shall be permitted on the premises in districts in which the principal use is permitted subject to the following limitations:

A. Canopy

A canopy sign total area including sign area, copy area, and logo shall not exceed 10% of the canopy façade area. If a canopy is used in combination with a wall sign the total square footage may not exceed the total allowable wall sign area. The sign must be painted flat on the canopy. The bottom of the canopy shall be a minimum of eight (8) feet above the sidewalk level.

B. Wall

A wall sign is allowed on building facade that faces the right of way and associated establishment parking. A wall sign may consist of sign board, metal letters mounted directly on a wall or painted directly on the wall. A wall sign shall not project more than ten inches from any building wall. The total area of wall sign, including sign area, copy area, and logo, allowed shall be up to 10% of the façade not to exceed 100 square feet whichever is less. For multi-bay tenant buildings, the façade area shall include only that portion of the façade designated for a specific tenant. The wall sign shall be located below the building roofline, parapet, or lower eave line.

C. Lighting

Display lighting for any sign shall be shielded to prevent a direct view of the light source from a residence in a residential district. No intermittent lighting effect may be utilized.

D. Freestanding

Freestanding signs shall have the following restrictions:

1. Setbacks: In order to erect a freestanding sign the single or multiple tenant building shall have a building entrance that is setback at least 20 feet from public right of way.

A freestanding ~~Such~~ signs may not be located closer than five (5) feet to any property line except when located next to an adjoining residentially zoned area where a freestanding sign shall be setback one (1) foot for every foot of height.

2. Area: Maximum area of a freestanding sign shall be the following.

24 square feet sign for parcel with an enclosed building square footage that is less than or equal to 2,000 feet.

28 square feet sign for a parcel with an enclosed building square footage that is greater than 2,000 feet and less than or equal to 10,000 square feet.

32 square feet sign for a parcel with an enclosed building square footage that is greater than 10,000 feet and less than or equal to 20,000 square feet.

Town of Newton Grove - Zoning Ordinance

36 square feet sign for a parcel with an enclosed building square footage that is greater than 20,000 feet.

3. Number: For one parcel with one business or one building, one freestanding sign per public road-right-of way may be erected.

For one parcel with multiple businesses or buildings, one freestanding sign per public road-right-of way may be erected.

4. Height: The top of the freestanding sign height shall meet the following criteria:

- a. A maximum of 6 feet high in R-20, RA and OS zoning districts.
- b. A maximum of 7 feet high in OI and NB and I zoning districts.
- c. A maximum of 8 feet high in CB, and TB zoning districts.

5. Content and use: The freestanding sign may contain information about more than one business located on the lot.

6. Clearance: A minimum of two (2) feet clearance shall be maintained between the bottom of the freestanding sign board and the ground in the R-20, RA and OS zoning districts; two and a half (2.5) feet clearance in the OI, NB, and I zoning districts; and three (3) feet clearance in CB, and TB zoning districts.

Previous ordinance sign revisions: Outdoor Advertising Signs (Entire Section Deleted – 10/14/97). Display sign lighting (Revised 1/13/98). Freestanding signs (Amended 8/1999).

E. New Business Opening or Going Out of Business – Feather Signs

Two pole feather signs per commercial business may be placed on site temporarily for a new business or going out of business, but not in the road right of way. The time period allowed for the feather signs is not to exceed 45 days. After this time the feather signs must be removed. A sign permit from the Town is required. The feather signs shall not be used as a permanent sign. For permanent signs a commercial business may apply to the town for a wall sign (Section 11.5 B), and/or a freestanding sign (Section 11.5.D). A feather sign is defined as sign fabric or material that is attached to single pole. Typically a feather sign has one pole

Town of Newton Grove - Zoning Ordinance

vertically into the air with a flag attached length wise along the pole in the shape of a feather.

Section 12. Conditional Uses

12.1 Purpose

The development and execution of this ordinance is based on the division of the Town of Newton Grove into districts within which the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are some land uses which are basically in keeping with the intent and purposes of the district where conditional, but which may have an impact on the area around them which can only be determined by review of the specific proposal. These uses may be established, under certain conditions and with proper controls, in such a manner as to minimize any adverse effects. In order to insure that these uses, in their proposed locations, would be compatible with surrounding development and in keeping with the purposes of the district in which they are located, their establishment shall not be as a matter of right, but only after review and approval of a Conditional Use Permit preceded by a Public Hearing.

12.2 Application for Conditional Use

Applications for Conditional Use Permits, signed by the applicant, shall be addressed to the Planning Board. A fee as posted in the Town Clerk's office shall be paid to the Town of Newton Grove for each application to cover the costs of advertising and administrative costs. Each application shall contain or be accompanied by such legal descriptions, maps, plans and other information so as to completely describe the proposed use and existing conditions.

The applicant shall provide to the Administrative Officer a list of names and addresses of all adjacent property owners, at least eight (8) days prior to the public hearing. The Administrative Officer shall then mail a copy of the legal notice to each adjacent property owner.

12.3 Public Hearing by Planning Board

The Planning Board, through the Administrative Officer, shall schedule a public hearing on the application for a Conditional Use Permit to be held within 60 days after the application is filed. Public notice of the hearing shall be published in a newspaper of general circulation in the Town at least once each week for two successive weeks prior to the public hearing. The notice shall be published for the first time not less than ten (10) nor more than twenty-five (25) days before the date fixed for the hearing.

