

SECTION 1

GENERAL PROVISIONS

A. Purpose of Ordinance

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers, to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of populations; to facilitate adequate provision of transportation, water, sewage, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

B. Authority for Ordinance

The provisions of this Ordinance are adopted under authority granted by General Statutes, Chapter 160A, Article 19, Part 3.

C. Extra-Territorial Jurisdiction

The provisions of this Ordinance shall apply within the corporate limits of the town and within the territory one mile beyond such corporate limits, as prescribed by Chapter 160A, Article 19, Part 1 of the General Statutes and as described on the officially adopted extraterritorial jurisdiction map on file in the town clerk's office.

D. Open Space Requirements

No part of a yard, court or other open space provided around any building or structure for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space required under this Ordinance for another building or structure.

E. Reduction of Lot and Yard Areas Prohibited

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

F. Official Zoning Map

The boundaries of each zoning district are shown on a map entitled "Town of Troy Official Zoning Map" which is hereby made a portion of this Ordinance. The official zoning map shall bear the adoption date of this Ordinance and the signatures of the mayor and town clerk.

All zoning amendments affecting the material displayed on the official zoning map shall be certified on this map by the town clerk along with the amendment date.

G. Interpretation of District Boundaries

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

1. Delineation. District boundary lines are generally intended be along or parallel to property lines, lot lines, the center line of streets, alleys, railroads, easements, other right-of ways and creeks, streams or other water channels.
2. Official Zoning Map. In the absence of specified distances on the map, dimensions or distances shall be determined by the scale of the official zoning map.
3. Board of Adjustment. When the street or property layout existing on the ground is at variance with that shown on the official zoning map, the Board of Adjustment shall interpret the district boundaries of this Ordinance.
4. Streets and Alleys. Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacancy or abandonment.
5. Lots Divided by District Lines. Whenever a single lot one acre or less in size is located within two or more different zoning districts, the district regulations applicable to the district within which the larger portion of the lot lies shall apply to the entire lot. Whenever a single lot greater than one acre in size is located within two or more different zoning districts, then:
 - (a) If each portion of the lot located within a separate district is equal to or greater than the minimum lot size for that district, then each portion of the lot shall be subject to all regulations applicable to the district in which it is located.
 - (b) If any portion of the lot located within a separate district is smaller than the minimum lot size for that district, then such smaller portion shall be regarded as if it were in the same zoning district as the nearest larger portion to which it is attached.

H. Application of Regulation

Except as hereinafter provided, no building shall be erected, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all zone regulations established by this Ordinance for the zone in which the building or land is located.

I. Interpretation of District Regulations

Uses not designated as permitted uses shall be prohibited. Additional uses where in character with the district may be added to this Ordinance by amendment.

J. Conflict With Other Laws

Wherever the regulations made under authority of this Ordinance require a lower height of building or less number of stores, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than required in any other statute or local ordinance or regulation, the provisions of the regulations made under the authority of this Ordinance shall govern. Whenever the provisions of any other statute or local ordinance or regulation require a greater width or size of yard of courts or require a lower height of building or a less number of stories or require a greater percentage of lots to be left unoccupied, or impose other standards than are required by the regulations made under authority of this Ordinance, the provisions of such statute or local ordinance or regulation shall govern.

K. Continuation of Nonconforming Uses

After the effective date of this Ordinance, pre-existing lots or structures, or uses of lots or structures, which would be prohibited under the regulations for the district in which located, shall be considered as nonconforming. Nonconforming lots, structures, or uses may be continued provided they conform to the following provisions.

1. Substandard Lots of Record

Any lot of record existing at the time of the adoption of this Ordinance, which has an area, or width which is less than required by this Ordinance, shall be subject to the following exceptions.

(a) 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 lots are located, the land 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.

(b) Lot Not Meeting Lot Size Requirements

Except as set forth in (1) in the above, if a lot, which was recorded prior to the passage of this Ordinance, fails to meet lot area or width requirements or both in a district where single-family residences are permitted, such lot may be used as the location of a single family dwelling with related accessory buildings. There shall be no alteration of minimum yard requirements on such lots except where the Board of Adjustment finds, after public hearing, that the value of the neighboring properties would not be unduly depreciated nor the public safety or welfare unduly affected by such action. In no case shall the Board of Adjustment reduce the yard requirements by more than 20 percent.

2. Extensions of Use

Nonconforming uses of land or buildings shall not hereafter be enlarged except as specifically provided for in this Ordinance. However, buildings housing a conforming use, but which do not conform to the dimensional requirements of this Ordinance, may be enlarged or extended in any manner that does not increase the extent of dimensional nonconformity.

3. Change of Use

Any nonconforming use may be changed to any conforming use, or with the approval of the Board of Adjustment, to any use more in character with the uses permitted in the district. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance.

4. Cessation of Use

If active operations are discontinued for a continuous period of four months with respect to a nonconforming use, such nonconforming use shall thereafter be used only for a conforming use.

5. Repairs and Alterations

Normal maintenance, repair, and incidental alteration to a building occupied by a nonconforming use is permitted; provided, that it does not extend the nonconforming use unless such maintenance, repair or alteration is specifically authorized by the Board of Adjustment in accordance with the provisions of subsection 6.

6. Damage or Destruction

(a) If a building occupied by a nonconforming use or nonconforming building is destroyed by any means to an extent of more than fifty percent of its replacement cost at the time of destruction, as determined by the Board of Adjustment, such building may not be restored for any nonconforming use except as provided for in this subsection.

- (b) The Board of Adjustment may authorize the renovation, repair, or replacement of a structure, which is damaged in excess of fifty percent of its replacement cost if it finds that, in completing the renovation, repair, or replacement work:
 - (1) there is no increase in the total amount of lot area devoted to the nonconforming use;
 - (2) there is no greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, or density requirements or other requirements such as parking, loading, and landscaping requirements; and
 - (3) there is no significant adverse impact on surrounding properties or the public health or safety.

In authorizing such renovation, repair, or replacement, the Board of Adjustment may affix other reasonable and appropriate conditions such as, but not limited to, landscaping and buffering to separate dissimilar uses or to screen parking and loading areas.

L. Violations -- Remedies

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance, the Administrative Officer or an appropriate authority of the town or any property owner who would be affected by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action in proceeding to prevent the occupancy of such building, structure or land.

M. Same -- Penalties

- (a) Any person violating any provisions of any article of this Ordinance or who shall violate or fail to comply with any order made thereunder, or who shall continue to work upon any structure after having received written notice from the Zoning Administrator to cease work, shall be guilty of a misdemeanor and punishable by a fine not to exceed fifty dollars.
- (b) Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or conditional use permits, shall also subject the offender to a civil penalty of fifty dollars. If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the town in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final written notice of violation and did not take an appeal to the Board of Adjustment within the prescribed time.
- (c) This Ordinance may also be enforced by any appropriate equitable action.

- (d) Each day that any violation continues after notification by the Zoning Administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
- (e) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

N. Severability of Provisions

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

O. Definitions

For the purpose of this Ordinance, certain terms and words are defined as follows:

All words used in the present tense shall include the future tense; all words in the singular number shall include the plural number; and all words in the plural number shall include the singular number unless the natural construction of the wording indicates otherwise; the words "used for" shall include the meaning "designed for"; the word "structure" shall include the word "building"; the word "lot" shall include the words "plot" and "tract" and word "shall" is mandatory.

Accessory Building. A subordinate use building customarily incident to and located upon the same lot occupied by the main use building. Accessory building cannot be a manufactured home.

Accessory Dwelling Unit. A dwelling unit that exists either as part of a principal dwelling or as a detached accessory building and is secondary and incidental to the use of the property as single-family residential. Accessory dwellings may not comprise more than 25 percent of the gross floor area of the principal dwelling or comprise more than 750 square feet as a detached accessory building.

Administrative Official. The official charged with the enforcement of the zoning ordinance for the Town of Troy. The term is used interchangeably with Zoning Administrator.

Adult Establishment. A business as defined in North Carolina General Statute (NCGS) 14-202.10(2). This definition includes adult bookstores, adult motion picture theaters, adult mini-motion theaters, adult live entertainment businesses or massage business. These uses are further defined in NCGS 14-202.10 and the definitions are adopted by reference. However, massage businesses will follow the provisions of the Town of Troy Code of Ordinances, Title XI, Chapter 112, Massage Parlors.

Agricultural Production, Crops. The production of (and activities relating or incidental to the production of) crops, fruits, vegetables, ornamental and flowering plants, and nursery products such as bulbs, trees, vines, shrubbery, flower and vegetable seeds and plans, and sod.

Agricultural Production, Livestock. The commercial production of (and activities relating or incidental to the production of) dairy, livestock and poultry products. Livestock as used here includes cattle, sheep, goats, hogs, and poultry as well as animal specialties such as horses, rabbits, bees, fur-bearing animals in captivity, and fish in captivity. This definition does not include animal feeder/breeder operations; the keeping, grazing, or feeding of livestock for personal use; nor the keeping of domesticated animals for pets.

Alcoholic Sales Establishments. Businesses as defined by in North Carolina General Statute (NCGS) 18B-1000. Including Convention Center, Cooking School, Eating Establishment, Food Business, Hotel, Private Club, Restaurant, Sports Club, etc...

Alley. A roadway, which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Animal Feeder/Breeder Operation. Establishments primarily engaged in the production, feeding, or fattening of cattle, hogs, chickens, or turkeys in a confined area for a period of at least 45 days on a contract or fee basis.

Apartment. A room or suite of one or more rooms in a multiple dwelling intended for use as a residence by a single family.

Apartment House. See Dwelling, Multiple Family.

Appraised Value. The market value which has been last determined by the county in which the property is located for ad valorem tax purposes.

Boarding House. A building other than a hotel or motel where meals are served for compensation.

Building. Anything constructed or erected, the use of which requires location on the land or attached to something having a permanent location on the land, excluding manufactured homes, camping trailer, motorized home, pick-up coach, travel trailer or self-contained travel trailer.

Building, Accessory. A subordinate building, the use of which is incidental to that of a principal building or use on the same plot.

Building, Height of. The vertical distance from the average sidewalk grade or street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building.

Building Line. A line establishing the minimum allowable distance between the nearest portion of any building, excluding the outermost three feet of any uncovered porches, steps, eaves, gutters and similar fixtures, and the street or highway right-of-way line when measured perpendicularly thereto.

Building, Principal. A building in which is conducted the principal use of the plot on which it is situated.

Camping Trailer. A structure, mounted on wheels, and designed for use as a temporary dwelling for travel, recreational and vacation use.

Dwelling, Single Family. A building or portion thereof designed for living or sleeping purposes, occupied exclusively by the family; excluding manufactured homes, camping trailers, motorized homes, pick-up coaches, travel trailers or self-contained travel trailers.

Dwelling, Multiple Family. A building or portion thereof used or designed as a residence for two or more families living independently of each other and conforms to the following criteria:

- a. meets minimum lot area as specified in the zoning district where located; minimum spacing between multiple family residential structures shall be 20 feet;
- b. screening shall be provided between multiple family structures and any adjacent single family structures according to a landscape plan approved by the Zoning Administrator. In addition, landscaping shall be required between and around multiple family structures according to a landscape plan approved by the Zoning Administrator. All landscaping shall be maintained;
- c. each multiple family development shall provide recreational space in accordance with the following:
 - 108.9 square feet per person expected to reside in the development based upon the following:
 - 1 Br. = 1.4 person
 - 2 Br. = 2.2 persons
 - 3 Br. = 3.2 persons
 - 4 or more Br. = 4.0 persons
 - An in lieu of payment may be made by the developer rather than providing actual recreational space;
- d. multiple family developments shall have vehicular access from a street capable of handling the anticipated traffic;
- e. conforms to all other sections of the Zoning Ordinance.

Dwelling Unit. A room or rooms intended for use as a residence by a single family.

Family. One (1) or more persons related by blood, marriage or adoption living together as a single housekeeping unit; or a group of not more than four (4) persons unrelated by blood, marriage or adoption living together as a single housekeeping unit.

Family Care Home. A home defined and described in Article 3 of G.S. 168 as having support and supervisory personnel, that provides room and board, personal care and rehabilitation services in a family environment for not more than six resident handicapped persons.

Filling Station. See Service Station.

Forestry Operations. Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, and related activities. Not included in this definition are logging establishments, sawmills, and planing mills.

Frontage. All the property abutting one (1) side of a street between two (2) intersecting streets, measured along the street line.

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

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

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

Group Care Facility. A facility licensed by the State of North Carolina (by whatever name it is called, other than Family Care Home as defined by this Ordinance), with support and supervisory personnel that provides room and board, personal care or habilitation services in a family environment for not more than 30 people.

Guest House (Tourist Home). Any dwelling occupied by owner or operator in which rooms are rented for guests and for lodging of transients and travelers for compensation.

Handicapped Person. A person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in N.C. G.S. 122C-3(11)b.

Home Occupation. An occupation customarily conducted for profit within a dwelling and carried on by the occupants therefor, which use is clearly secondary to the use of the dwelling for residential purposes, and does not change the character thereof, and in connection with which there is no display, no stock-in-trade nor commodity sold upon the premises and no person, not a resident on the premises, is employed specifically in connection with the home occupation.

