

Zoning Ordinance

Northampton County.

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ARTICLE I

GENERAL PROVISIONS

Section I-1 Authority

The provisions of this ordinance are adopted by the Northampton County Board of Commissioners under authority granted by the General Assembly of The State of North Carolina, in Chapter 153A, Article 18 of the General Statutes.

Section I-2 Purpose

For the purpose of promoting the health, safety, morals, and general welfare, this ordinance is adopted by the Board of Commissioners to regulate and restrict the height, number of stories, and size of building and other structures, the percentage of lots that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and the use of buildings structures, and land for trade, industry, residence, or other purposes.

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

Section I-3 Bona Fide Farms Not Affected by this Ordinance

Nothing in this ordinance shall be constructed to affect bona fide farms, but any use of such property for non-farm purposes shall be subject to these regulations.

Section I-4 Zoning Affects Every Building and Use

Except as provided in Article I, Section 3 (Bona Fide Farms Not Affected by this Ordinance) and in Article V (Existing Nonconforming Uses), no building shall be erected, moved, reconstructed, or structurally altered, nor shall any building or land be used except in compliance with all the district regulations established by this ordinance for the district in which that building or land is located.

Section I-5 Required Open Space Cannot be Used by Another Building or Use

No part of a lot, yard, off-street parking area, or other required open space shall be reduced below the minimum required by this ordinance. No part of a lot, yard, off-street parking area, or other open space required about a building or use shall be used to satisfy the requirements of

another building or use. These prohibitions shall not be interpreted or prevent the granting of a variance by the Zoning Board of Adjustment as provided in Article X, Section 3.

Section I-6 Existing Lots of Insufficient Size

Any lot of record existing when adopted, which has an area or a width which is less than required by this ordinance, shall be subject to the following exceptions and modifications:

- A. Adjoining Lots – When two (2) or more adjoining lots with continuous frontage are in one (1) ownership at any time after the adoption of this ordinance, and such lots individually are less than the minimum square footage and/or have less than the minimum width required in the district in which they are located, then such group of lots shall be considered as a single lot or several lots of minimum permitted width in area for the district in which located. This does not apply to lots of record or to any lot in a subdivision which has received preliminary or final approval from the Northampton County Planning Board. However, such lots must be at least twenty thousand (20,000) square feet in area and must meet all County Health Department requirements.
- B. Lot Not Meeting Minimum Lot Size Requirements – Except as set forth in A above, in any district in which single-family dwellings are permitted, any lot of record existing at the time of the adoption of these regulations which has an area or a width which is less than required by these regulations may be used as a building site for a single-family dwelling.
- C. Side Yard Requirements – Except as set forth in A above, where a lot has a width less than the width required in the district in which it is located, then the Zoning Administrator shall be authorized to reduce the side yard requirements for such lot provided, however, no side yard shall be less than ten (10) feet wide.

Section I-7 More Than One (1) Principal Building or Use on Each Lot

In any district, more than one (1) building housing a permitted principal use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each building as though it were on an individual lot.

Section I-8 Minimum Residential Design Standards

In any district, new residential structures as well as site-built or modular accessory buildings constructed or erected on a residential building lot shall conform to the following minimum requirements:

- A. Placement of Homes – All homes shall be placed on the lot consistent with the predominant neighborhood pattern of placement for existing residential structures. Where no neighboring structures are available for comparison, the structure shall be placed with the front parallel to the street providing access to the site. Home on

waterfront lots may front or face the water if there is no predominant neighborhood pattern of development. On corner lots, the side fronting the entrance road to a residential subdivision there applicable, or otherwise the side with the greatest road frontage, shall be considered the front.

Section I-9 Exception to Height Regulations

The height regulations stipulated elsewhere in this ordinance may be exceeded only where a conditional use is granted by the Board of Adjustment. The Board of Adjustment shall review as a conditional use structures such as church spires, belfries, cupolas, and domes, not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, radio towers, masts, aerials, grain elevators, and similar structures which exceed the height limitations of this ordinance.

Section I-10 Accessory Uses

- A. Accessory use are permitted in any zoning district in accordance with the following regulations:
1. An accessory use is a use or structure that is clearly incidental to and customarily found in connection with a principal building or use, is subordinate to and serves a principal or use and is subordinate in area, extent and purpose to the principal building or principal use served. An accessory building must be located on the lot on which the principal building or use is located. Unless specifically permitted elsewhere in this Ordinance, a recreational vehicle, mobile manufactured home, bus, box van or van box, pick-up camper, and/or trailer (with or without wheels) typically pulled by tractors or trucks may not be used as an accessory use or structure.
 2. Accessory uses to single and two-family dwellings, and multi-family dwellings may not include commercial uses, except as permitted as home occupations or for multi-family dwellings, as allowed by the Board of Adjustment.
 3. Residences for watchmen and caretakers are permitted accessory uses to research and industrial uses.
 4. No accessory building shall exceed thirty-five (35) feet in height, nor shall any accessory building exceed the principal building in height.
 5. An accessory building sharing one (1) or more common walls with the principal building shall be considered part of the principal building for purposes of this ordinance and must meet all yard requirements applied to the principal building.
 6. No detached accessory building or use shall be located closer than ten (10) feet to any other building or mobile home.

7. Accessory buildings or uses shall be placed in the rear yard only on corner lots, and in the rear or side yard of other lots.
 8. No accessory building or recreational structure may extend within ten (10) feet of a lot line, nor within twenty (20) feet of a street right-of-way line.
 9. Any accessory building constructed in the front yard of waterfront lots shall be constructed of materials consistent with the materials used in the construction of the principal structure or those construction materials guidelines of the homeowners' association or covenants and restrictions of the subdivision in which the lot is located, if applicable.
- B. Fences and walls are permitted as accessory uses provided that they comply with the following:
1. For the purposes of this section of this ordinance, a fence is a barrier composed of wire, wood, metal, plastic, or a similar material and a wall is a barrier composed of brick, stone, rock, concrete block, or a similar masonry material.
 2. No wall more than three (3) feet in height, or retaining wall more than five (5) feet in height, may be placed in any front yard, unless required or specifically authorized in another section of this Ordinance.
 3. Fences may not exceed seven (7) feet in height, except that in commercial and industrial districts, a fence may not exceed ten (10) feet in height. Fences greater than seven (7) feet in height shall be of an open type similar to woven wire or wrought iron. Fences and walls may exceed the height requirements of this section if required or specifically authorized in another section of this ordinance.
 4. Fences and walls are exempt from the setback requirements of this ordinance except in non-residential district. In non-residential districts (highway business, neighborhood business and industrial districts) fences and wall may not be placed in any front yard except fences and walls not exceeding three (3) feet in height and serving only an ornamental purpose may be placed in a front yard but not within ten (10) feet of the front lot line.
 5. Fences, if replaced, shall meet the requirement of this section.
 6. Fences shall be constructed such that the finished or more attractive side (face) of the fence, if any, faces to the exterior of the lot (toward the adjoining property).
- C. Handicap Ramps: - handicap ramps are allowed in all districts and shall be allowed to encroach on the side set back by 50% of the applicable zoning district. (1/1/16).

D. Shipping Containers – may be used for storage on a temporary basis provided the following conditions are met: (1/1/16)

- a. The applicant must obtain a zoning permit prior to placing the shipping container on the subject property.
- b. The shipping container shall meet minimum yard requirements and shall only be placed on a parcel of land that has a primary structure, a current building permit for a primary structure, or if the primary structure has been destroyed by fire or other calamity.
- c. The zoning permit will be valid for six (6) months. Seven days prior to the expiration of the permit, the applicant may apply for a six (6) month extension. An extension may be applied for up to two (2) times. Each time an extension is applied for it will be treated as a separate zoning permit but without any additional fees. Failure to obtain an extension, or remove the shipping container after the permitted time, will result in a Notice of Violation and possible legal action.

Section I-11 Buffer Strips

- A. Whenever a buffer strip is required by this ordinance, such buffer strip shall meet the specifications of this section, unless more restrictive specifications are otherwise provided in this ordinance which may apply to a specific use.
 1. Buffer strips shall be required whenever an industrial, commercial, or any other non-residential use is established adjacent to a different zoning district. Buffer strips shall be required on three (3) sides of the lot (rear and side lot lines), unless on a corner lot in which case the buffer is not required on either street side. Such buffer strips shall be depicted on the site plan submitted as a part of the application for a zoning permit.
 2. For all industrial, commercial, or any other non-residential use, the front of the lot (or in the case of a corner or double-front lot any portion of the lot fronting a street), except for ingress and egress purposes (roads, driveways and sidewalks), shall have a minimum of twenty (20) feet of vegetative landscaped and/or lawn area between the front lot line and any improved area (structures and/or parking area). Landscaping materials shall not be installed in this area in a manner which will block the view of or otherwise pose hazard for vehicular traffic.
 3. The width of the buffer strip shall be determined by the following table and shall be composed of evergreen bushes, shrubs, and/or trees such that at least two (2) rows of coverage are provided from the ground to a height of six (6) feet within six (6) years and foliage overlaps.

<i>Proposed Use</i>	<i>Existing Land Use</i>					
	<i>Residential</i>	<i>Neighborhood Business</i>	<i>Highway Business</i>	<i>Light Industrial</i>	<i>Heavy Industrial</i>	<i>VA District* or Conservative Area</i>
<i>Residential</i>	0	25	50	100	200	100*
<i>Neighborhood Business</i>	25	0	25	100	200	100*
<i>Highway Business</i>	50	25	0	25	100	100*
<i>Light Industrial</i>	100	100	25	0	0	100*
<i>Heavy Industrial</i>	200	200	100	0	0	200*

***Note:** A minimum buffer of three hundred (300) feet is required for development (except agricultural) on properties adjoining agricultural properties on which an intensive livestock operation is located. **Intensive livestock operations are those agricultural farming activities as defined by NCGS 143-215.10B.** VA District means Voluntary Agricultural District.

4. All buffer strips shall become part of the lot(s) on which they are located or in the case of commonly-owned land shall belong to the homeowners or property owners' association.
5. The buffer strip shall be maintained for the life of the development. Maintenance shall be the responsibility of the property owner or if the property is rented, the lessee.
6. If a natural screen is already in place which will adequately fulfill the purpose of the buffer strip, the Zoning Administrator may, in writing, allow a substitution of all or part of this screen for the buffer strip. Written permission of the Zoning Administrator shall be obtained before removing an existing natural buffer in the location of the required buffer strip. If the natural screen is removed, then the buffer screen must comply with the buffer strip requirement.
7. Where, because of intense shade or soil conditions, a planting screen cannot be expected to thrive, or where a lot size will not allow a planted buffer, the Zoning Administrator may, in writing, allow the substitution of a well-maintained wood, masonry wall, or chain link fence with slats at least six (6) feet in height in place of the planted screen.

8. When such permission is granted in seven (7) above the buffer strip may be used for driveway and parking so long as such use does not interfere with the six (6) foot wall or fence, and no permanent building or structure is allowed to encroach on the buffer.
9. In all watershed districts, a minimum thirty (30) foot vegetative buffer for development activities is required along all perennial waters. Desirable artificial stream bank stabilization is permitted. No new development is allowed in the buffer except for water dependent structures, other structures such as flagpoles, signs, and security lights which result in only diminutive increases in impervious areas and public projects, such as road crossings and green ways, where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters, and maximize the utilization of storm water best management practices.

Section I-12 Miscellaneous Regulations

- A. Where a minimum lot width is specified in these regulations, it shall be measured at the building line.
- B. Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard, but such projection shall be at least seven (7) feet from any property line.
- C. The requirements of this ordinance do not apply to roads, water, sewer, gas, electric, telephone, and similar utility lines except as specifically mentioned in this ordinance.
- D. Regulations set forth by this ordinance shall be minimum regulations. If the requirements set forth in this ordinance are at variance with the requirements of any other lawfully adopted uses, regulations, or ordinances, the more restrictive or higher standard shall govern.
- E. Unless restrictions established by covenants with the land are prohibited by or contrary to the provision of this ordinance, nothing herein contained shall be construed to render such covenants inoperative.
- F. The use of a camping trailer, recreational vehicle, truck, or other similar apparatus or vehicle as a place of residence is prohibited except as such uses may be allowed on a temporary basis in an approved and permitted campground. For the purposes of this section the term temporary is defined to mean a period of time not to exceed ninety (90) consecutive days or less as may be established in another section of this ordinance.

Section I-13 Regulations Concerning Home Occupations

Home occupations may be permitted when the following general requirements are met:

- d. The exterior appearance of the dwelling shall not be altered in such a manner nor shall the occupation in the residence be conducted in such a way as to cause the premises to differ from its residential character in exterior appearance.
- e. The use may not emit smoke beyond that which normally occurs in the applicable zoning district, nor shall it emit dust, vibration, odor, smoke fumes, glare, electrical interference, interference to radio and television reception or other nuisance, and shall not be volatile or present a fire hazard, nor may the occupation discharge into any waterway, stream lake, or into the ground or a septic tank any waste which will be dangerous or a nuisance to persons or animals, or which will damage plants or crops.
- f. No home occupation shall involve the use of electric or mechanical equipment that would change the fire rating of the structure in which the home occupation is conducted.
- g. The following are strictly prohibited as home occupations: car washes, commercial automotive repair garages, truck terminals, abattoirs, paint, petroleum, and chemical plants, any occupation which involves the bulk storage of liquid petroleum, gasoline, kerosene, or other flammable liquids, funeral homes and mortuaries, massage parlors, sale of reading or viewing material of a pornographic nature, movie theaters, animal hospitals and kennels, and bottled gas sales.

In additional, home occupations are divided into three (3) classes according to lot size and degree of potential nuisances as follows:

- A. Class A home occupations are permitted on any size residential lot and must meet the following requirements:
 - 1. Only two (2) persons other than occupants of the dwelling shall be engaged in such occupation.
 - 2. No more than twenty-five percent (25%) of the total actual floor area of the dwelling or five hundred (500) square feet, whichever is less, shall be used in the conduct of the home occupation. In addition, one (1) accessory building not exceeding one thousand (1,000) square feet may be allowed as a conditional use in connection with the home occupation. The accessory building may not be used for manufacturing, process, instruction, sales, service, or other work in connection with the home occupation. All lot coverage, dimensional, and other requirements of this ordinance must be met by such accessory building. Such accessory building must resemble a residential garage. A sketch of the proposed building and list of materials to be use don the outside must be submitted with the application for a conditional use permit.
 - 3. No outdoor sales or storage shall be permitted in connection with the home occupation.
- B. Class B home occupations are permitted on residential lots which are one(1) acre or larger in size and must meet the following requirements:

1. Only four (4) persons other than occupants of the dwelling shall be engaged in such occupations.
2. No more than fifty percent (50%) of the total actual floor area of the dwelling or eight hundred (800) square feet, whichever is less, shall be used in the conduct of the home occupation. In addition, one (1) accessory building, not exceeding one thousand (1,000) square feet, will be allowed to house commercial vehicle, store materials and conduct the home occupation. All lot coverage, dimensional, and other requirements of this ordinance must be met by the accessory building.
3. No outdoor sales or storage shall be permitted in connection with the home occupation.
- C. Class C home occupations are permitted on residential lots which are five (5) acres or larger in size, a minimum of three hundred fifty (350) feet in width at building line and meet all of the following requirements:
 1. The exterior appearance of the dwelling shall not be altered and shall continue to be used primarily as a dwelling.
 2. Only five (5) persons other than occupants of the dwelling shall be engaged in such home occupations.
 3. The home occupation may be conducted within the dwelling, but in no case shall it occupy more than fifty percent (50%) of the dwelling. In addition, the home occupations may also be conducted within an accessory building on the lot, but such accessory building shall not exceed two thousand (2,000) square feet. Such accessory building shall be located only within the rear yard of the dwelling, and shall set back at least fifty (50) feet from all exterior property lines.
 4. Adequate off-street parking shall be provided for all employees, customers, and home occupation vehicles used in conjunction with the home occupation.
 5. All outside storage shall be screened by a six (6) foot high solid fence or wall which hides the storage area from public view for all angles.

Section I-14 Conditional Uses/Special Uses

- A. The provisions of this ordinance permit some uses to be established by right in the appropriate district while other uses are listed which require a permit from the Board of Adjustment or Board of Commissioners. Those which require a permit from the Board of Adjustment are termed conditional uses by this ordinance, while those which involve broader policy considerations and therefore require a permit from the Board of Commissioners are termed special uses. Both types of uses, in some circumstances, may be compatible with and desirable in the districts in which they are designed as conditional or special, but they may also have characteristics which could have detrimental effects on adjacent properties if not properly designed and controlled.

- B. Special Use Permits shall only be granted after the Northampton County Board of Commissioners has held a public hearing using the procedure set forth below:
1. Applications for Special Use Permits and a two-hundred seventy-five dollar (\$275.00) non-refundable fee shall be received by the Zoning Administrator.
 2. The Zoning Administrator shall transmit the application to the Northampton County Planning Board, who shall review the application and make a recommendation to the Board of County Commissioners within thirty-five (35) days of the Planning Board's first consideration.
 3. After receiving the Planning Board's recommendation, the Board of County Commissioners shall call for a public hearing. Public notice of the hearing shall be published in newspapers generally circulated in Northampton County, at least ten (10) days before the date of the hearing. The Board of Commissioners shall cause notice to be mailed to all property owners which abut the parcel(s) of land involved in the Special Use Permit application as indicated by the records in the Northampton County Tax Office.
 4. Public hearings by the Northampton County Board of Commissioners for special use permits shall be conducted in the following manner:
 - a. Any party may appear in person, by agent, or by attorney at the hearing. The order of business for each hearing shall be as follows:
 - (1) the chairman, or such person as he shall direct, shall give a preliminary statement of the case;
 - (2) the chairman may limit the time allowed for presenting evidence or statement for or against the application;
 - (3) the applicant shall present the evidence and arguments in support of his or her application;
 - (4) persons opposed to granting the application shall present the evidence and arguments against the application;
 - (5) both sides may be permitted to present rebuttals to opposing evidence and arguments;
 - (6) the chairperson, or such person as he or she shall direct, shall summarize the evidence that has been presented, giving the parties opportunity to make objections or corrections. The Board may call any witness(es) or request information it deems advisable in order to reach a decision on the application. The Board members or its employees shall be the only persons allowed to ask questions of a witness. The board may view the premises, but the facts indicated by such inspection shall be disclosed at the public hearing and made a part of the record. All witnesses before the Board shall be placed under oath.

In order to issue a Special Use Permit, the Board shall consider each of the following conditions, and based on the evidence presented the hearings(s) make findings in regards to

each and must find that the issuance of the Special Use Permit is in the best interest of the County.

1. All application specific conditions pertaining to the proposed use have been or will be satisfied.
 2. Access roads or entrance and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency.
 3. Off-street parking, loading, refuse and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties in the general neighborhood.
 4. Utilities, schools, fire, law enforcement, and other necessary public and private facilities and services will be adequate to handle the proposed use.
 5. The location and arrangement of the use on the site, screening, buffering, landscaping, and other features harmonize with adjoining properties and the general area and minimize adverse impact.
 6. The type, size, and intensity of the proposed use, including such consideration as the hours, of operation and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impacts on adjoining properties or the neighborhood.
 7. The Board may continue the hearing until a certain date and time. If the board of Commissioners approves a Special Use Permit, it may, as part of the terms of such approval, impose any additional reasonable conditions and safeguards as may be necessary to insure that the criteria for the granting of such a permit will be complied with and to reduce or minimize any potentially injurious effect of the use on adjoining properties, the character of the neighborhood, or the health, safety, morals, or general welfare of the community. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made for recreational space and facilities.
- b. An application for a rehearing may be made in the same manner as an application for an original hearing. Evidence in support of the application shall initially be limited to what is necessary to enable the Planning Board to determine whether there has been a substantial change in the facts, evidence, or conditions in the case. The Planning Board shall deny the application for rehearing if, from records, it finds that there has been no substantial changes in facts, evidence, or conditions. If the Planning Board finds that a change has occurred, it shall thereupon treat the request in the same manner as a new application.

- c. Decisions by the Board of Commissioners shall be made not later than thirty-five (35) days from the time of the formal hearing. Normal voting procedures shall be followed.
- d. The Board's final decisions shall be shown in the record of the case as entered in the Board's minutes and signed by the clerk and the chairperson on approval of the minutes by the Board. Such record shall show the reasons for the determinations, with a summary of the evidence introduced and the findings of fact made by the Board. When a Special Use Permit is granted, the record shall state the facts that support findings required to be made before such permit is issued. The record shall state in detail what, if any, conditions and safeguards the Board imposes in connection with granting of a Special Use Permit. A separate record of the decision in each case shall be prepared, filed in the clerk's office and the Building Inspection Department, and furnished to the parties seeking the permit.
- e. Unless otherwise specified, any order or decision of the Board granting a Special Use Permit shall expire if the applicant does not obtain a Building Permit or Certificate of Occupancy for such use within six (6) month from the date of the decision.
- f. The clerk shall give written notice of the decision in the case to the applicant. Such notice may be delivered either by personal service or by registered mail or certified mail, return receipt requested. A copy of the decision shall also be filed in the clerk's office and the Building Inspection Department as specified in the zoning ordinance. The decision shall be a public record, available for inspection at all reasonable times.
- g. When a petition for a special use is denied by the Board of Commissioners, a period of twelve (12) months must elapse before another petition for the same change previously involved may be submitted.
- h. When a Special Use Permit is granted, the vested right should expire in two (2) years if the Special Use Permit is not exercised.
- C. After the effective date of this ordinance, those uses which existed prior to that effective date and would only thenceforth be permitted as conditional or special uses in the district in which they are located shall be considered to be legally established conditional or special uses. Any expansion, addition, or other change for which a zoning permit is required shall be hear, considered, and approved or disapproved by the Board of Adjustment or Board of Commissioners in the same manner as original applications for conditional use approval.

Section I-15 Minimum Performance Standards for the Location, Operation and Maintenance of Automobile Graveyards and/or Junkyards.

For the purpose of protecting the citizens and residents of Northampton County from possible injury at automobile graveyards and/or junkyards; preserving the dignity and aesthetic quality of the environment in Northampton County; preserving the physical integrity of land in close proximity to residential areas; protecting and enhancing the economic viability and interest of the citizens and

residents of Northampton County that have had substantial financial investments in homes, businesses, and industry in Northampton County; and attract the interest of future investors to further enhance the future of this county. The following minimum performance standards for junkyards control apply.

A. Junkyards and/or Automobile Graveyards Approved as a Special Use

1. Site-specific development plan approval is required.
2. Shall not be located within hundred (100) feet of the centerline of any public road, within one-quarter (1/4) mile of any school, rural volunteer fire department, rescue department, church, or within any residential area (as defined herein).
3. Shall be fenced and screened completely, at minimum, with a protective fence, and screened from public view with vegetation.
4. Shall comply with State and Federal requirements for commercial uses.

Section I-16 Establishment of a Zoning Vested Right

- A. A zoning vested right shall be deemed established upon the valid approval, or conditional approval, of a site-specific development plan, following notice and public hearing.
- B. The approving authority may approve a site-specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare.
- C. Notwithstanding subsections (a) and (b), approval of a site specific development plan with the condition that a variance be obtained shall not confer a zoning vested right unless and until the necessary variance is obtained.
- D. A site-specific development plan shall be deemed approved the effective date of the approval authority's action or ordinance relating thereto.
- E. The establishment of a zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type of intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land use regulation by the County including but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new or amended regulations shall become effective with respect to property that is subject to a site-specific development plan upon the expiration or termination of the vested right in accordance with this chapter.
- F. A zoning vested right 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 right while applicable.

G. Approval procedure and approval authority:

- (1) Except as otherwise provided in this section, an application for site specific development plan approval shall be processed in accordance with the procedures established in this ordinance for a Conditional Use Permit, Special Use Permit, or Zoning Permit as applicable. The Northampton Board of Commissioners or Board of Adjustment, as applicable, shall be the final approval authority.
- (2) If the use for which a vested right is sought would not normally be a Conditional or Special Use under the code, in order to obtain a zoning vested right, the applicant must request in writing at the time of application that the application be considered and acted on by the Northampton County Board of Commissioners as a Special Use and follow all procedures in the code for obtaining a Special Use Permit.
- (3) In order for a zoning vested right to be established upon approval of a site-specific development plan, the applicant must indicate, at the time of application, on a form to be provided by the County, that a zoning vested right is being sought.
- (4) Each map, plat, site plan, or other document evidencing a site-specific development plan shall contain the following notation: "Approval of this plan establishes a zoning vested right under G.S.153A-344.1. Unless terminated at an earlier date, the zoning vested right shall be valid until _____."
- (5) Following approval or conditional approval of a site-specific development plan, nothing in this chapter shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.
- (6) Nothing in this section shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or of the zoning ordinance.

H. Duration

1. A zoning right that has been vested as provided in this section shall remain vested for a period of two years unless specifically and unambiguously provided otherwise pursuant to subsection (b). This vesting shall not be extended by any amendments or modifications to a site-specific development plan unless expressly provided by the approval authority at the time the amendment or modification is approved.

2. Notwithstanding the provision of subsection (a), the approval authority may provide that rights shall be vested for a period exceeding two (2) years but not exceeding five (5) years where warranted in light of all relevant circumstances, including, but not limited to, the size of the development, the level of investment, the need for or desirability of the development, economic cycles, and market conditions. These determinations shall be in the sound discretion of the approval authority at the time the site-specific development plan is approved.
3. Upon issuance of a building permit, the expiration provisions of 153A-358 and the revocation provisions of G.S. 153A-362 shall apply, except that a building permit shall not expire or be revoked because of the running of time while a zoning vested right under this section is outstanding.

I. Termination

A zoning right that has been vested as provided in this chapter shall terminate:

- (1) at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed;
- (2) with the written consent of the affected landowner;
- (3) upon findings by the Northampton County Board of Commissioners, by ordinance after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site-specific development plan;
- (4) upon payment to the affected landowner of 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 County, 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;
- (5) upon findings by the Northampton County Board of Commissioners, by ordinance after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approval authority of the site-specific development plan; or
- (6) upon the enactment or promulgation of a State or Federal law or regulation that precludes development as contemplated in the site-specific development plan, in which case the approval authority may modify the affected provision, upon a finding that the change in State or Federal law has a fundamental effect on the plan, by ordinance after notice and a hearing.

J. Limitations

Nothing in this chapter is intended or shall be deemed to create any vested right other than those established pursuant to G.S. 153A-344.1.

K. Repealer

In the event that G.S. 153A-344.1 is repealed, this section shall be deemed repealed and the provisions hereof no longer effective.

Section I-17 Cluster Development

Clustering of development is allowed under the following conditions:

- A. Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single family detached developments.
- B. All built-upon area shall be designed and located to minimize storm water runoff impact to the receiving waters and minimize concentrated store water flow.
- C. Title to the open space shall be conveyed to an incorporated homeowners' association for management; to a local government for preservation as a park or open space; or to a conservation organization for preservation in a permanent easement. Where property association is not incorporated, maintenance agreement shall be filed with the property deed.

Section I-18 Existing Development in Watershed Districts

Any existing development in the watershed districts may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as existing development must meet the requirements of this ordinance, however, the built-upon area of the existing development is not required to be included in the density calculations.

A. Use of Land

This category consists of uses existing at the time of adoption of this ordinance where such use of the land is not permitted to be established hereafter in the watershed area in which it is located. Such uses may be continued except as follows:

- (1) When such use of land has been changed to an permitted use, it shall not revert to a prohibited use.
- (2) Such use of land shall be changed only to an permitted use.
- (3) When such uses ceases for a period of at least one (1) year, it shall not be reestablished.

B. Reconstruction of Buildings or Built-Upon Areas.

Any existing building or built-upon area not in conformance with the restrictions of this ordinance that has been damaged or removed may be repaired and/or reconstructed, except that there are no restrictions on single family residential development, provided:

- (1) Repair or reconstruction is initiated within twelve (12) months and completed within two (2) years of such damage.
- (2) The total amount of space devoted to built-upon area may not be increased unless storm water control that equals or exceeds the previous development is provided.

Section I-19 Outdoor Storage

A. Residential Uses

All outdoor storage shall be limited to the rear and side of the principal building and may not encroach upon any yard setback(s). All outdoor storage in side yards shall be set back six (6) feet toward the rear lot line, from the front building line. If situated in the side yard, (that area extending from the principal building to the side lot line and from the front lot line to the rear lot line), all outdoor storage shall be screened from public view by landscaping fences, walls or landscaped buffer so as to not be visible from the road providing access to the site. Fences and walls shall be constructed and landscaped buffers established in accordance with provisions of this Article.