12.4 Action by the Planning Board

The Planning Board shall review the application and conduct the public hearing. The Planning Board shall approve, modify or deny the application for Conditional Use Permit following the public hearing. In granting a Conditional Use Permit the Planning Board shall make

Town of Newton Grove - Zoning Ordinance

written findings that the applicable regulations of the district in which it is located are fulfilled. With due regard to the nature and state of all adjacent structures and uses, the district within which same is located, and official plans for future development, the Planning Board shall also make written findings that the following provisions are fulfilled:

1. The use requested is listed among the conditional uses in the district for which application is made; or is similar in character to those listed in that district;
2. The requested use is essential or desirable to the public convenience or welfare;
3. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare;
4. The requested use will be in conformity with the Land Development Plan;
5. Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided;
6. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
7. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

After approval by the Planning Board, or upon appeal after denial by the Planning Board, the request shall be submitted to the Board of Commissioners for final approval. No Conditional Use Permit shall be issued until after review and approval by the Board of Commissioners.

12.5 Conditions and Guarantees

Prior to the granting of any conditional use, the Planning Board may recommend, and the Town Board may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the conditional use as it deemed necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

1. Such conditions may include a time limitation.
2. Conditions may be imposed which require that one or more things be done before the use requested can be initiated. For example, "that a solid board fence be erected around the site to a height of six (6) feet before the use requested is initiated".
3. Conditions of a continuing nature may be imposed. For example, "exterior loud speakers shall not be used between hours of 10:00 p.m. and 9:00 p.m."

12.6 General Provisions in Granting Conditional Use Permits

A. Compliance with other Codes

Granting of a Conditional Use Permit does not exempt applicant from complying with all of the requirements of building codes and other ordinances.

B. Revocation

In any case where the conditions of a Conditional Use Permit have not been or are not being complied with, the Administrative Officer shall give the permittee notice of intention to revoke such permit at least ten (10) days prior to a Town Board review thereof. After conclusion of the review, the Town Board may revoke such permit.

C. Expiration

In any case where a Conditional Use Permit has not been exercised within the time limit set by the Town Board, or within one (1) year if no specific time limit has been set, then without further notice, the permit shall be null and void. "Exercised" as set forth in this section shall mean that binding contracts for the construction of the main building have been let; or in the absence of contracts that the main building is under construction to a substantial degree; or that prerequisite conditions involving substantial investment are contracted for, in substantial development, or completed (sewerage, drainage, etc.). When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the condition set forth in the permit.

D. Duration of Conditional Use

Any conditions imposed in a conditional use authorized and exercised shall be perpetually binding upon the property unless expressly limited by the Conditional Use Permit or subsequently changed or amended by the Planning Board after a public hearing.

Section 13. Board of Zoning Adjustment

13.1 Creating the Board of Zoning Adjustment

The Board of Adjustment of the Town of Newton Grove shall consist of seven (7) appointed members. Five members shall reside within the town limits and shall be appointed by the Newton Grove Town Board for three (3) terms. In addition, two (2) members who shall reside within the Town's extraterritorial jurisdiction shall be appointed by the Sampson County Board of Commissioners to serve three (3) year terms. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the Board of Adjustment.

13.2 Proceedings of the Board of Zoning Adjustment

The Mayor shall appoint a Chairman and Vice-Chairman from the members of the Board of Adjustment who shall serve for one (1) year, at the end of which period they shall be reappointed or serve until their successors are appointed. The Board shall designate one (1) of its members as secretary.

The Board shall adopt rules and by-laws to conduct its affairs and shall establish regular meeting dates. All meetings of the Board shall be open to the public and a public record of all findings and decisions shall be maintained. The concurring vote of four-fifths of the members of the Board shall be necessary to reverse any decision of the Administrative Officer or his representative, or to decide in favor of the applicant on any matter upon which it is required to consider under any ordinance, or to grant a variance from the provisions of this Ordinance.

13.3 Appeals to the Board, Hearing and Notice

A. Filing Procedure

An appeal from the decision of the Zoning Officer may be taken to the Board of Adjustment by any person aggrieved or any officer, department, board or bureau of the town affected by such decision. Such appeal shall be taken within thirty (30) days as provided by the rule of the Board by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The office to whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

B. Hearing the Appeal

The Board of Adjustment shall schedule a reasonable time for the hearing of the appeal, give public notice thereof.

C. Stay of Proceedings by Appeal

An appeal stays all proceedings in furtherance of the action appealed from unless the Administrative Officer certifies to the Board of Adjustment that by reason of facts stated in the record, a stay would, in his opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by an order from the Sampson County Superior Court.

13.4 Fee

A fee as posted in the Town Clerk's Office shall be paid to the Town of Newton Grove, North Carolina, for each application for a variance or appeal to cover the necessary administrative costs and advertising.

13.5 Powers and Duties of the Board of Adjustment

A. Powers and Duties

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

1. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Officer in the enforcement of this Ordinance.
2. Special Exceptions. To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on under the terms of this Ordinance.
3. Variances; Conditions Governing Applications; Procedures. This section is designed to authorize upon appeal in specific cases such variances 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 would result in unnecessary hardship. The existence of a nonconforming use of neighboring land, buildings, or structures, in the same district or of permitted or nonconforming uses in other districts shall not constitute a reason for the requested variance. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until:
 - (a) A written application for a variance is submitted demonstrating:

Town of Newton Grove - Zoning Ordinance

That special conditions and circumstances exist which are peculiar to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;

That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the term of this Ordinance;

That the special circumstances are not the result of actions of the applicant; and

That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

- (b) Notice of the hearing shall be given as in Section 13.3B above.
- (c) The hearing shall be held. Any party may appear in person or by agent or by attorney.
- (d) The Board shall make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum condition that will make possible the reasonable use of the land, building, or structure.
- (e) The Board of Adjustment shall further make a finding that the granting of the variance shall be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- (f) In granting any variance the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 3.2F of this Ordinance.
- (g) Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

B. Decisions

In exercising the above mentioned powers, the Board of Adjustment may, so long as action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken.