Hotel (Motel). A building or other structure kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, where rooms are furnished for the accommodation of such guests and having or not having one or more dining rooms, restaurants, or cafes where meals or lunches are served to such transient or permanent guests, Such sleeping accommodations and dining rooms, restaurants or cafes, if existing, being conducted in the same building or buildings in connection therewith.

Junk Yard. Any land or area used, in whole or in part for commercial storage and/or sale of waste paper, rags, scrap, metal, or other junk, and including storage of motor vehicles and dismantling of such vehicles or machinery.

Lot. A parcel of land occupied or to be occupied by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, lot width and lot area as are required by this Ordinance, and having not less than the minimum required frontage upon a street, either shown on a plat of record, or considered as a unit of property and described by metes and bounds.

Lot, Corner. A lot abutting upon two (2) or more streets at their intersection.

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

Lot, Through. An interior lot having frontage on two streets.

Lot, Depth. The average distance between front and rear lot lines.

Lot Lines. The lines bounding a lot.

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

Lot Width. The distance between side property lines measured at the street right-of-way line except by Conditional Use Permit only for cul-de-sac lots where the lot width is measured at the front setback line parallel to the street right-of-way line.

Manufactured Home: A dwelling unit that is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed for installation or assembly and installation on the building site.

Manufactured Home, Class A: A dwelling unit constructed with one or more components which are prefabricated and hauled to the site that are capable of producing a dwelling which is indistinguishable from conventionally built homes and which meets the construction requirements of the North Carolina Uniform Residential Building Code as amended.

Manufactured Home, Class B: A dwelling unit that was constructed after July 1, 1976 that: (1) meets or exceeds the construction standards of the U.S. Department of Housing and Urban Development; and (2) is composed of two or more components, each of which was

substantially assembled in a manufacturing plant and designed to be transported to the home site; and (3) conforms to the following appearance criteria:

- a. The manufactured home has a minimum width, as assembled on the site, of twenty feet (20');
- b. The pitch of the manufactured home's roof has a minimum vertical rise of 3 inches for each 12 inches of horizontal run and the roof is finished with asphalt or fiberglass shingles;
- c. The exterior siding of the manufactured home is of a color, material, and scale comparable with those in the immediate vicinity, and in no case does the degree of reflectivity of the exterior finish exceed that of gloss white paint; and
- d. The axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.
- e. Skirting shall be properly maintained.
- f. Skirting/foundation plans shall be submitted to and approved by the Zoning Administrator or his designee as to the appearance and durability of the proposed skirting/foundation and being acceptably similar or compatible in appearance to skirting/foundations of residences built on adjacent or nearby sites.

Manufactured Home, Class C: A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development and that does not meet the definitional criteria of a Class A or Class B manufactured home but which, at a minimum, exceeds 32 feet in length and 8 feet in width and conforms to the following requirements:

- a. The exterior siding of the manufactured home is of a color, material, and scale comparable with those in the immediate vicinity, and in no case does the degree of reflectivity of the exterior finish exceed that of gloss white paint; and
- b. The axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.
- c. Skirting shall be of noncombustible material or material which will not support combustion. Skirting material shall be durable and suitable for exterior exposures;
- d. The skirting shall be vented in accordance with state requirements;
- e. Skirting manufactured specifically for this purpose shall be installed in accordance with the manufacturer's specifications;
- f. Skirting shall be properly maintained.
- g. Skirting/foundation plans shall be submitted to and approved by the Zoning Administrator or his designee as to the appearance and durability of the proposed skirting/foundation and being acceptably similar or compatible in appearance to skirting/foundations of residences built on adjacent or nearby sites.

Manufactured Home Park: Land used or intended to be used, leased or rented for occupancy by six or more manufactured homes, anchored in place by a foundation or other stationary support, to be used for living purposes and accompanied by automobile parking spaces and incidental utility structures and facilities required and provided in connection therewith. This definition shall not include trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.

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

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 it.

Obstruction. Any structure, fence, shrub, bush, tree, flower, plant, motor vehicle or any other object that obscures, impairs, or prevents view or sight through, over or across the horizontal or vertical distance area as herein defined.

Parking Space. The storage space for one automobile of not less than eight feet by twenty feet in area, plus the necessary access space. It shall always be located outside the dedicated street right-of-way.

Pick-Up Coach. A structure designed primarily to be mounted on a pickup or truck or similar chassis with sufficient equipment to render it suitable for use as a temporary dwelling for use as a temporary dwelling for travel, recreational, and vacation use.

Self-Contained Travel Trailer. A travel trailer which may operate independently of connections to electricity, water, and sewer for a limited period of time; having its own battery or LP gas system, or both, to operate lights, refrigerator, stove and heater, and having a water tank with a pressure system, and having a holding tank with a toilet.

Service Station. A building or lot where gasoline, oil, greases and accessories are supplied and dispensed to the motor vehicle trade, also where battery, tire, and other similar services are rendered.

Sign. Any letter, symbol, number, or combination of these (including the structure, frame, base, supports and all related accoutrements), which may be seen from the right-of-way of a street or highway.

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

Sign, Portable. Any sign which rests upon, but is not permanently attached to, the ground, a structure, frame, building or other surface and is designed and constructed to be moved, at minimal cost, from one location to another. Portable signs include but are not limited to the following, trailer signs, signs on the top of a vehicle, sandwich board signs, and sidewalk or curb signs.

Sign, Projecting. Any sign which projects from the wall of a building more than twelve inches.

Sign, Wall. A sign which is attached to or painted on a building, with the exposed face thereof in a plane parallel to and which does not project more than one foot in front of the plane of the wall with which it is associated.

Street. A public thoroughfare which affords the principal means of access to abutting property, and which has been accepted for maintenance by the town or state highway commission.

Street Line. The dividing line between a street or road right-of-way and the contiguous property. Same as property line or right-of-way line.

Storage Building. An enclosed structure for storing items upon the same lot occupied by the principal use building provided that the stored items cannot be seen. A storage building cannot be a manufactured home.

Structure. Anything constructed or erected, the use of which requires location on the land or attachment to something having a permanent location on the land, excluding manufactured homes, camping trailer, motorized home, pick-up coach, travel trailer or self-contained travel trailer.

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

Temporary Emergency, Construction, or Repair Residence. A residence (which may be a manufactured home) that is: (i) located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster; or (ii) located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed; or (iii) located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site. See Section 11E for specific provisions related to such residences.

Tourist Home. See Guest House.

Travel Trailer. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation use, having a body width not exceeding eight feet, and a body length not exceeding thirty-two feet.

Tower, Co-location. An arrangement whereby more than one user occupies a single tower structure.

Tower, Communications. A structure greater than sixty feet in height whose primary purpose is to support communications equipment including, but not limited to, cellular communications. This definition includes tower/antenna/building combinations and the height measurement applies to those combinations. This definition shall not include wire-supporting electric power transmission and telephone poles.

Tower, Guyed. A tower supported by guy wires or cables that extend out from the tower to the ground used to support communications equipment.

Tower, Lattice. A self-supporting, multi-sided, open, steel frame structure used to support communications equipment.

Tower, Monopole. A structure composed of a single spire used to support communications equipment.

Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

Yard, Front. A yard across the full width of the lot, extending from the front line of the building to the front line of the lot, excluding steps and unenclosed porches, but including covered porches.

Yard, Rear. A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

Yard, Side. An open unoccupied space on the same lot with a building between the building and the side line of the lot extending through from the front lot line to the rear building line.

Zoning Administrator. The official charged with the enforcement of the zoning ordinance for the Town of Troy. The term is used interchangeably with administrative official.

SECTION 2

ZONES AND BOUNDARIES THEREOF

A. In order to regulate and limit the height and size of buildings; to regulate and limit the intensity of the use of lot areas; to regulate and determine the areas of open spaces surrounding buildings; to classify, regulate and restrict the location of trades and industries; and the location of buildings designed for specified industrial, business, residential and other uses of the Town of Troy, the Town of Troy is hereby divided into the following zones:

1. R-15 Residential Zone
2. R-8 Residential Zone
3. R-6 Residential Zone
4. OI Office and Institutional Zone
5. CB Central Business Zone
6. GB General Business Zone
7. NB Neighborhood Business Zone
8. I Industrial Zone

In addition to the above general zoning districts, a corresponding conditional use district may be established in accordance with provisions of Section 18D. Accordingly, the following conditional use districts may be designated upon approval by the Board of Commissioners of a petition to establish a conditional use district:

1. R-15 (CD) Residential Conditional Use District
2. R-8 (CD) Residential Conditional Use District
3. R-6 (CD) Residential Conditional Use District
4. OI (CD) Office and Institutional Conditional Use District
5. CB (CD) Central Business Conditional Use District
6. GB (CD) General Business Conditional Use District
7. NB (CD) Neighborhood Business Conditional Use District
8. I (CD) Industrial Conditional Use District

B. Every building hereafter erected or structurally altered shall be located on a lot and in no case shall there be more than one main building and the customary accessory buildings on the lot.

C. Every lot to be built upon shall abut a public street or other public right-of-way.

D. Every residential structure hereafter erected or structurally altered shall be located on a lot either parallel or perpendicular to the public street or other public right-of-way.

E. Only one (1) manufactured home shall be located on a lot where permitted. If the manufactured home is located within a manufactured home park, the provisions of Section 13 of this Ordinance shall apply.

F. Every lot upon which a manufactured home is located except within a manufactured home park, shall abut a public street or other public right-of-way.

G. Underpinning shall be installed within thirty (30) days of placement of manufactured home.

H. Replacement (removal) of a manufactured home shall be performed within thirty (30) days of placement of a new manufactured home.

SECTION 3

R-15 RESIDENTIAL ZONE

The R-15 residential zone is established as a zone in which the Principal use of land is for low density residential and agricultural purposes. The regulations of this zone are intended to protect the agricultural sections of the community from an influx of uses likely to render it undesirable for farms and future development, and to insure that residential developments dependent upon septic tank systems for sewage disposal will occur at sufficiently low densities to insure a healthful environment.

A. Permitted Uses

1. Single family dwellings, except for Class B or Class C manufactured homes.
2. Public, primary, secondary and private schools having the same curriculum as ordinarily given in the public schools.
3. Churches.
4. Municipally-owned parks, playgrounds and recreation centers; parks, playgrounds, and recreation centers owned and operated by non-profit civic organizations.
5. Rear yard parking or storing of not more than one (1) unoccupied travel trailer, motorized home, pick-up coach or self-contained travel trailer.
6. Golf, swimming, tennis and other private clubs not open to the general public and operated for the mutual recreation of members and not operated as a business for profit. Provided, however, that any swimming or tennis club is located on a parcel of land not less than one (1) acre in size.
7. Family care homes.
8. Group care facility.
9. Temporary emergency, construction, or repair residences.
10. Accessory dwelling unit within a principal dwelling.
11. Municipal facilities.
12. Agricultural production, crops.
13. Forestry operations.
14. Accessory/Storage buildings and uses customarily incidental to any of the above permitted uses.

B. Conditional Uses

1. Utility substations.
2. Cemeteries.
3. Accessory dwelling unit within a detached, accessory building.
4. Home Occupations

C. Dimensional Requirements

1. Minimum required lot area: 15,000 square feet, except that when public water and sewer are not provided then the minimum lot area shall be 20,000 square feet. Primary residences with accessory dwelling units shall be required to have 150 percent of the minimum lot area required for one dwelling unit.
2. Minimum required lot width: 100 feet, except by Conditional Use Permit only for cul-de-sac lots where the lot width is measured at the front setback line parallel to the street right-of-way line.
3. Minimum required front yard: 35 feet measured from the street right-of-way line.
4. Minimum required side yards: 12 feet measured from the property line.
5. Minimum required rear yard: 30 feet measured from the property line.
6. Maximum building height: 35 feet

D. Location of Accessory/Storage Building. Accessory buildings may occupy ten percent of the gross lot area, must be built a minimum of ten feet from any lot line, and, except for attached garages must be built to the rear of the principal building.

E. Corner Lots

1. On corner lots, the side yard on that side of the lot abutting the side street shall not be less than one-half the front yard requirement on that side street.
2. Accessory buildings on corner lots located on that side of the lot abutting the side street shall not project beyond the full front yard requirement on that side street.

F. Signs: Signs shall be permitted as provided in Section 14 of this Ordinance.

G. Parking: Off-street Parking shall be provided as required in Section 13 of this Ordinance.

SECTION 4

R-8 RESIDENTIAL ZONE

The R-8 residential zone is established as a zone in which the principal use of land is for single family, two family, and multi-family residences. The regulations of this zone are intended to provide areas of the community for those persons desiring residence and multi-family structures in medium density neighborhoods. The regulations are intended to discourage any use which because of its character would interfere with the residential nature of this zone.

A. Permitted Uses

1. Any permitted use in the R-15 Residential Zone.
2. Guest houses and boarding houses.
3. Accessory dwelling units.

B. Conditional Uses

1. Any Conditional use in the R-15 Residential Zone not otherwise allowed as a permitted use by right in subsection A above.
2. Multiple family dwellings.
3. Class B manufactured homes, provided that a continuous, permanent masonry wall, unpierced except for required ventilation and access is installed under the manufactured home.
4. Nursing homes, convalescent homes and homes for the aged.
5. Home occupations
6. Hospitals, except animal hospitals.
7. Medical clinics including drugstores and medical doctor offices.
8. Class C Manufactured homes provided that underskirting is installed around the entire manufactured home.