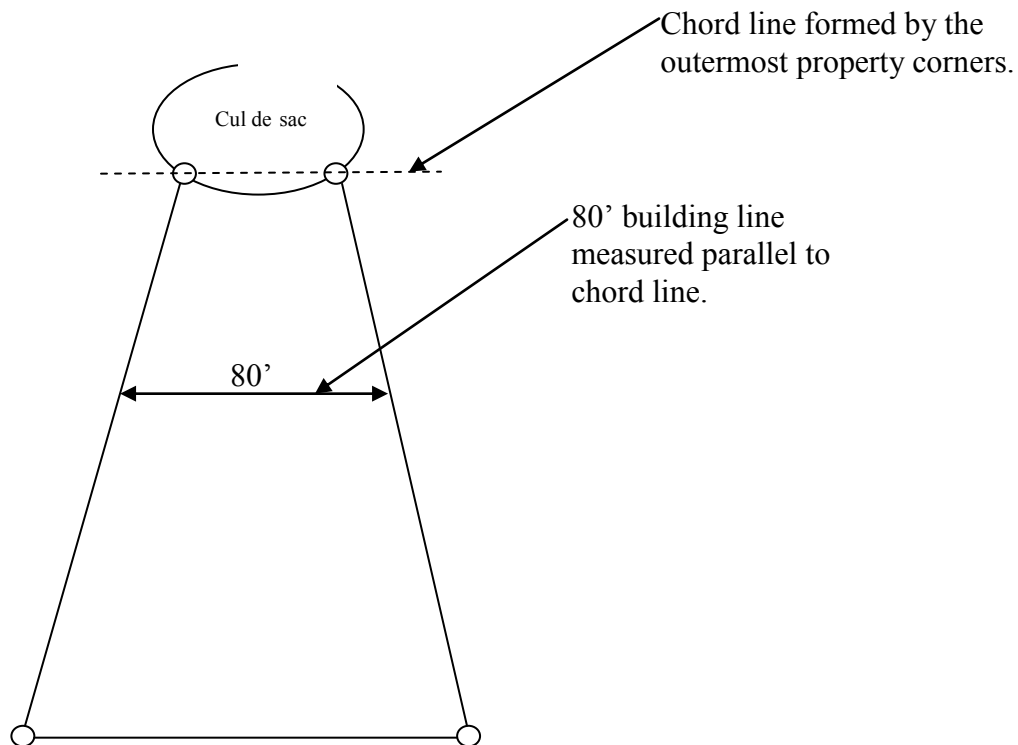
B. Industrial, Highway Business and All Other Uses

All outdoor storage shall be limited to the rear and side of the principal building and may not encroach upon any hard setback(s). All outdoor storage in side yards shall be set back six (6) feet toward the rear lot line from the front building line. All outdoor storage for industrial and commercial uses shall be screened in accordance with the applicable provisions of this Ordinance for those uses. Where no outdoor storage provision are determined to exist, those set forth in Section I-18 A above shall apply. Should two (2) or more outdoor storage provisions apply, the more restrictive provision shall predominate.

Section I-20 Minimum Lot Size Requirements in Agricultural-Residential Districts

1. The minimum lot size requirements in Agricultural-Residential (AR), Agricultural-Residential Watershed (AR-1, AR-2) districts shall be as follows:
 2. Minimum lot size of 30,000 square feet (.69 acre)
 3. If a lot has public water and public sewer then the minimum lot size shall be 20,000 square feet (.46 acre)
- Minimum lot width – 100'

On lots that are fronted by a cul de sac there shall be a minimum building line of eighty (80) feet as shown below:



Section I-21 Signs

The purpose of this section is to support and complement the various land uses allowed in Northampton County by the adoption of policies and regulations concerning the placement of signs that are not considered outdoor advertising signs per the Northampton County Outdoor Advertising Sign Ordinance. The erection of signs is controlled and regulated in order to promote the health, safety,, welfare, convenience, and enjoyment of travel on roadways, as well as protect the public investment in such roadways. The provisions of this section are also intended to promote the reasonable, orderly, and effective display of such signs, displays and devices and to protect bona fide farming activities.

A. Permit Required

Except as otherwise provided in this ordinance, it shall be unlawful for any person, or entity, to erect, construct, enlarge, move, or replace any sign without first having obtained a zoning permit for such sign from the administrator. A detailed drawing, including all pertinent dimensions, text, and graphics to be displayed on the proposed sign shall be submitted as part of the permit application.

B. Signs Excluded from Regulation

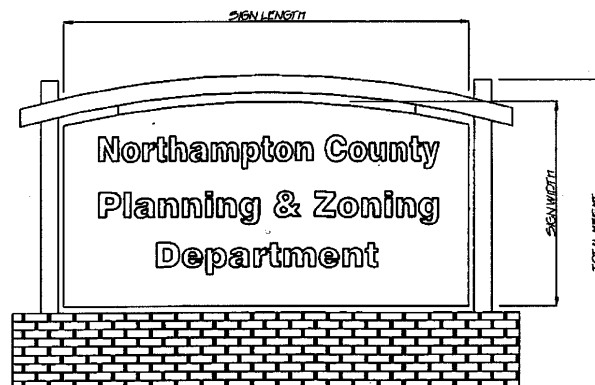
The following signs are exempt from regulation under this section but may be subject to other restrictions found within the zoning ordinance.

1. Signs erected by, or on behalf of, or pursuant to, the authorization of a governmental body, including legal notices, information signs that identify public property or convey public information, and traffic, directional or regulatory signs.
2. Official signs of a non-commercial nature erected by public utilities.
3. Flags, pennants, or insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising device.
4. Displays of merchandise offered for sale or rent on the premises where displayed. Only actual merchandise of the type that is for sale or rent, not pictorial representations of such, falls within this exemption.
5. Signs painted on or otherwise permanently attached to currently licensed motor vehicle that are not primarily used as signs.
6. Signs proclaiming religious, political, or other non-commercial messages, and may not exceed one (1) per lot/parcel and thirty-two (32) square feet in are, or create a traffic hazard and are not internally illuminated.

7. Signs advertising the sale, lease, availability, development or prospective development of a subdivision provided the sign is located within the boundaries of the subdivision and the sign:
 - a) Shall not exceed seventy-five (75) square feet in area.
 - b) Shall be spaced not less than five hundred (500) feet apart.
 - c) Shall not exceed ten (10) feet in height.
8. signs that do not exceed three (3) square feet in area and bear only property numbers, post office box numbers, names of occupants of premises, or other identification not having commercial connotations. *(example – temporary construction site sign)*
9. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
10. A sign identifying parties responsible for construction activities at a development site. Such signs must be removed when work is completed.
11. On premise “for sale” or “for rent” signs.
12. Signs indicating private security companies. *(example ADT)*
13. Subdivision entrance, subdivision directory and multi-family development entrance signs. At the entrance to a subdivision or multi-family development, there may be not more than two (2) such signs (not on the same lot) with a maximum area of sixty (60) square feet and a maximum height of fifteen (15) feet. In cases where such signs are mounted on decorative walls, the wall area shall not be utilized to calculate the sign surface area.

C. Determining the number and area of signs

1. For the purpose of determining the number of signs, a sign shall be considered to be any object, display, or structure, or portion thereof, which is located outdoors and is used to



advertise, identify, display direct or attract attention to an object, person, institution, organization, business, product, service, event or location through the use of words, letters, figures, designs, symbols,

2. A two-sided or multi-sided sign shall be regarded as on sign so long as:
 - a) With respect of V-type signs, the two sides are at no point separated by a distance that exceed fifteen (15) feet.
 - b) With respect to double-faced (back to back) signs, the distance between the backs of each face of the sign does not exceed three (3) feet.
3. Sign area shall be determined by drawing the smallest geometric from to encompass the extreme limits of the writing representation, emblem, color, or other display, together with a material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. Sign area shall not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the zoning regulations and is clearly incidental to the display itself.

D. Dimensional and Location Requirements by Sign Type

On premise signs where one or more businesses are on one or more lots, excluding shopping centers, shall be subject to the standards listed below:

Criteria	Freestanding Sign	Wall Sign
Number	<ul style="list-style-type: none"> > 1 sign per street frontage for frontages up to 500 feet > 3 signs for frontages greater than 500 feet 	Not applicable
Spacing	<ul style="list-style-type: none"> > 100 feet spacing between signs located on the same property 	Not applicable
Area	<ul style="list-style-type: none"> > 1 - 100 sq. ft. ¹ > Exceeding 100 sq. ft. ² 	<ul style="list-style-type: none"> > 30% of wall area > 200 sq. ft. max. for each building less than 5,000 sq. ft. of gross floor area. > 400 sq. ft. max. for each building between 5,000 sq. ft. and 9,999 sq. ft. of gross floor area. > 600 sq. ft. max. for each building greater than 10,000 sq. ft. of gross floor area.
Setback	<ul style="list-style-type: none"> > ¹0 feet from right-of-way for signs up to 100 sq. ft. and 10 ft. in height. > ²10 feet from right-of-way for signs over 100 sq. ft. and/or 10 ft. in height > Side setback per applicable district 	Not Applicable
Location	<ul style="list-style-type: none"> > Located outside a 10' x 35' site triangle 	Must be oriented toward a public street and cannot be facing directly to an adjacent residential dwelling within a residential zoning district.
Height	<ul style="list-style-type: none"> > ¹10 feet max. > ²25 feet max. above road bed but in no case greater than 30 feet 	May not project above roofline.

Temporary signs: A total of two temporary signs are permitted per property. The total maximum size of one or two signs combined cannot exceed forty (40) square feet. If the property contains more than one (1) street front, one (1) additional temporary sign per street front is permitted not to exceed forty (40) square feet. The maximum height is ten (10) feet. The sign shall maintain a zero

(0) foot setback from the street right-of-way and the minimum side setback for the applicable zoning district. Temporary signs may not be located within any ten foot by thirty-five foot (10' x 35') sight triangle.

E. On Premise Sign Additional Requirements

1. No more than fifty percent (50%) of area of a sign can be a message board or reader board or electronically controlled message sign. The message must remain stationary for a minimum of five seconds, except for time and temperature.
2. Flags shall be permitted and used in accordance with these provisions. These provisions shall not apply to governmental flags, flags of non-profit or charitable organizations, or private residences.
 - a) Flags shall not encroach into the right-of-way. Further, flags shall not be permitted within the designated sight triangle.
 - b) Flags are permitted at a size of one (1) square foot of flag for every two (2) lineal feet of road frontage as determined from the site plan or tax records. Further, there is a limit of one (1) flag permitted for every forty (40) lineal feet of street frontage for the first two hundred (200) feet and one (1) flag per one hundred (100) lineal feet of street frontage thereafter.
 - c) Flags subject to these provisions shall not exceed twenty (20) feet in height.
 - d) Flags shall be attached to a singular pole and shall have no other means of support.
 - e) Flags that are shredded, torn, tattered and/or frayed must be replaced and/or removed within fifteen (15) calendar days of receiving written notification. Flagpoles shall be straight. Appropriately placed, in good working order and have a good coat of paint or finish, natural or otherwise. All enforcement provisions established within the zoning ordinance may be applied.
3. Pennants and streamers are permitted for a maximum of thirty (30) days for each of the following events. A zoning permit for the pennants/streamers is required at no cost in order to establish the start/finish date of the display. Pennants and streamers shall not be attached to any road sign or telephone pole and shall not encroach into the street right-of-way.
 1. Grand Openings.
 2. Seasonal Openings (for businesses who are closed during one or more seasons).
 3. Going out of Business.

F. Dimensional and Location Requirements by Sign Type

On premise shopping center signs shall be subject to the standards listed below:

Criteria	Freestanding Shopping Center Signs	Freestanding Out-Parcel Sign	Wall Sign
Number	> 1 sign per street frontage	> 1 per street frontage	Not applicable
Area	> 160 sq. ft. max.	> 100 sq. ft. max	> 1.5 sq. ft. per 1 foot of building width or 50 sq. ft. whichever is greater, not to exceed 30 percent of wall area.
Setback	> 0 feet from right-of-way for signs up to 100 sq. ft. and 10 ft. in height. > 10 feet from right-of-way for signs over 100 sq. ft. > Side setback per applicable district	> 0 feet from right-of-way for signs less than 10 sq. ft in height. > 10 feet from right-of-way for signs more than 10 ft. in height > Side setback per applicable district	Not Applicable
Location	> Located outside a 10' x 35' site triangle		> Must be oriented toward a public street, public access or public drive aisle leading to public parking or public entrance. > May not project more than 3 feet from wall face.
Height	> 20 feet max.above roadbed for signs up to 100 sq. ft. > 25 feet max. for signs over 100 sq. ft.	> 20 feet max.	May not project above roofline.

Temporary signs: A total of two temporary signs are permitted per property. The total maximum size of one or two signs combined cannot exceed forty (40) square feet. If the property contains more than one (1) street front, one (1) additional temporary sign per street front is permitted not to exceed forty (40) square feet. The maximum height is ten (10) feet. The sign shall maintain a zero (0) foot setback from the street right-of-way and the minimum side setback for the applicable zoning district. Temporary signs may not be located within any ten foot by thirty-five foot (10' x 35') sight triangle.

G. Temporary, Off Premise Signs

The following temporary off premise signs are permitted without a sign permit or payment of fees.

1. Sign erected in connection with elections or political campaigns. Such signs shall be removed within ten (10) days following the election or conclusion of the campaign. No such sign may exceed thirty-two (32) square feet in surface area.
2. Off premise signs indicating that a special event such as a fair, carnival, circus, festival or other similar happening is to take place on a lot other than the one where the sign is located. Such signs may be erected no earlier than thirty (30) days before the event and must be removed no later than ten (10) days after the event.
3. Off premise signs advertising the existence of:
 - a) A roadside stand selling fruits or vegetables.
 - b) A farm or tract upon which fruits or vegetables are grown that may be picked or gathered by the purchaser.
 - c) No sign may exceed thirty-two (32) square feet in surface area. Such signs may not be erected more than thirty (30) days before the seasonal opening of such enterprise and shall be removed no later than thirty (30) days after the enterprise closes for the season.
4. Temporary off premises signs not covered in the foregoing categories, so long as such signs meet the following restrictions and are not governed by the Northampton County Outdoor Advertising Sign Ordinance:
5. Not more than one such sign may be located on any lot.
6. No such sign may exceed six (6) square feet in surface area.
7. Such sign may not be displayed for longer than three (3) consecutive days and not more than ten (10) days out of any three hundred sixty-five (365) day period.
8. Home occupation directional signs; subject to the following:
 - a) The home occupation shall have a valid home occupational permit.
 - b) There shall be no more than one (1) such sign per home occupation.
 - c) Such sign shall not exceed sixteen (16) square feet in area and four (4) feet in height.

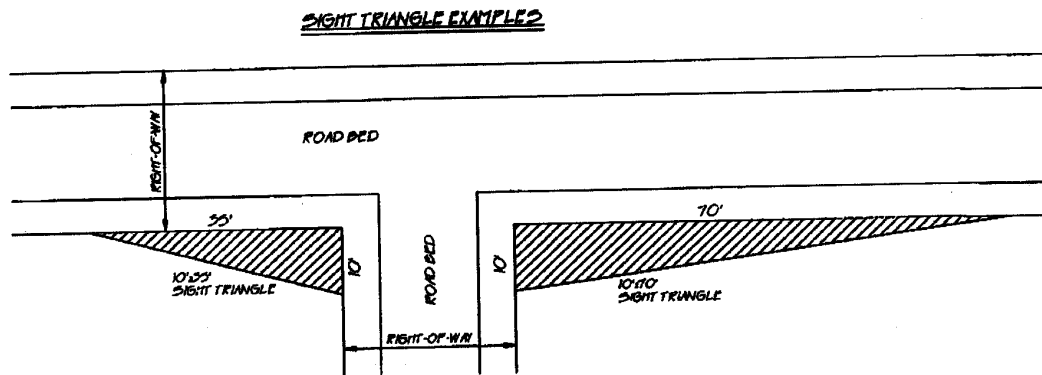
- d) Such sign shall not be illuminated by any means.
 - e) Such sign shall not be located within any public street right-of-way, sight distance triangle, easement, vehicular area or other similar area.
 - f) The message of any such sign shall be limited to the business name, location, telephone number and distance. There shall be no additional commercial advertisement of any kind.
 - g) Written, notarized permission from the owner of the property on which the sign will be erected shall be required as part of the required documentation for permitting.
9. Other temporary off premise signs not listed in this section shall be regarded and treated in all respects as permanent signs.

H. Miscellaneous Restrictions and Prohibitions

- 1. No person may cause, suffer, or permit a sign that is in conformity with the provisions of this section on its effective date to thereafter become nonconforming.
- 2. No sign may be located within a sight distance triangle ten feet by seventy feet (10' x 70') at the intersections of public right-of-ways. Further, no sign shall be located within a sight distance triangle of ten feet by thirty-five feet (10'x 35') at a point where driveways, private road right-of-ways or easements intersect with public and private road right-of-ways or easements.
- 3. Signs that revolve or are animated or that utilize movement or apparent movement to attract the attention of the public (with the exception of message boards, reader boards, and electronically controlled message signs subject to the regulations found in this section) are prohibited. Without limiting the foregoing; banners, streamers, animated display boards, pennants, and propellers are prohibited but signs that only move occasionally because of wind are not prohibited if their movement:
 - a) Is not a primary design feature of the sign
 - b) Is not intended to attract attention to the sign
- 4. The restrictions in this subsection shall not apply to signs specified in Section B 3 & 4 or to signs indicating time, date or weather conditions and other such signs as specifically provided in these regulations, such as temporary signs and message boards, reader board, and electronically controlled message signs.
- 5. No sign may be erected so that, by its location, color illumination, size, shape, nature, or message, it would tend to obstruct the view of, or be confused with, official traffic signs or other signs erected by governmental agencies.

6. Freestanding signs shall be adequately secured or stabilized to minimize the danger than either the sign or the supporting structure may be moved by the wind or other forces of nature and cause injury to person or property.
7. No sign shall be attached to any traffic sign, utility pole, structure or tree.
8. Lights shall not shine into the street right-of-way or adjoining properties. If necessary, lights can be shielded by shrubs or decorative features on the sign.
9. Off premise advertising (billboards) are expressly prohibited except as allowed by the Northampton County Outdoor Advertising Sign Ordinance.
10. Signs on vehicles and trailers that are parked in a location visible to the public and for a period of time that is indicative that the principal use of the vehicle is for advertising rather than transport will be considered a sign and will be bound by the regulations found herein.

All lettering and displays on signs shall be neat and uniform in size and shape.



ARTICLE II

DISTRICT REGULATIONS

Section II-1 Agricultural-Residential District (AR)

This district is established to promote a compatible mixture of agricultural, forestry, conservation, and very low-density residential uses where few public services will be available. Protection of the

environment, preservation of prime farmland, and the continuation of rural lifestyles are goals this district seeks to attain.

A. Permitted Uses

1. Accessory buildings and uses that are customary and incidental to uses permitted in this district.
2. Bona fide farms
3. Cemeteries-church and family
4. Churches
5. Customary home occupations
6. Dwelling-single-family and two-family
7. Family care homes, provided that no such home be located within one-half (1/2) mile radius of an existing family care home.
8. Minor and major residential subdivision in accordance with Article III, Section III-1 of this ordinance and the Northampton County Subdivision Ordinance
9. Mobile home individual
10. Schools, public and private
11. Sign, in compliance with Northampton County outdoor Advertising Sign Ordinance.
12. Government office buildings (March 1, 2010)
13. Solar Power Generation Facilities for commercial power generation only with the following restrictions: (1/1/16)
 - a. All structures and security fencing must meet a 100 foot front setback measured from the edge of the rights of way and a 50 foot side and rear setback;
 - b. A landscape buffer / screen along all exterior sides of the security fence must consist of a double row or off-set evergreens, absent mature vegetation, installed at a height of 5 feet achieving opaqueness and a minimum height of 10 feet in 5 years;
 - c. All solar panels must be constructed to minimize glare or reflection onto adjacent properties and adjacent roadways and must not interfere with traffic or create a safety hazard;
 - d. The applicant must provide written authorization from local utility company acknowledging and approving connection to the utility company's grid;
 - e. Power transmission lines must be located underground to the extent practical;
 - f. A security fence equipped with a gate and a locking mechanism must be installed at a minimum height of six (6) feet topped with one foot of barbed wire along all exterior sides of the solar farm;
 - g. Landscape buffer / screens, ground cover, security fences, gates and warning signs must be maintained in good condition until the solar farm is dismantled and removed from the site;
 - h. The zoning permit is subject to revocation if the Planning and Zoning Department is not notified when the solar farm company holding the permit sells or otherwise transfers its interest to another entity or individual.

13-1 REMOVAL OF THE SOLAR FARM EQUIPMENT AND RESTORATION:

- i. The application must include decommissioning plans that describe the anticipated life of the solar farm, the estimated decommissioning cost in current dollars, the method for ensuring funds will be available for decommissioning and restoration, and the anticipated manner in which the solar farm project will be decommissioned and the site restored. For the purposes of this section, site restoration and having the site restored, shall mean returning the site to its original condition prior to the development of the solar power generation facility. This includes, but not limited to, grading, seeding, etc;
- ii. Following a continuous 6 month period in which no electricity is generated and transferred to the grid, the permit holder will have 6 months to complete decommissioning of the solar farm unless the site is damaged due to natural causes, in which the operator will have twelve (12) months to get the solar power generation facility back on-line. Decommissioning includes removal of, but not limited to, solar panels, buildings, cabling, electrical components, and any other associated facilities below, and above, grade as described in the approved decommissioning plan.
- iii. Prior to the issuance of a Zoning Permit, the applicant must provide the County with a performance guarantee as provided in subsection (4) below. The amount of the guarantee shall be 1.25 times the estimated decommissioning cost minus the salvageable value, or \$50,000, whichever is greater. Estimates for decommissioning the site and salvage value shall be determined by a North Carolina licensed engineer or a licensed contractor. It is the responsibility of the applicant to provide the County with the certified cost estimate.

13.2 PERFORMANCE GUARANTEES:

The following types of performance guarantees are permitted:

1. A surety or performance bond that renews automatically, includes a minimum 60-day notice to the County prior to cancellation, is approved by the Planning Director, and is from a company on the U.S. Department of Treasury's Listing of Certified Companies. A bond certificate must be submitted to the Planning Department each year verifying the bond has been properly renewed; or
2. A certified check deposited with the county finance director, as escrow agent, who will deposit the check in an interest-bearing account for the County, with all interest accruing to the applicant. Funds deposited with the county finance director will be returned when the solar farm is decommissioned and all site restoration is completed; or

3. A no-contest irrevocable bank letter of credit from a banking corporation licensed to do business in the State of North Carolina. The terms of the letter must include the absolute right of the county finance manger to withdraw funds from the bank upon certification by the county manager that the terms and conditions of the performance guarantee have been breached. The letter of credit must be valid up to 12 month from the date the performance guarantee was approved and shall be renewed annually.
4. The full amount of the bond, certified check, or letter of credit must remain in full force and effect until the solar farm is decommissioned and all site restoration is completed.
5. The land owner or tenant must notify the County when the site is abandoned.

B. Dimensional Requirements

Minimum Lot Area

30,000 square feet (1/1/16)

20,000 square feet if the lot has public water and public sewage (1/1/16)

Ref Article I-20 for additional requirements

Minimum Lot Dimensions

Residential	Width 100 ft.
Non-Residential	Width 150ft.

Minimum Yards

Residential	Front 30 ft. on secondary roads Front 40 ft. on US & NC roads Rear 25 ft. Side 10 ft.
Non-Residential	Front 40 ft. Rear 50 ft. Side 30 ft.

Maximum Building Height

Residential and Non-Residential 35 ft.

C. Conditional Uses

The following uses may be permitted upon the approval of the Northampton County Board of Adjustment, in accordance with Article X of this ordinance.

Unless otherwise specified, any conditional use granted by the Board of Adjustment shall expire if the applicant does not obtain a Building Permit or Certificate of Occupancy for such use within six (6) months from the date of the decision.

1. Public and private country clubs, golf courses (exclusive of miniature golf courses and three part golf courses), swimming clubs, and homes for the aged, provided that all buildings and swimming pools be set back a minimum of fifty (50) feet from all exterior property lines.
2. Fire stations, provided that all buildings shall be set back a minimum of thirty (30) feet from all exterior property lines and that off-street parking area, at least twice as large as the floor area in the fire station, be provided on the lot.
3. Radio, television, and microwave towers and relay stations, offices and studios in conjunction with these. These uses may be permitted as conditional uses provided that all buildings and towers shall be set a minimum of thirty (30) feet from all exterior property lines and that towers shall be set back one (1) additional foot from all exterior property lines for each one (1) foot in height over one hundred (100) feet.
4. Commercial cemeteries, where lots are sold and title is given, provided that all graves and crypts shall be set back at least thirty (30) feet from all exterior property lines or public roads.
5. Day nurseries and kindergartens provide that they meet all state and county regulations and that the water supply and sewerage provisions made for the day nurseries and kindergartens are approved by the Northampton County Health Department
6. Riding stables provided that all stables and exercise yards shall be set back at least thirty (30) feet from all exterior property lines.
7. Mobile home parks and travel trailer parks.
8. Kennels (with a minimum of five (5) acres)
9. Blacksmith or horse shoeing shops
10. Rest homes
11. Campgrounds in compliance with Article II, Section III-3
12. Existing structures of sound physical condition that have at any time, been in operation as a commercial/business use for a purpose listed as a permitted or conditional use in the

Neighborhood Business District, will be allowed to be used for commercial/business purposes upon approval of the Northampton County Board of Adjustment, provided the following conditions are met:

Minimum lot area: Minimum lot area shall be the same as required for other permitted uses in the district. Lots recorded with the Register of Deeds at the time of adoption of the Northampton County Zoning Ordinance, may be used for any of the permitted uses of the Neighborhood Business District.

Parking: Shall conform to Article IV, Off-Street Parking and Loading Requirements.

Screening: Shall conform to Article I-11, Buffer Strips.

Lighting: Lighting shall be such that it does not shine directly onto any adjacent residential lot or on any public roadway.

Expansion: Any expansion of the principal building shall not exceed fifty (50) percent of the existing gross floor area, and shall not encroach on the setbacks of the Neighborhood Business District.

13. Bed and breakfast which meet the following:
 - a. Located on a lot one (1) acre or larger.
 - b. No more than five (5) guest rooms.
 - c. Owner/manager live on site.
 - d. Compatible with neighborhood.
 - e. Off-street parking at one (1) per guest room and one (1) for owner/manager.
 - f. Meet all applicable local and state health and building code requirements.
14. Beauty and barbershops
Craft and gift shop, florist
Convenience and grocery stores.
Restaurants and grills
Small, low-impact offices
Agricultural supply sales.
Indoor recreation facilities provided such uses meet the following minimum conditions:
 - a. Minimum lot area: Minimum lot area shall be the same as required for non-residential uses in the district.
 - b. Parking: Shall conform to Article IV, Off-Street Parking and Loading Requirements.
 - c. Screening: Shall conform to Article I-10, Buffer Strips.
 - d. Lighting: Lighting shall be such that it is not directed onto any adjacent residential lot.
 - e. Outdoor storage: Shall conform to Article II-6 Standards for Outdoor Storage.
15. Conference center/retreat for a corporation, business, religious or non-profit group, which meet the following:

- a. Minimum lot size: Five (5) acres
 - b. Parking: Shall be provided in accordance with Article IV, Off-Street Parking and Loading Requirements.
 - c. Compatible with the neighborhood
 - d. Screening: Will be provided in accordance with Article I-10, Buffer Strips.
 - e. All structures used for meeting rooms and classrooms shall conform to all applicable local and state health and building code requirements.
 - f. No environmentally damaging or hazardous materials allowed.
16. Public utilities other than distribution line, to include but not limited to, electrical substations, water tanks and towers, and telephone exchanges.
17. Retail plant nurseries/lawn and garden stores
18. Agricultural buying stations provided that they are at least five hundred (500) feet from any habitable residence.
19. Hunting and fishing clubs/lodges, private and commercial.
20. Club or lodge provided the following minimum requirements are met:
- a. Minimum lot size: Forty thousand (40,000) square feet
 - b. Property line setback: All structures shall be located at least thirty (30) feet from all property lines.
 - c. Parking: Shall be provided in compliance with Article IV. Further, parking shall not be located in the front yard, except when the lot is eighty-thousand (80,000) square feet or larger parking may be allowed in front of structures on the lot but may not be located in the required front yard minimums.
 - d. Buffer: A minimum vegetative buffer of ten (10) feet, comprised of non-deciduous trees and shrubs shall be established and maintained on the sides and rear of the property.
 - e. Storage: No outdoor storage shall be located on the site.
 - f. No outdoor public address system shall be allowed.

D. Special Uses

The following uses may be permitted upon the approval of the County Board of Commissioners in accordance with Article I, Section I-14, Conditional Uses.