13.6 Appeal from the Board of Zoning Adjustment

Appeal from the decision of the Board of Adjustment may be taken to the Sampson County Superior Court within a period of thirty (30) days following decision.

Section 14. Changes and Amendments

14.1 Purpose

The Town Board may change the text regulations and zoning district lines according to the following procedures.

14.2 Action by the Applicant

The following actions shall be taken by the applicant.

A. Initiation of Amendments

Proposed changes or amendments may be initiated by the Board of Commissioners, Planning Board, Board of Adjustment, or by the owner(s), or their agent, of property within the area proposed to be changed.

B. Application

Application for any change or amendment shall be filed with the Administrative Official at least twenty-five (25) days prior to the Planning Board meeting at which the application is to be considered. The application shall contain a description of the proposed amendment and the names and addresses of property owners directly affected by the proposed change.

C. Fee

The Town Board shall set a fee payable to the Town of Newton Grove, North Carolina, to cover the necessary administrative costs and advertising of each application for a change or amendment. The set fee shall be posted in the Town Clerk's Office.

D. Notice of Public Hearing Letters

All mail notification regarding zoning amendments shall comply with NC G.S. 160-A-384 as amended. When mail notification is required, the following procedure will be followed. When a change in the zoning classification of a piece of property is requested, the applicant shall provide to the Zoning Administrator a list of names and addresses, as obtained from the county tax listings and tax abstracts of all adjacent property owners, and all owners of property within the area under consideration for rezoning along with one set of business (No. 10) envelopes stamped with a first-class stamp and addressed to each person on the list. These

addressed envelopes and the list shall be submitted at least eight (8) working days prior to the public hearing.

The Zoning Administrator shall then mail notices of the public hearing to each person on the list and shall certify that fact to the Town Board. Such certification shall be deemed conclusive in the absence of fraud.

14.2 Action by the Board

The Planning Board shall consider and make recommendations to the Board of Commissioners concerning each proposed zoning amendment. The following policy guidelines shall be followed by the Planning Board concerning zoning amendments and no proposed zoning amendment will receive favorable recommendation unless:

- A.** The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- B.** There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.
- C.** There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.)
- D.** There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.
- E.** The proposed change is in accord with a comprehensive plan and sound planning principles.

14.3 Action by the Board of Commissioners

A. Notice and Public Hearing

No amendment shall be adopted by the Board of Commissioners until after public notice and hearing. The Board of Commissioners shall hold the public hearing. Notice of a public hearing shall be given once a week for two successive calendar weeks in a newspaper of general circulation in the Town of Newton Grove, said notice to be published the first time not less than ten (10) nor more

than twenty-five (25) days prior to the date fixed for said hearing. In addition to the newspaper notice, notice shall also be made by posting the property concerned with a poster indicating the proposed change and date of hearing when the application is for a change to a district boundary.

B. Board of Commissioners Action

Before taking such lawful action as it may deem advisable, the Town Board of Commissioners shall consider the Planning Board's recommendation on each proposed zoning amendment. If no recommendation is received from the Planning Board within thirty (30) days after public hearing by the Town Commissioners, the proposed amendment shall be deemed to have been approved by the Planning Board.

C. Protests

In case, however, of a protest against such change signed by the owners of twenty percent or more (either of the area of the lots included in such proposed change or of those immediately adjacent thereto, extending one hundred feet there from or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots), such amendment shall not become effective except by favorable vote of three-fourths of all members of the Town Commissioners.

No protest petition shall be valid unless it is:

1. Written;
2. Bears the actual signatures of the requisite number of property owners and states that they protest the proposed amendment; and
3. Is received by the Town clerk in time to allow at least two (2) normal working days (excluding weekends and legal holidays) prior to the public hearing on the amendment, so as to allow time for municipal personnel to check the accuracy and sufficiency of the petition.

D. Reconsideration One-Year Limitation

Whenever an application requesting an amendment has been acted on and denied by the Planning Board and the Town Commissioners, such application, or one substantially similar, shall not be reconsidered sooner than one year after the previous denial.

E. Moratorium

Any proposed moratorium adopted that affects any development allowed under the provisions of this ordinance shall follow regulations as set out in N.C.G.S. 160A-381E.

Section 15. Definitions

Except where specifically defined herein all words used in this Ordinance shall carry their customary meanings. Words used in the present tense shall include the future tense; the singular number includes the plural; the word "building" includes the word "structure"; the word "lot" includes the word "plot" or "parcel"; the term "shall" is always mandatory; the words "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied."

Administrative Officer

The person, officer, or official or his authorized representative, whom the Town Board of Commissioners has designated as its agent for administration of this Ordinance.

Alley

A public way which affords only a secondary means of access to an abutting property and not intended for general traffic circulation.

Apartment

See Dwelling, Multi-Family.