C. Dimensional Requirements

1. Minimum required lot area:

Single family dwellings:	8,000 square feet, except that when public water and sewer are not provided then the minimum lot area shall be 20,000 square feet.
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Lots containing accessory dwelling units shall have an additional 2,000 square feet of lot area in excess of the minimum lot area required for one dwelling unit.

Multiple family dwellings:

In addition to the above area requirements for each additional dwelling unit in excess of one, 3,000 square feet of additional area is required.

2. Minimum required lot width: 80 feet, except by Conditional Use Permit only for cul-de-sac lots where the lot width is measured at the front setback line parallel to the street right-of-way line.
3. Minimum required front yard: 35 feet measured from the street right-of-way line.
4. Minimum required side yards: 12 feet; measured from the side property line.
5. Minimum required rear yard: 30 feet measured from the rear property line.
6. Maximum building height: 35 feet.

D. Location of Accessory/Storage Building. Accessory buildings may occupy ten percent of the gross lot area, must be built a minimum of ten feet from any lot line, and, except for attached garages must be built to the rear of the principal building.

E. Corner Lots

1. On corner lots, the side yard on that side of the lot abutting the side street shall not be less than one-half the front yard requirement on that side street.
2. Accessory buildings on corner lots located on that side of the lot abutting the side street shall not project beyond the full front yard requirement on that side street.

F. Signs: Signs shall be permitted as provided in Section 14 of this Ordinance.

G. Parking: Off-street parking shall be provided as required in Section 13 of this Ordinance.

SECTION 5

R-6 RESIDENTIAL ZONE

The R-6 residential zone is established as a zone in which the principal use of land is for single family, two family, multi-family residences, and manufactured homes. The regulations of this zone are intended to provide areas in the community for those persons desiring small residences and multi-family structures in relatively high density neighborhoods. The regulations are intended to discourage any use which because of its character would interfere with the residential nature of this zone.

A. Permitted Uses

1. Any permitted use in the R-15 and R-8 Residential Zone.
2. Manufactured home parks (refer to Section 15 for additional requirements).

B. Conditional Uses

1. Any conditional use in the R-15 and R-8 Residential Zone not otherwise allowed as a permitted use by right in subsection A above.

C. Dimensional Requirements

1. Minimum required lot area:

Single-family dwellings:

Manufactured homes on individual lots:

6,000 square feet except that when public water and sewer are not provided then the minimum lot area shall be 20,000 square feet.

Lots containing accessory dwelling units shall have an additional 2,000 square feet of lot area in excess of the minimum lot area required for one dwelling unit.

Multiple family dwellings:

In addition to the above area requirements for each additional dwelling unit in excess of one (1), 3,000 square feet of additional area is required.

2. Minimum required lot width: 60 feet, except by Conditional Use Permit only for cul-de-sac lots where the lot width is measured at the front setback line parallel to the street right-of-way line.
3. Minimum required front yard: 25 feet measured from the street right-of-way line.
4. Minimum required side yards: 12 feet measured from the side property line.
5. Minimum required rear yard: 25 feet measured from the rear property line.
6. Maximum building height: 35 feet.

D. Location of Accessory/Storage Building. Accessory buildings may occupy ten percent of the gross lot area, must be built a minimum of three feet from any lot line, and, except for attached garages, must be built to the rear of the principal building.

E. Corner Lots

1. On corner lots, the side yard on that side of the lot abutting the side street shall not be less than one-half the front yard requirement on that side street.
2. Accessory buildings on corner lots located on that side of the lot abutting the side street shall not be less than one-half the full front yard requirement on that side street.

F. Signs: Signs shall be permitted as provided in Section 14 of this Ordinance.

G. Parking: Off-street parking shall be provided as required in Section 13 of this Ordinance.

SECTION 6

OI OFFICE AND INSTITUTIONAL ZONE

This zone is established primarily for office and institutional uses which have only limited contact with the general public and which have no offensive noises, odors, smoke, fumes, or other objectionable conditions. As residences are permitted in this zone and as this zone is usually adjacent to residential districts, provisions are made for yards, off-street parking and off-street loading areas.

A. Permitted Uses

1. Any use permitted by right or as a conditional use in the Residential Zones, except Class B and Class C manufactured homes, manufactured home parks, and multiple family dwellings.
2. Business, governmental, medical, professional, union, civic, charitable, political, fraternal, social, and religious offices.
3. Libraries.
4. Real estate, insurance and advertising businesses.
5. Dance schools and similar institutions offering instruction.
6. Funeral homes.
7. Florists.
8. Banking and bank related functions.
9. Temporary emergency, construction, or repair residences.
10. Group care facilities.
11. Family care homes.

B. Conditional Uses

1. Multiple family dwellings.

C. Dimensional Requirements

1. Minimum required lot area:

All permitted uses except
multiple family dwellings:

6,000 square feet except
that when public water and sewer are not
provided then the minimum lot area shall
be 20,000 square feet.

Lots containing accessory dwelling units shall have an additional 2,000 square feet of lot area in excess of the minimum lot area required for one dwelling unit.

Multiple family dwellings:

In addition to the above area requirements for each additional dwelling unit in excess of one, 3,000 square feet of additional area is required.

- | | | |
|----|------------------------------|---|
| 2. | Minimum required lot width: | 60 feet. |
| 3. | Minimum required front yard: | 25 feet measured from the street right-of-way line. |
| 4. | Minimum required side yards: | 10 feet measured from the side property line. |
| 5. | Minimum required rear yard: | 25 feet. |
| 6. | Maximum building height: | 35 feet. |

D. Location of Accessory Building. Accessory buildings may occupy ten percent of the gross lot area, must be built a minimum of three feet from any lot line, and, except for attached garages, must be built to the rear of the principal building.

E. Corner Lots

1. On corner lots, the side yard on that side of the lot abutting the side street shall not be less than one-half the front yard requirement on that side street.
2. Accessory buildings on corner lots located on that side of the lot abutting the side street shall not be less than one-half the full front yard requirement on that side street.

F. Signs: Signs shall be permitted as provided in Section 14 of this Ordinance.

G. Parking: Off-street parking shall be provided as required in Section 13 of this Ordinance.

SECTION 7

CB CENTRAL BUSINESS ZONE

The regulations for this zone are designed to permit a concentrated development of permitted facilities within the traditional central business district of the town. The area is intended to provide uses that meet the retail and service needs of a traditional community center and its vicinity.

This zone refers to the historic downtown core. The downtown area provides opportunities for revitalization, adaptive reuse, and infill development. The focus is to preserve an identity for the immediate residential neighborhoods and highway-oriented businesses, while also creating a focal point for the Town as a whole.

The encouragement and facilitation of the pedestrian shopper is of primary importance. The historical character is also an important element and should be respected. Residential and mixed-use development, where appropriate, is also encouraged. New construction shall favor retail first floor, office, or residential second floor and above.

Generally, permitted uses shall consist of retail establishments, personal service, repair shops, business services, governmental offices including, professional offices, and public or institutional facilities. It may contain other compatible uses, such as civic and institutional uses of community wide importance.

A. Permitted Uses

1. Retail establishments primarily engaged in selling one or more of the following: Appliances; beverages; building supplies; clothing; cosmetics; drugs, fabrics; foods; furniture; hardware; jewelry; notions; office supplies; paint; sporting goods; shoes; toys; stationery or books; magazines; newspapers; and similar uses.
2. Personal service establishments including: Barber shops; beauty shops; florists; dance studios; day care centers; nursing homes; funeral homes; bed & breakfast; hotels; motels; restaurants; service stations; bus stations; taxi stands; tailors; and similar uses.
3. Repair shops including: Electrical appliance repair; shoe repair; radio and television repair; and similar uses.
4. Business services including: Dry cleaning and laundries; self-service laundries; garages; printing shops, tire recapping; and similar uses.
5. Governmental offices including: Municipal buildings; police stations and jails; fire stations; post offices; offices for governmental agencies and

charitable organizations; libraries; and similar uses.

6. Business offices including: Banks and other financial institutions; insurance office; real estate offices; telephone offices; general business offices; and similar uses.
7. Professional offices including: Law offices; medical offices; engineering offices; dental offices, and similar uses.
8. Public and institutional facilities including: Schools; churches; hospitals; parking lots; parks; playgrounds; recreational centers; and similar uses.
9. Storage, provided it is within a building and the use is not visible from outside the building. Note: This does not include compartment/modular type individual units, which are utilized for self-storage. Such facilities are not a permitted use within this district.
10. Uses and buildings customarily accessory to the above. Additionally, buildings may be mixed use and may specifically include second floor and above residential uses. Such uses are encouraged to be located above shops and/or offices, to the extent that on-site parking, or off-site parking shared with other users, can be provided.
13. Temporary emergency, construction, or repair residences.
14. Accessory dwelling units.
17. Home occupations.

B. Conditional Uses

1. New and Used Car Lots
2. Multiple family dwellings.
3. Parking lot as a principal use.

C. Dimensional Requirements

- | | |
|-------------------------------|---------------------------|
| 1. Minimum required lot area: | Nonresidential uses: None |
|-------------------------------|---------------------------|

Residential uses: Same as the R-6 district.

- | | | |
|----|------------------------------|--|
| 2. | Minimum required lot width: | 25 feet |
| 3. | Minimum required front yard: | <p>The minimum front yard depth shall be the average of the front yard that have been established by the buildings in one or both adjoining side lots. In all cases there shall be sufficient setback from the street curb to provide space for a minimum six-foot sidewalk. In any case, new commercial buildings shall be subject to a maximum front setback of 15 feet. Multi-family dwellings shall have a maximum front setback of 20 feet.</p> |
| 4. | Minimum required side yards: | <p>No side yard is required, except where a lot abuts a residentially zoned lot. In such instance, the abutting side yard shall be at least 15 feet measured from the side property line.</p> |
| 5. | Minimum required rear yard: | <p>No rear yard is required, except where a lot abuts a residentially zoned lot. In such instance, the abutting rear yard shall be at least 15 feet measured from the rear property line.</p> |
| 6. | Maximum building height: | 50 feet |

D. Signs: Signs shall be permitted as provided in Section 14 of this Ordinance.

E. Parking: Off-street Parking shall not be required, except for new construction. Then it shall be provided as required in Section 13 of this Ordinance. *However, it may be necessary to amend parking requirements given the space constraints of the District. Additionally, all off-street parking shall be located behind or along side the commercial buildings and shall also be screened from public streets or ways, except alleys.*

F. Buffers: Buffer strips shall be required where any permitted use in this district abuts land zoned residential. The buffering requirement may be waived by the Town Board, upon recommendation of the Planning Board, along any boundary which is naturally screened by evergreen plant materials or topography, or may be deferred in isolated areas.

SECTION 8

GB GENERAL BUSINESS ZONE

The GB Highway business zone is established primarily for those businesses that serve the traveling public, require large areas for display of goods, and are not oriented to the pedestrian shopper. Because these zones are generally located adjacent to main thoroughfares where they are subject to public view, they should provide an appropriate appearance, ample parking, and suitable landscaping.

A. Permitted Uses

1. All uses permitted by right in the central business zone.
2. ABC stores.
3. Automobile, truck, boat, recreational vehicle, and manufactured home sales lots.
4. Automobile washing establishments.
5. Bowling alleys.
6. Building supply sales establishments.
7. Farm supply establishments, including sale of feed, seed, fertilizer and farm chemicals.
8. Farm equipment sales and service.
9. Golf courses, golf driving ranges, and miniature golf courses; golf, swimming, and tennis clubs.
10. Motor transport terminals.
11. Plant nurseries and greenhouses.
12. Petroleum bulk sales, storage and offices providing storage facilities are one hundred feet from any street right-of-way and natural buffering is provided.
13. Theaters.
14. Warehouses, including tobacco warehouses.
15. Carports or other vehicle covers for business
16. Wholesale businesses.

17. Riding stables.
18. Public utility storage or service yard; utility substations.
19. Veterinarian and kennel services, provided that there shall be no open kennels and provided further that no pens or kennels shall be located closer than 20 feet to any property line.
20. Cemeteries and mausoleums.
21. Uses and buildings customarily accessory to the above permitted uses.

B. Conditional Uses

1. Cultural, entertainment and recreation not elsewhere classified.
2. Shopping center; provided, that the area in question contains not less than three acres.
3. Light manufacturing and assembly uses, provided (i) that adequate off-street parking can be provided for employees, (ii) that the building can be adequately serviced from the rear side, (iii) that at least one loading dock is provided, (iv) that retail and/or office space is provided along with the light industrial operation, (v) that the Board of Commissioners may establish a maximum period of operation that the light industrial use may temporarily occupy the premises, and (vi) that excessive noise, vibration and odor is not generated by the light industrial use.
4. Multiple family dwellings.
5. Game Rooms (principal use).
 - a. Any game room shall be located at least 200 linear feet from a residential (R) zoning district; hospital; public or private two- or four-year college facility; elementary, middle, or high school facility; church or other house of worship facility.
 - b. Game rooms shall be at least 200 feet from any dwelling unit.
 - c. No two game rooms shall be located within 2,000 linear feet of each other.
 - d. Game rooms shall be operated only on the ground floor of a building and an unobstructed transparent plate glass window or windows shall be located in those parts of the building facing any street so that a clear view inside may be had from the street.
 - e. No screens, curtains, blinds, partitions, or other obstructions shall be placed between the entrance to the room where amusements or games are played and the rear wall of the room. A clear view from the interior premises from the entrance to the rear of the premises must be maintained at all times.