- 1. Community, county, or municipal sewage treatment plans, water treatment plans, sanitary landfills, provided that all buildings, structures, tanks, and pits be set back at least one hundred (100) feet from all exterior property lines, that a natural buffer at least fifty (50) feet in width separate all such uses from all exterior property lines, and that a non-climbable fence, at least six (6) feet in height, completely enclose such uses.

2. Community, county or municipal water or sewage pumping stations, provide that they be enclosed by an appropriate fence or that they be housed in a building that is compatible with the character of the surrounding development.
3. Planned unit development in accordance with Article III
4. Mining of gold and silver ores (104 SIC)
5. Bituminous coal and lignite mining (121 SIC)
6. Crude petroleum and natural gas (131 SIC)
7. Nonmetallic minerals, except fuels (12 SIC) including:
 - Dimensional stone (141 SIC)
 - Crushed and broken stone (142 SIC)
 - Crushed and broken granite (143 SIC)
 - Crushed and broken stone (not elsewhere classified 144 SIC)
 - Sand and gravel (145 SIC)
 - Clay, ceramic, and refractory minerals (146 SIC)
 - Chemical and fertilizer mining (147 SIC)
8. Fuel oil, kerosene, and other flammable liquids storage and distribution facilities
9. Garbage and waste incinerators
10. Gases and liquefied petroleum gases storage and facilities
11. Grounds and facilities for open-air games and sporting events
12. Airports and landing fields for fixed-wing and rotary wing aircraft
13. Automobile and other salvage and recovery yards
14. Demolition landfill – publicly or privately operated, provided:
 - a. That all buildings, structures, tanks, and pits be set back at least one hundred (100) feet from all exterior property lines;
 - b. that a natural landscaped buffer at least fifty (50) feet in width separate all such uses from all exterior property lines;
 - c. that a non-climbable fence, at least six (6) feet in height, completely enclose such uses;
 - d. that the landfill be restricted to items allowed by the State of North Carolina in a demolition landfill, specifically to exclude sanitary landfill uses, chemical/toxic waste, and nuclear waste products;
 - e. that prior to issuance of a zoning permit and/or building permit, the site must be approved by the North Carolina Division of Environmental Management for such a use, and meet all the state requirements for such a use.
15. Slaughter houses provided requirements are met (to be added soon)

Section II-2 Residential District (R-15)

This district is established primarily as a medium density residential district where off-site water and sewer is available.

A. Permitted Uses

1. Bona fide farms
2. Single-Family dwellings
3. Two-family dwellings
4. Minor and major residential subdivisions in accordance with Article III, Section II-1 of this ordinance and the Northampton County Subdivision Ordinance
5. Churches
6. Family care home, provided that no such home may be located within one-half (1/2) mile radius of an existing family care home.
7. Family cemeteries and church cemeteries, provided that all crypts and graves be set back a minimum of thirty (30) feet from all exterior property liens, and provided that no burial lots are sold on a commercial basis and approved by the Northampton County Health Department
8. Customary home occupations
9. Accessory buildings and uses that are customary and incidental to the above permitted uses
10. Signs in compliance with Northampton County Outdoor Advertising Sign Ordinance

B. Dimensional Requirements

Minimum Lot Area (See Article I-18)

Soil Group	Residential with Public Water and Sewer	Non-Residential
A	10,000 sq. ft.	40,000 sq. ft.
B	15,000 sq. ft.	80,000 sq. ft.
C	40,000 sq. ft.	160,000 sq. ft.
D	Prohibited	Prohibited

Minimum Lot Size

Residential	Width 80 ft.
Non-residential	Width 100 ft.

Minimum Yards

Single family Residential	Front 30 feet on secondary roads Front 40 feet on US and NC roads Rear 25 feet Side 15 feet
Two-family and Other Residential	Front 30 feet on secondary roads Front 40 feet on US and NC roads Rear 30 feet Side 15 feet

Maximum Building Height

Residential and Non-Residential	35 feet
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C. Conditional Uses

The following uses may be permitted upon the approval of the Northampton County Board of Adjustment in accordance with Article X.

Unless otherwise specified, any conditional use granted by the Board of Adjustment shall expire if the applicant does not obtain a Building Permit or Certificate of Occupancy for such use within six (6) months from the date of the decision.

1. Public and private schools, country clubs, golf course (exclusive of miniature golf courses and three par golf courses), swimming clubs, homes for the aged, provided that all buildings and swimming pools be set back a minimum of fifty (50) feet from all exterior property lines.
2. Fire stations, provided that all buildings shall be set back a minimum of thirty (30) feet from all exterior property lines and that off-street parking area, at least twice as large as the floor area in the fire station, be provided on the lot.
3. Radio, television, and microwave towers relay stations, offices and studios in conjunction with these. These uses may be permitted as conditional uses provided that all buildings and towers shall be set a minimum of thirty (30) feet from all exterior property lines and that towers shall be set back one (1) additional foot from all exterior property lines for each one (1) foot in height over one hundred (100) feet.
4. Community, county, or municipal sewage treatment plants, sanitary landfills, provided that all building structures, tanks and pits be set back at least one hundred (100) feet from all exterior property lines, that a natural buffer at least fifty (50) feet in width separate all such uses from all exterior property lines, and that a non-climbable fence, at least six (6) feet in height, completely enclosed such uses.
5. Commercial cemeteries, where lots are sold and title is given provided that all graves and crypts shall be set back at least thirty (30) feet from all exterior property lines or public road.

6. Day nurseries and kindergartens provided that they meet all state and county regulations and that the water supply and sewerage provisions made for the day nurseries and kindergartens are approved by the Northampton County Health Department.
7. Riding stables provided that all stables and exercise yards shall be set back at least thirty (30) feet from all exterior property lines.
8. Parks, picnic areas, public swimming pools, and other public or private recreation facilities.
9. Multi-family dwellings which meet the following minimum conditions:

Minimum lot area:

One (1) acre

Parking:

Shall comply with Article IV

Site-specific development plans are required and must show:

Structures – location of buildings, signs and signs structures

Circulation – proposed points of access and egress and pattern of internal circulation.

Parking – layout of parking spaces.

Other requirements:

Maximum density shall be eight (8) dwelling units per gross acre

Maximum number of units per building shall be six (6)

Where more than one (1) building is to be located on one (1) lot, building separation shall be determined as follows:

Height of Taller Building	Minimum Horizontal Distance Between Vertical Projections
20 feet or less	16 feet
between 20.1 and 25.0 feet	25 feet
between 25.1 and 30.0 feet	30 feet
between 30.1 and 35.0 feet	40 feet

The vertical projection shall be drawn from that point on each building which is horizontally closest to the other building.

A yard of at least thirty (30) feet shall be provided around the entire perimeter of the site, and streets, parking spaces, and accessory buildings shall not be allowed in the required yard.

Access for emergency vehicles to all buildings in the complex shall be provided.

The handling of garbage and trash facilities shall be subject to the approval of the County Health Department.

The Northampton County Planning Board shall receive this required first and shall make a recommendation to the Board of Adjustment within thirty-five (35) days after its first consideration.

D. Special Uses

The following uses may be permitted upon the approval of the County Board of Commissioners in accordance with Article I, Section I-14, Conditional Uses.

1. Planned unit development in accordance with Article III.

Section II-3 Residential District (R-10)

This district is established as a high-density residential district where off-site water and sewer is available.

A. Permitted Uses

1. Accessory buildings and uses that are customary and incidental to the above permitted uses.
2. Bona fide farms
3. Single-family dwellings, including single mobile homes
4. Minor and major residential subdivisions in accordance with Article III, Section III-1 of this ordinance and the Northampton County Subdivision Ordinance.
5. Churches
6. Family care homes, provided such facilities are on lots containing a minimum of twenty thousand (20,000) square feet and that no such home may be located within one-half (1/2) mile radius of an existing family care home.
7. Family cemeteries and church cemeteries, provided that all crypts and graves be set back a minimum of thirty (30) feet from all exterior property lines, and provided that no burial lots are sold on a commercial basis.
8. Customary home occupations
9. Signs in compliance with Northampton County Outdoor Advertising Sign Ordinance

B. Dimensional Requirements

Minimum Lot Area (See Article I-18)

Soil Group	Residential with Public Water and Sewer	Non-Residential
A	10,000 sq. ft.	40,000 sq. ft.
B	15,000 sq. ft.	80,000 sq. ft.
C	40,000 sq. ft.	160,000 sq. ft.
D	Prohibited	Prohibited

Minimum Lot Size

Residential	Width 80 feet
Non-Residential	Width 100 feet

Minimum Yards

Residential	Front 25 feet on secondary roads Front 40 feet on US and NC roads Rear 25 feet Side 10 feet
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Non-Residential	Front 40 feet
	Rear 40 feet
	Side 20 feet

Maximum Building Height

Residential	35 feet
Non-Residential	35 feet

C. Conditional Uses

The following uses may be permitted upon the approval of the Northampton County Board of Adjustment in accordance with Article X. Unless otherwise specified, any conditional use granted by the Boar of Adjustment shall expire if the applicant does not obtain a Building Permit or Certificate of Occupancy for such use within six (6) months from the date of the decision.

1. Public and private schools, country clubs, golf course (exclusive of miniature golf courses and three par golf courses), swimming clubs, homes for the aged, provided that all buildings and swimming pools be set back a minimum of fifty (50) feet from all exterior property lines.
2. Fire stations, provided that all buildings shall be set back a minimum of thirty (30) feet from all exterior property lines and that off-street parking area, at least twice as large as the floor area in the fire station, be provided on the lot.
3. Day nurseries and kindergartens provided that they meet all state and county regulations and that the water supply and sewerage provisions made for the day nurseries and kindergartens are approved by the Northampton County Health Department.
4. Parks, picnic areas, public swimming pools, and other public or private recreation facilities.
5. Community, county, or municipal water or sewage pumping stations, provided that such pumping stations be set back at least thirty (30) feet from all exterior property lines, that they be enclosed by a fence, and that they be housed in a building that is compatible with the character of the surrounding development.
6. Multi-family dwellings which meet the following requirements:
 - a. Minimum lot area:
One (1) acre
 - b. Parking:
Shall comply with Article IV
 - c. Site-specific development plans are required and must show:
 - Structures – location of buildings, signs and signs structures
 - Circulation – proposed points of access and egress and pattern of internal circulation.
 - Parking – layout of parking spaces.
 - d. Other requirements:
 - Maximum density shall be eight (8) dwelling units per gross acre
 - Maximum number of units per building shall be six (6)
 - e. Where more than one (1) building is to be located on one (1) lot, building

separation shall be determined as follows:

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

The vertical projection shall be drawn from that point on each building which is horizontally closest to the other building.

- f. A yard of at least thirty (30) feet shall be provided around the entire perimeter of the site, and streets, parking spaces, and accessory buildings shall not be allowed in the required yard.
- g. Access for emergency vehicles to all buildings in the complex shall be provided.
- h. The handling of garbage and trash facilities shall be subject to the approval of the County Health Department.
- i. The Northampton County Planning Board shall receive this required first and shall make a recommendation to the Board of Adjustment within thirty-five (35) days after its first consideration.

D. Special Uses

The following uses may be permitted upon the approval of the County Board of Commissioners in accordance with Article I, Section I-14, Conditional Uses.

- 1. Planned unit development in accordance with Article III.

Section II-4 Highway Business District (HB)

The purpose of this district shall be to provide for an encourage the property grouping and development of roadside uses which will best accommodate the needs of the motoring public, the reduction of highway, congestion and hazard, and the minimization of blight. The following standards are established for this district and designed to promote sound permanent commercial development, and to protect nearby areas from undesirable aspects of commercial development:

- (1) outside storage must be screened from public view by opaque fencing, screening, or landscaping;
- (2) outside storage shall be limited to the rear and side of the principal building;
- (3) storage of unsafe (corrosive, flammable, or explosive materials) or hazardous material shall comply with any local, state or federal requirements; and
- (4) outside storage must be on the premises of the business.

A. Permitted Uses

1. Agricultural supply sales
2. ABC stores
3. Animal hospitals
4. Apparel sales
5. Assembly halls, coliseums,, gymnasiums, and similar structures
6. Automobile parts sales, new only
7. Automobile, boat, motorcycle and recreational vehicle repair service
8. Automobile, boat, motorcycle and recreational vehicle sales
9. Automobile service stations, including self-service gas pumps
10. Banks
11. Beauty and barber shops
12. Blacksmith or horse shoeing and accessory uses
13. Blueprinting and photostating establishments.
14. Building supply sales
15. Car washes
16. Catering establishments
17. Cold storage plants
18. Construction offices with outside storage
19. Department stores
20. Drive-in movies
21. Drugstores
22. Dry cleaners and laundries
23. Electrical appliance sales and service
24. Feed and grain sales and storage
25. Fertilizer wholesale and retail sales
26. Florist and gift shops
27. Food and grocery stores
28. Funeral homes

29. Furniture sales
30. Hardware stores
31. Mini-storage facilities
32. Mobile home sales lot
33. Motels
34. Jewelry sales and watch repair
35. Offices for business, professional, and personal services
36. Public buildings and uses
37. Restaurants
38. Rest homes
39. Shoe sales and repair
40. Signs in accordance with Northampton County Outdoor Advertising Sign Ordinance
41. Retail plant nurseries/lawn and garden stores
42. Government office buildings (March 1, 2010)

B. Dimensional Requirements

Minimum Lot Area	30,000 sq. ft.
Minimum Lot Size	Width 80 ft.
Minimum Yards	Front 50 ft. Rear 25 ft.
Maximum Building Height	Side 15 ft. (on corner lots, same as front yard) 35 ft.

C. Conditional Uses

The following uses may be permitted upon the approval of the Northampton County Board of Adjustment, in accordance with Article X. Unless otherwise specified, any conditional use granted by the Board of Adjustment shall expire if the applicant does not obtain a Building Permit or Certificate of Occupancy for such use within six (6) months from the date of the decision.

1. Mobile (Individual) for Temporary Use as Office and/or Exhibition

Minimum Lot Area – None

Parking – Six (6) spaces for each person employed in office in any given time during a twenty-four (24) hour period.

Office and Exhibition:

A temporary Certificate of Occupancy/Compliance allowing mobile homes and used solely as offices for purposes of exhibition, or for a caretaker or night watchman, to be temporarily parked, maintained, and/or occupied on a designated lot or land location, may be issued by the Zoning Administrator or his authorized agent where the Board of Adjustment finds as a fact that the use of such mobile home does not violate the county or state building code or health regulations. All such

Certificate of Occupancy/Compliance shall be valid for a period of twelve (12) months, after which it may be renewed for a period of twelve (12) months.

Notwithstanding the foregoing, a Certificate of Occupancy/Compliance may be issued for a mobile home for use as a temporary field office for contractors by the Zoning Administrator, or his authorized agents, without approval of the Board of Adjustment, if it meets the following:

- a. The structure under construction is located on the same property;
- b. It is not moved to the site more than thirty (30) days prior to construction and is removed no later than thirty (30) days after construction has been completed;
- c. It is not used for any other purpose than that connected with on-site construction;
- d. It is justified by the size and nature of the construction project;
- e. It is for a period not to exceed twenty-four (24) months;
- f. It is utilized only incidental to on-site construction during daylight hours and not for residential living quarters;
- g. It is parked in a location approved in advance by the Zoning Administrator or his authorized agent; and
- h. Its sanitary facilities are approved by the County Health Department.

Also, notwithstanding the foregoing, a Certificate of Occupancy/Compliance may be issued for a mobile home for use as a mobile classroom by a public or private school, school administrative mobile home, and for a mobile home sales office without approval of the Board of Adjustment if:

- a. The sanitary facilities are approved by the county health department; and
- b. The electrical facilities are connected in compliance with regulations set forth in the current National Code.

2. Shopping Centers/Commercial Group Development

Minimum Lot Area – One (1) acre

Parking and loading – One (1) parking space for each two hundred (200) square feet of gross floor area and one (1) off-street loading space for each twenty thousand (20,000) square feet of gross floor area or portion thereof.

Site specific development plans are required and must show:

- a. Structures – location of buildings, signs, and sign sizes.
- b. Circulation – proposed points of access and egress and pattern of internal circulation.

Other requirements:

- a. Shopping centers shall contain only those uses permitted in the district in which it is located.
- b. All building shall be set back fifty (50) feet from all exterior property lines.

- c. Topographical information with two (2) foot contour intervals or less shall be depicted on the site plan.
3. Day nurseries and kindergartens – provided that they meet all applicable state and county regulations and that the water supply and sewerage system is approved the Northampton County Health Department.

D. Special Uses

The following uses may be permitted upon the approval of the Northampton County Board of Commissioners in accordance with Article I, Section I-14, Conditional Uses.

1. Nightclub, provided the following minimum requirements are met.
 1. Minimum lot size: 40,000 square feet
 2. Property line set back: All structures shall be located at least thirty (30) feet from all property lines.
 3. Parking: Shall be provided in compliance with Article IV. Further, parking shall not be located in the front yard, except when the lot is 80,000 square feet or larger parking may be allowed in front of structures on the lot but may not be located in the required front yard minimums.
 4. Buffer: A minimum vegetative buffer of ten (10) feet, comprised of non-deciduous trees and shrubs shall be established and maintained on the sides and rear of the property.
 5. Storage: No outdoor storage shall be located on the site.
 6. No outdoor public address systems shall be allowed.
 7. Nightclubs shall not be located within three-hundred (300) feet of a regular place of worship; a public or private school, a public park, playground, athletic field, or recreational area which is commonly utilized by a group of homeowners; a child day-care or nursery facility; any business or facility the use or purpose of which is primarily oriented toward children; any building used as dwelling (resident); a boundary or any residential zoning district.

Adopted
May 7, 2012

2. Electronic Gaming Facilities (Internet Café, Sweepstakes, etc) provided the following conditions are met:
- a) Minimum lot size – One (1) acres (43,560 sq.ft);
 - b) All structures must be a minimum of 40' from property lines unless otherwise specified by district regulations;
 - c) Parking shall meet Article IV of the Northampton County Zoning Ordinance;
 - d) The property must be able to meet all buffer requirements per the Northampton County Zoning Ordinance;
 - e) Shall not be located within one-half (1/2) mile of:
 - 1. Regular place of worship;
 - 2. Public or private school;
 - 3. Public park or playground;
 - 4. Athletic field;
 - 5. Recreational area commonly used by a group of homeowners;
 - 6. A child day care or nursery facility;
 - 7. Any business or facility the use of which is primarily oriented towards children;
 - f) Shall not be located within one-quarter (1/4) mile of any building used as a dwelling (residence).

Section II-5 Neighborhood Business District (NB)

This district is established for business development serving the business needs of the rural community. The following standards are established for this district and designed to promote sound permanent commercial development, and to protect nearby areas from undesirable aspects of commercial development: (1) outside storage must be screened from public view by opaque fencing, screening or landscaping, (2) outside storage shall be limited to the rear and side of the principal building, (3) storage of unsafe (corrosive, flammable, or explosive materials) or hazardous materials shall comply with any local state or federal requirements, and (4) outside storage must be on the premises of the business.

A. Permitted Uses

1. Beauty and barbershops
2. Craft and gift shops, florists
3. Convenience and grocery stores
4. Restaurants and grills
5. Single, small, low-impact offices
6. Retail plant nurseries/lawn and garden stores

B. Dimensional Requirements

Minimum Lot Area	10,000 square feet
Minimum Lot Size	Width 80 feet minimum
Minimum Yards	Front 30 feet
	Rear 25 feet
	Side 15 feet (on corner lots, same as front yard)
Maximum Building Height	35 feet

C. Conditional Uses

The following uses may be permitted upon the approval of the Northampton County Board of Adjustment, in accordance with Article X.

Unless otherwise specified, any conditional use granted by the Northampton Board of Adjustment shall expire if the applicant does not obtain a Building Permit or Certificate of Occupancy for such uses within six (6) months from the date of the decision.

1. Mobile home (individual) for Temporary Uses as Offices and/or Exhibition

Minimum Lot Area – None

Parking – Six (6) spaces for each person employed in office in any given time during a twenty-four (24) hour period.

Office and Exhibition:

A temporary Certificate of Occupancy/Compliance allowing mobile homes used solely as offices for purposes of exhibition, or for a caretaker or night watchman, to be temporarily parked, maintained, and/or occupied on a designated lot or land location, may be issued by the Zoning Administrator or his authorized agent where the Board of Adjustment finds as a fact that the use of such mobile home does not violate the county or state building code or health regulations. All such certificates of Occupancy/Compliance shall be valid for a period of twelve (12) months, after which they may be renewed for a period of twelve (12) months.

Notwithstanding the foregoing, a Certificate of Occupancy/Compliance may be issued for a mobile home for use as a temporary field office for contractors by the Zoning Administrator, or his authorized agents, without approval of the Board of Adjustment, if it meets the following:

- a. The structure under construction is located on the same property;
- b. It is not moved to the site more than thirty (30) days prior to construction and is removed no later than thirty (30) days after construction has been completed;
- c. It is not used for any other purpose than that connected with on-site construction.
- d. It is justified by the size and nature of the construction project;
- e. It is for a period not to exceed twentyfour (24) months.
- f. it is utilized only incidental to on-site construction and not for residential living quarters;
- g. It is parked in a location approved in advance by the Zoning Administrator or his authorized agent; and
- h. Its sanitary facilities are provided by the county health department.

Also notwithstanding the foregoing, a Certificate of Occupancy/Compliance may be issued for a mobile home for use as a mobile classroom by a public or private school, school administrative mobile home and for a mobile home sales office without approval of the Board of Adjustment if;

- a. The sanitary facilities are approved by the county health department; and
 - b. The electrical facilities are connected in compliance with regulations set forth in the 1971 National Electrical Code.
2. Agricultural supply sales
 3. Automobile repair service
 4. Automobile service stations, including self-service gas pumps
 5. Indoor recreation facility
 6. Day nurseries and kindergartens – provided that they meet all applicable state and county regulations and that the water supply and sewerage system is approved by the Northampton County Health Department.

Section II-6 Light Industrial District (LI)

The purpose of this district is to establish and protect industrial areas for the use of light manufacturing operations and for the distribution of products at wholesale. The following standards are established for this district and designed to promote sound permanent light industrial development, and to protect nearby areas from undesirable aspects of industrial development:

- (1) all assembly and/or manufacturing be confined within the building;
- (2) all outdoor storage be screened from public view by opaque fencing, screening, or landscaping, limited to rear and side of the principal building, if hazardous and/or unsafe, shall meet all local, state and federal environmental requirements, and must be one the premises of the business, and
- (3) any one applying for a LI permit must demonstrate that no adverse impacts such as noise, groundwater, air, pollution, and vibrations are created by the proposed use, beyond the lot boundaries of the use. This district shall be located adjacent to and/or with direct access to thoroughfare roads or streets.

A. Permitted Uses

1. Accessory buildings and uses that are customary and incidental to uses permitted in this district.
2. Agricultural uses
- Assembly and packaging operations including mail order houses (1/1/16)
4. Bakeries and food products preparation
6. Bottling works
- Clothing, curtain and linens manufacturing (NAICS 314120) (1/1/16)
8. Cosmetics manufacturing
9. Dairy processing and distribution
11. Electrical appliance manufacturing
12. Electrical machinery manufacture and/or assembly
15. Government buildings: buildings used by the federal,, state, county or city government for public purposes
16. Governmental protective services (police and fire stations), rescue squads and volunteer fire departments
17. Industrial supplies and equipment services
18. Industrial trade schools
19. Jewelry manufacture
20. Laboratories for research testing
21. Leather products and luggage manufacturing, excluding tanning and curing of hides
22. Machine tool manufacturing
- Machine welding shops and metal fabrication, excluding foundry and stamping (1/1/16)
23. Off-street parking and loading in accordance with Article IV
24. Offices that generate low to medium traffic volumes and have no adverse impacts beyond lot boundaries
27. Precision instrument manufacturing
28. Printing and publishing

- Radio and television studios
- 29. Railroad stations and yards
- 30. Research facilities, including manufacturing incidental to same
- 31. Sign painting and fabrication shop
- 32. Distribution centers
- 33. Wooden product manufacturing
- 34. Signs, in accordance with Northampton County Outdoor Advertising Sign Ordinance
- 35. Underground low or high voltage electric power distribution lines, telephone lines, water or sewer lines, low or medium pressure gas distribution, underground liquid fuel transmission lines.
- 36. Water and/or wastewater collection and transmission lines, pumping stations, meter vaults and other appurtenances required as a part of such utility systems.
- 37. Electric substations
- 38. Warehousing and other storage facilities
- 39. Wholesale and jobbing establishments

B. Dimensional Requirements

Minimum Lot Area	80,000 sq. ft.
Minimum Lot Size – Width	150 ft.
Minimum Yards – Front	100 (Amended Nov. 11, 2007)
Rear	75 ft.
Side	25 ft.
Maximum Building Height	60 ft.

C. Conditional Uses

The following uses may be permitted upon the approval of the Northampton County Board of Adjustment, in accordance with Article X.

Unless otherwise specified, any conditional use granted by the Board of Adjustment shall expire if the applicant does not obtain a Building Permit or Certificate of Occupancy for such use within six (6) months from the date of the decision.

1. Mobile Home (Individual) for Temporary Use as Office and/or Exhibition

Minimum Lot Area – None

Parking – Six (6) spaces for each person employed in office in any given time during a twenty-four (24) hour period.

Office and Exhibition:

A temporary Certificate of Occupancy/Compliance allowing mobile homes used solely as offices for purposes of exhibition, or for a caretaker or night watchman, to be temporarily parked, maintained, and/or occupied on a designated lot or land location, may be issued by the Zoning Administrator or his authorized agent where the Board of adjustment finds as a fact that the use of such mobile home does not violate the county or state building code or health regulations. All such Certificates of Occupancy/Compliance shall be valid for a period of twelve (12) months, after which they may be renewed for a period of twelve (12) months.

Notwithstanding the foregoing, a Certificate of Occupancy/Compliance may be issued for a mobile home for use as a temporary field office for contractors by the Zoning Administrator, or his authorized agents, without approval of the Board of Adjustment, if it meets the following:

- a. The structure under construction is located on the same property;
- b. It is not moved to the site more than thirty (30) days prior to construction and is removed no later than thirty (30) days after construction has been completed;
- c. It is not used for any other purpose than that connected with on-site construction;
- d. It is justified by the size and nature of the construction project;
- e. It is for a period not to exceed twenty-four (24) months;
- f. It is utilized only incidental to on-site construction and not for residential living quarters;
- g. It is parked in a location approved in advance by the Zoning administrator or his authorized agent; and
- h. Its sanitary facilities are approved by the County Health Department.

Also, notwithstanding the foregoing, a Certificate of Occupancy/Compliance may be issued for a mobile home for use as a mobile classroom by a public or private school, school administrative mobile home, and for a mobile home sales office without approval of the Board of Adjustment if:

- a. The sanitary facilities are approved by the Health Department
 - b. The electrical facilities are connected in compliance with regulations set forth in the current National Code.
2. Public utility substations, electric power plants, transmission towers, elevated water tanks, sewage treatment plants, and sanitary landfills.
 3. Day nurseries and kindergartens – provided that they meet all applicable state and county regulations and that the water supply and sewerage system is approved by the Northampton County Health Department or the NC Division of Environmental Management.

D. Special Uses

The following uses may be permitted upon the approval of the County Board of Commissioners in accordance with Article I, Section I-14, Conditional / Special Uses.

1. Airports and Landing fields
2. Fiberglass products manufacture
3. Farm machinery assembly and repair
4. Mining of gold and silver ores (104 SIC)
5. Bituminous coal and lignite mining (121 SIC)
6. Crude petroleum and natural gas (131 SIC)
7. Non-metal minerals, except fuels (14 SIC) extraction
 - a) Dimensional stone (141 SIC)
 - b) Crushed and broken stone (142 SIC)
 - c) Crushed and broken granite (142 SIC)
 - d) Crushed and broken stone (not elsewhere classified 144 SIC)
 - e) Sand and gravel (145 SIC)
 - f) Clay, ceramic, and refractory minerals (1436 SIC)
 - g) Chemical and fertilizer mining (147 SIC)
8. Demolition landfill – publicly or privately operated, provided:
 - a. that all buildings, structures, tanks, and pits be set back at least one hundred (100) feet from all exterior property lines;
 - b. that a natural landscaped buffer at least fifty (50) feet in width separate all such uses from all exterior property lines;
 - c. that a non-climbable fence, at least six (6) feet in height, completely enclosed such uses;
 - d. that the landfill be restricted to items allowed by the State of North Carolina in a demolition landfill, specifically to exclude sanitary landfill uses, chemical/toxic waste, and nuclear waste products;
 - e. that prior to issuance of a Zoning Permit and/or Building Permit, the site must be approved by the North Carolina Division of Environmental Management for such a use, and met all the state requirements for such a use.