Bed and Breakfast Inn

Temporary housing which includes breakfast but no other meals. No more than five (5) rooms are available for rent and the operator lives on the premises.

Billboard

See Sign, Outdoor Advertising.

Boarding House, or Lodging House

A building or part thereof where meals or lodging or both are provided for compensation for four (4) or more but not more than ten (10) individuals.

Building

Any structure enclosed and isolated by exterior walls constructed of or used for residence having a roof supported by columns or by walls and constructed or used for shelter, housing, business, industry, or other public or private purposed or accessory thereto.

Building, Accessory

A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal building or use.

Building, Principal

A building in which is conducted the principal use of the lot on which said building is situated.

Building Line

See Setback Line.

Building Height

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 mean height level between the eaves and ridge or a gable, hip, or gambreled roof.

Church, Club, or Lodge, Private

An incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated on a nonprofit basis for the benefit of its members.

Day Care Facility

Child care arrangement which provides day care on a regular basis for more than four (4) hours per day for more than twelve (12) children, whether operated for profit or not.

Dwelling

A building or portion thereof providing complete living facilities for one family. The term "dwelling" shall not be deemed to include a motel, hotel, tourist home, or other structures designed for transient residents.

Dwelling, Single Family

A detached residence designed for or occupied by one family only.

Dwelling, Two Family (Duplex)

A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.

Dwelling, Multi-Family

A residence designed for or occupied by three or more families, with separate housekeeping and cooking facilities each.

Family

One (1) or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit in a dwelling unit. For purposes of this Ordinance the number of persons not exceeding two (2) separate from and in addition to the persons related by blood, adoption or marriage, may live and cook together as a single housekeeping unit in a dwelling unit although they are not all related by blood, adoption or marriage and shall be deemed to constitute a family. This is separate from a group occupying a boarding house, lodging, or hotel.

Frontage

The distance between the two side lot lines as measured along the front street line.

Home Occupations

Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residence purposed and does not change the character thereof, and in connection with which there is no display and no person not a resident on the premises is employed specifically with the home occupation, except that no more than one (1) assistant may be employed by the following home occupations: attorney, dentist, physician, chiropractor, and osteopath. Provided further, that no mechanical equipment is installed or used except such that is used for domestic or professional purposes, and that not over 25 percent of the total floor space of any structure is used for home occupations.

Hotel, Motel

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

Junk Yard or Salvage Yard

Use of property for indoor and/or outdoor storage, keeping, abandonment, sale or resale of junk including scrap metal, rags, paper, or other scrap materials, used lumber, salvaged house wrecking, and structural steel, materials and equipment, or for the dismantling, demolition, or abandonment of automobiles or other vehicle or machinery or parts thereof.

Lot

A parcel of land having frontage on a public street or other officially approved means of access occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this Ordinance and the following Lot definitions.

Lot, corner

A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

Lot, substandard

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

Lot, depth

The mean horizontal distance between front and rear lot lines.

Lot of Record

A lot which is part of a subdivision or plat of which has been recorded in the office of the Register of Deeds of Moore County, or a lot described by metes and bounds, the description of which has been so recorded.

Lot, width

The distance between side lot lines measured at the building line.

Manufactured Home

A dwelling unit that (1) is not constructed in accordance with the standards set forth in the North Carolina State Building Code, and (2) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (3) exceeds forty feet in length and eight feet in width (commonly called a mobile or manufactured home).

Manufactured Home, Class A (Doublewide) and Class B (Singlewide)

A manufactured home that meets or exceeds the most recent construction standards and regulations by the: State of North Carolina (NCGS Chapter 143 – Article 9B); U.S. Department of Housing and Urban Development for homes constructed a maximum of 8 years or younger from the current calendar date; and Town inspection. The following additional standards must also be satisfied.

- a. The manufactured home Class A has a minimum of 1,200 square feet of enclosed and heated living area. The manufactured home Class B has a minimum of 720 square feet of enclosed and heated living area.
- b. The pitch of the roof of the manufactured home has minimum vertical rise of three and two tenths feet for each twelve feet of horizontal run (3.2 feet and 12 feet) and the roof is finished with a type of composition shingle that is commonly used in standard residential construction.
- c. The roof eaves and gable overhangs shall be 6-inch minimum (rain gutters may not be included in the minimum dimensions).
- d. The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
- e. The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance. The Class A has ~~and~~ a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home. The Class B has a continuous, skirt curtain wall between the ground and the bottom of the home, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home. Skirting must be of material that is acceptable for exterior construction, durable and

Town of Newton Grove - Zoning Ordinance

suitable for exterior exposures. Any wood framing used in the support skirting must be approved pressure treated wood. Manufactured skirting material should be installed in accordance with the skirting manufacturer's instructions.

- f. The front entrance to the manufactured home has stairs and a porch, the porch being at least four feet by six feet in size. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the North Carolina State Building Code.
- g. The moving hitch, wheels, and axles, and transporting lights have been removed.
- h. It is the intent of these criteria to insure that a Class "A" manufactured home, when installed, shall have substantially the appearance of an on-site conventionally built, single-family dwelling, to include landscaping in harmony with surrounding dwellings.
- i. A manufactured home shall be subject to code enforcement inspection by the Town or their agent. This inspection may include plumbing, heating, general dwelling repair, structural, skirt maintenance, and sewer or septic. All windows shall function (open and close) properly and broken windows shall be repaired. All loose siding, molding trim, roof shingles, leaks, or holes to the structure shall be repaired. Peeling exterior paint to the exterior of the manufactured home shall be removed, repainted with a matching color, and kept in good condition.