6. Private Club

a. Private Club is a business as defined as an establishment that is organized and operated solely for a social, recreational, patriotic, or fraternal purpose and that is not open to the general public, but is open only to the members of the organization and their bona fide guests. This provision does not, however, prohibit such an establishment from being open to the general public for raffles and bingo games as required by G.S. 14-309.11(a) and G.S. 14-309.13.

b. Any Private Club or on-site consumption alcoholic sales establishment shall be located at least 200 linear feet from any pre-existing dwelling unit; hospital; public or private two- or four-year college facility; elementary, middle, or high school facility; daycare, family-care, or group care facility; church or other house of worship facility.

c. No two Private Clubs or on-site consumption alcoholic sales establishments shall be located within 2,000 linear feet of each other.

d. Private Clubs shall be operated only on the ground floor of a building.

C. Dimensional Requirements

- | | | |
|----|------------------------------|--|
| 1. | Minimum required lot area: | Nonresidential Uses: 20,000 square feet
Residential Uses: Same as the R-6 District |
| 2. | Minimum required lot width: | 75 feet |
| 3. | Minimum required front yard: | 25 feet measured from the street right-of-way line. |
| 4. | Minimum required side yards: | No side yard is required, except where a lot abuts a residentially zoned lot or where the lot is a corner lot. Lots abutting a residentially zoned lot shall have at least a 15 foot side yard measured from the side property line. On corner lots, the side yards fronting on the side street shall have at least a 15-foot width. |
| 5. | Minimum required rear yard: | 15 feet, except where a lot abuts a residentially zoned lot. In such instance, the abutting rear yard |

shall be at least 25 feet measured
from the rear property line.

6. Maximum building height: 35 feet

D. Signs: Signs shall be permitted as provided in Section 14 of this Ordinance.

E. Off-Street Parking and Loading: Off-street parking and loading shall be provided according to the provisions set forth in Section 13 of this Ordinance.

F. Buffers: Buffer strips shall be required where any permitted use in this district abuts land zoned residential. The buffering requirement may be waived by the Town Board upon recommendation of the Planning Board along any boundary which is naturally screened by evergreen plant materials or topography or may be deferred in isolated areas.

SECTION 9

NB NEIGHBORHOOD BUSINESS ZONE

The NB neighborhood business zone is established as a zone in which the principal use of land is for commercial and service uses to serve the surrounding residential zones and in which traffic and parking congestion can be reduced to a minimum in order to preserve residential values and promote the general welfare of the surrounding residential zones. The specific intent of this zone is:

- (1) To encourage the construction of and continued use of the land for neighborhood commercial and service purposes;
- (2) To prohibit residential, heavy commercial and industrial use of the land and to prohibit any other use of the land which would substantially interfere with the development or continuation of the commercial structures in the zone;
- (3) To discourage any use which, because of its character or size, would interfere with the use of land in the district as a shopping and service center for the surrounding residential zones.

A. Permitted Uses

1. Banking and bank related functions.
2. Convenience type grocery/gasoline stores.
3. Drug stores.
4. Beauty and barber services.
5. Self-service laundering and dry cleaning.
6. Churches and other religious activities.
7. Florist shops.
8. Temporary emergency, construction, or repair residences.
9. Municipal facilities

B. Conditional Uses

1. Restaurants.
2. Day care facilities.
3. Gasoline service stations.
4. Cultural, entertainment and recreation not elsewhere classified.

C. Dimensional Requirements

- | | | |
|----|------------------------------|--|
| 1. | Minimum required lot area: | 10,000 square feet |
| 2. | Minimum required lot width: | 75 feet |
| 3. | Minimum required front yard: | 25 feet measured from the street right-of-way line. Off street parking shall not be permitted in this area. |
| 4. | Minimum required side yards: | No side yard is required except when a lot abuts a residentially zoned lot or where the lot is a corner lot. Lots abutting a residentially zoned lot shall have at least a 15 foot side yard measured from the side property line. On corner lots, the side yards fronting on the side street shall have at least a 15-foot width. |
| 5. | Minimum required rear yard: | 15 feet except where a lot abuts a residentially zoned lot. In such instances the abutting rear yard shall be at least 25 feet measured from the rear property line. |
| 6. | Maximum building height: | 35 feet |

D. Signs: Signs shall be permitted as provided in Section 14 of this Ordinance.

E. Off-Street Parking and Loading: Off-street parking and loading shall be provided according to the provisions set forth in Section 13 of this Ordinance.

F. Buffers: Buffer strips shall be required where any permitted use in this district abuts land zoned residential. The buffering requirement may be waived by the Town Board upon recommendation of the Planning Board along any boundary which is naturally screened by evergreen plant materials or topography, or may be deferred in isolated areas.

SECTION 10

I INDUSTRIAL ZONE

The purpose of this zone is to promote and protect both the 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 of land which would substantially interfere with the continuation of uses permitted in the district; and to promote the operation of well planned and maintained industrial facilities.

A. Permitted Uses

1. All uses permitted by right in the general business zone.
2. Manufacturing, assembling and processing industries provided that all operations are conducted within an enclosed structure and that there is no outside storage except in the rear yard.
3. Industrial parks.
4. Wholesale, warehouse, and transfer activities.
5. Utility substations.
6. Municipal facilities.
7. Service stations and other auto-oriented business establishments.
8. Building supply sales.
9. Temporary emergency, construction, or repair residences.
10. Uses and buildings customarily accessory to the above permitted uses.
11. Agricultural production, crops.
12. Agricultural production, livestock.
13. Forestry operations.
14. Planing mills, sawmills, and logging establishments.
15. Correctional Institutions.
16. Public and Institutional facilities

B. Conditional Uses

1. Junkyards. Providing that junkyards to be located along primary highways shall meet the requirements of the Junkyard Control Act of 1967. Providing also that all junkyards be enclosed by a solid screen at least six (6) feet in height. A combination of natural vegetation, fences, walls, and berms may be utilized to achieve the screening requirements of this subsection, provided, however, that the screening material is approved by the Town Board.

2. Automobile wrecking yards and similar types of used material industries 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 wrecking yard will not have injurious effect on the public interest or welfare.
3. Circuses, carnivals and fairs.
4. Fertilizer manufacture and sale.
5. Outdoor advertising signs (subject to the additional requirements contained in Section 14).
6. Wholesale storage of gasoline or bulk terminal plants provided no above-ground storage tank shall be closer than fifty (50) feet to any property lines, and that the uses are in conformity with the state and local regulations governing the storage of combustible fuels.
7. Animal feeder/breeder operations (subject to the additional requirements contained in Section 11.G).
8. Multiple family dwellings.
9. Private Club
 - a. Private Club is a business as defined as an establishment that is organized and operated solely for a social, recreational, patriotic, or fraternal purpose and that is not open to the general public, but is open only to the members of the organization and their bona fide guests. This provision does not, however, prohibit such an establishment from being open to the general public for raffles and bingo games as required by G.S. 14-309.11(a) and G.S. 14-309.13.
 - b. Any Private Club or on-site consumption alcoholic sales establishment shall be located at least 200 linear feet from any pre-existing dwelling unit; hospital; public or private two- or four-year college facility; elementary, middle, or high school facility; daycare, family-care, or group care facility; church or other house of worship facility.
 - c. No two Private Clubs or on-site consumption alcoholic sales establishments shall be located within 2,000 linear feet of each other.
 - d. Private Clubs shall be operated only on the ground floor of a building.
10. Adult Establishment
 - a. A business as defined in North Carolina General Statute (NCGS) 14-202.10(2).
 - b. Any adult establishment shall be located at least 1000 linear feet from

any pre-existing dwelling unit; hospital; public or private two- or four-year college facility; elementary, middle, or high school facility; daycare, family-care, or group care facility; church or other house of worship facility within the Town of Troy zoning jurisdiction.

c. No two adult establishments shall be located within 2,000 linear feet of each other.

d. Adult establishments shall be operated only on the ground floor of a building.

e. All windows, doors, opening, entrances, etc., shall be located covered, screened, or otherwise treated so the views into the interior of the establishment are not possible from any public or semi-public area, street, or way.

f. No external portion of any façade, or building, or part thereof shall be designated to imitate or suggest any “specified anatomical areas” or “specified sexual activities.”

g. Signs shall contain no “offensive” material and must conform to regulation of Section 14 of this ordinance.

C. Dimensional Requirements

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|----|------------------------------|---|
| 1. | Minimum required lot area: | 1 acre |
| 2. | Minimum required lot width: | 100 feet |
| 3. | Minimum required front yard: | 25 feet measured from the street right-of-way line. Off street parking shall not be permitted in this area. |
| 4. | Minimum required side yard: | 15 feet except where a lot abuts a residentially zoned lot. Lots abutting a residentially zoned lot shall have at least a 25 foot side yard measured from the side property line. |
| 5. | Minimum required rear yard: | 25 feet |
| 6. | Maximum building height: | 50 feet |

D. Signs: Signs shall be permitted as provided in Section 14 of this Ordinance.

E. Off-Street Parking and Loading: Off-street parking and loading shall be provided according to the provisions set forth in Section 13 of this Ordinance.

F. Buffers: Buffer strips shall be required where any permitted use in this district abuts land zoned residential. The buffering requirement may be waived by the Town Board upon recommendation of the Planning Board along any boundary which is naturally screened by evergreen plant materials or topography, or may be deferred in isolated areas.

SECTION 11

SUPPLEMENTARY DISTRICT REGULATIONS

A. Curb Cuts

1. No portion of any entrance driveway leading from a public street shall be closer than fifteen feet to the corner of an intersection measured along the right-of-way line.
2. The width of any entrance driveway leading from the public street shall not exceed thirty feet at its intersection with the curb or street line.
3. No two driveways leading from a public street shall be within twenty feet of each other measured along the curb.

B. Visibility at Intersection

On a corner lot in all zoning districts except the Central Business Zone, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one half feet and ten feet in a triangular area formed by a diagonal line between two points on the right-of-way lines, twenty feet from where they intersect.

C. Building Heights

Building height limits shall not apply to church spires, flagpoles, antennas, chimneys, and similar accessories to structures.

D. Group Housing Project

A group housing project, which consists of a group of two or more buildings situated on a parcel of land which contains at least two acres of land and which is not subdivided into the customary streets and lots, shall be exempt from the lot and yard dimensional requirements of this Ordinance providing the plan for the project is approved by the Town Planning and Zoning Board and the Town Board on finding that the intensity of development shall be no greater and the preservation of open space no less than would be the case in other residential development in the same district.

E. Temporary Emergency, Construction, or Repair Residences.

- (1) Temporary residences used on construction sites of nonresidential premises shall be removed immediately upon the completion of the project. Completion of the project is defined as the date of the issuance of a certificate of occupancy.
- (b) Permits for temporary residences to be occupied pending the construction, repair, or renovation of the permanent residential building on a site shall expire within six months after the date of issuance, except that the Zoning Administrator may renew such permit for one additional period not to exceed six months if he determines that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation or restoration work necessary to make such building habitable.

F. Commercial Vehicle Parking in R-15 Residential Districts

In all R-15 residential districts, no more than one commercial motor vehicle shall be parked on a residentially used lot between the front building line of the principal building and the street.

G. Animal Feeder/Breeder Operations

In the I district, animal feeder/breeder operations shall comply with the following requirements:

1. Minimum Lot Area: 50 Acres
2. Setbacks: Waste lagoons and all structures, buildings or enclosed areas used for housing of poultry, hogs, cattle, or other livestock or animals being bred shall be set back a minimum of 2,000 feet from all property lines or the minimum setback established by State regulations, whichever is greater.
3. Operation: Any violation of State regulations concerning the operation of the animal feeder/breeder operation shall be considered a violation of this Ordinance.
4. Noise: Mechanical equipment producing noise or sound in excess of 70 decibels shall be located no closer than 1,000 feet to the nearest residence.
5. Screening: All structures, buildings, or enclosed areas used to house animals being bred shall be screened from the view of adjoining residentially used or zoned properties with natural or planted vegetation or a combination of vegetation, fences, walls, and berms.

H. Cell/Telecommunication Towers

1. All requests for a telecommunication tower must be accompanied by a detailed site plan.
2. Telecommunication towers may be denied on the basis of negative influence on property value or on aesthetic concerns provided that there is evidence to prove the impact on adjacent property owners will be significant.
3. Towers shall only be located in the Industrial (I) zone on private property by conditional use permit, and a tower shall be permitted on public property by right.
4. Placement of telecommunication towers on existing public utility structures such as a water storage tank or co-location on existing telecommunication towers is encouraged.
5. No tower shall be permitted over 200 feet in height. Any request for additional height, up to a maximum of 280 feet in height, must be approved by the Town Board as a conditional use.