9. Adult entertainment establishment provided:

A. The establishment must be situated not less than one thousand (1000) feet* from all of the following:

1. a church, synagogue or regular place of worship;
2. a public or private school;
3. a publicly owned library, publicly owned art gallery, publicly owned theater, or other publicly owned entertainment facility or place of assembly, welcome/visitors center;
4. a public park, playground or athletic field or a privately owned park, playground athletic field, or recreational area which is commonly utilized by a group of homeowners; a civic, religious or fraternal organization, non-profit, or other institutional group or assembly;
5. a child daycare or nursery facility;

6. any business or facility the use or purpose of which is primarily oriented towards children;
7. any building used as a dwelling (residence); and,
8. a boundary of any residential zoning district.

*Note: For the purposes of this section, measurements shall be made in a lineal/straight line from the nearest portion of the lot line on which the adult entertainment establishment is proposed/located to the nearest lot line of the premises of any use listed above.

B. No sign, emblem, character, figure, symbol or manifestation depicting or referencing the human form or any part of the human body; nor any sign, emblem, or manifestation containing any sexually explicit or allusive language shall be displayed on the exterior of the establishment.

C. One (1) non-automated sign depicting the name of the establishment, which shall not exceed five (5) feet in height nor twelve (12) feet in length and which shall not extend above the roof line of the principal building may be placed on the exterior of the building parallel with the front wall. No other advertising sign may be located on the lot.

D. The lot on which the adult entertainment establishment is proposed/located shall be surrounded on three (3) sides by a buffer of not less than twenty-five (25) linear feet beginning at the adjoining side(s) and rear property lines such that at least three (3) rows of non-deciduous foliage overlap is provided from the ground to a height of six (6) feet within six (6) years. Buffers shall contain non-deciduous natural vegetation which typically grows to a height of at least twenty (20) feet.

E. The use must comply with all other provisions of this Ordinance as well as any other local, state, or federal ordinance governing the operation of adult entertainment facilities as defined herein.

10. Automobile and other salvage and recovery yards.

Section II-7 Heavy Industrial District (HI)

The purpose of this district is to establish and preserve areas for heavy industrial and related uses and is designed to accommodate all but the most objectionable industries; however, industries permitted by right are required to minimize their emissions of smoke, dust, fumes, glare, noise, and vibrations. The following standards are established for this district and designed to promote sound permanent heavy industrial development, and to protect nearby areas from undesirable aspects of industrial development: (1) outside storage must be screened from public view by opaque fencing, screening, or landscaping, (2) outside storage shall be limited to the rear and side of the principal building, (3) storage of unsafe (corrosive, flammable, or explosive materials) or hazardous material shall comply with any local, state, or federal requirements, and (4) outside storage must be on the premises of the business. This district should be separated from residential areas whenever possible by natural or structural features such a sharp breaks in topography, strips of vegetation, or traffic arteries. This district shall be located adjacent to and/or with direct access to thoroughfare roads or streets.

A. Permitted Uses

1. Accessory buildings and uses that are customary and incidental to uses permitted in this district.
2. Assembly and/or manufacturing of emergency community support vehicles (1/1/16)
3. Agricultural uses
4. Air conditioning equipment manufacturing
5. All uses in the Light Industrial District (Section II-6)
6. Assembly and packaging operations, including mail order houses
7. Automobile and truck assembly including manufacturing and/or assembly of components thereof
8. Bakeries and food products preparation
9. Bedding and carpet manufacturing
10. Boat works
11. Bottled gas, distribution and bulk storage
12. Building component and construction materials manufacturing including:
 - a) Structural wood members
 - b) Mobile homes and fabricated homes
 - c) Concrete products (block, steps, beams)
13. Bulk grain storage
14. Signs in compliance with Northampton County Outdoor Advertising Ordinance
15. Cabinet making and woodworking shops
16. Carpet, furniture and mattress manufacturing (1/1/16)
17. Cosmetic manufacturing
18. Crating services
19. Electrical component manufacturing

20. Emery cloth and sandpaper manufacturing
21. Farm machinery assembly and repair
22. Fiber manufacturing (1/1/16)
23. Food processing facilities
24. Flour and feed mills
25. Freezer locker and ice plants
26. Furniture manufacturing
27. Governmental protective services (police and fire stations), rescue squads and
28. volunteer fire departments
29. Government buildings used exclusively by the federal, state, county, or city governments for public purposes
30. Hatcheries
31. Heavy equipment manufacturing
32. Industrial supplies and equipment services
33. Industrial trade schools
34. Jewelry manufacturing
35. Leather products and luggage manufacturing (excluding tanning and curing hides)
36. Machine, tool manufacturing
37. Monument works
38. Off-street parking and loading in accordance with Article IV
39. Offices that have no adverse impacts beyond the zoning district boundaries
40. Paper goods manufacturing including:
 - a) Envelopes (2642 SIC)
 - b) Bags, except textile bags (2643 SIC)
 - c) Die-cut paper and paperboard and cardboard (2645 SIC)
 - d) Sanitary paper products (2647 SIC)
 - e) Stationery, tablets and related products (2648 SIC)
 - f) Converted paper and paperboard products, not elsewhere classified (2649 SIC)
 - g) Folding paperboard boxes (2651 SIC)
 - h) Set-up paperboard boxes (2652 SIC)
 - i) Corrugated and solid fiber boxes (2653 SIC)
 - j) Sanitary good containers (2654 SIC)
 - k) Fiber cans, tubes, drums, and similar products (2655 SIC)
41. Pharmaceutical manufacturing
42. Portland cement mixing plants
43. Printing and publishing
44. Radio and television studios
45. Radio and television transmission towers
46. Railroad stations and yards
47. Research facilities, not including research generating significant quantities of hazardous waste, toxic chemicals or nuclear research
48. Sawmills
49. Paper goods manufacturing (1/1/16)

50. Pharmaceutical manufacturing (1/1/16)
51. Planing mills
52. Sheet metal fabrication and installation
53. Storage or baling of scrap paper, iron, bottles, rags or junk only when conducted entirely within a building completely enclosed on all sides
54. Textile manufacturing (1/1/16)
55. Tobacco products manufacturing or processing
56. Trucking, transfer companies, and heavy equipment terminals
57. Underground low or high voltage electric power distribution lines, telephone lines, water or sewer lines, low or medium pressure gas distribution, or liquid fuel transmission lines
58. Water and/or wastewater treatment facilities, collection and transmission lines, pumping stations, meter vaults and other appurtenances required as a part of such utility systems
59. Wood flooring manufacturing (1/1/16)
60. Wood products including:
 - a) Chips for mulch
 - b) Wooden containers
 - c) Millwork, veneer, plywood
61. Electric substations

B. Dimensional Requirements

Minimum Lot Area	80,000 sq. ft.
Minimum Lot Size – Width	150 ft.
Minimum Yards – Front	150 ft.
Rear	75 ft.
Side	25 ft.
Maximum Building Height	60 ft.

C. Conditional Uses

The following uses may be permitted upon the approval of the Northampton County Board of Adjustment in accordance with Article X.

Unless otherwise specified, any conditional use granted by the Board of Adjustment shall expire if the applicant does not obtain a Building Permit or Certificate of Occupancy for such use within six (6) months from the date of the decision.

1. Day nurseries and kindergartens – provided that they meet all applicable state and county regulations and that the water supply and sewerage system is approved by the Northampton County Health Department or the NC Division of Environmental Management.

D. Special Uses

The following uses may be permitted upon the approval of the county Board of Commissioners in accordance with Article I, Section I-14, Special Uses.

1. Asphalt/bituminous products mixing plant
2. Airports and landing fields (1/1/16)
3. Brick, tile and pottery yards, not including the extraction of earth products (1/1/16)
4. Chemical manufacturing, household and industrial
5. Electric power generation facilities (1/1/16)
6. Fertilizer manufacturing or compounding
7. Flooring manufacturing, other than wood (1/1/16)
8. Iron, steel, copper, brass and aluminum foundries
9. Abattoir/slaughterhouse
10. Pressure wood treatment plants
11. Mining of gold and silver ores (104 SIC)
12. Bituminous coal and lignite mining (121 SIC)
13. Crude petroleum and natural gas (131 SIC)
14. Petroleum refining, including biofuels, and related industries (SIC 29) (1/1/16)
15. Woven and non-woven fabric manufacturing (1/1/16)
16. Nonmetallic minerals, except fuels (14 SIC), including:
 - a) Dimension stone (141 SIC)
 - b) Crushed and broken stone (142 SIC)
 - c) Crushed and broken granite (143 SIC)
 - d) Crushed and broken stone (not elsewhere classified 144 SIC)
 - e) Sand and gravel (145 SIC)
 - f) Clay, ceramic, and refractory minerals (146 SIC)
 - g) Chemical and fertilizer mining (147 SIC)
17. Demolition and/or industrial landfill – publicly or privately operated, provided:
 - a. that all buildings, structures, tanks, and pits be set back at least one hundred (100) feet from all exterior property lines;
 - b. that a natural landscaped buffer at least fifty (50) feet in width separate all such uses from all exterior property lines;
 - c. that a non-climbable fence, at least six (6) feet in height, completely enclose such uses;
 - d. that the landfill be restricted to items allowed by the State of North Carolina in a demolition or industrial landfill, specifically to exclude sanitary landfill uses, chemical/toxic waste, and nuclear waste products;
 - e. that prior to issuance of a Zoning Permit and/or Building Permit, the site must be approved by the North Carolina Division of Environmental Management for such a use, and meet all the State requirement for such a use.
18. Adult Entertainment establishment provided:

A. The establishment must be situated not less than one thousand (1000) feet* from all of the following:

1. a church, synagogue or regular place of worship;
2. a public or private school;
3. a publicly owned library, publicly owned art gallery, publicly owned theater, or other publicly owned entertainment facility or place of assembly, welcome/visitors center;
4. a public park, playground or athletic field or a privately owned park, playground athletic field, or recreational area which is commonly utilized by a group of homeowners; a civic, religious or fraternal organization, non-profit, or other institutional group or assembly;
5. a child daycare or nursery facility;
6. any business or facility the use or purpose of which is primarily oriented towards children;
7. any building used as a dwelling (residence); and,
8. a boundary of any residential zoning district.

***Note:** For the purposes of this section, measurements shall be made in a lineal/straight line from the nearest portion of the lot line on which the adult entertainment establishment is proposed/located to the nearest lot line of the premises of any use listed above.

- B. No sign, emblem, character, figure, symbol or manifestation depicting or referencing the human form or any part of the human body; nor any sign, emblem, or manifestation containing any sexually explicit or allusive language shall be displayed on the exterior of the establishment.
- C. One (1) non-automated sign depicting the name of the establishment, which shall not exceed five (5) feet in height nor twelve (12) feet in length and which shall not extend above the roof line of the principal building may be placed on the exterior of the building parallel with the front wall. No other advertising sign may be located on the lot.
- D. The lot on which the adult entertainment establishment is proposed/located shall be surrounded on three (3) sides by a buffer of not less than twenty-five (25) linear feet beginning at the adjoining side(s) and rear property lines such that at least three (3) rows of non-deciduous foliage overlap is provided from the ground to a height of six (6) feet within six (6) years. Buffers shall contain non-deciduous natural vegetation which typically grows to a height of at least twenty (20) feet.
- E. The use must comply with all other provisions of this Ordinance as well as any other local, state, or federal ordinance governing the operation of adult entertainment facilities as defined herein.

19. Automobile and other salvage and recovery yards.

Section II-8 Agricultural-Residential Watershed District (AR-1)

This district is established to promote a compatible mixture of agricultural, forestry, conservation, and very low-density residential uses in the critical area of a water supply watershed. Protection of the environment, preservation of prime farmland, and the continuation of rural lifestyles are goals this district sees to attain.

A. Permitted Uses

1. Accessory buildings and uses that are customary and incidental to uses permitted in this district.
2. Bona fide farms
3. Cemeteries, church, and family
4. Churches
5. Customary home occupations
6. Dwelling, single-family and two-family
7. Minor and major residential subdivisions in accordance with Article III, Section III-1 of this ordinance and the Northampton County Subdivision Ordinance
8. Family care homes, provided such facilities are on lots containing a minimum of twenty thousand (20,000) square feet and that no such home may be located within one-half (1/2) mile radius of an existing family care home
9. Mobile home individual
10. Schools, public and private
11. Signs, in compliance with Northampton County Outdoor Advertising Sign Ordinance.
12. Garages in front yard on residential waterfront lots provided all of the following conditions are met:
 - a. Principal Residence: A principal residence other than a single-wide mobile home shall be in existence or permit application for construction/placement of a principal residence made simultaneous with application for the construction/placement of the garage.
 - b. Materials Used on Construction: The garage shall be constructed of the same materials as the principal residence or of materials which, in the determination of the Board of Adjustment, are consistent, compatible and complimentary to the principal residence and other neighboring residences, Prefabricated structures (including those constructed of metal, fiberglass, composite, wood, masonry and other materials) are prohibited unless such structures are manufactured as a modular unit in compliance with the North Carolina State Building Code and otherwise meet all other provisions of this Article.
 - c. Dimensional Requirements: The garage shall be constructed on the lot in compliance with all setback and other dimensional provision of this Ordinance. Garages may not exceed one (1) story in height; nor may the structure contain more than two (2) bays, with openings not to exceed fourteen (14) feet in width,

for vehicular storage.. The garage structure may contain additional area for storage not to exceed twenty percent (20%) of the vehicular storage area.

- d. Placement on the Lot: Garages shall be designed and constructed with the longest dimension perpendicular to the front lot line with the vehicular entrance to the garage facing toward the interior of the lot.
- e. Buffers - Side lot line: A landscaped buffer consisting of natural vegetation shall be established and maintained along the rear of the garage facing the side lot line so as to provide a visual barrier between the garage and the adjoining property. Buffers shall be not less than ten (10) feet in width, shall extend at a minimum the length of the garage, and shall consist of natural vegetation which typically grows to a height of at least twelve (12) feet. Street-Front: A landscaped buffer consisting of natural vegetation shall be established and maintained along the portion of the garage facing the front lot line. Buffers shall be not less than of ten (10) feet in width, shall extend a minimum the length of the garage wall, and shall consist of natural vegetation which typically grows to a height of at least twelve (12) feet.
- f. Demonstrated Compatibility: The applicant must demonstrate that the placement of a garage in the front yard of a waterfront lot is compatible with the pattern of development in the neighborhood in which the lot is situated; and, that either: a) the proposed placement of the garage in the front yard of the lot is consistent with the pattern of development on adjoining properties (unless those properties are undeveloped); or, b) the adjoining property owners,, including any opposite the front of the lot, have no objection tot he proposed placement of the garage in the front yard of the lot.

13. Government Office Buildings (March 1, 2010)

B. Dimensional Requirements

Minimum Lot Area

30,000 square feet (1/1/16)

20,000 square feet if lot has public water and public sewer (1/1/16)

Refer to Article I-20 for additional requirements

Built-Upon Area Requirements

Single-family Area Requirements None

Other residential and non-residential uses development shall not exceed twenty-four percent (24%) built-upon area on a project-by-project basis. (For the purpose of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed.) Development activities which do not require a Sedimentation and Erosion Control Plan are exempt from the built-upon requirements.

<u>Minimum Lot Size</u>	Residential	Width 100 feet
	Non-residential	Width 150 feet
<u>Minimum Yards</u>	Residential	Front 30 feet on secondary roads Front 40 feet on US and NC roads Rear 25 feet Side 10 feet
	Non-residential	Front 40 feet Rear 40 feet Side 20 feet
<u>Maximum Building Height</u>		35 feet

C. Conditional Uses

The following uses may be permitted upon the approval of the Northampton County Board of Adjustment, in accordance with Article X of this Ordinance.

Unless otherwise specified, any conditional use granted by the Board of Adjustment shall expire if the applicant does not obtain a Building Permit or Certificate of Occupancy for such use within six (6) months from the date of the decision.

1. Public and private country clubs, golf courses (exclusive of miniature golf courses and three part golf courses), swimming clubs, and homes for the aged, provided that all buildings and swimming pools be set back a minimum of fifty (50) feet from all exterior property lines
2. Fire stations, provided that all buildings shall be set back a minimum of thirty (30) feet from all exterior property lines and that off-street parking area, at least twice as large as the floor area in the fire station be provided on the lot
3. Radio, television, and microwave towers and relay stations, offices and studios in conjunction with these. These uses may be permitted as conditional uses provided that all buildings and towers shall be set a minimum of thirty (30) feet from all exterior property lines and that towers shall be set back one (1) additional foot from all exterior property lines for each one (1) foot in height over one hundred (100) feet
4. Day nurseries and kindergartens provided that they meet all state and county regulations and that the water supply and sewerage provisions made for the day nurseries and kindergartens are approved by the Northampton County Health Department
5. Riding stables provided that all stables and exercise yards shall be set back at least thirty (30) feet from all exterior property lines
6. Mobile home parks and travel trailer parks
7. Kennels (with a minimum of five (5) acres)
8. Blacksmith or house shoeing shops
9. Rest homes

10. Campgrounds in compliance with Article III, Section III-3
11. Bed and breakfast which meet the following:
 - a. Located on a lot one (1) acre or larger.
 - b. No more than five (5) guest rooms
 - c. Owner/manager lives on site
 - d. Compatible with neighborhood
 - e. Off-street parking at one (1) pr guest room and one (1) for owner/manager
 - f. Meet all applicable local and state health and building code requirements
12. Beauty and barbershops
13. Craft and gift shop, florist
14. Convenience and grocery stores
15. Restaurants and grills
16. Small, low-impact offices
17. Agricultural supply sales
18. Indoor recreation facility, provided that such uses meet the following minimum conditions:
 - a. Minimum lot area: Minimum lot area shall be the same as required for non-residential uses in the district.
 - b. Parking: Shall conform to Article IV, Off-street Parking and Loading Requirements.
 - c. Screening: Shall conform to Article I-II, Buffer Strips.
 - d. Lighting: Lighting shall be such that it is not directed onto any adjacent residential lot.
 - e. All structures used for meeting rooms and classrooms shall conform to all applicable local and state health and building code requirements.
- 19.. Conference center/retreat, which meet the following:
 - a. Minimum lot size: Five (5) acres
 - b. Parking: Shall be provided in accordance with Article IV, Off-Street Parking and Loading Requirements.
 - c. Compatible with the neighborhood.
 - d. Screening: Will be provided in accordance with Article I-II, Buffer Strips.
 - e. All structures used for meeting rooms and classrooms shall conform to all applicable local and state health and building code requirements.
 - f. No environmentally damaging or hazardous materials allowed.
14. Public utilities other than distribution lines, to include but not limited to, electrical substations, water tanks and towers, and telephone exchanges.
15. Retail plant nurseries/lawn and garden stores.
16. Club or lodge provided the following minimum requirements are met:
 - a. Minimum lot size: Forty thousand (40,000) square feet
 - b. Property line setback: All structures shall be located at least thirty (30) feet from all property lines.

- c. Parking: Shall be provided in compliance with Article IV. Further, parking shall not be located in the front yard, except when the lot is eighty thousand (80,000) square feet or larger parking may be allowed in front of structures on the lot but may not be located in the required front yard minimums.
- d. Buffer: A minimum vegetative buffer of ten (10) feet, comprised of non-deciduous trees and shrubs shall be established and maintained on the sides and rear of the property.
- e. Storage: No outdoor storage shall be located on the site.
- f. No outdoor public address systems shall be allowed.

D. Special Uses

The following uses may be permitted upon the approval of the County Board of Commissioners in accordance with Article I, Section I-14, Conditional Uses.

1. Community, county, or municipal water or sewage pumping stations, provided that they be enclosed by an appropriate fence or that they be housed in a building that is compatible with the character of the surrounding development.
2. Grounds and facilities for open air games and sporting events.
3. Airports and landing fields for fixed and rotary wing aircraft.

Section II-9 Residential Watershed District (R-1)

This district is established primarily as a low density residential district in the critical area of a water supply watershed.

A. Permitted Uses

1. Bona fide farms
2. Single-family dwellings
3. Two-family dwellings
4. Minor and major residential subdivisions in accordance with Article III, Section III-1 of this Ordinance and the Northampton County Subdivision Ordinance.
5. Churches
6. Family care homes provided such facilities are on lots containing a minimum of twenty thousand (20,000) square feet and that no such home may be located within one-half (1/2) mile radius of an existing family care home.
7. Family cemeteries and church cemeteries, provided that all crypts and graves be set back a minimum of thirty (30) feet from all exterior property lines, and provided no burial lots are sold on a commercial basis.
8. Customary home occupations
9. Accessory buildings and uses that are customary and incidental to the above permitted uses.
10. Signs in compliance with Northampton County Outdoor Advertising Sign Ordinance.
11. Garages in front yard on residential waterfront lots provided all of the following conditions are met:
 - a. Principal Residence: A principal residence other than a single-wide mobile home shall be in existence or permit application for construction/placement of a principal residence made simultaneous with application for the construction/placement of the garage.
 - b. Materials Used in Construction: The garage shall be constructed of the same materials as the principal residence or of materials which, in the determination of the Board of Adjustment, are consistent, compatible and complimentary to the principal residence and other neighboring residences. Prefabricated structures (including those constructed of metal, fiberglass, composite, wood, masonry and other materials) are prohibited unless such structures are manufactured as a modular unit in compliance with the North Carolina State Building Code and otherwise meet all other provisions of this Article.
 - c. Dimensional Requirements: The garage shall be constructed on the lot in compliance with all setback and other dimensional provisions of this Ordinance. Garages may not exceed one (1) story in height; nor may the structure contain more than two (2) bays, with openings not to exceed fourteen (14) feet in width, for vehicular storage. The garage structure may contain additional area for storage not to exceed twenty percent (20%) of the vehicular storage area.

- d. Placement on the Lot: Garages shall be designed and constructed with the longest dimension perpendicular to the front lot line with the vehicular entrance to the garage facing toward the interior of the lot.
- e. Buffers - Side Lot Line: A landscaped buffer consisting of natural vegetation shall be established and maintained along the rear of the garage facing the side lot line so as to provide a visual barrier between the garage and the adjoining property. Buffers shall be not less than of ten (10) feet in width, shall extend at a minimum length of the garage, and shall consist of natural vegetation which typically grows to a height of at least twelve (12) feet. Street Front: A landscaped buffer consisting of natural vegetation shall be established and maintained along the portion of the garage facing the front lot line. Buffers shall be not less than of ten (10) feet in width, shall extend at a minimum the length of the garage wall, and shall consist of natural vegetation which typically grows to a height of at least twelve (12) feet.
- f. Demonstrated Compatibility: The applicant must demonstrate that the placement of a garage in the front yard of a waterfront lot is compatible with the pattern of development in the neighborhood in which the lot is situated; and that either:
 - a) The proposed placement of the garage in the front yard of the lot is consistent with the pattern of development on adjoining properties (unless those properties are undeveloped); or
 - b) the adjoining property owners, including any opposite the front of the lot, have no objection to the proposed placement of the garage in the front yard of the lot.

B. Dimensional Requirements

Minimum Lot Area (See Article I-18)

Soil Group	Residential with Public Water and Sewer	Residential with Septic System	Non-Residential
A	20,000 sq. ft.	20,000 sq. ft.	40,000 sq. ft.
B	20,000 sq. ft.	40,000 sq. ft.	80,000 sq. ft.
C	40,000 sq. ft.	80,000 sq. ft.	160,000 sq. ft.
D	Prohibited	Prohibited	Prohibited

Built-upon Area Requirements

Single-family residential

None

Other residential and non-residential uses development shall not exceed twenty-four percent (24%) built-upon area on a project-by-project basis. (For the purpose of calculating built-upon area, total project are shall include acreage in the tract on which the project is to be developed.) Development activities which do not require a Sedimentation and Erosion Control Plan are exempt from the built-upon requirements.

Minimum Lot Size

Residential
Non-residential

Width 80 feet
Width 100 feet

<u>Minimum Yards</u>	Residential	Front 30 feet on secondary roads Front 40 feet on US and NC roads Rear 25 feet Side 15 feet
	Non-residential	Front 40 feet Rear 30 feet Side 15 feet
<u>Maximum Building Height</u>		35 feet

C. Conditional Uses

The following uses may be permitted upon the approval of the Northampton County Board of Adjustment in accordance with Article X. Unless otherwise specified, any conditional use granted by the Board of Adjustment shall expire if the applicant does not obtain a Building Permit or Certificate of Occupancy for such use within six (6) months from the date of the decision.

1. Public and private country clubs, golf courses (exclusive of miniature golf courses and three part golf courses), swimming clubs, and homes for the aged, provided that all buildings and swimming pools be set back a minimum of fifty (50) feet from all exterior property lines
2. Fire stations, provided that all buildings shall be set back a minimum of thirty (30) feet from all exterior property lines and that off-street parking area, at least twice as large as the floor area in the fire station be provided on the lot
3. Radio, television, and microwave towers and relay stations, offices, and studios in conjunction with these. These uses may be permitted as conditional uses provided that all buildings and towers shall be set a minimum of thirty (30) feet from all exterior property lines and that towers shall be set back one (1) additional foot from all exterior property lines for each one (1) foot in height over one hundred (100) feet
4. Day nurseries and kindergartens provided that they meet all state and county regulations and that the water supply and sewerage provisions made for the day nurseries and kindergartens are approved by the Northampton County Health Department
5. Riding stables provided that all stables and exercise yards shall be set back at least thirty (30) feet from all exterior property lines
6. Parks, picnic area, public swimming pools, and other public or private recreation facilities
7. Multi-family dwellings which meet the following requirements:
 - a. Minimum lot area: One (1) acre
 - b. Parking shall comply with Article IV
 - c. Site specific development plans are required and must show:
 - Structures – location of buildings, signs and sign sizes.
 - Circulation – proposed points of access and egress and pattern of internal circulation.
 - d. Other requirements:
 - Maximum density shall be eight (8) dwelling units per gross acre
 - Maximum number of units per building shall be six (6)

- e. Where more than one (1) building is to be located on one (1) lot, building separation shall be determined as follows with the vertical projection drawn from that point on each building which is horizontally closet to the other building:
- f. A yard of at least thirty (30) feet shall be provided around the entire perimeter of the site, and streets, parking spaces, and accessory buildings shall not be allowed in the required yard.
- g. Access for emergency vehicles to all buildings in the complex shall be provided.

The Northampton County Planning Board shall receive this request first and shall make a recommendation to the Board of Adjustment within thirty-five (35) days after its first consideration.

Section II-10 Highway Business Watershed District (HB-1)

The purpose of this district shall be to provide for and encourage the property grouping and development of roadside uses in the critical area of a water supply watershed which will best accommodate the needs of the motoring public, the reduction of highway congestion and hazard, and the minimization of blight. The following standards are established for this district and designed to promote sound permanent commercial development, and to protect nearby areas from undesirable aspects of commercial development: (1) outside storage must be screened from public view by opaque fencing, screening, or landscaping, (2) outside storage shall be limited to the rear side of the principal building, (3) storage of unsafe (corrosive, flammable, or explosive materials) or hazardous material shall comply with any local, state or federal requirements, and (4) outside storage must be on the premises of the business.

A. Permitted Uses

1. Agricultural supply sales
2. ABC stores
3. Animal hospitals
4. Apparel sales
5. Assembly halls, coliseums, gymnasiums, and similar structures
6. Automobile parts sales, new only
7. Automobile, boat, motorcycle and recreational vehicle repair service
8. Automobile, boat, motorcycle and recreational vehicle sales
9. Automobile service stations, including self-service gas pumps
10. Banks
11. Beauty and barbershops
12. Blacksmith or horse shoeing and accessory uses
13. Blueprinting and photostating establishments
14. Building supply sales
15. Car washes
16. Catering establishments
17. Cold storage plants
18. Department stores
19. Drive-in movies
20. Drugstores
21. Dry cleaners and laundries
22. Electrical appliance sales and services
23. Feed and grain sales and storage
24. Fertilizer wholesale and retail sales
25. Florist and gift shops
26. Food and grocery stores
27. Funeral homes
28. Furniture sales
29. Hardware stores
30. Mini-storage facilities

31. Miniature golf course, driving ranges, and outdoor recreation facilities
32. Mobile home sales lot
33. Motels
34. Jewelry sales and watch repair
35. Offices for businesses, professional, and personal services
36. Public buildings and uses
37. Restaurants
38. Shoe sales and repair
39. Signs in accordance with Northampton County Outdoor Advertising Sign Ordinance
40. Retail plant nurseries/lawn and garden stores
41. Government office buildings (March 1, 2010)

B. Dimensional Requirements

<u>Minimum Lot Area</u>	40,000 square feet
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Built Upon Area Requirements

Uses shall not exceed twenty-four percent (24%) built-upon area on a project-by-project basis. (For the purpose of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed.) Development activities, which do not require a Sedimentation and Erosion Control Plan, are exempt from the built-upon requirements.