Manufactured Home Park

Any plot of ground upon which five (5) or more manufactured homes occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

Modular Home

A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two or more sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the North Carolina State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site.

Nonconforming Use

The use of a building or land which does not conform to the use regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments which may be incorporated into this Ordinance.

Park Model Home

A dwelling unit that (1) is not constructed in accordance with the standards set forth in the North Carolina State Building Code, and (2) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported on its own chassis and (3) does not exceed forty feet in length and eight feet in width.

Parking Space

The storage space of not less than eight (8) feet by twenty (20) feet for one (1) automobile, plus the necessary access space. It shall always be located outside the dedicated street right-of-way.

Service Station

A building or lot dedicated to the rendering of services such as the sale of gasoline, oil, lubricants, and accessories and the minor repair of automobiles such as tune-ups, brake adjustments, and tire changes excluding body work, overhauling, and painting.

Setback Line

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

Shopping Center

Two or more commercial establishments planned and constructed as a single unit with off-street parking and loading facilities provided on the property and related in location, size, and type of shops to the trade area which the unit serves.

Sign

Any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, flashing lights, design, trade names or trademarks by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, a product, which are visible from any public way and used to attract attention.

Sign, business

Any sign which advertises an establishment, a service, commodity, or activity conducted upon the premises where such sign is located.

Sign, outdoor advertising (Billboard)

Any sign which advertises an establishment, service, commodity, goods or entertainment sold or offered on premises other than that on which the sign is located.

Sign, temporary advertising

Any sign, banner, pennant, valance or advertising display constructed of wood, metal, cloth, canvas, cardboard, wall-board or other light material with or without frames, whether either by reason of construction or purpose are intended to be displayed for a short period of time only.

Sign, freestanding

Town of Newton Grove - Zoning Ordinance

A sign erected on a freestanding frame, mast or pole, and not attached to any building, and which is permanently affixed to the property.

Street

A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Structure

Anything constructed or erected, the use of which requires permanent or semi-permanent location on the ground, or attachment to something having permanent location on the ground, including advertising signs.

Travel Trailer

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 a sleeping quarters, but that does not satisfy one or more of the definitional criteria of a manufactured home.

Tourist Home

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

Yard

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

Yard, front

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

Yard, rear

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

Yard, side

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

Appendix 1 – Suggested Landscaping Plant List

Appendix Table 1-1. Small-Medium Shrub List

Small-Medium Shrubs	SHRUB TYPE	AT MATURITY		GROWTH RATE	SITE CONDITIONS	BENEFITS	POSSIBLE PROBLEMS
		HEIGHT	SPREAD				
Abelia grandiflora Glossy Abelia	evergreen small - medium	3-6'	3-6'	moderate to fast	easily grown, sun, moist, well-drained	flowers June – frost	none serious
Aronia arbutifolia Red Chokeberry	deciduous medium	6-10'	4-6'	moderate	adaptable, sun part shade	spring flowers fall color	none serious, leaf s
Berberis thunbergii Japanese Barberry	deciduous small – medium	3-6'	4-7'	moderate	adaptable, sun, not too wet	leaf colors, winter fruit	not prevalent
Callicarpa dictoma Purple Beautyberry	deciduous small – medium	3-5'	4-6'	moderate	adapts, well- drained, sun part shade	graceful form, spectacular fall berries	none serious
Clethra alnifolia Summersweet Clethra	deciduous medium	3-8'	4-6'	moderate	acid, organic tolerates wet, sun shine	summer bloom fall color	none
Itea virginica Virginia Sweetspire	deciduous medium	3-7'	5-10'	moderate to fast	adaptable, prefers moist, sun and shade	May blooms, good foliage	none serious
Nandina domestica Nandina	evergreen small medium	2-8'	3-8'	moderate	adaptable, sun and shade	spectacular fruit	none serious
Prunus lauroceracus 'Zabel' 'Zabel' Skip Laurel	evergreen medium	3-6'	5-10'	moderate	moist, well- drained, organic, sun and shade	lustrous green foliage	root rot, bacterium, insect damage
Spirea species Spirea	deciduous small - medium	2-8'	3-8'	moderate to fast	adaptable, not too wet, sun	spring to summer flower	very resilient
		size varies with series and species					

Appendix Table 1-2. Small - Medium - Large Shrub List

Small-Medium- Large Shrubs	SHRUB TYPE	AT MATURITY		GROWTH RATE	SITE CONDITIONS	BENEFITS	POSSIBLE PROBLEMS
		HEIGHT	SPREAD				
Ilex crenata cultivars Japanese Holly	evergreen small - medium - large	4-12'	4-12'	moderate	moist, well- drained sun, no drought	evergreen leaf, texture	spider mites
		size varies with cultivar					
Ilex comuta cultivars Chinese Holly	evergreen small - medium - large	3-15'	4-15'	moderate	adaptable, sun drought tolerant	broad glossy leaf	scale, varies with culture
		size varies with cultivar					
Ilex vomitoria Yaupon Holly	evergreen sm.-med.- large	3-20' 5-15' size varies with cultivar		moderate to fast	adaptable, wet or dry, salt tolerant	great adaptability	none serious
Juniperus cultivars Juniper	evergreen sm.-med.- large	1-20' size varies with cultivar		moderate	tolerant of poor soils, not wet	needle-like foliage	twig blight, rust, mites