6. Monopole towers are required for 200 feet or less in height.
7. Any request for a guyed or lattice tower over 225 feet in height must be approved by the Town Board as a conditional use.
8. Towers shall be constructed of the monopole style; unless provider can document that reasonable service could not be provided by a monopole tower.
9. Setback requirements shall be one foot for every one foot in linear height.
10. Tower sites must be at least 10,000 square foot in size or meet the minimum lot size for that district in which it is located.
11. Engineering evidence must be presented which demonstrates that the proposed use meets all FAA standards, presents no threat to aviation standards, and presents no threat to persons and/or property.
12. Any road accessing a telecommunications facility shall be paved or graveled, at least 15 feet wide, and well maintained.
13. Commercial advertising shall not be allowed on the tower or any of its related buildings. However a wall sign may be placed on any equipment shelter, provided it not exceeds 10% of the wall area. Freestanding signs are prohibited.
14. All lighting of towers must comply with FAA standards. No lighting shall present a glare to any adjoining properties or into any public right-of-way or a nuisance to pilots.
15. All accessory structures must be designed to closely resemble neighborhood architecture.
16. The tower shall have an 8-foot high fence constructed around the perimeter of the site.
17. Screening is required along all exterior fencing except for gate area. Screening shall consist of evergreen shrub or trees that must be a least 3 feet in height at time of placement and must reach 6 feet in height within 2 years.
18. Conditional Use Criteria:
 - a. Applicant must send a letter to residents within a 1-mile radius and include:
 - i. Tower height
 - ii. Existing and planned tower uses
 - iii. Assessment of tower's ability to accommodate proposed antenna without causing radio frequency disturbance or instability
 - iv. If (iii) cannot be met, an evaluation of whether existing tower could be modified so as to support an additional tower without producing electromagnetic interference
 - b. A copy of all responses of the letter required by (a) above.
19. Whenever a tower, antenna, or related equipment ceases to be in active operation for more than 180 days, it shall be removed. A one-time extension can be granted for

removal.

I. RR-75 Redevelopment Residential Overlay Zone

The RR-75 redevelopment residential overlay zone is established as a zone in which the principal use of land is for single-family residences. The RR-75 zone is defined as the redevelopment area created by the Troy Redevelopment Commission and approved by the Board of Commissioners. The overlay zone regulations supercede the regulations of the existing zone classification for the area. The regulations of this zone are intended to provide areas of the community for those persons desiring residence in medium density neighborhoods. The regulations are intended to discourage any use, which, because of its character, would interfere with the residential nature of this zone.

A. Permitted Uses

1. Any permitted use in the R-15 Residential Zone with the exception of: A) Rear yard parking or storing of not more than one (1) unoccupied travel trailer, motorized home, pick-up coach or self-contained travel trailer; B) Accessory dwelling unit within a principal dwelling; C) Agricultural production, crops; D) Forestry operations.
2. Town homes; as long as they are made up of only two units, are one story, and the front door entrances face different streets.

B. Conditional Uses

1. Day care centers.
2. Accessory/Storage buildings and uses customarily incidental to any of the above permitted uses.

C. Dimensional Requirements

1. Minimum required lot area:
Single family dwellings: 7,500 square feet
2. Minimum required lot width: 75 feet
3. Minimum required front yard: 25 feet measured from the street right-of-way line.
4. Minimum required side yards: 12 feet measured from the side property line.
5. Minimum required rear yard: 25 feet measured from the rear property line.
6. Maximum building height: 35 feet.

D. Location of Accessory Building. Accessory buildings may occupy up to ten percent of the

gross lot area, must be built a minimum of ten feet from any lot line, and, except for attached garages must be built to the rear of the principal building.

E. Corner Lots

1. On corner lots, the side yard on that side of the lot abutting the side street shall not be less than one-half the front yard requirement on that side street.
2. Accessory buildings on corner lots located on that side of the lot abutting the side street shall not project beyond the full front yard requirement on that side street.

F. Signs: Signs shall be permitted as provided in Section 15 of this Ordinance.

G. Parking: Off-street parking shall be provided as required in Section 14 of this Ordinance.

H. Appearance: All new construction plans, substantial exterior reconstruction plans, or any other exterior changes must be reviewed and approved by the Troy Redevelopment Commission. Plans will be reviewed for compliance with the following criteria:

- a) that the use meets all required conditions and specifications;
- b) that the appearance of the use if developed according to plan as submitted and approved will be in harmony with the appearance of the area in which it is to be located and in general conformity with the aesthetics of the surrounding properties;
- c) that the use complies with any other appearance standards as required by the Troy Redevelopment Commission.

SECTION 12

CONDITIONAL USES

A. Purposes of Section

The development and execution of this Ordinance is based upon the division of the community into zones 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 certain uses which, because of their unique characteristics, cannot be properly classified in any particular zone or zones, without consideration, in each case, of the impact of those uses in the particular location. Such conditional uses fall into two categories:

- (1) Uses publicly operated or traditionally affected with a public interest.
- (2) Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

B. Initiation

Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a free hold interest or an exclusive possessory interest and which is specifically enforceable, may file an application to use such land for one or more of the conditional uses provided for in this Ordinance in the zone in which the land is located.

C. Application--Generally

1. An application for a conditional use shall be filed with the Zoning Administrator, on a form prescribed by the Zoning Administrator, at least 3 weeks prior to the date of the regularly scheduled Planning and Zoning Board meeting. The application shall be accompanied by such plans and/or data prescribed in this Ordinance and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in Section 12.F.
2. Upon receiving a complete application, the Zoning Administrator shall cause a notice of public hearing to be published in a newspaper of general circulation. Said notice shall be published not less than 10 nor more than 25 days prior to the date established for the public hearing. All owners of property within 100 feet of the area under consideration shall be mailed notice of the public hearing. Notice shall conform to the criteria set forth in Section 18.4 The public hearing shall be held by the Town Board of Commissioners. At its discretion, the Planning and Zoning Board may also hold a public hearing on the conditional use application. If a public hearing is to be held by the Planning and Zoning Board, public notice shall be provided as delineated for the Town Board public hearing.
3. A fee shall be paid to the Town of Troy by each applicant for an application. The fee shall be adopted and periodically amended by the Town Board as needed to cover the costs of advertising and other administrative expenses. A copy of the fee schedule shall be posted in the office of the Zoning Administrator.

D. Planning and Zoning Board Review

The conditional use application shall be forwarded from the Zoning Administrator to the Planning and Zoning Board. The Planning and Zoning Board shall review the application and prepare a recommendation thereon to the Town Board. The Planning and Zoning Board may hold a public hearing concerning the application provided adequate notice is provided as set forth in subsection C.

E. Public Hearing

The Board of Commissioners shall conduct a public hearing on the application for a conditional use permit. At the public hearing, all interested persons shall be permitted to testify. The Board of Commissioners, in considering conditional use permit requests, acts in a quasi-judicial capacity and, accordingly, is required to observe the procedural requirements established for the Board of Adjustment except that no vote greater than a majority vote shall be required by the Board of Commissioners to issue a conditional use permit.

At the conclusion of the public hearing, the Town Board may proceed to vote on the conditional use application request, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.

F. Board of Commissioners Review

- (1) The Board of Commissioners shall consider the application and recommendations of the Planning and Zoning Board, and may grant or deny the Conditional Use Permit requested.
- (2) The Conditional Use Permit, if granted, shall include approval of plans as may be required. In granting the permit, the Board of Commissioners shall find:
 - (a) that the use meets all required conditions and specifications;
 - (b) that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
 - (c) that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
 - (d) that the location and character of the use is compatible with existing uses in area or with any anticipated uses in area;
 - (e) that the appearance of the use if developed according to the plan as submitted and approved will be in harmony with the appearance of the area in which it is to be located and in general conformity with the aesthetics of the surrounding properties;
 - (f) that the use if developed according to the plan as submitted and approved is compatible with the Town of Troy Land Use Plan.
- (3) In granting the Conditional Use Permit, the Planning and Zoning Board may recommend and the Board of Commissioners may designate additional conditions to assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located, with the spirit of this Ordinance and clearly in keeping with the public welfare. All such additional

conditions shall be entered in the minutes of the meeting at which the Conditional Use Permit is granted, on the Special Use Permit certificate itself, and on the approved plans submitted therewith. All specific conditions shall run with the land and shall be binding on the original applicants for the Conditional Use Permit, their heirs, successors and assigns.

- (4) If the Planning and Zoning Board recommends the disapproval of the Conditional Use Permit, and if the Board of Commissioners denies the permit, each body shall enter the reason for its action in the minutes of the meeting at which the action is taken.
- (5) No appeal may be taken to the Board of Adjustment from the action of the Town Board in granting or denying a Conditional Use Permit. Any such action by the Town Board shall be considered as the equivalent of action on a proposed zoning amendment and shall be reviewable only in the same manner as action on a proposed amendment.
- (6) In addition to the conditions specifically imposed in this paragraph and such further conditions as the Town Board may deem reasonable and appropriate, conditional uses shall comply with the height, area and parking regulations for the zone district in which they are located.

G. Conditions and Guarantees

Prior to the granting of any conditional use, the Planning and Zoning Board may recommend, and the Board of Commissioners may stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section 12F above. In all cases in which conditional uses are granted, the Board of Commissioners shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

I. Expiration

In any case where a conditional use has not been exercised within the time limit set by the Board of Commissioners, or within one (1) year if no specific time limit has been set nor a vested right established pursuant to Section 18E, then without further action, the permit shall be null and void. "Exercised" as set forth in this section shall mean that binding contracts for the construction of the main building have been let; or in 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 (sewage, drainage, etc.) When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the conditions set forth in the permit. Further, all work on the conditional use must be completed within three years of board approval or the permit shall be null and void.

SECTION 13

OFF-STREET PARKING REQUIREMENTS

A. Off-Street Parking Requirements

There shall be provided at the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area; or before conversion from one type of use or occupancy to another, permanent off-street parking space in the amount specified by this Ordinance. Such parking space may be provided in a parking garage or properly graded open space.

1. Certification of minimum parking requirements. Each application for a building permit or certification of occupancy submitted to the Zoning Administrator as provided for in this Ordinance, shall include information as to the location and dimensions of off-street parking, land loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Zoning Administrator to determine whether or not the requirements of this section are met.
2. Combination 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 of the parking spaces 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 Sunday.
3. Remote parking space. If the off-street parking space required by this Ordinance cannot be reasonably provided on the same lot where the principal use is located, such space may be provided on any land within three hundred feet of the main entrance to such principal use, provided such land is in the same ownership as the principal use.
4. Minimum parking requirements. The following off-street parking spaces shall be required:

Residential and related uses

Required Parking

Residential use consisting of one dwelling unit, including Class A and Class B manufactured homes.

Two parking spaces on the same lot for each dwelling unit.

Class C manufactured Home

One and one-half spaces on the same lot for each dwelling unit.

Any residential use consisting of more than one dwelling unit.

One and one-half spaces on the lot for each dwelling unit.

Rooming or boarding houses

One parking space for each two rooms to be rented.

Customary home occupation in operator's residence.

One parking space in addition to residence requirements.

Public and semipublic uses

Hospital

Required parking

One parking space for each two beds intended for patient use, exclusive of bassinets.

Clinic

Three parking spaces for each doctor plus one parking space for each employee.

Nursing Home

One parking space for each four beds intended for patient use.

Churches

One parking space for each four seats in the sanctuary.

Elementary school and
junior high school

One parking space for each
classroom and administrative office.

Senior high school

One parking space for each ten students for which the building was designed plus one parking space for each classroom and administrative office.

Business uses

Required parking

Stadium

One parking space for each four spectator seats.

Auditorium

One parking space for each four spectator seats.

Public or private clubs

One parking space for each four seats and one space for each two seats at a counter or bar.

Public utility buildings

One parking space for each employee.

Tourist home, motel, motor court

One parking space for each room to be rented plus one additional parking space for each three employees.

Hotels (not including any retail use)

One parking space for each four rooms to be rented plus one additional parking space for each three employees.

General or professional offices

One parking space for each two hundred square feet of gross leasable floor space.

Banks	One parking space for each two hundred square feet of gross floor space plus one for each two employees.
Filling stations	Five parking spaces for each two hundred square feet of gross floor space plus one for each two employees.
Theaters	One parking space for each four seats in the auditorium.
Funeral Homes	One parking space for each four seats in the chapel or parlor.
Retail uses not otherwise indicated	One parking space for each two hundred square feet of gross leasable floor area.
Restaurants	One parking space for each four seats in the dining area plus one for each two employees.
<u>Industrial and wholesale uses</u>	<u>Required parking</u>
Wholesale uses	One parking space for each employee on the largest shift.
Industrial uses	One parking space for each employee on the largest shift.

B. Off-Street Loading Requirements

The number of off-street loading berths required by this section shall be considered as the minimum and the developer shall evaluate his own needs to determine if they are greater than the minimum specified by this section. *For the purposes of this section an off-street loading berth shall have a minimum plan dimension of twelve feet by twenty-five feet and fourteen feet overhead clearance with adequate means for ingress and egress. A loading space requirement may be modified or waived by the Board of Adjustment on application in the case of a bank, theater, assembly hall, or other building of similar limited loading space requirements.