Minimum Lot Size	Width 75 feet
Minimum Yards	Front 50 feet
	Rear 25 feet
	Side 10 feet (on corner lots, same as front yard)
Maximum Building Height	35 feet

C. Conditional Uses

The following uses may be permitted upon the approval of the Northampton County Board of Adjustment, in accordance with Article X. Unless otherwise specified, any conditional use granted by the Board of Adjustment shall expire if the applicant does not obtain a Building Permit or Certificate of Occupancy for such use within six (6) months from the date of the decision.

1. Mobile Home (Individual) for Temporary Use as Office and/or Exhibition

Minimum Lot Area – None

Parking – Six (6) spaces for each person employed in office in any given time during a twentyfour (24) hour period.

Office and Exhibition: A temporary Certificate of Occupancy/Compliance allowing mobile homes used solely as offices for purposes of exhibition, or for a caretaker or night watchman, to be temporarily parked, maintained, and/or occupied on a

designated lot or land location, may be issued by the Zoning Administrator of his authorized agent where the Board of Adjustment finds as a fact that the use of such mobile home does not violate the county or state building code or health regulations. All such Certificates of Occupancy/ Compliance shall be valid for a period of twelve (12) months, after which they may be renewed for a period of twelve (12) months.

Notwithstanding the foregoing, a Certificate of Occupancy/Compliance may be issued for a mobile home for use as a temporary field office for contractors by the Zoning Administrator, or his authorized agent, without approval of the Board of Adjustment, if it meets the following:

- a. The structure under construction is located on the same property;
- b. It is not moved to the site more than thirty (30) days prior to construction and is removed no later than thirty (30) days after construction has been completed;
- c. It is not used for any other purpose than that connected with on-site construction.
- d. It is justified by the size and nature of the construction project;
- e. It is for a period not to exceed twenty-four (24) months;
- f. It is utilized only incidental to on-site construction and not for residential living quarters;
- g. It is parked in a location approved in advance by the Zoning Administrator or his authorized agent; and
- h. Its sanitary facilities are approved by the county Health Department or the Division of Environmental Management.

Also notwithstanding the foregoing, a Certificate of Occupancy/Compliance may be issued for a mobile home for use as a mobile classroom by a public or private school administrative mobile home and for a mobile home sales office without approval of the Board of adjustment if:

- a. The sanitary facilities are approved by the county Health Department; and,
- b. The electrical facilities are connected in compliance with regulations set forth in the current National Code.

2. Shopping Centers/Commercial Group Development

Minimum Lot Area – One (1) acre

Parking and Loading – One (1) parking space for each hundred (200) square feet of gross floor area and one (1) off-street loading space for each twenty thousand (20,000) square feet of gross floor area or portion thereof.

Site specific development plans are required and must show:

- a. Structures – location of buildings, signs and signs sizes.
- b. Circulation – proposed points of access and egress and pattern of internal circulation.

Other requirements:

- a. Shopping centers shall contain only those uses permitted in the district in which it is located.

- b. All buildings shall be set back fifty (50) feet from all exterior property lines
- c. Topographical information with contour intervals of two (2) feet or less shall be depicted on the site plan.

3. Day nurseries and kindergartens – provided that they meet all applicable state and county regulations and that the water supply and sewerage system is approved by the Northampton County Health Department.

D. Special Uses

The following uses may be permitted upon the approval of the County Board of Commissioners in accordance with Article I, Section I-14, Conditional Uses.

1. Night Club, provided the following minimum requirements are met.

- 1. Minimum lot size: Forty thousand (40,000) square feet.
- 2. Property line setback: All structures shall be located at least thirty (30) feet from all property lines.
- 3. Parking: Shall be provided in compliance with Article IV, Further, parking shall not be located in the front yard, except when the lot is eighty thousand (80,000) square feet or larger parking may be allowed in front of structures on the lot but may not be located in the required front yard minimums.
- 4. Buffer: A minimum vegetative buffer of ten (10) feet, comprised of non-deciduous trees and shrubs shall be established and maintained on the sides and rear of the property.
- 5. Storage: No outdoor storage shall be located on the site.
- 6. No outdoor public address system shall be allowed.
- 7. Night clubs shall not be located within three hundred (300) feet of a regular place of worship; a public or private school; a public park, playground, athletic field, or recreational area which is commonly utilized by a group of homeowners; a child daycare or nursery facility; any business or facility the use or purpose of which is primarily oriented toward children; any building used as a dwelling (residence) or a boundary of any residential zoning district.

Adopted
May 7, 2012

2. Electronic Gaming Facilities (Internet Café, Sweepstakes, etc) provided the following conditions are met:
- g) Minimum lot size – One (1) acres (43,560 sq.ft);
 - h) All structures must be a minimum of 40' from property lines unless otherwise specified by district regulations;
 - i) Parking shall meet Article IV of the Northampton County Zoning Ordinance;
 - j) The property must be able to meet all buffer requirements per the Northampton County Zoning Ordinance;
 - k) Shall not be located within one-half (1/2) mile of:
 - 62. Regular place of worship;
 - 63. Public or private school;
 - 64. Public park or playground;
 - 65. Athletic field;
 - 66. Recreational area commonly used by a group of homeowners;
 - 67. A child day care or nursery facility;
 - 68. Any business or facility the use of which is primarily oriented towards children;
 - l) Shall not be located within one-quarter (1/4) mile of any building used as a dwelling (residence).

Section II-11 Neighborhood Business Watershed District (NB-1)

This district is established for business development serving the business needs of the rural community in the critical are of a water supply watershed. The following standards are established for this district and designed to promote sound permanent commercial development, and to protect nearby areas from undesirable aspects of commercial development; (1) outside storage must be screened from public view by opaque fencing, screening of landscaping, (2) outside storage shall be limited to the rear and side of the principal building, (3) storage of unsafe (corrosive, flammable, or explosive materials) or hazardous materials shall comply with any local, state, or federal requirements, and (3) outside storage must be on the premises of the business.

A. Permitted Uses

1. Beauty and barbershops
2. Craft and gift shops, florists
3. Convenience and grocery stores
4. Restaurants and grills
5. Single, small, low-impact offices
6. Retail plant nurseries/lawn and garden stores

B. Dimensional Requirements

Minimum Lot Area 20,000 square feet

Built-Upon Area

Non-residential uses shall not exceed twenty-four percent (24%) built-upon area on a project-by-project basis. (For the purpose of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed). Development activities which do not require a Sedimentation and Erosion Control Plan are exempt from the built-upon requirements.

Minimum Lot Size	Width 80 feet
Minimum Yards	Front 30 feet
	Rear 25 feet
	Side 15 feet (on corner lots, same as front yard)
Maximum Building Height	35 feet

C. Conditional Uses

The following uses may be permitted upon the approval of the Northampton County Board of Adjustment, in accordance with Article X. Unless otherwise specified, any conditional use granted by the Board of Adjustment shall expire if the applicant does not obtain a Building Permit or Certificate of Occupancy for such use within six (6) months from the date of the decision.

1. Mobile Home (Individual) for Temporary Use as Office and/or Exhibition.

Minimum Lot Area – None

Parking – Six (6) spaces for each person employed in office in any given time during a twenty-four (24) hour period.

Office and Exhibition – A temporary Certificate of Occupancy/Compliance allowing mobile homes used solely as offices for purposes of exhibition, or for a caretaker or night watchman, to be temporarily parked, maintained, and/or occupied on a designated lot or land location, may be issued by the Zoning Administrator or his authorized agent where the Board of Adjustment finds as a fact that the use of such mobile home does not violate the County or State Building Code or health regulations. All such Certificates of Occupancy/Compliance shall be valid for a period of twelve (12) months, after which they may be renewed for a period of twelve (12) months.

Notwithstanding the foregoing, a Certificate of Occupancy/Compliance may be issued for a mobile home for use as a temporary field office for contractors by the Zoning Administrator, or his authorized agents, without approval of the Board of Adjustment, if it meets the following:

- a. The structure under construction is located on the same property;
- b. It is not moved to the site more than thirty (30) days prior to construction and is removed no later than thirty (30) days after construction has been completed;
- c. It is not used for any other purpose than that connected with on-site construction;
- d. It is justified by the size and nature of the construction project;
- e. It is for a period not to exceed twenty-four (24) months;
- f. It is utilized only incidental to on-site construction and not for residential living quarters;
- g. It is parked in a location approved in advance by the zoning Administrator or his authorized agent, and,
- h. Its sanitary facilities are approved by the County Health Department

Also notwithstanding the foregoing, a Certificate of Occupancy/Compliance may be issued for a mobile home for use as a mobile classroom by a public or private school, school administrative mobile home and for a mobile home sales office without approval of the Board of Adjustment if:

- a. The sanitary facilities are approved by the County Health Department; and
- b. The electrical facilities are connected in compliance with regulations set forth in the current National Electrical Code.

2. Agricultural supply sales
3. Automobile repair service
4. Automobile service stations, including self-service gas pumps
5. Indoor recreation facility
6. Day nurseries and kindergartens – provided that they meet all applicable state and county regulations and that the water supply and sewerage system is approved by the Northampton County Health Department.

Section II-12 Agricultural-Residential Watershed District (AR-2)

This district is established to promote a compatible mixture of agricultural, forestry, conservation and, very low-density residential uses in the protected area of water supply watershed. Protection of the environment, preservation of prime farmland, and the continuation of rural lifestyles are goals this district seeks to attain.

A. Permitted Uses

1. Accessory buildings and uses that are customary and incidental to uses permitted in this district.
2. Bona fide farms
3. Cemeteries, church and family
4. Churches
5. Customary home occupations
6. Dwelling, single-family and two-family
7. Minor and major residential subdivision in accordance with Article III, Section III-1 of this ordinance and the Northampton County Subdivision Ordinance
8. Family care homes, provided that such facilities be located on a lot of a minimum of twenty thousand (20,000) square feet and no such home be located within one-half (1/2) mile radius of an existing family care home.
9. Mobile home individual
10. Schools, public and private
11. Signs, in compliance with Northampton County Outdoor Advertising Sign Ordinance.
12. Garages in front yard on residential waterfront lots provided all of the following conditions are met:
 - a. Principal Residence: A principal residence other than a single-wide mobile home shall be in existence or permit application for construction/placement of a principal residence made simultaneous with application for the construction/placement of the garage.
 - b. Materials Used in Construction: The garage shall be constructed of the same materials as the principal residence or of materials which, in the determination of the Board of Adjustment, are consistent, compatible and complimentary to the principal residence and other neighboring residence. Prefabricated structures (including those constructed of metal, fiberglass, composite, wood, masonry and other materials) are prohibited unless such structures are manufactured as a modular unit in compliance with the North Carolina State Building Code and otherwise meet all other provisions of this Article.
 - c. Dimensional Requirements: the garage shall be constructed on the lot in compliance with all set-back and other dimensional provisions of this Ordinance. Garages may not exceed one (1) story in height; nor may the structure contain more than two (2) bays, with openings not to exceed fourteen (14) feet in width for vehicular storage. The garage structure may contain additional area for storage not to exceed twenty percent (20%) of the vehicular storage area.
 - d. Placement on the Lot: Garages shall be designed and constructed with the longest dimension perpendicular to the front lot line with the vehicular entrance to the garage facing toward the interior of the lot.

- e. Buffers – Side Lot Line: A landscaped buffer consisting of natural vegetation shall be established and maintained along the rear of the garage facing the side lot line so as to provide a visual barrier between the garage and the adjoining property. Buffers shall be not less than of ten (10) feet in width, shall extend at a minimum the length of the garage, and shall consist of natural vegetation which typically grows to a height of at least twelve (12) feet.
Street-Front: A landscaped buffer consisting of natural vegetation shall be established and maintained along the portion of the garage facing the front lot line. Buffers shall be not less than of ten (10) feet in width, shall extend at a minimum the length of the garage wall, and shall consist of natural vegetation which typically grows to a height of at least twelve (12) feet.
- f. Demonstrated Compatibility: The applicant must demonstrate that the placement of a garage in the front yard of a waterfront lot is compatible with the pattern of development in the neighborhood in which the lot is situated; and, that either:
 - a) the proposed placement of the garage in the front yard of the lot is consistent with the pattern of development on adjoining properties (unless those properties are undeveloped); or
 - b) the adjoining property owners, including any opposite the front of the lot, have no objection to the proposed placement of the garage in the front yard of the lot.

13. Government Office Buildings (March 1, 2010)

B. Dimensional Requirements

Minimum Lot Area

30,000 square feet (1/1/16)

20,000 square feet if the lot has public water and public sewer. (1/1/16)

Refer to Article I-20 for additional requirements

Built-Upon Area Requirements

Single-family residential

None

Other residential and non-residential uses development shall not exceed twenty-four percent (24%) built-upon area on a project-by-project basis. For projects without a curb and gutter street system, development shall not exceed thirty-six percent (36%) built-upon area on a project-by-project basis. (For the purpose of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed). Development activities which do not require a Sedimentation and Erosion Control Plan are exempt from the built-upon requirements.

Minimum Lot Size

Residential

Width 100 feet

Non-residential

Width 150 feet

Minimum Yards

Residential

Front 30 feet on secondary roads

	Front 40 feet on US and NC roads Rear 25 feet Side 10 feet
Non-residential	Front 40 feet Rear 50 feet Side 30 feet
<u>Maximum Building Height</u>	35 feet

C. Conditional Uses

The following uses may be permitted upon the approval of the Northampton County Board of Adjustment, in accordance with Article X of this Ordinance. Unless otherwise specified, any conditional use granted by the Board of adjustment shall expire if the applicant does not obtain a Building Permit or Certificate of Occupancy for such use within six (6) months from the date of the decision.

1. Public and private country clubs, golf courses (exclusive of miniature golf courses and three part golf courses), swimming clubs, homes for the aged, and conference centers/retreats with motels provided that all buildings and swimming pools be set back a minimum of fifty (50) feet from all exterior property lines.
2. Fire stations, provided that all buildings shall be set back a minimum of thirty (30) feet from all exterior property lines and that the off-street parking area, at least twice as large as the floor area in the fire stations, be provided on the lot.
3. Radio, television and microwave towers and relay stations, offices and studios in conjunction with these. These uses may be permitted as conditional uses provided that all buildings and towers shall be set a minimum of thirty (30) feet from all exterior property lines and that towers shall be set back one (1) additional foot from all exterior property lines for each one (1) foot in height over one hundred (100) feet.
4. Day nurseries and kindergartens provided that they meet all state and county regulations and that the water supply and sewerage provisions made for the day nurseries and kindergartens are approved by the Northampton County Health Department.
5. Riding stables provided that all stables and exercise yards shall be set back at least thirty (30) feet from all exterior property lines.
6. Mobile Home parks and travel trailer parks
7. Kennels (with a minimum of five (5) acres)
8. Blacksmith or horse shoeing shops
9. Rest homes
10. Bed and breakfast which meet the following:
 - a. located on a lot one (1) acre or larger
 - b. no more than five (5) guest rooms
 - c. owner/manager live on site
 - d. compatible with neighborhood
 - e. off-street parking at one (1) per guest room and one (1) for owner/manager
 - f. meet all applicable local and state health and building code requirements

11. Existing structures of sound physical condition that have at any time, two (2) years prior to the adoption of the Northampton County Zoning Ordinance, been in operation as a commercial/business use for a purpose listed as a permitted use in the Neighborhood Business District, will be allowed to be used as a neighborhood business upon approval of the Northampton County Board of Adjustment, provided the following conditions are met:
 - a. Minimum lot area: Minimum lot area shall be the same as required for non-residential uses in the district.
 - b. Parking: Shall conform to Article IV, Off-Street Parking and Loading Requirements.
 - c. Screening: Shall conform to Article I011, Buffer Strips.
 - d. Lighting: Lighting shall be such that it is not directed onto any adjacent residential lot.
 - e. Expansion: Any expansion of the principal building shall not exceed fifty (50) percent of the existing gross floor area, and shall not encroach on the setbacks of the Neighborhood Business District.
12. Beauty and barbershops
13. Craft and gift shop, florist
14. Convenience and grocery stores
15. Restaurants and grills
16. Small, low-impact offices
17. Agricultural supply sales
18. Indoor recreation facility provided such uses meet the following minimum conditions:
 - a. Minimum lot area: Minimum lot area shall be the same as required for non-residential uses in the district
 - b. Parking: Shall conform to Article IV, Off-Street Parking and Loading Requirements.
 - c. Screening: Shall conform to Article I011, Buffer Strips.
 - d. Lighting: Lighting shall be such that it is not directed onto any adjacent residential lot.
 - e. Outdoor storage: Shall conform to Article II-6, Standards for Outdoor Storage.
 - f. No environmentally damaging or hazardous materials allowed, except fuel oil and kerosene.
13. Public utilities other than distribution lines, to include but no limited to, electrical substations, water tanks and towers, and telephone exchanges.
14. Retail plan nurseries/lawn and garden stores
15. Campgrounds in compliance with Article III, Section III-3
16. Conference center/retreat, which meet the following:
 - a. Minimum lot area: Five (5) acres
 - b. Parking: Shall be provided in accordance with Article IV, Off-Street Parking and Loading Requirements.
 - c. Compatible with the neighborhood
 - d. Screening: Will be provided in accordance with Article I-11, Buffer Strips.
 - e. All structures used for meeting rooms and classrooms shall conform to all applicable local and state health and building code requirements
 - f. No environmentally damaging or hazardous materials allowed
17. Club or lodge provided the following minimum requirements are met:

- a. Minimum lot area: Forty thousand (40,000) square feet.
- b. Property line setback: All structures shall be located at least thirty (30) feet from all property lines
- c. Parking: Shall be provided in compliance with Article IV. Further, parking shall not be located in the front yard, except when the lot is eighty thousand (80,000) square feet or larger parking may be allowed in front of structures on the lot but may not be located in the required front yard minimums
- d. Buffer: A minimum vegetative buffer of ten (10) feet, comprised of non-deciduous trees and shrubs shall be established and maintained on the sides of the rear of the property
- e. Storage: No outdoor storage shall be located on the site
- f. No outdoor public address systems shall be allowed

D. Special Uses

The following uses may be permitted upon the approval of the County Board of Commissioners in accordance with Article I, Section I-14, Conditional Uses.

- 1. Community, county, or municipal water or sewage pumping stations, provided that they be enclosed by an appropriate fence or that they be housed in a building that is compatible with the character of the surrounding development
- 2. Planned unit development in accordance with Article III
- 3. Fuel oil, kerosene, and other flammable liquids storage and distribution facilities
- 4. Airports and landing fields for fixed and rotary wing aircraft
- 5. Grounds and facilities for open air games and sporting events

Section II-13 Residential Watershed District (R-2)

This district is established primarily as a low-density residential district in the protected area of a water supply watershed.

A. Permitted Uses

1. Bona fide farms
2. Single-family dwellings, including mobile homes
3. Two-family dwellings
4. Minor and major residential subdivisions in accordance with Article III, Section III-1 of this Ordinance and the Northampton County Subdivision Ordinance
5. Churches
6. Family care homes, provided that such facilities be located on a lot of a minimum of twenty thousand (20,000) square feet and no such home be located within one-half (1/2) miles radius of an existing family care home.
7. Family cemeteries and church cemeteries, provided that all crypts and graves be set back a minimum of thirty (30) feet from all exterior property lines, and provided that no burial lots are sold on a commercial basis
8. Customary home occupations
9. Accessory buildings and uses that are customary and incidental to the above permitted uses
10. Signs in compliance with Northampton County Outdoor Advertising Sign Ordinance
11. Garages in front yard on residential waterfront lots provided all of the following conditions are met:
 - a. Principal residence: A principal residence other than a single-wide mobile home shall be in existence or permit application or construction/placement of a principal residence made simultaneous with application for the construction/placement of the garage.
 - b. Materials used in construction: The garage shall be constructed of the same material as the principal residence or of materials which, in the determination of the Board of Adjustment, are consistent, compatible, and complimentary to the principal residence and other neighboring residences. Prefabricated structures (including those constructed of metal, fiberglass, composite, wood, masonry and other materials) are prohibited unless such structures are manufactured as a modular unit in compliance with the North Carolina State Building Code and otherwise meet all other provisions of this Article.
 - c. Dimensional requirements: The garage shall be constructed on the lot in compliance with all setback and other dimensional provisions of this Ordinance. Garages may not exceed one (1) story in height; nor may the structure contain more than two (2) bays, with openings not to exceed fourteen (14) feet in width, for vehicular storage. The garage structure may contain additional area for storage not to exceed twenty percent (20%) of the vehicular storage area.
 - d. Placement on the lot: Garages shall be designed and constructed with the longest dimension perpendicular to the front lot line with the vehicular entrance to the garage facing toward the interior of the lot

- e. Buffers – Side lot line: a landscaped buffer consisting of natural vegetation shall be established and maintained along the rear of the garage facing the side lot line so as to provide a visual barrier between the garage and the adjoining property. Buffers shall be not less than of ten (10) feet in width, shall extend at a minimum the length of the garage, and shall consist of natural vegetation which typically grows to a height of at least twelve (12) feet. Street-front: A landscaped buffer consisting of natural vegetation shall be established and maintained along the portion of the garage facing the front lot line. Buffers shall be not less than of ten (10) feet in width, shall extend at a minimum the length of the garage wall, and shall consist of natural vegetation which typically grows to a height of at least twelve (12) feet.
- f. Demonstrated compatibility: The applicant must demonstrate that the placement of a garage in the front yard of a waterfront lot is compatible with the pattern of development in the neighborhood in which the lot is situated; and, that either: a) the proposed placement of the garage in the front yard of the lot is consistent with the pattern of development on adjoining properties (unless those properties are undeveloped); or, b) the adjoining property owners, including any opposite the front of the lot, have no objection to the proposed placement of the garage in the front yard of the lot.

B. Dimensional Requirements

Minimum Lot Area (See Article I-18)

Soil Group	Residential with Public Water and Sewer	Residential with Septic System	Non-Residential
A	20,000 sq. ft.	20,000 sq. ft.	40,000 sq. ft.
B	20,000 sq. ft.	40,000 sq. ft.	80,000 sq. ft.
C	40,000 sq. ft.	80,000 sq. ft.	160,000 sq. ft.
D	Prohibited	Prohibited	Prohibited

Built-upon Area Requirements

Single-family residential

None

Other residential and non-residential uses development shall not exceed twenty-four percent (24%) built-upon area on a project-by-project basis. For projects without a curb and gutter street system, development shall not exceed thirty-six percent (36%) built-upon area on a project-by-project basis. (For the purpose of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed). Development activities which do not require a Sedimentation and Erosion Control Plan are exempt from the built-upon requirements.

Minimum lot size

Residential

Width 80 feet

Non-Residential

Width 150 feet

Minimum Yards

Residential	Front 30 feet on secondary roads Front 40 feet on US and NC roads Rear 25 feet Side 10 feet
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Non-Residential	Front 40 feet Rear 50 feet Side 30 feet
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<u>Maximum Building Height</u>	35 feet
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C. Conditional Uses

The following uses may be permitted upon the approval of the Northampton County Board of Adjustment in accordance with Article X. Unless otherwise specified, any conditional use granted by the Board of Adjustment shall expire if the applicant does not obtain a Building Permit or Certificate of Occupancy for such use within six (6) months from the date of the decision.

1. Public and private schools, country clubs, golf courses exclusive of miniature golf courses and three part golf courses), swimming clubs, homes for the aged, provided that all buildings and swimming pools be set back a minimum of fifty (50) feet from all exterior property lines.
2. Fire stations, provided that all buildings shall be set back a minimum of thirty (30) feet from all exterior property lines and that off-street parking areas, at least twice as large as the floor area in the fire station, be provided on the lot.
3. Radio, television, and microwave towers and relay stations, offices and studios in conjunction with these. These uses may be permitted as conditional uses provided that all buildings and towers shall be set back a minimum of thirty (30) feet from all exterior property lines and that towers shall be set back one (1) additional foot from all exterior property lines for each one (1) foot in height over one hundred (100) feet.
4. Day nurseries and kindergartens provided that they meet all state and county regulations and that the water supply and sewerage provisions made for the day nurseries and kindergartens are approved by the Northampton County Health Department.
5. Riding stables provided that all stables and exercise yards shall be set back at least thirty (30) feet from all exterior property lines.
6. Parks, picnic area, public swimming pools, and other public or private recreation facilities.
7. Multi-family dwellings which meet the following requirements:

- a. Minimum lot area: One (1) acre
- b. Parking: Shall comply with Article IV
- c. Site-specific development plans are required and must show:
 - Structures – location of buildings, signs, and sign sizes.
 - Circulation – proposed points of access and egress and pattern of internal circulation.
- d. Other requirements:
 - Maximum density shall be eight (8) dwelling units per gross acre.
 - Maximum number of units per building shall be six (6)
- e. Where more than one (1) building is to be located on one (1) lot, building separation shall be determined as follows with the vertical projection drawn from that point on each building which is horizontally closest to the other building:

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

- f. A yard of at least thirty (30) feet shall be provided around the entire perimeter of the site and streets and parking spaces, and accessory buildings shall not be allowed in the required yard.
- g. Access for emergency vehicles to all buildings in the complex shall be provided.

The Northampton County Planning Board shall received this request first and shall make a recommendation to the Board of Adjustment within thirty-five (35) days after its first consideration.

D. Special Uses

The following uses may be permitted upon the approval of the County Board of Commissioners in accordance with Article I, Section I-14, Conditional Uses.

1. Planned Unit Development in accordance with Article III

Section II-14 Highway Business Watershed District (HB-2)

The purpose of this district shall be to provided for and encourage the proper grouping and development of roadside uses in the protected area of a water supply watershed which will best accommodate the needs of the motoring public, the reduction of highway congestion and hazard, and the minimization of blight. The following standards are established for this district and designed to promote sound permanent commercial development, and to protect nearby areas from undesirable aspect of commercial development: (1) outside storage must be screened from public view by opaque fencing, screening, or landscaping, (2) outside storage shall be limited to the rear and side of the principal building, (3) storage of unsafe (corrosive, flammable, or explosive materials) or hazardous material shall comply with any local, state, or federal requirements, and (4) outside storage must be on the premises of the business.

A. Permitted Uses

1. Agricultural supply sales
2. ABC stores
3. Animal hospitals
4. Apparel sales
5. Assembly halls, coliseums, gymnasiums, and similar structures
6. Automobile parts sales, new only
7. Automobile, boat, motorcycle and recreational vehicle repair service
8. Automobile, boat, motorcycle and recreational vehicle sales
9. Automobile service stations, including self-service gas pumps
10. Banks
11. Beauty and barbershops
12. Blacksmith or horse shoeing and accessory uses
13. Blueprinting and photostating establishments
14. Building supply sales
15. Car washes
16. Catering establishments
17. Cold storage plants
18. Department stores
19. Drive-in movies
20. Drugstores
21. Dry cleaners and laundries
22. Electrical appliance sales and service
23. Feed and grain sales and storage
24. Fertilizer wholesale and retail sales
25. Florist and gift shops
26. Food and grocery stores
27. Funeral homes
28. Furniture sales
29. Hardware stores
30. Mini-storage facilities

31. Mobile home sales lot
32. Motels
33. Jewelry sales and watch repair
34. Offices for business, professional, and personal services
35. Public buildings and uses
36. Restaurants
37. Shoe sales and repair
38. Signs in accordance with Northampton County Outdoor Advertising Sign Ordinance
39. Retail plant nurseries/lawn and garden stores
40. Miniature golf courses, driving ranges and outdoor recreation facilities
41. Government office buildings (March 1, 2010)

B. Dimensional Requirements

Minimum lot area 30,000 square feet

Built-upon area requirements

Non-residential uses shall not exceed twenty-four percent (24%) built-upon area on a project-by-project basis. For projects without a curb and gutter street system, development shall not exceed thirty-six percent (36%) built-upon area on a project-by-project basis. (For the purpose of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed). Development activities which do not require a Sedimentation and Erosion Control Plan are exempt from the built-upon requirements.

Minimum lot size Width 80 feet

Minimum yards Front 50 feet
 Rear 25 feet
 Side 15 feet (on corner lots, same as front yard)

Maximum building height 35 feet

C. Conditional Uses

The following uses may be permitted upon the approval of the Northampton County Board of Adjustment, in accordance with Article X. Unless otherwise specified, any conditional use granted by the Board of Adjustment shall expire if the applicant does not obtain a Building Permit or Certificate of Occupancy for such use within six (6) months from the date of the decision.

1. Mobile home (individual) for temporary use as office and/or exhibition

Minimum lot area - none

Parking – Six (6) spaces for person employed in office in any given time during a twenty-four (24) hour period.