Town of Newton Grove - Zoning Ordinance

Appendix Table 1-3. Medium - Large Shrub List

Medium-Large Shrubs	SHRUB TYPE	AT MATURITY		GROWTH RATE	SITE CONDITIONS	BENEFITS	POSSIBLE PROBLEMS
		HEIGHT	SPREAD				
Berberis julianna Wintergreen Barberry	evergreen medium	6-10'	6-10'	moderate	adaptable, sun	yellow spring flowers, fall	thorns
Buddleia davidii Butterfly Bush	deciduous medium - large	5-15'	8-12'	fast	adaptable, sun, not too wet	foliage color, profuse bloom	none serious
Camellia japonica, sasanqua Camellia	evergreen medium – large	6-15'	5-10'	slow to moderate	moist, well-drained organic, part shade	fall, winter or spring bloom	many without proper condition
Chamaecyparis pisifera cult. Japanese Falsecypress	evergreen medium – large	4-15	4-10'	moderate	moist, well-drained humid, sun	fine texture	none serious leaf scorch
Euonymus alatus Winged Euonymus	deciduous medium – large	15-20'	15-20'	moderate	adaptable, not too wet, sun and shade	form, fall color fruit, winter	none serious
		5-10' with compact form					
Forsythia x intermedia Border Forsythia	deciduous medium – large	8-12'	10-12'	fast	adaptable, sun part shade	early spring flowers	none serious
Hammamelis x intermedia Witch Hazel Hybrid	deciduous large	10-20'	10-15'	moderate	moist, well-drained sun and shade	fragrant winter bloom	none serious
Hydrangea species Hydrangea	deciduous medium – large	4-15'	4-15'	fast	moist, well-drained salt tolerant	large summer bloom	none prevalent
		size varies with species					
Ilex glabra Inkberry Holly	evergreen medium	5-10'	5-10'	moderate	moist, acid sun and shade	adaptable	none serious
Ilex verticillata Winterberry	deciduous medium	6-10'	6-10'	slow to moderate	adaptable, tolerates wet, sun and part shade	red fall-winter fruit	none serious
Illicium parviflorum Small Anise-Tree	evergreen large	8-15'	10-15'	moderate	adaptable, wet and dry sun/shade	olive green foliage	none serious
Ligustrum japonicum Japanese Privet	evergreen large	8-15'	8-12'	fast	adaptable, sun shade, salt tolerant, no wet	lustrous dark green leaves	none serious
Myrica cerifera Wax Myrtle	evergreen large	10-20'	10-20'	fast	adaptable, sun and shade salt tolerant	adaptable, fragrant	none serious
Osmanthus x fortunei Fortune's Osmanthus	evergreen large	15-20'	15-20'	slow to moderate	moist, well-drained sun and shade	fragrance of flower	none serious
Viburnum species 'Zabel' Skip Laurel	deciduous evergreen medium – large	5-20'	5-20'	moderate	moist, well-drained, sun and shade	flower, fragrance fall color	relatively few
		size varies with species					

Town of Newton Grove - Zoning Ordinance

Appendix Table 1-4. Small Tree List

Small Trees	TREE TYPE	AT MATURITY		GROWTH RATE	SITE CONDITIONS	BENEFITS	POSSIBLE PROBLEMS
		HEIGHT	SPREAD				
Acer ginnala Amur Maple	deciduous	15-20'	15-20'	moderate	adaptable, sun or light shade	flowers, fall color	relatively few
Acer palmatum Japanese Maple	deciduous	15-25'	15-25'	slow to moderate	moist, well-drained, sun/shade	fall color, great foliage	few, leaf scorch
Amelanchier aborea Serviceberry	deciduous	15-25'	10-30'	moderate	moist, well-drained, sun/shade	spring flowers, fall color	rust, leaf blight,
Cercis canadensis Redbud	deciduous	20-30'	25-35'	moderate	adaptable if not wet sun/part shade	spring flowers fall color	canker, leaf spot Verticillium wilt
Cornus florida Flowering Dogwood	deciduous	20-30'	20-30'	moderate	well-drained, acid, organic, moist	spring flowers fall color	borer, fungus, leaf s
Cornus kousa Kousa Dogwood	deciduous	20-30'	20-30'	slow to moderate	well-drained, acid, sandy, organic	spring flowers fall color	borers, none serious
Crataegus phaenopyrum Washington Hawthorn	deciduous	25-30'	20-25'	moderate	well-drained, full sun	spring flowers, showy fall	Fire blight, leaf spot mildew
Halesia carolina Carolina Silverbell	deciduous	30-40'	20-35'	moderate	well-drained, organic, moist, acid	spring flowers fall fruit	very pest resistant
Ilex opaca American Holly	evergreen	20-40'	18-40'	slow	well-drained, moist, acid, sun	red berries	leaf miner, scale, bud moth, blight
Ilex cultivar Holly (large types)	evergreen	15-25'	15-25'	moderate to fast	well-drained, moist acid, sun	glossy dark leaves	none serious
Koelreuteria paniulata Golden Raintree	deciduous	30-40'	30-40'	moderate to fast	adaptable, full sun	spring leaves summer flower	none very serious
Lagerstroemia indica faurei Crape Myrtle	deciduous	18' +	varies	fast	well-drained, warm full sun	bark, form, summer flower	powder mildew, black spot
Magnolia loebneri Magnolia Loebner	deciduous	20-30'	25-35'	moderate	well-drained, acid moist, organic, sun	fragrant spring blooms, form	seldom
Magnolia soulangeana Saucer Magnolia	deciduous	20-30'	15-25'	moderate	well-drained, acid, moist, organic, sun	fragrant spring blooms, form	seldom
Magnolia virginiana Sweetbay Magnolia	semi-evergreen	20-30'	25-35'	moderate	adaptable, tolerates wet, shade	fragrant summer bloom	none serious
Malus hybrid Flowering Crabapple	deciduous	varies	varies	varies	well-drained, moist, acid, sun	spring bloom fall fruit	use only resistant variety
Parrotia persica Persian Parrotia	deciduous	20-40'	15-30'	moderate	well-drained, sun or light shade	spring flowers exfoliation bark	none except J. bee
Pistachia chinensis Chinese Pistache	deciduous	30-35'	25-35'	moderate	adaptable, full sun	fall color, bark	none
Prunus species Flowering Cherry	deciduous	varies	varies	varies	well-drained, moist, sun	spring flowers tree form	depends on condition
Sassafras albidum Sassafras	deciduous	30-60'	25-40'	moderate to fast	well-drained, moist, acid, sun/lt. shade	spring flowers fall color	numerous but seldom noticed