Square feet of Gross Floor Area	Required Number of Berths
0 to 25,000	1
25,000 to 40,000	2
40,000 to 100,000	3
100,000 to 160,000	4
160,000 to 240,000	5
240,000 to 320,000	6
320,000 to 400,000	7
Each 90,000 above 400,000	1

SECTION 14

SIGN REGULATIONS

The purpose of these regulations is to promote traffic safety, safeguard public health and comfort, facilitate police and fire protection, prevent adverse community appearance and the over-crowding of land, and protect the character of the area in which the signs are located. The regulations are designed to permit maximum legibility and effectiveness of signs and to prevent over concentration, improper placement, and excessive height, bulk, and area. Since it is widely recognized that aesthetic value of the total environment does affect economic values of the community, and the unrestricted proliferation of signs can and does detract from the economic value of the community, it is the intent of this section to provide limiting controls, where necessary, to preserve community scenic, economic, and aesthetic values.

All signs erected, altered, relocated, or maintained shall be in accordance with the provisions of this section.

A. Signs Prohibited

1. Signs not to Constitute Traffic Hazards - No sign or advertising structure shall be erected or maintained at the intersection of any streets or roads so as to obstruct free and clear vision; or at any location where, by reason of the position, illumination, shape or color, it may impair, obstruct the view or be confused with any authorized traffic sign, signal, or device; or which makes use of the words "stop," "look," "drive-in," "danger," or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse traffic.
2. Signs Erected on Public Streets - No sign shall be erected or maintained within any public street right-of-way nor be allowed to extend over or into any public street, provided that this section shall not apply to public signs necessary in the performance of a governmental function or required to be posted by law.
3. Obstruction of Ingress or Egress of Building - No sign shall be erected or maintained that obstructs ingress and/or egress to or from any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress to or from any room or building as required by law.
4. Obscene Matter Prohibited - No sign shall be erected or maintained which bears or contains statements, words, or pictures of an obscene character.
5. Signs on Private Property; Consent Required - No sign may be erected by any person on private property of another person without first obtaining the written consent of such owner.
6. Portable Signs - Refer to definition.

B. Signs Permitted in All Districts

The following signs shall be permitted in all zoning districts:

1. Directional and Information Signs erected and maintained by public agencies and governmental bodies. (Directional and information signs are exempt from the sign permit requirements.)
2. Temporary Real Estate Signs not to exceed twelve square feet in area displayed on the property proposed for sale or lease and located on private property behind the property line. Such signs may be indirectly illuminated in non-residential districts. (Temporary Real Estate Signs are exempt from the sign permit requirements.)
3. Bulletin Boards - Churches, schools, community centers, and other public and institutional uses may erect one sign or bulletin board not exceeding 30 square feet in area for the purpose of displaying the name of the institution and related information. Such signs shall be used as wall signs or shall be located a minimum of 12 feet from the street lot line and side lot or property lines. Where side yards are required, no such sign shall be permitted in the required side yards. Such signs may be indirectly illuminated.
4. Temporary Construction Signs which denote the architect, engineer, contractor, or builder of the project or which describe the name and proposed use of the project may be placed on the site until construction is completed. (Temporary Construction Signs are exempt from the permit requirements.)
5. Identification Signs not to exceed six square feet in display area bearing only addresses or names of occupants of the premises and located on privately owned property.
6. Memorial Plaques, cornerstones, historical tablets, and similar signs. (Memorial Plaques, cornerstones, historical tablets, and similar signs are exempt from the sign permit requirements.)
7. Instructional Signs, erected on private property, not to exceed six square feet in display area, erected strictly for the direction, safety or convenience of the public, including signs which identify rest rooms, parking area entrances or exits, and no trespassing signs or similar devices warning of danger. (Instructional Signs are exempt from the sign permit requirements.)
8. Temporary Political Signs, erected on private property during periods of national, state, and local elections provided that they be removed within ten days after the election. (Temporary Political Signs are exempt from the sign permit requirements.)

C. Business Signs

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

1. Signs for customary home occupations shall not exceed six square feet in display area and shall not be illuminated.
2. Business signs shall not project more than one foot from any building wall or canopy.

3. If suspended from a canopy, the sign must be at least eight feet above the sidewalk level, and not be larger than six square feet in area.
4. Wall signs shall have a total sign surface area in square feet no greater than two times the linear frontage in feet of the wall of the building to which the sign is attached, but in no case greater than one hundred (100) square feet. Display lighting shall be shielded so as to prevent a direct view of the light source from a residence in a residential district. No intermittent lighting effects may be utilized except for "time and temperature devices" and for motion picture theaters.
5. Freestanding signs shall be located no less than twelve (12) feet from the street right-of-way line or behind the building setback line, whichever is greater. No freestanding sign shall be located in a required side yard or within ten (10) feet of the side property line. No building shall have more than one freestanding sign except buildings having frontage on more than one public street. In this case, not more than two freestanding signs shall be permitted. A freestanding sign shall in no case exceed a height of thirty-five (35) feet or two hundred (200) square feet in area.
6. Signs in shopping centers shall be subject to the following additional limitations:
 - (a) Each shopping center may provide not more than one freestanding sign that displays the name of the shopping center and the tenant businesses.
 - (b) Detached buildings that are designed to contain not more than one business may display not more than two wall signs.
 - (c) Businesses located in attached buildings may display not more than one wall sign.
7. No wall sign shall extend above parapet walls or above roof lines of buildings without parapet walls. No wall sign shall extend above the lower eave line of a building with a pitched roof, except if the roof is a mansard-type roof in which case the sign may be attached flat against, but not extend above, said roof. No wall sign shall cover or obstruct from view major architectural features of the wall, including but not limited to windows.

D. Outdoor Advertising Signs - (Billboards)

Outdoor advertising signs are permitted only as a conditional use in the industrial district subject to the following limitations:

1. The maximum size of the display area of outdoor advertising signs shall be 300 square feet for single-face signs and 300 square feet for each face of double-face signs. Double-decker or stacked outdoor advertising signs are prohibited.
2. Such signs shall not be located within 100 feet of any residential district.
3. They must meet all requirements of the district applying to the principal structures with regard to yards, setbacks, and height requirements. Further, the minimum height of the lowest portion of any display surface shall be elevated to a height of eight (8) feet from the ground level.

4. Such signs shall not be permitted within 300 feet of an existing advertising sign or structure.
5. No outdoor advertising sign shall be erected or maintained within 600 feet of the nearest edge of the right-of-way of primary highways, except as allowed by the North Carolina General Statutes. Outdoor advertising signs shall be located not less than twelve (12) feet from the street right-of-way line or behind the setback line, whichever is greater.
6. Lighting for Outdoor Advertising Signs
 - (a) Display lighting of outdoor advertising signs shall be shielded so as to prevent the direction of such light into any structure used primarily for residential purposes.
 - (b) No rotating, revolving, or intermittent lighting devices shall be attached to, or made a part of, any outdoor advertising sign.

E. Unsafe and Unlawful Signs

If the administrative official shall find any sign to be unsafe or a menace to the public, he shall give written notice of such condition to the owner. Within fifteen days after receiving the notice, the owner shall take such action as needed to eliminate the unsafe or menacing condition. If the owner of the sign fails to correct the problem within the above specified time, the administrative official (at the owners expense) may order whatever actions that are necessary to correct the problem.

Within six months after the termination of business at a particular location, the owner shall remove or eliminate all signs related to the terminated or relocated business. If the owner of the sign fails to remove the sign, within the above specified time, the administrative official (at the owners expense) may order whatever actions are necessary to eliminate the sign.

F. Permits

No person shall construct, relocate, erect, alter, or otherwise maintain any sign (except for directional and information signs; temporary real estate signs; temporary construction signs; memorial plaques, cornerstones, historical political signs) without first obtaining a permit from the administrative official. In addition, no person shall construct or maintain any sign within 600 feet of the nearest edge of the right-of-way of the primary highway system without first obtaining a permit from the North Carolina Department of Transportation as required by the North Carolina General Statutes.

G. Sign Area Computation

The surface area of signs is computed by measuring the smallest square, rectangle, triangle, circle, or combination thereof, which will encompass the entire advertising copy area (excluding architectural trim and structural embellishments). In computing the area, only one (1) side of a double-face sign structure shall be considered. The surface area of signs with three (3) or more sides is measured as the sum of the areas of any two adjacent sides.

H. Nonconforming Signs

Any sign in use at the time of the adoption of this Ordinance which does not comply with the provisions of this Ordinance, shall be deemed to be nonconforming. Whenever any nonconforming sign or part thereof is replaced or changed, structurally or graphically, the entire sign must immediately comply with the provisions of this Ordinance. However, nothing in this section shall prevent the orderly maintenance and/or repair of a nonconforming sign.

Nonconforming signs which are destroyed or damaged by fifty percent (50%) or more of their value shall not be rebuilt or repaired except in conformance with this section.

SECTION 15

MANUFACTURED HOME AND MANUFACTURED HOME PARK REGULATIONS

Class A manufactured homes are permitted by right on individual lots in the R-15, R-8, R-6, OI, CB, and GB zoning districts and are not subject to the additional regulations delineated in this section. Class B manufactured homes and Class C manufactured homes are permitted by conditional use permit in the R-6 and R-8 zones. Manufactured home parks are allowed only in the R-6 zone. Class B and Class C manufactured homes and manufactured home parks shall comply with the following regulations.

A. Manufactured Homes on Individual Lots

Class B and Class C manufactured homes, approved on individual lots, must comply with all applicable regulations in the district in which they are to be located. In addition, manufactured homes on individual lots must also comply with the regulations contained in Section 15,C,4; Section 15,D,2; and Section 15,D,4.

B. Manufactured Home Park Requirements

1. Area. The area of the manufactured home park shall be a minimum of two acres, and the park shall have a minimum of six manufactured home spaces available at first occupancy.
2. Density. Each manufactured home shall be on a plot at least 5,000 square feet in area, have a width of at least 50 feet, and a depth of at least 100 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 Montgomery County Health Department or the NC Department of Human Resources, and the NC Department of Environment, Health and Natural Resources, Division of Environmental Management.
4. Access and Parking. Paved, privately maintained, roadways must be provided for access to individual units and other facilities located within the park. Required parking spaces are not required to be paved.
5. Other Permitted Uses. Service buildings, recreation buildings and other areas or structures providing laundry, sanitation, and managerial facilities are permitted subject to approval of the Board of Commissioners. Such facilities shall serve only the park in which it is located. No such facility shall have direct access to a public street but shall be served by the privately maintained roadway.
6. Buffers. A densely planted buffer strip of continuous evergreen composition not less than six feet in height or less than three feet in width shall be provided along all rear and side property lines of the park.

C. Manufactured Home Space Requirements

Manufactured home units shall be located only in spaces which meet the following requirements:

1. Access. Each space shall have access to an interior roadway with a paved width of at least 20 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.
3. Setbacks. Manufactured home units shall be located so that a 15-foot setback is maintained from the centerline of the private interior roadway.
4. Utilities. Each space shall have hook-up facilities for water, sewer, electricity, and telephone services. All occupied manufactured home units shall have and use approved sanitary facilities within the manufactured home unit.
5. Parking. At least one parking space shall be located on or adjacent to each manufactured home plot.

D. Additional Requirements

1. Recreational Areas. When a manufactured home park shall contain at least twenty lots, a recreation area will be developed and maintained that shall include not less than eight percent of the total park area. The minimum size of any recreation area shall be 2,500 square feet. Lakes, ponds, rivers, streams, swamps, and marsh lands shall not be considered as meeting, in part or in whole, the recreation area requirements of this section.
2. Tie Down and Anchoring Requirements. Manufactured homes shall be securely anchored to the ground by means of a tie-down system. When the manufactured home is factory equipped with a tie-down system designed by a registered architect or engineer, then the owner is to use the manufacturer's set of instructions as the standard of proper tie-down procedures. If no such set of instructions is available or if the system has not been designed by a licensed architect or engineer, then the Building Inspector is to enforce standards listed in the "State of North Carolina Regulations for Mobile Homes" booklet published by the North Carolina Department of Insurance.
3. Storage Buildings. Each manufactured home lot may be equipped with a storage building not to exceed ten feet by ten feet (10' x 10') provided that all such buildings are located adjacent to the rear lot line.
4. Storage of Possessions. Storage of possessions and equipment in the area beneath a manufactured home shall be prohibited.
5. Underpinning. Each manufactured home shall be underpinned with materials and in a manner approved by the Zoning Administrator.

E. Responsibilities and Duties of Park Operators

1. Manufactured Home Park Maintenance. Manufactured home park operators shall be required to provide adequate supervision to maintain the park in compliance with the requirements of this Ordinance. Further, the manufactured home park operators shall keep all park owned facilities, improvements, equipment, and all common areas in good repair and maintained in such a manner as to prevent the accumulation or storage of materials which would constitute a fire hazard or would cause insect or rodent breeding and harborage.
2. Placement and Anchoring. Operators shall be required to supervise the placement of all manufactured homes to guarantee that they are properly anchored and attached to utilities.
3. Assist County Tax Supervision. Operators shall be required to comply with GS 105-316(a)(1), which requires that as of January 1 of each year each operator of a park renting lots for six (6) or more manufactured homes furnish to the county tax supervisor the name of the owner and a description of each manufactured home located in the park.
4. Solid Waste Disposal. The park operator will operate or provide for the operation of a solid waste disposal system, including providing park tenants with appropriate containers.