Office and Exhibition – A temporary Certificate of Occupancy/Compliance allowing mobile homes used solely as offices for purposes of exhibition, or for a caretaker or night watchman, to be temporarily parked, maintained, and/or occupied on a designated lot or land location, may be issued by the Zoning Administrator or his authorized agent where the Board of Adjustment finds as a fact that the use of such mobile home does not violate the county or state building code or health regulations. All such Certificates of Occupancy/Compliance shall be valid for a period of twelve (12) months, after which they may be renewed for a period of twelve (12) months.

Notwithstanding the foregoing, a Certificate of Occupancy/Compliance may be issued for a mobile home for use as a temporary field office for contractors by the Zoning Administrator, or his authorized agents, without approval of the Board of Adjustment, if it meets the following:

- a. The structure under construction is located on the same property
- b. It is not moved to the site more than thirty (30) days prior to construction and is removed no later than thirty (30) days after construction has been completed
- c. It is not used for any other purpose than that connected with on-site construction
- d. It is justified by the size and nature of the construction project
- e. it is utilized only incidental to on-site construction and not for residential living quarters
- f. It is parked in a location approved in advance by the Zoning Administrator or his authorized agent
- g. Its sanitary facilities are approved by the county health department

Also notwithstanding the foregoing, a Certificate of Occupancy/Compliance may be issued for a mobile home for use as a mobile classroom by a public or private school, school administrative mobile home, and for a mobile home sales without approval of the Board of Adjustment if:

- a. The sanitary facilities are approved by the county health department; and
- b. The electrical facilities are connected in compliance with regulations set forth in the current National Code

2. Shopping Centers/Commercial Group Development

- a. Minimum lot area – one (1) acre
- b. Parking and loading – one (1) parking space for each two hundred (200) square feet of gross floor area and one (1) off-street loading space for each twenty thousand (20,000) square feet of gross floor area or portion thereof.
- c. Site-specific development plans are required and must show:
 1. Structures – location of buildings, signs, and sign sizes.
 2. Circulation – proposed points of access and egress and pattern of internal circulation
- d. Other requirements:
 1. Shopping centers shall contain only those uses permitted in the district in which it is located.
 2. All buildings shall be set back fifty (50) feet from all exterior property lines.
 3. Topographical information with contour intervals of two (2) feet or less shall be depicted on the site plan.

3. Day nurseries and kindergartens – provided that they meet all applicable state and county regulations and that the water supply and sewerage system is approved by the Northampton County Health Department.

D. Special Uses

The following uses may be permitted upon the approval of the County Board of Commissioners in accordance with Article I, Section I-14, Conditional Uses.

1. Night club, provided the following minimum requirements are met.
 1. Minimum lot size: 40,000 square feet
 2. Property line setback: All structures shall be located at least thirty (30) feet from all property lines
 3. Parking – Shall be provided in compliance with Article IV. Further, parking shall not be located in the front yard, except when the lot is eighty (80,000) square feet or larger parking may be allowed in front of structures on the lot but may not be located in the required front yard minimums
 4. Buffer – A minimum vegetative buffer of ten (10) feet, comprised of non-deciduous trees and shrubs shall be established and maintained on the sides and rear of the property
 5. Storage: No outdoor storage shall be located on the site.
 6. No outdoor public address systems shall be allowed
 7. Night clubs shall not be located within three hundred (300) feet of a regular place of worship; a public or private school, a public park, playground, athletic field, or recreational area which is commonly utilized by a group of homeowners; a child day-care or nursery facility; any business or facility the use or purpose of which is primarily oriented toward children; any building used as a dwelling (residence); a boundary of any residential zoning district

Adopted
May 7, 2012

2. Electronic Gaming Facilities (Internet Café, Sweepstakes, etc) provided the following conditions are met:

- m) Minimum lot size – One (1) acres (43,560 sq.ft);
- n) All structures must be a minimum of 40' from property lines unless otherwise specified by district regulations;
- o) Parking shall meet Article IV of the Northampton County Zoning Ordinance;
- p) The property must be able to meet all buffer requirements per the Northampton County Zoning Ordinance;
- q) Shall not be located within one-half (1/2) mile of:
 - 69. Regular place of worship;
 - 70. Public or private school;
 - 71. Public park or playground;
 - 72. Athletic field;
 - 73. Recreational area commonly used by a group of homeowners;
 - 74. A child day care or nursery facility;
 - 75. Any business or facility the use of which is primarily oriented towards children;
- r) Shall not be located within one-quarter (1/4) mile of any building used as a dwelling (residence).

Section II-15 Neighborhood Business Watershed District (NB-2)

This district is established for business development serving the business needs of the rural community in the protected area of a water supply watershed. The following standards are established for this district and designed to promote sound permanent commercial development, and to protect nearby areas from undesirable aspects of commercial development: (1) outside storage must be screened from public view by opaque fencing, screening of landscaping; (2) outside storage shall be limited to the rear and side of the principal building, (3) storage of unsafe (corrosive, flammable, or explosive materials) or hazardous materials shall comply with any local, state or federal requirements, and (4) outside storage must be on the premises of the business.

A. Permitted Uses

1. Beauty and barbershops
2. Craft and gift shops, florists
3. Convenience and grocery stores
4. Restaurants and grills
5. Single, small low-impact offices
6. Retail plant nurseries/lawn and garden stores

B. Dimensional Requirements

Minimum lot area 20,000 square feet

Built-upon area requirements – Other residential and non-residential uses development shall not exceed twenty-four percent (24%) built-upon area on a project-by-project basis. For projects without a curb and gutter street system, development shall not exceed thirty-six percent (36%) built-upon area on a project-by-project basis. (For the purpose of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed). Development activities which do not require a Sedimentation and Erosion Control Plan are exempt from the built-upon requirements.

Minimum lot size 80 foot width

Minimum Yards Front 30 feet on secondary roads
Front 40 feet on US and NC roads
Rear 25 feet
Side 15 feet (on corner lots, same as front yard)

Maximum building height 35 feet

C. Conditional Uses

The following uses may be permitted upon the approval of the Northampton County Board of Adjustment, in accordance with Article X. Unless otherwise specified, any conditional uses granted by the Board of Adjustment shall expire if the applicant does not obtain a Building Permit or Certificate of Occupancy for such use within six (6) months from the date of the decision.

1. Mobile home (individual) for temporary use as office and/or exhibition

Minimum lot area - None

Parking – Six (6) spaces for each person employed in office in any given time during a twenty-four (24) hour period.

Office and Exhibition: A temporary Certificate of Occupancy/Compliance allowing mobile homes used solely as offices for purposes of exhibition, or for a caretaker or night watchman, to be temporarily parked, maintained, and/or occupied on a designated lot or land location, may be issued by the Zoning Administrator or his authorized agent where the Board of Adjustment finds as a fact that the use of such mobile home does not violate the county or state building code or health regulations. All such Certificates of Occupancy/Compliance shall be valid for a period of twelve (12) months, after which they may be renewed for a period of twelve (12) months.

Notwithstanding the foregoing, a Certificate of Occupancy/Compliance may be issued for mobile home for use as a temporary field office for contractors by the Zoning Administrator, or his authorized agents, without approval of the Board of Adjustment, if it meets the following:

- a. The structure under construction is located on the same property
- b. It is not moved to the site more than thirty (30) days prior to construction and is removed no later than thirty (30) days after construction has been completed
- c. It is not used for any other purpose than that connected with on-site construction
- d. It is justified by the size and nature of the construction project
- e. It is for a period not to exceed twenty-four (24) months
- f. It is utilized only incidental to on-site construction and not for residential living quarters
- g. It is parked in a location approved in advance by the Zoning Administrator or his authorized agent
- h. Its sanitary facilities are approved by the county health department

Also notwithstanding the foregoing, a Certificate of Occupancy/Compliance may be issued for a mobile home for use as a mobile classroom by a public or private school administrative mobile home and for a mobile home sales office without approval of the Board of Adjustment if:

- a. The sanitary facilities are approved by the county health department; and
- b. The electrical facilities are connected in compliance with regulations set forth in the current National Electric Code.

2. Agricultural supply sales
3. Automobile repair service
4. Automobile service stations, including self-service gas pumps
5. Indoor recreation facility
6. Day nurseries and kindergartens – provided that they meet all applicable state and county regulations and that the water supply and sewerage system is approved by the Northampton County Health Department

Section II-16 Official Zoning Map

Northampton County is hereby divided into districts whose locations and boundaries are shown on the Official Zoning Map for the County which is hereby adopted by reference and declared to be a part of this ordinance and is herewith attached and recorded in the minutes of the Board of Commissioners of Northampton County.

The map shall be identified by the signature of the chairman, attested by the clerk, and bearing the official seal of Northampton County, under the following words: This is to certify that this is the Official Zoning Map of the Zoning Ordinance for Northampton County, North Carolina". The date of adoption shall also be shown.

If, in accordance with the provisions of this ordinance, changes are made in the zoning district boundaries or other matter shown on the map, such changes shall be made together with an entry on the map as follows: "On (date) by official action of the Northampton County Board of Commissioners the following changes were made in the Official Zoning Map: (brief description of nature of change)". The entry shall be signed by the chairman and attested by the clerk. No amendments to this ordinance which involves matter portrayed on the map shall become effective until after such change and entry has been made on said map. The Board of Commissioners shall give official notice of the zoning change to the zoning administrator within twenty-four (24) hours after passage of said change. Regardless of all copies of the map which may exist, the Official Zoning Map, which shall be located in the Zoning Administrator's office, shall be the final authority as to the current zoning status of land, water areas, and buildings in Northampton County.

- A. Replacement of Official Zoning Map – In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret, the Board of Commissioners may, by ordinance, adopt a new Official Zoning Map, which shall be the same in every detail as the map it supersedes. The new map shall bear the signatures of the current chairman and clerk and shall bear the seal of the County under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of Map replaced)". The date of adoption of the new Official Zoning Map shall be shown also.
- B. Maintenance of the Official Zoning Map – The Zoning Administrator shall be responsible for the maintenance and revision of the Official Zoning Map. Upon notification by the Board of Commissioners that a zoning change has been made, the Zoning Administrator shall be responsible for the maintenance and revisions of the Official Zoning Map. Upon notification by the Board of Commissioners that a zoning change has been made, the Zoning Administrator shall make the necessary changes on the Official Zoning Map within twenty-four (24) hours of notification.

Section II-17 Rules for Interpretation of Zoning District Boundaries

Where district boundaries prove to be uncertain as to their location on the Official Zoning Map, the following rules shall apply:

- A. Unless otherwise specifically indicated, where district boundaries are indicated on the zoning map as approximately parallel to or following the center-line of a street, highway, railroad right-of-way, utility easement, streambed or riverbed, or such lines extended, then such lines shall be construed to be such district boundaries.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following town limits or other political jurisdictional boundary shall be construed as following those boundaries.
- D. If a zoning district boundary divides a lot, the requirement for the district in which the greater portion of the lot lies shall be extended to the balance of the lot, provided that such extension shall not include any part of such lot which lies more than fifty (50) feet beyond the district boundary, and further provided that the remaining parcel shall not be less than the minimum required for the district in which it is located.

ARTICLE III

CONCENTRATED DEVELOPMENTS

Section III –1 Residential Subdivisions

A residential subdivision is allowed as a permitted use in the districts specified under Article II, in accordance with the following minimum standards:

- A. A residential subdivision classification shall be established for each proposed residential subdivision. The residential subdivision classification shall define the type of housing which shall be allowed in the proposed residential subdivision. For the purposes of this section, the terms *housing type(s)* and *housing unit type(s)* refer to the way in which a residence or house is constructed, and *subdivision classification* refers to what type or types of housing are allowable in a particular subdivision. For the purposes of this section, the following residential subdivision classifications are established:

Classification 1: Site-built construction, including off-frame modular construction, and on-frame modular.

Classification 2: Double-wide manufactured construction plus all of the housing types listed above.

Classification 3: Single-wide manufactured construction plus all of the housing types listed above.

For the purposes of this section, Classification 1 shall be considered to be the most restrictive and Classification 4 the least restrictive residential subdivision classification, and, likewise, a site-built housing unit shall be considered to be the most restrictive and a single-wide manufactured unit the least restrictive housing type.

- B. The residential subdivision classification for each proposed residential subdivision shall be consistent with the prevailing pattern of residential development on adjoining properties, including any properties which lie on the opposite side of any road from the property proposed for residential subdivision development.
- C. Establishing the prevailing pattern of development involves a two-step process as follows:
1. Prior to applying for a zoning permit, the owner/developer shall canvass or identify and count by type:
 - a. The housing unit types which are situated within 500 feet of the property line of the property or the portion of the property proposed for residential subdivision. For the purposes of this section, the housing units to be included in this canvass shall include those: 1) occupied; and 2) unoccupied with current electrical service; and 3) unoccupied and having a current valid building permit for renovation or repair. If the property proposed for residential subdivision is proposed to be developed in phases, or if an officially approved subdivision has previously been created from

the parent tract, this provision shall apply to the entirety of the property. For the purposes of this section, multiple housing units on an individual lot shall be counted as if on an individual lot; and housing units situated on rented or leased lots and housing units located in a mobile home park shall not be counted. Measurements shall be lineal from the property line(s) of the property or portion thereof proposed for subdivision to the closet foundation wall or structural column of all housing unit types identified; and,

- b. Any vacant lot(s) which is/are a part of a subdivision previously approved pursuant to this section and to which an approved subdivision classification has been assigned, situated within 500 feet of the property or portion thereof proposed for residential subdivision, with each vacant lot to be counted as one housing unit of the least restrictive housing type allowable in the subdivision classification for the lot. For the purposes of this section, a vacant lot shall be counted if the lineal measurement from the property proposed for residential subdivision extends ten (10) feet or more into the vacant lot.
2. Based on the housing unit types identified in Step 1 preceding, the owner/developer shall determine and declare, as a part of the zoning permit application, the prevailing pattern of development and the correlative residential subdivision classification for the proposed subdivision according to the following method:
 - a. In the event only one (1) housing type is present in the area canvassed, that housing type shall constitute the prevailing pattern of development; or otherwise,
 - b. In the event only two (2) housing types are present and one (1) of them comprises a majority of the total housing units canvassed, then that housing type shall constitute the prevailing pattern of development; or otherwise,
 - c. In the event only two (2) housing types are present, and neither constitutes a majority of the total housing units canvassed, the housing type in the most restrictive classification present shall constitute the prevailing pattern of development; or,
 - d. In the event three (3) housing types are present and one (1) of them comprises a plurality of the total housing units canvassed, then that housing type shall constitute the prevailing pattern of development, or, otherwise
 - e. In the event three (3) housing types are present and none of the housing types present constitutes a plurality of the total housing units canvassed, then the most restrictive housing type present shall constitute the prevailing pattern of development; or otherwise,
 - f. In the event four (4) housing types are present, and one (1) of them comprises a plurality of the total housing units canvassed, then that housing type shall constitute the prevailing pattern of development; or otherwise,

- g. In the event four (4) housing types are present and none of the housing types present constitutes a plurality of the total housing units canvassed, then the most restrictive housing type present shall constitute the prevailing pattern of development; or, otherwise
 - h. In the event no housing types are present within the area canvassed, the establishment of the subdivision classification shall be at the discretion of the owner/developer of the proposed subdivision.
- D. No residential subdivision shall be designated nor permitted with more than one residential subdivision classification designation.
- E. Housing types constructed on lots within a subdivision may be of a type more restrictive but not less restrictive than the residential subdivision classification standard established pursuant to this section. The owner/developer shall provide assurances to restrict the residential construction of housing units within the proposed subdivision to the type(s) established and defined in parts A, B, and C of this section.
- F. The owner/developer of the property proposed for residential subdivision shall submit a zoning permit application which shall include the declared residential subdivision classification of the proposed residential subdivision. The Zoning Administrator shall review the zoning permit application with respect to the prevailing pattern of development in the area in which the property proposed for subdivision is located, and shall approved or deny the declared residential subdivision classification as a part of the zoning permitting process. Zoning permits so issued shall not be subsequently modified without the approval of the Zoning Administrator.
- G. Within five (5) days of the issuance of a zoning permit by the Zoning Administrator, at a place on the property to be designated by the Zoning Administrator, the property owner/developer shall post a sign, sized not less than four (4) feet by eight (8) feet on the property proposed for residential subdivision to remain in place throughout the process or withdrawal of application stating:
 - a. "This property proposed for residential subdivision."
 - b. The residential subdivision classification for the subdivision.
 - c. The total acreage in the tract.
 - d. The name and telephone number of the property owner/developer
- H. The Zoning Administrator shall submit a copy of the zoning permit issued for the subdivision to the Northampton County Planning Board for inclusion as a part of the subdivision approval process in compliance with the Northampton County Subdivision Ordinance.
- I. The residential subdivision classification along with a description of the type(s) of residential construction allowed in the subdivision shall be shown on both the preliminary and final plats

as a part of the subdivision approval process in compliance with the Northampton County Subdivision Ordinance.

- J. The Northampton County Planning Board shall not approve a final subdivision plat of any requirement of this section has not been met.
- K. No permit shall be issued by any administrative agent or department of Northampton County for the construction of any building or any improvement requiring a permit unless the requirements of this section have been met and unless the proposed construction is in compliance with the requirements so established.
- L. The requirements of this, parts B, C. and G of this section, shall not apply to family or farmstead subdivisions.

Section III-2 Planned Unit Development (PUD)

A Planned Unit Development is allowed as a special use in the districts specified under Article II. The development may contain any of the permitted uses of the district in which it is allowed as a special use, but only in accordance with an approved development plan.

Planned Unit Development should be established to encourage innovative and creative designed, efficient use of open space, preservation of environmentally sensitive areas, and promote a mixture of housing unit types.

A. Permitted Uses

1. Single-family Dwellings
2. Two-Family Dwellings
3. Townhouses
4. Clustered detached single-family
5. Zero lot-line dwellings
6. Multi-family dwellings

B. Minimum Lot Area

Two (2) acres

C. Maximum Density

- | | |
|----------------------------|----------------------------------|
| 1. Single-family dwellings | same as a district |
| 2. Townhouses | maximum - 6 units per gross acre |
| 3. Clustered single-family | minimum – 6,000 square foot lots |
| 4. Zero lot-line units | minimum – 6,000 square foot lots |

The above density and reduction in lot sizes are permissible provided that the difference between the required dimensions of the district, are the reduced dimensions is dedicated to the HOA as common open space.

D. Maximum Coverage Area

The maximum coverage area in watershed districts shall not exceed the built-upon requirements for the district in which the project is located. For all other districts the maximum coverage area shall not exceed fifty percent (50%) of the total area. The coverage area shall be calculated to be the portion of the lot to be built-upon (including imperious surface areas) and the total acreage in the lot/tract on which the project is to be developed shall constitute the total lot area.

E. Road Construction Requirements

1. **Public Roads or Streets:** All subdivision streets designated as public shall be designed to meet North Carolina Department of Transportation (NCDOT) standards for public street construction in accordance with the minimum right-of-way and construction standards established by the North Carolina Board of Transportation for acceptance on the state highway system. 136.102.6
2. **Private Roads or Streets:** All streets designated as private shall be designed to meet standards for private street construction in accordance with the following minimum right-of-way and construction standards, the specific specifications of which shall be incorporated into, submitted and approved by the Board of Commissioners as a part of PUD development plan:
 - a. For private roads connecting through an adjoining tract or tracts to a public street or road by means of a road right-of-way recorded prior to September 30, 1975, the developer shall provide a deeded right-of-way from each PUD housing unit to a road which is part of the state highway system with no additional improvements required to the road right-of-way through the adjoining tract or tracts.
 - b. The minimum graded travel-way width shall be eighteen (18) feet for all private roads and shall consist of a base of ABC Number 7 materials or equal applied to a minimum depth of three (3) inches and a paved surface applied to a minimum depth of two (2) inches. In locations where the Board of Commissioners determine additional surface materials are necessary to attain a stable road bed, the Board of Commissioners may require such additional surface materials be added. If additional surface materials are required, the additional materials shall be added prior to final approval by the zoning administrator.
 - c. Adequate drainage shall be provided along the full length of the travel-way. The minimum culvert and driveway drainage pipe size shall be fifteen (15) inches inside diameter. Drainage features shall be sized to accommodate adequate flow of water.
 - d. Shoulders, ditches, and other drainage features shall be stabilized in accordance with an approved erosion and sedimentation control plan.
 - e. The minimum cul-de-sac right-of-way radius shall be the same as the width of the road.
 - f. The minimum lot width at the property line abutting a cul-de-sac shall be twenty (20) feet measured as the chord from front corner to front corner.
 - g. The minimum graded travel-way radius for cul-de-sacs on private roads shall be thirty-five (35) feet.

- h. Unless necessitated by exceptions topography and subject to the approval of the Board of Commissioners, road grades shall not be more than ten percent (10%) nor less than one-half (1/2) of one (1) percent (½ %) on any private street.
- i. Grades approaching intersection shall not exceed five percent (5%) for a distance of not less than one hundred (100) feet from the centerline of said intersection.
- j. Street grades shall be established wherever practical in such a manner to avoid excessive grading, removal of ground-cover and trees, and general leveling of the topography.
- k. Streets shall be designed so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than seventy-five (75) degrees unless necessitated by topography and approved by the Division of Highways for intersections with public roads, or the Board of Commissioners for intersections with private roads.
- l. Street jobs shall be designed with minimum centerline offsets of more than one hundred and fifty (150) feet unless necessitated by topography and approved by the Board of Commissioners.
- m. Property lines at street intersection shall be rounded with a minimum radius of thirty (30) feet.
- n. The developer shall not receive a Certificate of Occupancy until the developer has secured a permit from the North Carolina Division of Highways for any road connection to the state highway system.
- o. The developer shall not receive a Certificate of Occupancy from the zoning administrator until the developer has acquired and erected street name signs at all intersections within the PUD. The type, size, and placement of street signs must comply with standards as established by Northampton County.
- p. Prior to the receiving of a Certificate of Occupancy, the developer shall submit a declaration of restrictions to provide for the establishment of a mandatory property Homeowners' Association in conjunction with the developer to establish reasonable annual assessments for street maintenance to be adjusted according to inflationary rates. Such restrictions shall be enforceable as a lien against the property, as well as a personal obligation of the landowner.

F. Reserved for Future Codification.

G. Homeowners' Association (HOA) Requirements

1. Common areas and common space shall be deeded to a homeowners association (HOA) and the developer or owner shall file with the Board of Commissioners and record in the County Register of Deeds' Office, a declaration of covenant and restrictions, as well as regulations and by-laws that will govern the open space, recreational facilities, and private streets.

Provisions shall include, but not be limited to, the following:

- a. The association shall be established before the lots, homes, buildings,, or uses are sold.
- b. Membership shall be mandatory for each buyer and all successive buyers, unless another arrangement is approved by the Northampton County Board of Commissioners which adequately protects the interests of the County and the owners.
- c. The association shall be responsible for the liability insurance, local taxes, and maintenance of the common open space, recreational facilities, private streets, and other facilities.
- d. Any sums levied by the association that remain unpaid shall become a lien on the individual owner's property which shall be subordinate only to tax and mortgagee liens unless another arrangement is approved by the Board of Commissioners which adequately protects the interests of the County and owners.
- e. An owner of each dwelling unit or each homeowner or other building owner shall have voting rights in the association.
- f. Uses of common property shall be appropriately limited.
- g. The following information shall also be provided in the covenants:
 1. The name of the association
 2. The manner in which directors of the association are to be selected
 3. The post office address of the initial registered office
 4. The name of the city and county in which the registered office is located
 5. The number of directors constituting the initial board of directors

Section III-3 Campgrounds

Campgrounds are allowed as a conditional use in the districts specified under Article II, in accordance with the following minimum conditions:

- A. Minimum Lot Size: Two (2) acres with a minimum of four thousand (4,000) gross square feet required for each designated camping space.
- B. Designated Camping Spaces: All camping spaces shall be numbered with the number posted at the space on a noticeable yet unobtrusive plaque, sign, or monument. Camping spaces for tent camping shall measure at least twelve (12) feet in width and depth. Camping spaces for camping trailers and/or recreational vehicles shall measure at least sixteen (16) feet in width and forty (40) feet in depth. Each camping space shall have a permanent ground cover consisting of grass or wood chips (mulch) for tent camping, and grass, wood chips, or gravel for trailer and/or recreational vehicle camping.
- C. External Buffer: The lot on which the campground is situated shall be surrounded by a buffer of not less than forty (40) linear feet measured from the property line or highway right-of-way, whichever is more restrictive, consisting of natural vegetation on all sides unbroken except for a driveway(s) and/or sidewalk(s) which provide a means of ingress and egress to the campground, and except that vegetation in the waterfront portion of the buffer, if any, on waterfront campground lots may be maintained in compliance with applicable vegetative buffer requirements as have been or may be established by those governmental agencies and/or organizations. Additionally, natural vegetative buffer of not less than thirty (30) linear feet, unbroken except for foot-paths of not more than eight (8) linear feet in width, shall be established and maintained from the top of the bank of any perennial or intermittent stream.
- D. Internal Buffer: Except as provided in items 9 and 10 of this section, each designated camping space shall be surrounded by a buffer of not less than ten (10) linear feet, measured from the line delineating the improved or unimproved area constituting the designated camping space, consisting of natural vegetation on three (3) sides.
- E. Sanitary Facilities: A potable water source shall be provided not more than two hundred (200) feet; toilet facilities not more than three hundred (300) feet; and bathhouse facilities not more than six hundred (600) feet from any designated camping space. This provision shall not apply to designated camping spaces reserved for camping trailers and/or recreational vehicles having self-contained kitchen and bathroom facilities where community electrical, potable water and wastewater connections are provided.

- F. Water and Wastewater Systems: The construction and operation of any community and other on-site potable water and wastewater treatment disposal facilities shall be approved and permitted by the Northampton County Health Department or other such approval authority as may be appropriate.
- G. Signs: Notwithstanding other provisions of this Ordinance or any other applicable ordinance of Northampton County, each campground may erect one illuminated (from ground-level upward), non-flashing and non-automated on-side advertising sign not to exceed sixty-four (64) square feet in total surface area and not more than eight (8) feet in width. Signs shall not be located on any highway right-of-way, must be set back at least four (4) feet from the front property line or the highway right-of-way line, whichever is more restrictive, and shall be otherwise located so as not to pose a line of sight hazard for vehicular traffic entering and exiting the site or any adjoining properties. Any illumination shall be designed so as not to be directed into the path of or interfere with vehicular traffic on adjoining roadways, nor to illuminate or otherwise create a nuisance to adjoining properties.
- H. All common or accessory buildings (except for a campground office building not exceeding four hundred (400) square feet in size) and areas for organized recreational use shall be a minimum distance of one hundred (100) feet from the property line or highway right-of-way, whichever is more restrictive.
- I. Group Camping – Tent: Campground facilities which are organized camp establishments which provide lodging accommodations for groups of children or adults engaged in organized recreational or educational programs. This type of group camping facilities shall have a minimum lot area of ten (10) acres. A designated camping area(s) shall be established within each group campground facility which shall not occupy more than twenty-five percent (25%) of the total lot surrounded by a buffer of not less than one hundred (100) linear feet measured from the property line or highway right-of-way, whichever is more restrictive, consisting of natural vegetation on all sides unbroken except for a driveway(s) an/or sidewalk(s) which provide a means of ingress and egress to the campground. A potable water source shall be provided not more than two hundred (200) feet; toilet facilities not more than three hundred (300) feet; and bathhouse facilities not more than six hundred (600) feet from any designated camping space. All buildings shall be constructed in compliance with the North Carolina State Building Code.
- J. Group Camping – Cabins or Other Permanent Residential Structures: Campground facilities which are organized camp establishments which provide lodging accommodations in cabins or other permanent structures for groups of children or adults engaged in organized recreational or educational programs. This type group camping facility shall have a minimum lot area of twenty (20) acres. All cabins or other permanent residential structures and all common buildings shall be constructed in compliance with the North Carolina State

Building Code. Residential structures shall not contain any eating or kitchen facilities. Residential structures shall be a minimum distance of one hundred (100) linear feet from the property line or highway right-of-way, whichever is more restrictive, and shall not collectively occupy more than twenty-five percent (25%) of the total lot.

Residential structures shall not house more than twelve (12) resident individuals per structure, shall contain at least four hundred (400) square feet, and shall contain at least fifty (50) square feet per resident. A potable water source shall be provided not more than two hundred (200) feet; toilet facilities not more than three hundred (300) feet; and bathhouse facilities not more than six hundred (600) feet from any residential structure.

No group camping facility shall have a design capacity greater than one hundred twenty-five (125) resident campers. Occupancy of group resident camping facilities is limited to thirty (30) consecutive days for any individual except resident employees.