Town of Newton Grove - Zoning Ordinance

Appendix Table 1-4. Small Tree List (continued)

Small Trees	TREE TYPE	AT MATURITY		GROWTH RATE	SITE CONDITIONS	BENEFITS	POSSIBLE PROBLEMS
		HEIGHT	SPREAD				
Stewartia pseudocamelia Japanese Stewartia	deciduous	20-40'	15-30'	moderate	well-drained, moist, organic	summer flower bark, tree form	none serious
Styrax japonica Japanese Snowbell	deciduous	20-30'	20-30'	moderate	well-drained, moist, organic	late spring flower, form	mostly pest free
Thuja occidentalis 'Emerald' 'Emerald Arborvitae'	evergreen	15-25'	5-10'	slow to moderate	well-drained, soil & air moisture, sun	fine texture, foliage	bagworm, heart rot, spider

Appendix Table 1-5. Medium Tree List

Medium Trees	TREE TYPE	AT MATURITY		GROWTH RATE	SITE CONDITIONS	BENEFITS	POSSIBLE PROBLEMS
		HEIGHT	SPREAD				
Acer rubrum Red Maple	deciduous shade	40-60'	30-50'	fast	adaptable	spring flowers fall colors	leaf hoppers borers
Carpinus carolina Hornbeam, Ironwood	deciduous shade	20-50'	30-50'	slow to moderate	rich, moist, slightly acid	fall color, smooth bark	canker, leaf spot
Cercidiphyllum japonicum Katsura Tree	deciduous shade	40-60'	30-60'	moderate	rich, moist, well-drained; full sun	beautiful foliage	
Cladrastis kentukea Yellowwood	deciduous shade	30-50'	40-55'	moderate	well-drained, full sun	fragrant & bright	very few
Cryptomeria japonica Japanese Cedar	evergreen	50-60'	20-30'	moderate	rich, moist, acid; full sun	soft texture, beautiful bark	leaf blight, branch die back
Fraxinus pennsylvanica Green Ash	deciduous shade	50-60'	25-35'	fast	very adaptable, full sun	adaptability	borers, scale
Nyssa sylvatica Black Gum	deciduous	30-50'	20-30'	moderate	moist well-drained acid	striking fall color	none serious
Pinus taeda Loblolly Pine	evergreen	40-60'	20-30'	fast	adaptable to poorly drained, acid soil	good fast screen	pine beetles
Quercus phellos Willow Oak	deciduous shade	40-60'	30-60'	moderate	adaptable	good form, fine texture	none serious
Quercus shumardii Shumard Oak	deciduous shade	40-60'	40-60'	moderate	adaptable	reliability, fall color	none serious
Ulmus parviflora Lacebark Elm	deciduous shade	40-50'	40-50'	moderate	adaptable	beautiful mottled bark	none serious

Appendix Table 1-5. Large Tree List

Large Trees	TREE TYPE	AT MATURITY		GROWTH RATE	SITE CONDITIONS	BENEFITS	POSSIBLE PROBLEMS
		HEIGHT	SPREAD				
Acer saccharum Sugar Maple	deciduous shade	60-75'	40-60'	moderate	well-drained slightly moist	fall color	leaf scorch
Betula nigra River Birch	deciduous	40-70'	40-60'	slow to moderate	moist preferred, but adaptable	handsome form & bark	leaf spot
Cedrus deodara Deodar Cedar	evergreen	40-70'	50-90'	moderate	well-drained, somewhat dry	foliage texture and color	cold damage, top die back
Fagus grandiflora American Beech	deciduous shade	50-70'	50-70'	slow	moist, well-drained, acid	handsome form, bark	none serious, surface roots
Ginkgo biloba Ginkgo Tree	deciduous shade	50-80'	30-60'	moderate	adaptable, full sun	unique foliage, rich yellow	none serious
Gymnocladus dioica Kentucky Coffeetree	deciduous shade	60-75'	40-50'	slow to moderate	adaptable	bold form & unique color	none serious

Town of Newton Grove - Zoning Ordinance

Appendix Table 1-5. Large Tree List (continued)