F. Procedure for Securing Approval of Manufactured Home Parks

1. Manufactured Home Park Initial Permit Application Procedure
 - (a) Prior to the construction of a new manufactured home park or the expansion of an existing manufactured home park, the developer shall make application to the Zoning Administrator for a permit to construct or expand such a park. The application shall be accompanied by five (5) copies of the proposed park plan.
 - (b) The park plan shall be drawn at a scale of fifty (50) feet to one (1) inch or larger and shall include the following:
 - (1) The name of the park, the names and addresses of the owner or owners, and the designer or surveyor.
 - (2) Date, scale, and approximate North arrow.
 - (3) Boundaries of the tract shown with- bearings and distances.
 - (4) Site plan showing streets, traffic circulation, driveways, recreation areas, parking spaces, service buildings, water courses, easements, manufactured home lots, lot numbers, all structures to be located on the park site, and total acreage of the park.
 - (5) Vicinity map showing the location of the park and the surrounding land usage.
 - (6) Names of adjoining property owners.
 - (7) The existing and proposed utility system for surface water drainage, street lights, water supply, and solid waste and sewage disposal facilities.

- (8) Certification of approval of water supply system plans by the appropriate state and county officials.
- (9) Certification of approval of sewerage collection systems by the appropriate state and county officials.
- (10) Certification of approval of solid waste storage, collection, and disposal plans by the County Health Department.
- (11) Land contours with vertical intervals of not less than two (2) feet for all manufactured home parks with twenty-five (25) manufactured home spaces or more.
- (12) Certification of lot approved by Soil and Water Conservation District, including suitability for septic tank systems, if used.

2. Review of the Proposed Manufactured Home Park Plan

- (a) The Zoning Administrator shall review the proposed park plan to determine if it is in accordance with the requirements set forth in this section.
- (b) If the Zoning Administrator finds that all requirements have been met, the plan shall be approved. One approved copy shall be given to the developer or his agent.

3. Issuance of Initial Permit and Business License

- (a) After receiving approval of the proposed manufactured home park plan, the Zoning Administrator is authorized to issue an initial permit. The intent of this permit is to enable the construction of the park according to the proposed plan, but shall not be construed to entitle the applicant to offer spaces for rent or lease, or to operate a manufactured home park.
- (b) If construction of the manufactured home park has not begun within twelve (12) months from the issued date of the initial permit, the Zoning Administrator may grant an extension of the permit when the applicant shows reasonable cause for the delay.

- (c) When the developer has completed the construction of the manufactured home park, he shall apply to the Zoning Administrator for a business license. The Zoning Administrator and a representative of the County Health Department shall make an on-site inspection of the park.
 - (1) If the park conforms to the approved plan, the Zoning Administrator shall issue the developer a business license.
 - (2) If the park does not conform with the approved plan, the Zoning Administrator shall delay issuance of the business license until it comes into conformity.
- (d) The business license issued to the applicant shall constitute the authority to operate the manufactured home park. The business license shall expire after a two-year period and must be renewed to be valid.
- (e) When a manufactured home park is to be developed in stages, the proposed plan may be submitted for the entire development, and application for a business license may be made for each stage completed.
- (f) Violation of any of the Ordinance requirements constitutes grounds for refusing to issue a license or renew a license or to revoke an issued license. Operating a manufactured home park without a valid license is a misdemeanor punishable under the terms of this Ordinance.
- (g) Manufactured home parks existing prior to the adoption of this Ordinance shall be allowed to continue operation in their present form, or "existing status," only as long as a valid business license is maintained, except that health and safety factors must be brought to the standards described in this section.
- (h) Operators of all manufactured home parks existing at the time of adoption of this Ordinance shall be required to maintain a valid business license. Failure of a manufactured home park operator to renew the business license within thirty days following the expiration of such license shall result in the permanent loss of the "existing status." Any manufactured home park, which loses its "existing status", shall be required to meet all the minimum standards contained in this section before a new business license will be issued.

SECTION 16

ENFORCEMENT

A. Zoning Administrator

This Ordinance shall be administered and enforced by the Zoning Administrator or the designated representative who shall be named by the Town Board. Remedies for correcting violations and penalties for violations are outlined in subsection L and M of Section 1. Appeals from the decision of the Zoning Administrator shall be made to the Board of Adjustment.

B. Permit of Zoning Compliance

No building shall be erected, moved, added to, or structurally altered until a permit of zoning compliance shall be issued by the Zoning Administrator. This permit will be provided by the town and will indicate the proposed use of land and buildings for which the application is made as well as the existing zoning requirements applicable to the proposed use. The Zoning Administrator shall not issue a permit of zoning compliance unless all applicable zoning regulations are met, except after written order from the Board of Zoning Adjustment. The Zoning Permit shall be valid for one (1) year from date issued.

C. Certificate of Occupancy

1. Generally. No land shall be used or occupied and no building hereafter structurally altered, erected, or moved shall be used, or its use changed until a certificate of occupancy shall have been issued by the Zoning Administrator stating that the building and/or proposed use thereof complies with the provisions of this Ordinance. 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 a part of a building shall be applied for within ten days after the erection or structural alterations of such building, or part, shall have been completed in conformity with the provisions of this Ordinance. A record of all certificates shall be kept on file in the office of the Zoning Administrator and copies shall be furnished on request to anyone.
2. Temporary certificates. The Zoning Administrator may issue a temporary certificate of occupancy for bazaars, carnivals, religious revivals, construction offices, and similar uses. Such certificates shall be issued for a fixed period of time but not to exceed ninety days and shall be subject to such limitations as the Planning and Zoning Board may impose to protect the character of the zone affected.
3. Right of appeal. If the certificate of occupancy is denied, the applicant may appeal the action of the Zoning Administrator to the Board of Adjustment.

D. Duties of Zoning Administrator, Board of Adjustment, Courts, and Town Board of Commissioners as to Matters of Appeal

It is the intention of this Ordinance that all questions arising in connection with the enforcement of this Ordinance shall be presented first to the Zoning Administrator and that such questions shall be presented to the Board of Zoning Adjustment only on appeal from the Zoning Administrator; 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 this 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 this 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 this Ordinance as provided by law.

E. Development Site Plan Procedures

No other zoning, special use, or conditional use permit shall be issued on a lot until a site plan, prepared in accordance with Appendix C has been approved for development. Every application for a variance or a zoning, sign, special use or conditional use or development permit shall contain plans that locate the development site and graphically demonstrate existing and proposed natural, man-made, and legal features on and near the site in question. No new or amended site plan shall be required if an adequate site plan is already on file, there is no change in the parking requirements, or there is no increase in impervious surface area.

The Zoning Administrator may waive the requirement for a site plan, or specific requirements listed in Appendix C, depending on the complexity of the proposed development, and if it is determined that it is not necessary to complete the review of the permit application.

1. Approval of Site Plan:

The site plan shall be approved when it meets all requirements of this Ordinance or proper waivers and/or variances are obtained.

Site Plans submitted with zoning permit applications shall be approved by the Zoning Administrator.

Site plans submitted with conditional use permit applications shall be approved by the Town Council.

Conditional Approvals: If the site plan is granted conditional approval, the applicant shall revise and resubmit the site plan. The Zoning Administrator shall review the revised site plan and, if it meets all the approval conditions and is otherwise substantially unaltered, shall signify on the plan the change from conditional approval to approval. If the site plan is not revised within sixty days to meet the approval conditions, or the applicant notifies the Zoning Administrator that he is unwilling to revise the site plan, it shall be deemed denied.

2. Road and Utility Construction:

Plans: When required, road and utility construction plans for all public or private roads, and water, sanitary sewer, and storm sewer facilities shall be submitted to the applicable authority following conditional approval or approval of the site plan. For each phase of the site plan, road and utility construction plans shall include all improvements lying within or adjacent to that section as well as all water and sanitary sewer lines lying outside that section and being required to serve that section.

No Construction without Plan Approval: None of the improvements listed above shall be constructed until the road and utility construction plans for such improvements have been reviewed and approved by the appropriate authority.

Inspections: Work performed pursuant to approved road and utility constructions plans shall be inspected and approved by the appropriate authority.

Detention Ponds and Soil Erosion and Sedimentation Control Devices Installation: Any approved wet detention pond(s) and soil erosion and sedimentation control device(s) may be installed prior to approval of road and utility construction plans.

3. Permit Issuance

The issuance of a zoning, sign, or conditional use permit authorizes the recipient to commence the activity resulting in a change in use of the land or, (subject to obtaining a building permit), to commence work designed to construct, erect, move, or substantially alter buildings or other substantial structures. However, the intended use may not be commenced and no building may be occupied until all of the requirements of this Ordinance and all additional requirements imposed pursuant to the issuance of a conditional use permit have been complied with.

4. Periodic Inspections

The Zoning Administrator, Code Enforcement Officer, or similar agents of the Town shall have the right, upon presentation of proper credentials, or inspection warrant, if necessary, to enter on any premises within the planning jurisdiction of the Town of Troy at any reasonable hour for the purposes of inspection, determination of plan compliance or other enforcement action.

SECTION 17

BOARD OF ADJUSTMENT

A. Creating the Board of Adjustment

1. Establishment

A Board of Adjustment is hereby established consisting of five regular members and two alternates. Four regular members and one alternate shall be appointed by the Town Board of Commissioners and one regular member and one alternate shall be appointed by the Board of County Commissioners of Montgomery County. In the event the Board of County Commissioners fails to make the appointments within ninety (90) days after receipt of a resolution from the Town Board of Commissioners requesting that such appointments be made, the Town Board of Commissioners may thereupon make such appointments. The regular member and alternate member appointed to the Board of Adjustment by the Board of County Commissioners shall be residents of the town's extraterritorial planning area.

2. Appointment

Board of Adjustment regular members and alternates shall be appointed for three-year staggered terms, but both regular members and alternates may continue to serve until their successors have been appointed. Vacancies may be filled for the unexpired terms only. Board members may be appointed to succeed themselves.

If a regular or alternate in-town member moves outside the town, or if an extraterritorial area regular or alternate member moves outside the planning jurisdiction, that shall constitute a resignation from the board, effective upon the date a replacement is appointed.

3. Expenses

Members of the Board of Adjustment shall serve without pay.

4. Rules of Procedure and Officers

The Board of Adjustment shall elect one of its members as chairman and another as vice-chairman and shall appoint a secretary to keep minutes of its proceedings. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into affect the provisions of this section.

5. Voting

A concurring vote of the four-fifths (4/5) majority of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to grant a variance from the provisions of this Ordinance. Extraterritorial area members may vote on all matters coming before the board.

The in-town alternate may sit only in lieu of a regular in-town member and the extraterritorial area alternate may sit only in lieu of the regular extraterritorial area member. When so seated, alternates shall have the same powers and duties as the regular member they replace.

B. Powers and Duties

The Board of 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 Zoning Administrator in the enforcement of this Ordinance.

2. Variance

To authorize upon appeal in specific cases variance from the terms of the Ordinance as will not be contrary to the public interest where, owing to special conditions a literal enforcement of the provisions of the Ordinance will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. The existence of a nonconforming use of neighboring land, buildings, or structures in the same district or of permitted or nonconforming uses in either districts shall not constitute a reason for granting the requested variance. Such variances may be granted in such individual cases of unnecessary hardship only upon findings by the Board of Adjustment after a public hearing that the following conditions exist:

- a. There are extraordinary and exceptional conditions pertaining 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.
- b. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
- c. A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
- d. The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.
- e. The special circumstances are not the result of the actions of the applicant.
- f. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.

C. Filing and Notice for an Appeal

Appeals from the enforcement and interpretation of this Ordinance, and requests for variances, shall be filed with the Zoning Administrator specifying the grounds thereof. The Zoning Administrator shall transmit to the Board of Adjustment all applications and records pertaining to such appeals and variances.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, giving notice to all participants by registered mail.

An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator 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 Montgomery County Superior Court.

D. Fees for Variances or Appeals

The Board of Commissioners shall set a fee, payable to the Town of Troy, North Carolina, to cover the necessary administrative costs and advertising of each application for a variance or appeal. The set fee shall be posted in the Town Clerk's office.

SECTION 18

CHANGES AND AMENDMENTS

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

As provided in G.S. 160A-385(b), amendments, modifications, supplements, repeal or other changes in zoning regulations and restrictions and zone boundaries shall not be applicable or enforceable without consent of the owner with regard to building and uses for which either (i) a building permit has been issued pursuant to G.S. 160A-417 prior to the enactment of the ordinance making the change or changes as long as the permit remains valid and unexpired pursuant to G.S. 160A-418 and unrevoked pursuant to G.S. 160A-422 or (ii) a vested right has been established pursuant to G.S. 160A-385.1 and the provisions of subsection E of this section and such vested right remains valid and unexpired.

A. Action by the Applicant

The following actions shall be taken by the applicant:

1. Initiation of Amendments

Proposed changes or amendments may be initiated by the Board of Commissioners, Planning and Zoning Board, Board of Adjustment, or by the owner(s), or their agent, of property within the area proposed to be changed. Conditional use district rezoning requests shall be made in accordance with the provisions of subsection I (text change required from 'I' to 'D') of this section.