- K. Parking: One (1) parking space, which shall not be a part of the designated camping space, shall be provided for each tent camping space. One (1) parking space, either separate or as a part of the designated camping space, shall be provided for each designated trailer and/or recreational vehicle camping space. Additional parking spaces, separate from any designated camping spaces shall be provided as follow: one (1) parking space shall be provided for each campground employee, plus one (1) additional space for each ten (10) designated camping spaces.

For the purposes of this section the term campground shall include recreational vehicle park.

ARTICLE IV

OFF-STREET PARKING AND LOADING REQUIREMENTS

Section IV-1 Off-Street Parking Requirements

At the time of erection of any new building or the enlargement of an existing building, permanent off-street parking shall be provided in all districts as specified by this Section.

- A. Each application for a Zoning Permit shall include information as to the location and dimensions of off-street parking and loading space, and the means of ingress and egress to such space. This information shall be in sufficient detail to determine whether or not the requirements of this Section are met.
- B. The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to one (1) use may not be assigned to another use, except that one-half ($\frac{1}{2}$) of the parking space required for churches, theaters, or assembly halls, whose peak attendance is at night or Sundays, may be assigned to a use which will be closed at night and/or Sundays.
- C. If the off-street parking space required by this Ordinance cannot be reasonably provided on the same lot on which the principal use is located,, such space may be provided on any land within four hundred (400) feet of the principal use or building, provide such land is in the same ownership as the principal use. Said land shall be used for no other purpose as long as the principal use exists.
- D. The minimum number of required off-street parking spaces required by this Section shall be provided on the same lot with the principal use except as provided above, and the required number of off-street parking space specified for each use shall be considered as the absolute minimum. In addition, a developer shall evaluate his own needs to determine if they are greater than the minimum specified by this Ordinance.

Business and professional offices such as banks, real estate, lawyers, insurance, governmental, etc.

One and one-half ($1 \frac{1}{2}$) space per two hundred (200) square feet of area where primary business is routinely conducted excluding such secondary areas as storage areas, corridors, restrooms and intermittently used meeting rooms. One (1) additional parking space shall be required for each regular employee

Personal service establishments such as barbershops, beauty shops, shoe repair, dry cleaning, laundry etc.	One (1) space per two hundred (200) square feet where primary business is conducted excluding such secondary areas as storage areas, corridors, restrooms and intermittently used meeting rooms
Restaurants excluding drive-in	One (1) space for each three (3) seats
Drive-in eating establishments	Two and one-half (2 1/2) spaces for each one hundred (100) square feet in the principal building
Retail stores not otherwise specified	One and one-half (1 1/2) space per two hundred (200) square feet of sales area in the building
Furniture stores	One (1) space for each two hundred (200) square feet of sales floor area up to five thousand (5,000) square feet plus one (1) space for each four hundred (400) additional square feet
Auto sales	Four (4) spaces for each salesman on the largest shift
Automobile service stations	Four (4) spaces for each service bay
Facilities with drive-in service windows and automatic teller machines	Off-street movement lane to accommodate two (2) cars to the front and two (2) cars to the rear of each window
Automobile wash and automatic car wash	One (1) space for each employee and two (2) spaces for each bay
Funeral homes or mortuaries	One (1) space for each three (3) seats in the chapel plus off-street passenger loading accommodation for ten (10) cars

Wholesale establishments	One (1) space for each two (2) employees plus one (1) space for each one hundred (100) square feet of sales area
Single and two-family residences	Two (2) spaces for each dwelling unit
Multi-family residences	Two and one-half (2 1/2) spaces for each dwelling unit
Dormitories	One (1) space for each three (3) beds
Tourist homes and rental rooms	One (1) space for each guest room
Home occupations	One (1) off-street space for each person employed plus sufficient off-street parking for spaces for patrons, not to be located in a required front-yard
Medical and dental offices and clinics	Six (6) spaces for each doctor or dentist plus one (1) space for each employee
Hospitals	One (1) space for each bed plus one (1) space for each staff doctor, plus one (1) space for each employee on the largest shift
Nursing or rest homes	One (1) space for each two (2) beds plus one (1) space for each three (3) employees
Elementary, middle, junior high schools	Three (3) spaces for each classroom plus sufficient off-street passenger parking and loading areas
Senior high schools, trade and vocational schools, business and professional schools, colleges and universities	Ten (10) spaces for each classroom plus sufficient off-street passenger parking and loading areas
Daycare centers kindergartens and nurseries	One (1) space for each employee plus one (1) parking space per each four (4) children

Motels and hotels	One (1) space for each room and one (1) for each employee on the largest shift
Library, museum, gallery or other cultural arts facility	One (1) space for each two-hundred (200) square feet of gross floor area for use by the public
Churches, auditoriums, coliseums, stadiums, arenas and theaters	One (1) space for each three (3) fixed seating spaces in the largest assembly area
Fraternal or social clubs	One (1) space for each two hundred (200) square feet
Commercial indoor recreation	One (1) space for each two hundred (200) square feet
Commercial outdoor recreation areas, driving ranges, miniature golf, etc.	One (1) space for each three (3) persons able to use such a facility at its maximum design capacity plus ten (10) spaces, plus one space for each two (2) employees
Night clubs	One space for each three (3) seats, or one (1) space for each two hundred (200) square feet of gross floor area for use by the public, whichever is greater
Golf courses and country clubs	One (1) space for each three (3) persons able to use such a facility at its maximum design capacity plus one (1) space for each two hundred (200) square feet of floor area in the principal building for use by the public, plus one (1) space for each two (2) employees

E. In all Highway Business (HB) districts, Light Industrial (LI) and Heavy Industrial (HI) districts, all parking, loading and road/driveway areas shall be paved. This provision shall apply to all parking, loading and road/driveway areas commonly open to vehicular traffic except for the following specific portions of lots utilized for the following specific uses:

1. Those portions of Light Industrial and Heavy Industrial properties exclusively utilized for the bulk storing, processing, compounding, mixing, fabrication or dispensing of mined materials including stone, sand, gravel, minerals, clay, ceramic and refractory minerals, fertilizer and wood products, except that the first one hundred fifty (150) feet of any road or driveway entering/exiting the site must be paved; and
2. those portions of Light Industrial and Heavy Industrial properties exclusively utilized for the storage of over-the-road trailers (trailer yards); except that the first one hundred
A. fifty (150) feet of any road or driveway entering/exiting the site must be paved; and
3. those portions of retail plant nurseries/lawn and garden store properties exclusively utilized for the bulk storing or dispensing of plants, except that the first one hundred fifty (150) feet of any road or driveway entering/exiting the site must be paved;
4. those portions of Light Industrial and Heavy Industrial properties which are exclusively utilized for mining or landfill purposes as defined in Article II, Section II-6, D, and Article II, Section II-7, D except that the first one hundred fifty (150) feet of any road or driveway entering/exiting the site must be paved; and
5. railroad yards and sawmills, except that the first one hundred fifty (150) feet of any road or driveway entering/exiting the site must be paved.

This provision shall not apply to existing uses in Highway Business (HB) districts and Light Industrial (LI) and Heavy Industrial (HI) districts unless the buildings or facilities housing such uses are expanded to occupy a greater land area in which case such uses must meet the requirements of this Article.

Section IV-2 Off-Street Loading Requirements

Where off-street loading space is required under the district regulations of a particular district, one (1) or more loading berths or other space shall be provided for standing, loading, and unloading operations either inside or outside a building and on the same or adjoining premises with every building or structure erected after the enactment of this ordinance; all to be in accordance with the requirements of the following table. A loading berth shall have minimum plan dimensions of twelve (12) feet by sixty (60) feet and fourteen (14) feet overhead clearance. A loading space need not be necessarily a full berth but shall be sufficient to allow normal loading and unloading operations of a kind and magnitude appropriate to the property served thereby. The Zoning Administrator shall determine the sufficiency of loading space, but in no case shall the use of such space hinder the free movement of vehicles and pedestrians over a street, sidewalk, or alley.

The number of required off-street loading spaces shall be as follows:

Retail Business	One (1) space for each twenty thousand (20,000) square feet of gross floor area, or fraction thereof.
Wholesale trade and industries	One (1) space for each twenty thousand (20,000) square feet of gross floor area, or fraction thereof.
Office or institution, including schools and Government building	One (1) space for each fifty thousand (50,000) square feet of gross floor area or Fraction thereof.

ARTICLE V

NONCONFORMING USES

Section V-1 Intent

Within the districts established by this ordinance, there may exist lots, structures, and land uses which were lawful before this ordinance was passed but which would be prohibited or restricted under the terms of this ordinance. It is the intent of this ordinance to permit those nonconforming uses to continue until they are removed, but not to encourage their continuation. Such lots, structures, and uses of land shall be termed nonconforming, and shall be subject to the following provisions:

A. Nonconforming Vacant Lots – This category of nonconforming consists of vacant lots for which plats or descriptions have been recorded in the Office of the Register of Deeds of Northampton County, which at the time of adoption or amendment of this ordinance, fail to comply with the dimensional requirements for the districts in which they are located. Any such nonconforming lot may be used for any of the minimum uses permitted by this Section or variances allowed by this ordinance.

B. Nonconforming Structures – This category of nonconformance consists of structures existing at the time of adoption or amendment of this ordinance, whose size or location does not conform with the yard, height, lot area, lot coverage, or other dimensional provisions of this ordinance or any amendment thereto. Such structures may remain and their conforming use may continue, provided that any enlargement to such structures must conform to all applicable requirements of this Section. If such structures are damaged or destroyed by fire, explosion or other calamity, they may be reconstructed, provide that when reconstructed they comply with all applicable requirements of this ordinance. If a nonconforming structure is moved from its location, it can only be replaced with a structure which conforms with the district regulations.

C. Nonconforming Uses of Land – This category of nonconformance consists of lots used for storage and similar open uses where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use is not permitted to be established hereafter, under this ordinance or amendment thereto in the district in which it is located.

- 1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
- 2) No nonconforming use may be changed to another nonconforming use.
- 3) Where any nonconforming use of land, in part or whole is made to conform to the regulations for the district in which it is located, the part or whole which has been made to conform may not thereafter be changed in such a manner as would be nonconforming.

- 4) Nonconforming uses shall not be re-established after discontinuance for a period of one hundred eighty (180) days, except in conformance with this ordinance.

D. Nonconforming Uses of Buildings or Structures

This category of nonconformance consists of buildings or structures used at the time of enactment of this ordinance or amendment thereto for purposes of use not permitted in the district in which they are located. Such uses may be continued as follows:

- 1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
- 2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.
- 3) No nonconforming use may be changed to another nonconforming use, except that the Board of Adjustment may permit, as a conditional use, a change in nonconforming use if the Board finds that such new use would be more in character with the uses permitted in the district than the previous use, provided that once the Board of Adjustment has permitted such substitution, the new use shall lose its status as legal nonconforming use and become subject to any conditions required by the Board of Adjustment. Once such change has been made, use of the structure may not revert to the previous nonconforming use.
- 4) Where any nonconforming structure or use in part or whole is made to conform to the regulations for the district in which it is located, the part or whole which has been made to conform may not thereafter be changed in such a manner as would be nonconforming.
- 5) If a nonconforming use is discontinued for a period of one hundred eighty (180) consecutive days or for more than eighteen (18) months in any three (3) year period, the future use of the building or land must be a conforming use.
- 6) Maintenance and repairs necessary to keep a structure housing a nonconforming use in sound condition shall be permitted.
- 7) Should a nonconforming structure be destroyed or damaged by any means except self-destruction, the structure may be rebuilt if it meets all of the following:
 - a) it shall not contain more square feet of space than the destroyed or damaged structure;
 - b) it shall meet all applicable county and state building codes; and
 - c) reconstruction shall commence within ninety (90) days after it has been damaged or destroyed and construction shall be completed within twelve (12) months after reconstruction has begun.

E. Conforming Conditional/Special Uses

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

Section V-2 Avoid Undue Hardship

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, provided that actual construction work shall be diligently carried on until the completion of the building involved.

ARTICLE VI

MOBILE HOMES AND MOBILE HOME PARKS

Section VI-1 Mobile/Manufactured Homes on Individual Lots

Mobile homes on individual lots are a permitted use provided all requirements of this ordinance for the location of a single-family dwelling on an individual lot are met. Additionally, zoning and building permits shall not be issued unless the following additional requirements are met:

A. All double-wide and multi-sectioned (Class A) manufactured homes shall meet the following appearance criteria.

1. **Roof Construction and Pitch:** The pitch of the main roof of the structure shall have a minimum rise of three (3) inches for each twelve (12) inches of horizontal run. The roof shall be finished with a type of shingle that is commonly used in standard residential construction.
2. **Exterior Finish:** Exterior finishes shall be in good repair. The exterior siding shall consist predominantly of vinyl or aluminum lap siding (with reflectivity not exceeding that of flat white paint), or wood or hardboard comparable in composition, appearance and durability to exterior siding commonly used in standard residential construction.
3. **Placement of Homes:** all homes shall be placed on the lot consistent with the predominant neighborhood pattern of placement for existing site-built or manufactured structures. Where no neighboring structures are available for comparison, the structure shall be placed with the front parallel to the street providing access on the site. On corner lots, the side fronting the entrance road to a residential subdivision where applicable, or otherwise the side with the greatest road frontage, shall be considered the front. Corner lot homes may also be placed at an angle of forty-five (45) degrees to the intersection as long as front yard requirements are met for both streets and rear and side yard requirements are maintained.
4. **Under-Pinning:** A continuous, uniform foundation enclosure, unbroken except for required ventilation and access, shall be installed. The foundation enclosure shall be composed of brick, concrete block or other masonry materials in accordance with Section 3.6.3, 3.6.4, and 3.6.5 of the State of North Carolina Regulations for Manufactured Homes, except that the foundation enclosure of single-wide mobile/manufactured homes lots may be composed of vinyl or aluminum materials manufactured expressly for the purpose of underpinning and installed in accordance with the manufacturers specifications. The foundation enclosure shall provide not more than one (1) major access doorway per foundation wall section. Access doorways shall not be located along the wall section facing the front yard unless required by state building codes; shall not exceed three (3) feet in width; and, shall have a permanently attached door which completely covers the doorway when closed.

A Certificate of Occupancy shall not be issued until the foundation enclosure is constructed and complete.

5. Steps: Permanent steps shall be constructed or placed at all exterior doors.
6. Running Lights and Hitch Removal: The running lights shall be removed and the hitch shall either be removed or screened with shrubbery. If the hitch is left in place, the foundation enclosure shall be constructed so as to eliminate openings or gaps around the hitch and shrubbery shall be of a height to ensure a total visual barrier of the towing apparatus.

B. All single-wide (Class B) manufactured homes shall meet the following appearance criteria.

1. Roof Construction and Pitch: The pitch of the main roof of the structure shall have a minimum rise of two (2) inches of horizontal run.
2. Placement of Homes: All homes shall be placed on the lot consistent with the predominant neighborhood pattern of placement for existing site-built or manufactured structures. Where no neighboring structures are available for comparison, the structure shall be placed at the discretion of the owner. On corner lots, the side fronting the entrance road to a residential subdivision where applicable, or otherwise the side with the greatest road frontage, shall be considered the front. Corner lot homes may also be placed at an angle of forty-five (45) degrees to the intersection as long as front yard requirements are met for both streets and rear and side yard requirements are maintained.
3. Underpinning: A continuous, uniform foundation enclosure, unbroken except for required ventilation and access, shall be installed. The foundation enclosure shall be composed of brick, concrete block or other masonry materials, or vinyl or aluminum materials manufactured expressly for the purpose of underpinning and installed in accordance with the manufacturers specifications. A Certificate of Occupancy may not be issued until the foundation enclosure is constructed and complete except that for homeowners intending to construct a brick, concrete or other masonry foundations enclosure may obtain a Conditional Certificate of Occupancy with conditions that construction of the foundation enclosure must be completed within ninety (90) days. Failure to comply shall result in action by the Zoning Administrator and/or the Northampton County Building Inspector to cause utility services to the residence to be disconnected.
4. Steps: Permanent steps shall be constructed or placed at all exterior doors.

Other than as provided in this section, mobile homes shall not be placed or stored on any residential lot or any other parcel except as such placement or storage may be temporary, not to exceed ninety (90) days, and as incidental to the permanent placement or construction of the mobile home on the lot or parcel as authorized by a valid zoning permit issued

pursuant to the provisions of this ordinance. This provision shall not apply to those establishments specifically permitted under the provisions of this ordinance for mobile home sales or salvage uses.

Notwithstanding the conditions set forth in Section A.4. and B.3 above, homeowners intending to construct permanent foundations consisting of materials other than those prefabricated for this purpose may receive a Conditional Certificate of Occupancy to allow sufficient time for construction of same. The Conditional Certificate of Occupancy shall be valid for a period of three (3) months [ninety (90) days] from the date of issuance, and an unconditional Certificate of Occupancy must thereafter be obtained. Failure to comply may result in action by the Northampton County Building Inspector to cause utility services to the unit to be discontinued.

Section VI-2 Mobile Home Parks

Mobile home parks shall be a conditional use as set forth in Article I, Section 13. Additionally, mobile home parks and mobile homes located within mobile home parks shall be in accordance with the requirements of the Northampton County Mobile Home Park Ordinance, as amended.

ARTICLE VII
INTERPRETATION OF TERMS AND DEFINITIONS

Section VII-1 Interpretation of Certain Terms

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number include the plural and words used in the plural number include the singular.
- C. The word “person” includes a firm, joint venture, association, organization, partnership, corporation, trust, and company, as well as an individual.
- D. The word “lot” includes the words “plot” or “parcel”.
- E. The word “building” includes the word “structure”.
- F. The word “shall” is always mandatory and not merely directory..
- G. The words “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied”.
- H. The words “Zoning Map” or “Official Northampton County Zoning Map” shall mean the map of Northampton County, North Carolina.

Section VII-2 Definitions

- 1. Accessory means incidental to another use or structure on the same lot.
- 2. Adult entertainment establishment means any establishment which would be considered an adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult video store, adult motel, adult massage parlor, or adult live entertainment business(es) and other related and similar businesses as each is defined in NCGS 14-202.10.
- 3. Apartment means a room or unit of one (1) or more rooms, each of which have kitchen facilities and are designated or intended to be used as an independent unit, on a rental basis.
- 4. Appropriate screening means suitable to satisfy the purpose for which screening is intended.
- 5. Automobile, boat, motorcycle and recreational vehicle sales, means any establishment or place of business or lot which is maintained used or operated for the sale of three (3) or more automobiles, boats, motorcycles, or recreational vehicles or any combination thereof; or any establishment or place of business or lot at which, in any manner other than on the vehicle itself,

a sign is posted which advertises or implies the on premises sale of automobiles, boats, motorcycles or recreational vehicles regardless of the number of vehicles offered for sale.

6. Automobile salvage/recovery yard means any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, dismantled, or inoperable motor vehicles and which are currently not being restored to operations, regardless of the length of time which individual motor vehicles are stored or kept at said establishment or place of business.
7. Automobile wash or automatic car wash means a lot on which motor vehicles are washed or waxed, either by the patron or by others, using machinery specifically designed for the purpose.
8. Best Management Practices (BMP) a structural or nonstructural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.
9. Board of Adjustment means a semi-judicial body composed of representative from Northampton County which are given certain powers under and relative to this Ordinance.
10. Biofuels facility means a facility for the manufacturing and/or processing of liquid or gas fuel derived from biomass including storage incidental to same. (Amendment #11-2007-1Z).
11. Board of Commissioners means the governing body of Northampton County.
12. Boarding house means a rooming house or a structure which contains four (4) or more rooms, each of which have no kitchen facilities, and are designed or intended to be used for residential occupancy on a rental basis.
13. Buffer means an area of natural or planted vegetation through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.
14. Building means any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including tents, awnings, or vehicles situated on private property and used for purposes of building.
15. Building detached means a building having no party or common wall with another building except an accessory building.
16. Building height of means the vertical distance from the average under-walk, grade or finished grade of the building line, whichever is the highest, to the highest point of the building.

17. Building line means a line located a minimum horizontal distance from the right-of-way line of a street or property line parallel thereto between which no building or parts of a building may be erected, altered, or maintained except as otherwise provided herein.
18. Building main means a building in which the principal use of the lot on which the building is situated is conducted.
19. Building site means any lot or portion thereof of a parcel of land upon which a building or buildings may be erected in conformance with the provisions contained herein.
20. Built-upon area shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreational facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.
21. Campground group means a parcel of land together with improvements which are organized camp establishments which provide lodging accommodations in cabins or other permanent structures for groups of children or adults engaged in organized recreational or educational programs.
22. Campground tent means a parcel of land together with improvements which provides sites for the temporary placement of two (2) or more tents, camping trailers, recreational vehicles or other temporary forms of shelter. As used in this definition, the word temporary shall mean that tents, camping trailers, recreational vehicles and other similar forms of shelter, nor any supporting accessory structure or appurtenance, may not be permanently affixed, tied-down or otherwise secured to the land, except for the installation of stakes and ropes/cords/wires used to stabilize the placement of tents and awnings.
23. Certificate of Occupancy means a statement signed by the Zoning Administrator setting forth that the building structure or use complies with the zoning ordinance and any applicable construction codes, and that the same may be used for the purposes stated herein.
24. Club or lodge means a building or site used by a non-profit membership organization for recreation or social purposes.
25. Clustered detached single-family dwellings means a dwelling in which the lot size may be reduced, but the unit is not attached to another unit.
26. Cluster development means buildings in order to conserve land resources and provide for innovation in the design of the project. This term includes non-residential development as well as single-family residential subdivisions and multi-family developments that do not involve the subdivision of land.
27. Conference center/retreat means a structure or group of structures used for meetings and classes by a corporation, business, religious or non-profit group.

28. Critical area means the area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half (1/2) mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half (1/2) mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed, (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area of these landmarks are immediately adjacent to the appropriate outer boundary of one-half (1/2) mile.
29. Daycare center/day nursery/nursery school/kindergarten means a facility for the care and/or education of pre-school age children and licensed by the North Carolina Department of Human Resources.
30. Demolition landfill means a sanitary landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid wastes as approved by the North Carolina Division of Environmental Management and permitted by that agency.
31. Detention means the surface collection, storage, and distribution of storm water run-off for the purpose of compensating for increased runoff volume and decreased travel time associated with an increase in impervious surfaces, and to allow for the settling-out of pollutants borne by the run-off.
32. Development means any land disturbing activity which adds to our changes in the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.
33. Discharging landfill means a landfill which discharges treated leachate and which requires a National Pollution Discharge Elimination system (MPDES) permit.
34. Drive-in (eating or drinking facility) means an establishment that provides employee curb service or accommodations through special equipment or facilities for the ordering of food or beverages from a vehicle.
35. Dwelling, multi-family means a building used or designed as a residence for more than two (2) families living independently of each other.
36. Dwelling, single-family means a detached building designed for or occupied exclusively by one (1) family.
37. Dwelling, two-family means a detached building either designed for or occupied by two (2) families living independently of each other.
38. Dwelling unit means a residential structure or that portion of a residential structure used or designed as a residence for one (1) family.

- 39. *Government office building means any room, studio, clinic, suite or building wherein the primary use is to conduct government business at the local, state and/or federal level.***
40. Existing development means those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this ordinance based on at least one of the following criteria:
- (1) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
 - (2) having an outstanding valid building permit as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1; or
 - (3) having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 344.1 and G.S. 160A-33385.1).
41. Existing lot (lot of record) means a lot which is part of a subdivision a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to adoption of this ordinance.
42. Fabrication means the processing and/or assemblage of various components into a complete or partially completed commodity. Fabrication related to stamping, cutting, or otherwise shaping the processed materials into useful objects. The refining aspects of manufacturing and other initial processing of basis raw materials such as metal, ore, lumber, and rubber, etc., are included.
43. Family being (1) or more persons or group of two (2) or more persons living together and inter-related by bonds of marriage or legal adoption occupying the whole part of a dwelling as a separate housekeeping unit with a common and single set of culinary facilities. The person thus constituting a family may also include two (2) additional guests who occupy rooms for which compensation may or may not be paid. Any group of persons not so related but inhabiting a single housekeeping unit shall be considered to constitute one (1) family for each five (5) persons exclusive of domestic employees, contained as one (1) group.
44. Family care homes means a facility designed to care for a maximum of six (6) handicapped persons, plus support and supervisory personnel, as defined in G.S. 168.21.
45. Farm, bona fide means a tract or tracts of land, one of which must contain at least two (2) acres and which meets the following criteria:
- (1) On such property an owner or lessee is actively engaged in the commercial production of growing crops, fruits, plants (including ornamentals and/or other plants produced in greenhouses), livestock or poultry; and such production has yielded, during each of the three (3) immediately preceding years a gross income of at least one thousand dollars (\$1,000) including payments received under Soil Conservation or Land Retirement programs; or

- (2) the tract is qualified for tax deferral for tax deferral as authorized in NCGS 105-277.2 through 277.7.

To qualify a tract of land as a bona fide farm property, tax records, income/payment receipts, and other evidence shall be submitted to establish proof of commercial agricultural production on the tract.

46. Fence (protective) means a structure of wood, stone, brick, block, steel, or other metal extending from the surface of the ground to a minimum height of six (6) feet, and of such materials and construction, which creates a physical barrier.
47. Floor area ratio (FAR), determined by dividing the gross floor area of all buildings on a lot by the area of that lot.
48. Frontage means all property abutting one (1) side of a street measured along the street line.
49. Hazardous Material is any substance listed as such in: SARA Section 302. Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 or CWA (oil and hazardous substances).
50. Home Care Unit means a facility meeting all the requirements of the State of North Carolina for boarding and care of not more than five (5) persons who are not critically ill and do not need regular professional medical attention.
51. Home Occupation means certain specified occupations customarily conducted for profit within a dwelling unit and carried on by the occupant thereof. Criteria for the classification of a home occupation is contained in this Ordinance.
52. Industrial Development is any non-residential development that required a NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning, or developing any product or commodity.
53. Industrial Landfill is any area utilized for disposal or placement of industrial byproducts and/or waste material.
54. Junk means any discarded or scrapped metal, rope, cloth, batteries, furniture, bedding, appliances, masonry, plastics, paper or rubber; discarded, dismantled or partially dismantled, inoperable, wrecked or abandoned automobiles, boats, and other watercraft, tractor trailers (both cab tractors and trailers and trailer parts), buses, motorcycles, farm equipment (except as a part of a bona fide farming operation), manufactured homes, recreational vehicles, travel trailers, tractors, construction equipment or other heavy equipment or any other motorized or non-motorized equipment or parts of any of the foregoing; or any other materials, items, machinery or equipment similar to those listed herein. (See Salvage/Junkyard, Private and Salvage/Junkyard, Commercial).

55. Kennel, means a facility operated exclusively for profit and for the expressed purposes of providing shelter for animals.
56. Lot, a parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.
57. Lot area means the parcel of land enclosed within the boundaries formed by the property lines plus one-half (1/2) of any alley abutting the lot between the boundaries of the lot, if extended.
58. Lot depth, for the purpose of this ordinance, means the distance measured in the mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite lot line.
59. Lot line means any boundary of a parcel of land.
60. Lot line front means any boundary line of a lot running along a street right-of-way line.
61. Lot line rear means the rear lot line, shall be the property line(s) which is/are opposite the front property line. If no property line is deemed to be opposite the front property line and no minimum building line exists on the final plat to establish a rear lot line, then there shall be no rear lot line; however, the rear yard setback shall be maintained from the point (apex) on the property's perimeter which is the furthest removed from the midpoint of the front line. The rear yard minimum building line shall be a line perpendicular to a straight line connecting said apex and the midpoint on the front lot line.
62. Lot line side means a boundary line which is not defined as a front or rear lot line.
63. Lot of record means a lot which has been recorded in the Office of the Register of Deeds or a lot described by metes and bounds the description of which has been recorded in the aforementioned office.
64. Lot width means the horizontal distance between the side lines measured along the front building line as specified by the applicable front yard setback in this Ordinance.
65. Low-impact office means an office building which is no greater in height than thirty-five (35) feet, and a floor area ratio no greater than.
66. Manufactured home means a single-family dwelling built in accordance with the manufactured Housing Construction and Safety Standards Act of 1874, as amended. Unless specifically set forth elsewhere in this Ordinance, this term shall include "mobile home(s)."
67. Mobile home means a detached residential dwelling unit over thirty-two (32) feet in length and over eight (8) feet wide designed for transportation after fabrication on its own wheels or on flatbeds, or other trailers, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy except for minor and incidental unpacking and assembly

operations including, but not limited to, location on jacks or other temporary or permanent foundation, and connection to utilities. Travel trailers and campers shall not be considered mobile homes.