Large Trees	TREE TYPE	AT MATURITY		GROWTH RATE	SITE CONDITIONS	BENEFITS	POSSIBLE PROBLEMS
		HEIGHT	SPREAD				
Liquidambar s. rotundiloba Sweetgum (fruitless)	deciduous shade	60-75'	40-50'	moderate	adaptable, needs large root zone	rich fall color	possible pests
Liriodendron tulipifera Tulip Poplar	deciduous shade	70-90'	35-50'	fast	moist, drained, loamy soil, full sun	beautiful spring flowers	numerous if poor sited
Magnolia grandiflora Southern Magnolia	evergreen	60-80'	30-50'	moderate	rich, well- drained shade tolerant	fragrant flower handsome leaf	messy leaves surface roots
Metasequoia glyptostroboides Dawn Redwood	deciduous	70-100'	25-45'	fast	moist, well- drained slightly acid	bright green fine leaves	none serious Japanese beetle
Quercus alba White Oak	deciduous shade	50-80'	60-90'	slow	deep, moist, well-drained, acid	stateliness, fall color	numerous, but tree survivor
Quercus coccinea Scarlet Oak	deciduous shade	70-75'	40-50'	moderate	adaptable	excellent glossy foliage	none serious
Quercus virginiana Live Oak	deciduous shade	40-80'	30-60'	slow	adaptable	excellent glossy foliage	none serious
Sophora japonica Pagoda - Scholar Tree	deciduous shade	50-75'	50-75'	fast	loamy, well- drained	fragrant showy flowers	canker, cold damage young
Taxodium distichum Bald Cypress	deciduous	50-70'	20-30'	moderate	adaptable, full sun	fine texture, attractive bark	twig blight, cypress moth
Tilia cordata Littleleaf Linden	deciduous shade	60-70'	40-60'	moderate	moist, well- drained, fertile	pollution tolerant	scale, linden mite aphids
Tsuga Canadensis Canadian Hemlock	evergreen	40-70'	25-35'	moderate	moist, well- drained acid, sun or shade	fine texture; hedge, screen	numerous if not properly sited
Zelkova serrata Japanese Zelkova	deciduous shade	50-80'	50-80'	moderate	moist well- drained sun	good foliage, fall color	none serious

The following species should not be used because they perform poorly.

- Bradford Pear, *Pyrus calleryana*
- Siberian Elm, *Ulmus pumilia*
- Eastern White Pine, *Pinus strobus*
- Silver Maple, *Acer saccharinum*

The following species are not recommended because they are marginal performers.

- Catalpa, *Catalpa speciose*
- Princess Tree, *Paulownia tomentosa*
- Honey locust, *Gleditsia triacanthos*
- Norway Maple, *Acer platanoides*
- Tree-of-Heaven, *Ailanthus altissima*
- Pin Oak, *Quercus plaustris*

Solar Array Facility Decommissioning Plan

Purpose

The following information is to be addressed and implemented to the Town of Newton Grove by the facility owner and property owner to decommission a medium or large solar array facility as regulated in the Town Zoning Ordinance - Section 9.

Decommissioning Plan

Date _____

Decommission Plan for (facility name) _____, located at (street address of facility) _____ Newton Grove, NC 28366.

Prepared and submitted by (name of facility owner) _____,

and (name of property owner) _____.

As required by the Town of Newton Grove,

(facility owner name) _____ presents this decommissioning plan for the solar array facility.

Decommissioning of the solar array facility will occur as a result of any of the following conditions:

- 1. The land lease ends.
- 2. The system does not produce power for 12 months.
- 3. The system is damaged and will not be repaired or replaced.

The owner of the solar array facility and property landowner, will do the following as a minimum to decommission the project.

- 1. Remove all non-utility owned equipment, conduits, structures, fencing, and foundations to a depth of at least three feet below grade.
- 2. Remove all graveled areas and access roads unless the owner of the leased real estate requests in writing for it to stay in place.
- 3. Restore the land to a condition reasonably similar to its condition before SES development, including replacement of top soil removed or eroded.
- 4. Revegetate any cleared areas with warm season grasses that are native to the region, unless requested in writing by the owner of the real estate to not revegetate due to plans for agricultural planting.

All said removal and decommissioning shall occur within 12 months of the solar array facility ceasing to produce power for sale. The owner of the solar array facility,

(facility owner name) _____,

and property owner (name) _____,

are responsible for this decommissioning. Nothing in this plan relieves any obligation that the real estate property owner may have to remove the facility as outlined in the Conditional Use Permit (Town Zoning Ordinance) in the event the owner of the solar array facility does not fulfill this obligation.

Town of Newton Grove - Zoning Ordinance

The facility owner and property owner of the solar array facility will provide Town of Newton Grove planning department and the Sampson County Register of Deeds with an updated signed decommissioning plan within 30 days of change in the solar array facility owner.

This plan may be modified from time to time and a copy of any modified plan will be provided to the planning staff and filed with the Sampson County Register of Deeds by the party responsible for decommissioning.

Solar Array Facility Owner

Signature: _____ Date: _____

Company address of facility owner _____

Telephone _____

Email address _____

Landowner (if different from solar array facility owner)

Signature: _____ Date: _____

Address _____

Telephone _____

Email address _____

North Carolina General Statutes § 10B-41 Notarial Certificate Acknowledgement

_____ County, North Carolina

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

Name of principal (Solar Array Facility Owner)

Name of principal (Landowner -if different from solar array facility owner)

Date: _____

(Official Seal)

Official Signature of Notary

Notary Public Notary's printed or typed name

My commission expires: _____