2. Application

Application for any change or amendment shall be filed with the Zoning Administrator at least twenty-five (25) days prior to the Planning and Zoning 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 effected by the proposed change.

3. Fee

The Board of Commissioners shall set a fee payable to the Town of Troy, 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.

4. Notice of Public Hearing Letters

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 property owners within 100 feet of the site proposed to be rezoned, 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 Board of Commissioners. Such certification shall be deemed conclusive in the absence of fraud.

B. Action by the Board

The Planning and Zoning 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 and Zoning Board concerning zoning amendments and no proposed zoning amendment will receive favorable recommendation unless:

1. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
2. 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.
3. 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.)
4. 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.
5. The proposed change is in accord with a comprehensive plan and sound planning principles.

C. Action by the Board of Commissioners

1. Notice and Public Hearing

- (a) No amendment shall be adopted by the Board of Commissioners until after public notice and 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 Troy, said notice to be published the first time not less than 10 nor more than 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) With respect to map amendments, the Zoning Administrator shall mail written notice of the public hearing to the record owners for tax purposes of all properties whose zoning classification is changed by the proposed amendment as well as the owners of all properties any portion of which is within 100 feet of the property rezoned by the amendment. The notice required in this subsection shall not be required in the case

of a comprehensive revision and readoption of the entire Troy Zoning Map unless the revision involves the rezoning of parcels of land to less intense uses or 'down zoning', in which case notification to owners of those parcels shall also be made by first class mail. For purposes of this subsection, a comprehensive revision and readoption of the Troy Zoning Map does not require that each and every tract of land within the zoning jurisdiction experience a change in zoning classification as long as the rezoning represents comprehensive, jurisdiction-wide map revision and does not involve 'down zoning'.

The public hearing notice shall summarize the protest provisions of Section C3 if the proposed amendment involves a change in zoning district classification.

2. Board of Commissioners Action

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

In deciding whether to adopt a proposed amendment to this Ordinance, the central issue before the Board of Commissioners is whether the proposed amendment advances the public health, safety or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the mayor and excluded. When considering proposed map amendments:

- (a) Except for rezoning requests submitted in accordance with subsection D of this section, the Board of Commissioners shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Board of Commissioners shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.
- (b) The Board of Commissioners shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

3. 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, either in the rear thereof or on either side thereof, extending one hundred feet there from 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 the members of the Town Board.

No protest petition shall be valid unless it is:

- (a) Written;

- (b) Bears the actual signatures of the requisite number of property owners and states that they protest the proposed amendment; and
- (c) 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.

4. Reconsideration

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

D. Conditional Use District Rezonings

1. There are circumstances in which a general zoning district designation allowing a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of this Ordinance and the adopted Land Use Plan. The review process established in this section provides for the accommodation of such uses by a reclassification of property into a conditional use district, subject to specific conditions, which ensure compatibility of the use with the use and enjoyment of neighboring properties.
2. The conditional use district approval process is established to address those situations when a particular use may be acceptable but the general zoning district, which would allow that use would not be acceptable. It allows the Board of Commissioners to approve a proposal for a specific use with reasonable conditions to assure the compatibility of the use with surrounding properties. Any use permitted under this process must also conform to the development regulations for the corresponding general zoning district. This is a voluntary procedure, which is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative proposals, which may not be undertaken for some time. Uses, which may be proposed and considered for a conditional use district shall be restricted to those uses permitted in the underlying general zoning district.
3. No conditional use district shall be established until after the person proposing the district has submitted a petition for the reclassification of property and the Board of Commissioners has approved such petition in accordance with the procedures delineated in subsection 2 of this section. Every petition for the reclassification of property to a conditional use district shall be accompanied by a site plan containing information that the Board of Commissioners deems necessary to allow a thorough review of the petition. To that end, the following information shall be included on a site plan unless the Board of Commissioners determines that, due to circumstances of the particular case, less information is sufficient to afford an adequate review:
 - (a) A scaled map showing the dimensions and the number of square feet in the lot to be rezoned.

- (b) The location and dimensions of all existing and proposed buildings on the lot to be rezoned.
- (c) Proposed points of access and egress and pattern of internal circulation.
- (d) Layout of parking and loading spaces.
- (e) The current zoning classification and use of all adjoining properties.
- (f) Existing natural features on the lot including streams, boundaries of flood hazard areas, and, for petitions proposing new buildings, contour lines at intervals no greater than five feet.
- (g) Proposed changes to existing natural or man-made features such as buildings, signs, streets, utilities, or easements.
- (h) Such additional information that the Board of Commissioners deems necessary to complete the review of the site plan and petition.

In addition to a site plan, the applicant shall submit a written application for a conditional use district rezoning and conditional use permit, which includes the following information:

- (a) The name, address, and phone number of the applicant.
- (b) If the applicant is not the owner of the property in question, (i) the name, address, and phone number of the owner, and (ii) the legal relationship of the applicant to the owner that entitles the applicant to make application.
- (c) The date of the application.
- (d) Identification of the particular zoning classification sought.
- (e) A succinct statement of the nature of the use or uses proposed.
- (f) Any conditions that the Board of Commissioners deems necessary for approval of the rezoning as well as any additional conditions on the use of the property that the applicant may propose being attached to the approval of the rezoning.
- (g) Identification of the property in question by street address and tax map reference.
- (h) The existing zoning classification of the property in question.
- (i) A metes and bounds description of the property proposed to be rezoned.

In the course of evaluating the proposed use, the Board of Commissioners may request additional information deemed appropriate to provide a complete analysis of the proposal.

4. The Board of Commissioners may approve the reclassification of property to a conditional use district and the accompanying conditional use permit only upon determining that the proposed

use will meet all standards and requirements in these regulations that are applicable to the proposed use. In approving a petition for the reclassification of property to a conditional use district, the Planning and Zoning Board may recommend and the Board of Commissioners may attach reasonable and appropriate conditions to approval of the petition. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the Board of Commissioners may find appropriate or that the petitioner may propose. Such conditions to approval of the petition may include dedication to the town of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development. Such conditions shall not include architectural review or controls. The petitioner shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the Board of Commissioners. No conditions shall be less restrictive than the standards of the underlying general zoning district.

5. If a petition is approved under this section, the district that is established, the approved petition, and all conditions, which may have been attached to the approval, are binding on the property as an amendment to these regulations and to the zoning map. All subsequent development and use of the property shall be in accordance with the standards for the approved conditional district, the approved petition, and all conditions attached to the approval. Only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property. Any development in the district shall comply with all provisions of and conditions to the approved petition and site plan. Any uses and structures on the subject property shall also comply with all standards and requirements for development in the underlying general zoning district.
6. Following the approval of the petition for a conditional use district, the subject property shall be identified on the zoning map by the appropriate district designation. A conditional use district shall be identified by the same designation as the underlying general zoning district followed by the letters “CD” [for example, GB (CD)]. An accompanying conditional use permit shall be issued to the applicant upon approval of the petition.
7. Except as provided in subsection 8, changes to the approved petition or to the conditions attached to the approval shall be treated the same as amendments to these regulations or to the zoning map and shall be processed in accordance with the procedures in this section.
8. Minor changes in the detail of the approved petition or site plan which will not alter the basic relationship of the proposed development to surrounding properties or the standards and requirements of these regulations or to any conditions attached to the approval may be approved by the Zoning Administrator without going through the amendment process or a public hearing. The Zoning Administrator, at his discretion, may forward any application for changes in detail to the Board of Commissioners for its consideration as an amendment to these regulations or the zoning map.
9. It is intended that property shall be reclassified to a conditional use district only in light of firm plans to develop the property. Therefore, from the date of approval of the petition, the Zoning Administrator shall periodically examine the progress made toward developing the property in accordance with the approved petition and any conditions attached to the

approval. If the Zoning Administrator determines that construction has not commenced or is not in accordance with the approved petition and conditions, the Zoning Administrator shall either initiate a reclassification of the property in accordance with the procedures established in this section or shall forward a report to the Board of Commissioners recommending that the property be classified to another district.

10. After a certificate of occupancy has been issued for the development approved as a conditional use district, the Zoning Administrator shall periodically inspect the use and maintenance of the subject property to ensure continued compliance with these regulations, the approved petition, and any conditions attached by the Board of Commissioners to approval of the petition.
11. If a use approved under this section ceases operation, the property shall remain in the approved conditional use district classification until (i) the property owner initiates a rezoning of the property to a general use or another conditional use district or (ii) the town initiates a rezoning of the property to a general use district. In addition, the conditional use permit issued at the time of the approval of the conditional use district rezoning shall immediately become void and of no effect upon the cessation of an approved use.

E. Vested Right

A vested right shall be established upon the approval or conditional approval of a site specific development plan by the Board of Commissioners in accordance with the provisions outlined in this subsection. A landowner must indicate at the time of application for approval of a conditional use permit or preliminary subdivision plat, on a form provided by the town, that a zoning vested right is being sought and must agree that the application will be considered and acted on by the Board of Commissioners following notice and a public hearing. A right, which has been vested as provided for in this subsection, shall, as a general rule, remain valid for two years and shall attach to and run with the land.

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this subsection shall have the meaning indicated when used in this article.

1. Landowner. Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase to act as his agent or representative for purposes of submitting a proposed site specific development plan.
2. Property. All real property subject to the regulations and restrictions of this Ordinance as well as the zoning district boundaries established by this Ordinance and depicted on the official zoning map.
3. Site specific development plan. A plan which has been submitted to the Town of Troy by a landowner describing in detail the type and intensity of use for a specific parcel or parcels of property. Such plan shall be in the form of a site plan required to obtain a conditional use permit or a preliminary subdivision plat. All site specific development plans shall be approved by the Board of Commissioners.
4. Vested right. The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.

A vested right shall be deemed established upon the effective date of approval by the Board of Commissioners of a site specific development plan after notice and public hearing in accordance with Section 12. Following the approval of a site specific development plan, the Zoning Administrator shall issue a vested right certificate to the landowner which indicates the duration of the vesting period, the conditions, if any, imposed on the approval of the site specific development plan, and any other information determined by the Zoning Administrator to be necessary to administer the vested right.

A vested right shall confer upon the landowner the right to undertake and complete the development and use of the property as delineated in the approved site specific development plan. The Board of Commissioners may approve a site specific development plan upon such terms and conditions, as may be determined necessary to protect the public health, safety, and welfare. Failure to comply with the approved terms and conditions shall result in a forfeiture of vested rights.

Approval by the Board of Commissioners of a site specific development plan shall follow the procedural requirements for the issuance of a conditional use permit as outlined in Section 12. Changes in or modifications to an approved site specific development plan shall be made only with the concurrence of the Board of Commissioners in accordance with the provisions of Section 12.

A vested right obtained under this subsection runs with the land and is valid for two years from the effective date of approval by the Board of Commissioners of a site specific development plan. A vested right shall not be extended by any amendments or modifications to an approved site specific development plan unless expressly provided for by the Board of Commissioners. A vested right shall expire at the end of two years if no building permit applications have been filed with the town to construct the use or uses proposed in the approved site specific development plan. If building permits are issued, the provisions of G.S. 160A-418 and G.S. 160A-422 shall apply, except that a building permit shall not expire or be revoked because of the lack of progress during the two-year vesting period.

A vested right, once established or provided for in this subsection, precludes 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 the approved site specific development plan, except:

1. With the written consent of the affected landowner,
2. Upon findings, by ordinance after notice and a public hearing, that natural or man-made hazards 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, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the town, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property, which is caused by such action;
4. Upon findings, by ordinance after notice and a public hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the town of the site specific development plan; or

5. Upon the enactment or promulgation of a state or federal law or regulation which precludes development as contemplated in the site specific development plan, in which case the town may modify the affected provisions, upon a finding that the change in state or federal law has a fundamental effect on the plan, by ordinance after notice and a public hearing.

The establishment of a vested right shall not preclude the application of overlay zoning which imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations which are general in nature and are applicable to all property subject to land use regulation by the town, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes.

Notwithstanding any provisions of this subsection, the establishment of a vested right shall not preclude, change, or impair the authority of the town to enforce provisions of this Ordinance governing nonconforming situations or uses.

A vested right obtained under this subsection is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan, all successors to the original landowner shall be entitled to exercise such vested rights.

The town shall not require a landowner to waive his vested rights as a condition of developmental approval.

A petition for annexation filed with the Town of Troy under G.S. 160A-31 or G.S. 160A-58.1 shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to the petition has been established under G.S. 160A-385.1 or G.S. 153A-344.1. A statement that declares that no zoning vested right has been established under G.S. 160A-385.1 or G.S. 153A-344.1, or the failure to sign a statement declaring whether or not a zoning vested right has been established, shall be binding on the landowner and any such zoning vested right shall be terminated.

CERTIFICATION THAT A STATUTORY ZONING VESTED RIGHT IS BEING
SOUGHT PURSUANT TO G.S. 160A-385.1
TOWN OF TROY

As applicant for a 9 conditional use permit 9 preliminary subdivision plat, I hereby certify that I am also seeking to acquire a vested right pursuant to G.S. 160A-385.1 and Chapter ____ of the Town Code, I understand and agree that my application will be considered and acted on by the Board of Commissioners, following notice and a public hearing.

Date

Applicant