68. Mobile home park means any lot or part thereof, or any parcel or parcels of land or part thereof, under common ownership, regardless of the number of separate lots or parcels which is used or offered as a location for three (3) or more mobile homes, regardless of whether or not a charge is made for such accommodations. Provided, however, the provisions of this ordinance shall not apply to mobile home spaces allocated by the property owner without charge to persons related to the property owner by blood or marriage or to tenant farmers employed by said owner for the purpose of engaging in agricultural pursuits on the premises. For the purpose of this Ordinance, person related by blood or marriage shall be defined as husband, wife, father, mother, son, daughter, son-in-law, brother, sister, grandmother, grandfather, aunt, uncle, mother-in-law, father-in-law, stepson, and stepdaughter. If any of these conditions cease to exist, said property owner shall comply with all provisions set forth in this Ordinance.
69. Modular home means a single family residential dwelling constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home may consist of two (2) or more sections transported to the site in a manner similar to a manufactured home (commonly known as on-frame modular) or may consist of a series of panels or room sections transported on a truck and erected or joined together on a building site (commonly known as off-frame modular).
70. Nightclub means an establishment at which the principal use is entertainment and which is open to the general public or requires a membership; and may charge a fee, required a membership, cover or minimum charge for admittance; and, may provide one or more of the following: live or recorded amplified music; a dance area or floor show; the sale or consumption of alcoholic beverages on premises.
71. Nonconforming lot of record means a lot described by a plat or a deed that was recorded prior to the effective dates of this Ordinance or an amendments that does not meet the minimum lot size or other development requirement of this Ordinance.
72. Nonconforming use means a use of building or land that does not conform with the regulations of the district in which such building or land is situated but was lawful before adoption of this Ordinance.
73. Non-residential development means all development other than residential development, agriculture and silviculture.
74. Nursery school (see daycare).

75. Nursing home means a structure designed or used for residential occupancy and providing limited medical or nursing care on the premises for occupants, but not including a hospital or mental health center.
76. Office means any room, studio, clinic, suite, or building wherein the primary use as the conduct of a business such as accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by professionals such as engineers, architects, land surveyors, artists, musicians, lawyers, accountant, real estate brokers, insurance agents, dentists or physicians, urban planners and landscape architects. For the purpose of this Ordinance, an office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods, and products; or the sale and/or delivery of any materials, goods, or products which are physically located on the premises.
77. Park model home means a recreational vehicle consisting of one or more sections, typically built in accordance with the construction requirements of the HUD Code but not in accordance with the standards set forth in the North Carolina State Building Code; such vehicles have 480 square feet or less of living space and are typically used as temporary dwelling units designed to be easily transported.
78. Parking space means a graded and surfaced storage space for one (1) automobile, plus the necessary access space. It shall always be located outside the dedicated street right-of-way. Parking space size shall be governed by the following:
- Angle Parking Minimum 8.5 feet x 20.00 feet (measured parallel to the vehicle)
90° Parking Minimum 9.0 feet x 20.00 feet
79. Pave (paving) means to cover a surface with asphalt or concrete. (amended 6-18-2007, amendment #11-2006-IZ)
80. Planned unit development means a residential, commercial, or combination of residential and commercial projects located on land under unified control, planned as a whole, and developed as a single development or in a definitely programmed series of units or stages of development according to comprehensive and detailed plans, with a program for the provision, operation, and maintenance of any areas, improvements, and facilities provided for the common use of the occupants or users of the development.
81. Planning board means for the purposes of this Ordinance, a body appointed by the Northampton County Board of Commissioners to perform the following duties:
- A. Develop and recommended long-range development plans and policies; and
- B. Advise the Board of Commissioners in matters pertaining to current physical development and zoning for the county planning jurisdiction.

82. Plant nurseries means establishment primarily engaged in growing trees, shrubs, other plants, seeds, and bulbs are classified s agricultural. However, establishments for the sale of lawn and garden maintenance equipment and fertilizers are considered a non-agricultural use.
83. Protected area means the area adjoining the upstream of the critical area of WS-IV watershed. The boundaries of the protected area are defined as within five (5) miles of and draining to the normal pool elevation of the reservoir or the ridge-line of the watershed; or within ten (10) miles upstream; and draining to the intake located directly in the stream or river or to the ridge-line of the watershed.
84. Public or community sewage system means a single system of sewage collection, treatment, and disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality, or a public utility.
85. Public water system means a system for the provision to the public of piped water for human consumption if such system has at least fifteen (15) service connection or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year.
86. Recreational vehicle means a vehicular-type unit primarily designed as temporary and mobile living quarters for recreation, camping or travel use, which either has its own motive power or is mounted on and/or drawn by another vehicle. Such vehicles do not satisfy the definition or dimensional or other standard requirements of a mobile or manufactured home. The term includes but is not limited to Park Model Homes.
87. Residential area means an area where twenty-five (25) or more housing units within a geographical area comprise of a one-fourth (1/4) mile wide strip in all directions, contiguous with and parallel to the external boundary lines of the tract of real property on which the said automobile graveyard or junkyard is located.
88. Residential development means a building for residences such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.
89. Retail means the sale of a commodity to the ultimate customer and not customarily subject to sale again.
90. Retail plan nurseries/lawn and garden stores means establishments primarily engaged in selling trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools, and other garden supplies to the general public. These establishments primarily sell products purchased from others.
91. Retention means the surface collection, storage, and reduction of storm water runoff for the purpose of providing infiltration of runoff into the soil.

92. Road (public) means any road or highway which is now or hereafter designated and maintained by the North Carolina Department of Transportation as part of the state highway system, whether primary or secondary, hard-surfaced or other dependable highways, and any road which is a neighborhood public road as defined in North Carolina General Statute 136-67, which definition is incorporated into this section by reference.
93. Salvage/recovery yard commercial means any accessory or principal use which is not in an enclosed building consisting of the buying and selling of junk; or, the storing and keeping of junk for commercial purposes (See Junk).
94. Salvage/recovery yard, private means any accessory or principal use which is not in an enclosed building consisting of the storing and/or keeping of junk for personal use except that the following shall be permitted on the same lot: two (2) of the following which are classified as junk under the provisions of this Ordinance (or any combination thereof); cars, trucks, boats, or other watercraft, motorcycles, or recreational vehicles; or one (1) of the following which are classified as junk under the provisions of this Ordinance; bus, tractor, ,a trailer commonly towed by a truck or tractor (not to include a manufactured or modular home) provided the units are stored and/or kept at a density no greater than one (1) per half acre and none are located closer than one hundred (100) feet of a front property line and are otherwise stored and/or kept in compliance with Article I, Section I-18 of this Ordinance (See Junk).
95. Salvage operations means the reclamation, dismantling, or storage of pre-used commodities, junk, and similar material for the purposes of resale, processing, distribution, or deposition.
96. Sanitary landfill means a facility for disposal of solid waste on land in a sanitary manner in accordance with Article 9 of Chapter 130A and as amended. (G.S. 130A-294, as amended).
97. Single-family residential means any development where: 1) no building contains more than one dwelling unit; and 2) every dwelling unit is on a separate lot, and 3) where no lot contains more than one dwelling unit.
98. School means any public or private institution for teaching.
99. Service station means a building or lot where gasoline, oil, grease, and automotive accessories are supplied and dispensed to a motor vehicle trade.
100. Setback means the distance between the minimum building line and the street right-of-way line and where no street right-of-way is involved, the property line shall be used in establishing the setback.
101. Shipping Container: a standard size container that is intended to be re-sealable and lockable that is used with standard equipment (cranes, trucks, trains, ships, etc...) for handling freight.
102. Sign mean any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, design, trade names, or trademarks by which anything is made known such

as the designation of an individual, firm, association, profession, business commodity or product which are visible from any public way and used to attract attention.

103. Sign area of means that sign area shall be computed by the smallest square, triangle, rectangle, circle, or combination thereof which will encompass the entire sign including lattice work, frame, or supports incidental to its decoration. In computing the area, only one (1) side of a double-faced sign structure shall be considered.
104. Sign business identification means any sign which advertises an establishment, service, commodity, or activity conducted upon the premises where such sign is located.
105. Sign outdoor advertising means any sign which advertises an establishment, service, commodity, goods, or entertainment sold or offered on premises other than that on which such sign is located.
106. Sign portable means any sign not exceeding eighty (80) square feet in billboard area and constructed as a part of or attached to a trailer.
107. Site specific development plan means a plan of land development submitted to the County for purposes of obtaining a Conditional Use Permit, Special Use Permit, or Zoning Permit. If a Conditional or Special Use Permit is not normally required for the type of a development for which a vested right is sought, a site specific development plan for the sue may be approved as a Special Use, if the normal procedures in the ordinance for obtaining a Special Use Permit are followed. Notwithstanding the foregoing, neither a variance nor any other document that fails to describe with reasonable certainty the type and intensity of use for a specific parcel or parcels of property shall constitute a site specific development plan.
108. Solar Power Generation Facilities: a facility that generates electrical energy from the sun, primarily by using photovoltaic panels, to be distributed into the local power grid.
109. Storage means the deposition of commodities, items, materials and/or junk for the purposes of future use or safekeeping.
110. Stream buffer means a fifty (50) foot vegetated buffer along both sides of all perennial streams as defined by the USGS as ones “which flow continuously” and are indicated by solid blue lines on 7 ½ minute topographic maps.
111. Street means a public or private thoroughfare which affords access to abutting property and is recorded as such in the Office of the County Register of Deeds.
112. Structure means anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land.
113. Subdivision means all division of a tract or parcel of land into two (2) or more lots, building site, or other divisions for the purpose, whether immediately or future, of sale or building

development, and all division of land involving the dedication of new streets or a change in existing streets provided, however, that the following shall not be included within this definition:

- A. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards as contained herein.
 - B. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
 - C. The public acquisition by purchase of strips of land for the widening or opening of streets.
 - D. The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three (3) lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision regulations.
114. Surface impervious means any man-made coverage of land that prevents the natural infiltration of water into the soil.
115. Tourist home means any building occupied by the owner or operator in which rooms are rented for lodging of transients and travelers for compensation.
116. Townhouse means a single family dwelling unit constructed in a series or group of attached units with property lines separating such units. The minimum number of townhouses attached to each other shall be two (2) and the maximum number shall be six (6).
117. Toxic substance means any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their off spring or other adverse health effects.
118. Use means the purpose for which land or structures thereon are designed, arranged, or intended to be occupied or used; or for which it is occupied, maintained, rented, or leased.
119. Use conditional means a use permitted in a zone only after specific findings by the Board of Adjustment.
120. Use-by-right means a use which is listed as an unconditionally permitted activity in this Ordinance.

121. Variance means a grant of relief to a person from the requirements of this Ordinance, that is not a relaxing or waiver of a water supply watershed requirement, which permits construction or use in a manner otherwise prohibited by this Ordinance in instances where specific enforcement of the requirements of this Ordinance would result in an unnecessary hardship. See also the definitions for variance, major and variance, minor.
122. Variance major means a variance from the minimum statewide water supply watershed protection rules that results in the relaxation, by a factor of more than ten (10) percent, or any management requirement that takes the form of a numerical standard.
123. Variance minor means a variance from the minimum statewide water supply watershed protection rules that results in a relaxation by a factor of up to ten (10) percent of any management under the low-density option.
124. Vegetation means evergreen trees, including, but not limited to, white pine, evergreen shrubs, red tipped photina, wax myrtle, or other plants, which reach a height of at least six (6) feet at maturity.
125. Warehouse means a building or compartment in a building used and appropriated by the occupant for the deposit and safekeeping or selling of his own goods at wholesale, and/or for the purpose of storing the goods of others placed there in the regular course of commercial dealing and trade to be again removed and reshipped.
126. Watershed means the entire land area contributing surface drainage to a specific point (e.g. the water supply intake.)
127. Yard means any open space on the same lot with a building and unoccupied from the ground upward.
128. Yard, front means a yard across the full width of the lot, extending from the front line of the building to the front lot line.
129. Yard, rear means a yard located behind the rear line of the main building, if extended to the perimeter of the lot.
130. Yard, side means a yard between the building and side lot line, extending from the front building line to the rear building line.
131. Zero lot line dwelling means a detached single-family dwelling on a lot with a side yard requirement on one (1) side of the lot.
132. Zoning permit means a permit issued by the Zoning Administrator or his authorized agents, that permits the applicant to use or occupy a tract of land or a building; or to erect, install, or alter a structure, building, or sign situated in the jurisdiction of the County that fully meets the requirements of this Ordinance.

133. Zoning vested right means a right pursuant to G.S. 153A-344.1 to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan.

ARTICLE VIII

ENFORCEMENT

Section VIII-1 Enforcement

- A. Policy on initiating the most appropriate actions. It is the policy of Northampton County Board of Commissioners that the purposes and intent of this Ordinance will normally be served best if the Zoning Administrator, or his designee, first seeks to have a violation brought into compliance by voluntary cooperation.
- B. Zoning Administration to be notified of violations. Whenever a violation of this Ordinance is known or suspected to exist or expected to be committed, any person may so notify the Zoning Administrator, or his designee.
- C. Zoning Administrator to investigate violations. Upon receiving any information which suggests a violation of this Ordinance, the Zoning Administrator, or his designee, shall conduct or cause to be conducted, an investigation to determine whether a violation exists or is reasonably expected to be committed.
- D. Notice of Violation. The Zoning Administrator, or his designee, if he determines a violation exists or is reasonably expected to be committed, shall promptly give notice by certified or registered mail, return receipt requested, or by personal service to the owner or owners of record for tax purposes of the property involved. The notice shall indicate the location and the nature of the violation or expected violation; the provision or provisions of this Ordinance which allegedly have been or are expected to be violated; the nature of the criminal and civil actions which may be brought; and whether immediate enforcement will be sought or thirty (30) days allowed to correct or removed the violation. However, a defect in the giving of the notice of violation or in the contents of the notice of violations shall not prevent the enforcement of this Ordinance. Moreover, enforcement may be initiated prior to the giving of notice, if the Zoning Administrator, or his designee, deems such action necessary.
- E. Enforcement after thirty (30) days. When the notice of violation referred to in (D) above was one which advised that thirty (30) days would be allowed to correct or remove the violation, as soon as thirty (30) days have expired from the date on which the notice of violation was mailed or served, the Zoning Administrator, or his designee, shall initiate or cause to be initiated any legal or equitable action which he deems appropriate, unless:

- (1) it has been demonstrated to the Zoning Administrator, or his designee, that the violation has been corrected or removed or will not be committed; or
- (2) an appeal of the action of the Zoning Administrator, or his designee, has been filed with the Board of Adjustment in which case the appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Adjustment, after notice of appeal has been filed with him, that because of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In that case, proceedings may not be stayed except by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Zoning Administrator, and on due cause shown.
- F. In case of urgency where time is of the essence, the Zoning Administrator may proceed directly with appropriate legal action if he deems it necessary.
- G. The Zoning Administrator shall keep records of all amendments to the Zoning Ordinance. Any amendments relating specifically to the water supply watershed protection regulations shall be submitted to the Water Quality Section of the Division of Environmental Management.
- H. The Administrator shall also keep a record of all variance. Any variances to the local water supply watershed regulations shall be submitted each calendar year to the Water Quality Section of the Division of Environmental Management on or before January 1st of the following year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

Section VIII-2 Zoning Permit

- A. No building, sign, or structure or any part thereof designed or intended to be used shall be erected or repaired until a Zoning Permit has been issued by the Zoning Administrator or his authorized representative. A fee of twenty dollars (\$20.00) shall be charged for the issuance of each Zoning Permit.
- B. Each application for Zoning Permit shall be accompanied by a recorded survey plat, drawn to scale, showing accurate dimensions of the lot to be built upon, accurate dimensions of the building or sign to be erected, its location on the lot, and such other information as may be necessary to provide for the enforcement of this Ordinance. If the lot to be built upon is a lot of record larger than two (2) acres and no recorded survey plat exists, a copy of a Land Records Map depicting the lot may be submitted for a recorded survey plat. An accurate record of such application and plats, together with a record of the action taken thereon, shall be kept in the Office of the Zoning Administrator.
- C. No permit for excavation or for erection of any building, sign, or part of a building or sign, or for repairs to or alteration of a building, or sign or the relocation of a building, or sign from the lot on which it is situated, shall be issued until after a statement to its intended use has been filed by the applicant.

Section VIII-3 Certificate of Occupancy/Compliance

No land shall be used or occupied and no building, sign, or structure erected or altered shall be used or changed in use until a Certificate of Occupancy/Compliance has been issued by the Zoning Administrator stating that the building, sign, and/or the proposed use complies with the provisions of this Ordinance. A certificate of the same shall be required for the purpose of changing any existing use; as well as for maintaining, reviewing, changing, or extending any nonconforming use.

The aforementioned Certificate shall be applied for coincidentally with the application for a Zoning Permit and shall be issued within ten (10) days after the erection or alterations of such building or part shall have been completed in conformity with the provisions of this Ordinance. A record of all such certificates shall be kept on file and copies shall be furnished, upon request, to any person having a propriety for tenancy interest in the building or land.

Section VIII-4 Penalties for Violations

Criminal and civil provisions for enforcement shall be consistent with the provisions of the North Carolina General Statutes as follows:

- A. Violation of this Ordinance shall be a misdemeanor as provided by N.C.G.S. 153A-123(B) and N.C.G.S. 14-4.
- B. This Ordinance may be enforcement by injunction and order of abatement, and all other appropriate equitable remedies to insure compliance with this Ordinance as provided in N.C.G.S. 153A-123.
- C. Each day's continuing violation of this Ordinance is a separate and distinct offense as provided in N.C.G.S. 153A-123(g).
- D. The Zoning Administrator shall act as complaining witness when necessary to initiate a criminal action against a violator or violators. Further, the Zoning Administrator is hereby authorized by the Northampton County Board of Commissioners to sign and execute all necessary legal documents if a civil action by the County of Northampton is required in order to enforce this Ordinance.

Section VIII-5 Right of Appeal

If the Zoning Permit and/or Occupancy/Compliance Certificates are denied, the applicant may appeal the action of the Zoning Administrator to the Board of Adjustment.

Section VIII-6 Zoning Permit Invalid if Work Not Commenced or Completed

Any Zoning Permit issued shall become invalid unless the work authorized by it shall have been commenced within six (6) months of its date of issue or if the work authorized by it is suspended or abandoned for a period of one (1) year or if such work is not completed within three (3) years of the date of the issuance of the Zoning Permit. Application may be made to the Zoning Administrator for a new Zoning Permit to replace any permit which shall become invalid under this Section.

ARTICLE IX
BOARD OF ADJUSTMENT

Section IX-1 Composition

The Northampton County Board of Commissioners shall create a Board of Adjustment consisting of five (5) members. The initial appointment to the Board of Adjustment shall be as follows:

Two (2) members shall be appointed for three (3) year terms. Two (2) members shall be appointed to two (2) year terms.

One (1) member shall be appointed for one (1) year term. Thereafter, all new terms shall be for three (3) years, and members may be reappointed.

The Board of Commissioners shall also appoint two (2) alternate members to serve in the absence of regular members. Both the initial appointment and new terms shall be for three (3) years, and alternate members may be reappointed. Each alternate member, while attending any regular or special meeting of the Board of Adjustment and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member.

Section IX-2 Rules for Proceedings of the Board of Adjustment

- A. The Board shall adopt rules governing its organization and for all proceedings before it. Such rules shall provide and require the following in addition to such other rules and regulations the Board shall adopt:
- B. The Board shall elect a chairman, vice-chairman and a secretary on an annual basis.
- C. The secretary shall keep detailed minutes of the proceedings. The minutes shall contain relevant facts and testimony of each appeal, the vote of each member on each appeal, abstention from voting, and attendance. The minutes shall contain the signature of the secretary and the chairman.
- D. No appeal may be heard unless a quorum is present. Board action changed a quorum to be 4/5 of the Board membership. (Amended March 1, 2010)
- E. The notice of the hearing shall be given to all parties having interest in an appeal.
- F. Any interested party may appear in person, by agent or by attorney, to offer evidence and testimony relative to an appeal.

Section IX-4 Fees

Fees for filing appeals to the Board of Adjustment shall be as follows:

Appeal of Administrative Determination	\$50.00
Appeal for Variance	\$275.00
Appeal for Conditional Use	\$275.00

Section IX-4 Powers and Duties of the Board of Adjustment

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

- A. Administrative Review: To hear and decide any appeal from and review any order, requirement, decision, or determination made by the Zoning Administrator.
- B. Variances: To authorize upon appeal, in specific cases, such variances from the requirements of this Ordinance which will not be contrary to the public interest. Where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship, a variance from the requirements of this Ordinance may be granted by the Board of Adjustment.

Applications for variance may be approved by the Board of Adjustment after the Board of Adjustment conducts public hearing for each variance application. The variance application must demonstrate and the Board of Adjustment must make an affirmative finding as follows:

1. That the approval of the variance will not impose any significant cost burden upon Northampton County and will not create any significant obstacle to implementation of the County's land-use plan;
2. That the approval of the variance will not materially endanger the public health, safety, or welfare if located where and as proposed, and developed according to the application and plan as submitted and approved;
3. That the use of the property otherwise meets all required conditions and specifications as specified by the Ordinance;
4. That the hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public.
5. That the hardship relates to the applicant's land rather than personal circumstances;
6. That the approval of the variance will cause no material hazard, annoyance or inconvenience to the owners or occupants of adjoining or abutting property;

7. That the approval of the variance will not materially injure the value of adjoining or abutting property, or that the use is a public necessity.
 8. That the approval of the variance will be in harmony with the general purposes and intent of this Ordinance, and will not be injurious to the neighborhood or the rights commonly enjoyed by other property owners in the same district.
- C. Major variance to water supply watershed regulations: If a major variance is requested to the water supply watershed regulations as specified in this Ordinance, the Board of Adjustment shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:
1. The hearing notice
 2. The evidence presented
 3. Motions, offers of proof, objective to evidence and rulings on them
 4. Proposed findings and exemptions
 5. The proposed decision, including all conditions proposed to be added to the permit

The preliminary record shall be sent to the Environmental Management Commission for its review as follows:

23. If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure no reasonable return from nor make any practical use of the property unless the proposed variance is granted, and (2) the variance, if granted, will not result in a serious threat to the water supply, then the commission shall approve the variance as prepared or shall prepare a commission decision and send it to the Board of Adjustment. If the Commissioner approves the variance as proposed, the Board shall prepare a final decision granting the proposed variance. If the Commission approves the variance with conditions and stipulations, the Board of Adjustment: shall prepare a final decision, including such conditions and stipulations, granted and proposed variance.
24. If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure a reasonable return from or make a practical use of the property without the variance or (2) the variance, if granted, will result in a serious threat to the water supply, the Commission shall deny approval of the variance as proposed. The Commission shall prepare a Commission decision and send it to the Board of Adjustment. The Board shall prepare a final decision denying the variance as proposed.

In granting any variance, the Board of Adjustment may prescribe any appropriate conditions, safeguards and restrictions regarding the location, character, and other features of the proposed building, structure or use as may be deemed necessary by the Board of Adjustment to protect property values and the general welfare of the neighborhood, and to ensure that the intent and purpose of this Ordinance are in all respects observed.

Unless otherwise specified, any variance granted by the Board of Adjustment shall expire if the applicant does not obtain a Building Permit or Certificate of Occupancy for such use within six (6) months from the date of the decision.

D. Conditional Uses: To hear and decide requests for Conditional Use Permits allowed by this Ordinance.

1. Objectives and Purpose – Conditional uses add flexibility to the Zoning Ordinance by permitting potential undesirable uses of property in specified districts when certain conditions are met. By means of controls exercised through the Conditional Use Permit procedures, uses of property, which would otherwise be undesirable in certain districts, can be developed to minimize any bad effects they might have on surrounding properties.

2. Procedure

- a. A Conditional Use Permit may be issued by the Zoning Administrator after approval by the Board of Adjustment for the uses as designated in the district regulations. The application for a Conditional Use Permit shall accompany the application for a Zoning Permit. The application for the Conditional Use permit shall be filed ten (10) working days prior to the date of review by the Board of Adjustment. The Board of Adjustment shall hold a public hearing prior to rendering a decision on the Conditional Use Permit, and if approved, shall include approval of such plans as may be required. In approving the permit, the Board of Adjustment shall find:

- (1) that the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;

- (2) that the use meets all required conditions;

- (3) that the location and character of the use, if developed according to the plans as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the County.

- b. In approving the Conditional Use Permit, the Board of Adjustment may designate such conditions, in addition and in connection therewith, as will, in its opinion, assure that the use in its proposed location will be harmonious and with the spirit and intent of this Ordinance. All such additional conditions shall be entered in the minutes of the meeting at which the Conditional Use Permit is granted, on the Conditional Use Permit, and on the plans submitted therewith. All conditions shall run with the land and shall be binding on the original applicant for the Conditional Use Permit, the heirs, successors, and assigns. In order to ensure that such conditions and requirements of each Conditional Use Permit will be fulfilled, the

petitioner for the Conditional Use Permit may be required to provide physical improvements required as a basis for the issuance of the Conditional Use Permit.

- c. If the Board of Adjustment denies the Conditional Use Permit, the reasons therefore shall be entered in the minutes of the meeting at which the permit is denied.
- d. The addition to the specific conditions imposed by this Ordinance, whatever additional conditions the Board of Adjustment deems to be reasonable and appropriate, conditional use shall comply with the height, yard, area, and parking regulations of the zone in which they are located.
- e. In the event that the Zoning Administrator finds that any provision of the Conditional Use Permit or any condition imposed by the Board of Adjustment is being violated, the permit shall thereupon immediately become void and of no effect. No Zoning Permits for further construction or Certificate of Occupancy/Compliance under the Conditional Use Permit shall be issued, and the use of all completed structures shall immediately cease and not thereafter be used for any purpose other than a Use-by-right as permitted by the zone in which the property is located.
- f. Where plans are required to be submitted and approved as part of the application for a Conditional Use Permit, modifications of the original plans may be made by the Board of Adjustment.

3. Expiration of Conditional Use

Unless otherwise specified, any conditional use granted by the Board of Adjustment shall expire if the applicant does not obtain a Building Permit or Certificate of Occupancy for such use within six (6) months from the date of the decision.

Section IX-5 Appeals

- A. Appeals from the enforcement and interpretation of this Ordinance, and appeals for Conditional Use Permits or variances, shall be filed with the Zoning Administrator, who shall transmit all such records to the Board of Adjustment.
- B. The Board of Adjustment shall fix a reasonable time, not to exceed thirty (30) days, for the hearing of the appeal and publish notice of such hearing in a newspaper of general circulation in Northampton County five (5) working days prior to the hearing. In addition, the Zoning Administrator shall post a sign on any property for which a Conditional Use Permit has been requested. The sign shall state the date, time and place of the public hearing to consider the issuance of a Conditional Use Permit and shall be posted at least five (5) days prior to the public hearing date.
- C. The Board of Adjustment, by a vote of at least four (4) of its five (5) members, may reverse any order, requirement, decision, or determination of the Zoning Administrator, or may decide in favor of the applicant a matter upon which the Board is required to pass under the Ordinance, or may grant a variance from the provisions of the Ordinance.
- D. Each decision of the Board of Adjustment is subject to review by the county superior court. Any appeal shall be filed with the clerk of superior court within thirty (30) days after the decision of the Board of Adjustment is filed in the Office of the Zoning Administrator, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Clerk of the Board of Adjustment at the time of the hearing of the case, whichever is later. The decision of the Board of Adjustment may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.
- E. For Conditional Use Permits or variance requests located within the water supply watershed, the County shall notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption. Such notice shall include a description of the request. Local governments receiving notice of the request may submit comments to the County prior to a decision by the Board of Adjustment.

ARTICLE X
AMENDMENTS

Section X-1 General

- A. The Northampton County Board of Commissioners may, at any time, amend, supplement, change, modify, or repeal the boundaries or regulations herein, or subsequently amended. Proposed changes or amendments may be initiated by the County Board of Commissioners, Planning Board, Board of Adjustment, or by one (1) or more owners, optionees, or lessees of property within the area proposed to be changed or affected.
- B. Petitions to amend this Ordinance shall be presented to the secretary of the Northampton County Planning Board for review and recommendation by said Board at least ten (10) working days prior to being considered by the Planning Board. The petition shall state the nature of the proposed amendment, a legal description of the property involved, and the name(s) of the property owner(s). Each petition, unless initiated by the Northampton County Board of Commissioners, Board of Adjustment, the Planning Board or administrative staff, shall be accompanied by a fee of four hundred dollars (\$400.00) to defray cost of advertising and other administrative costs involved.
- C. The Planning Board shall have sixty-five (65) days within which to submit its recommendation. Failure of the Board to submit its recommendation within this time period shall constitute a favorable recommendation. The Planning Board's report shall be submitted in writing to the County Manager and to the petitioner(s)/
- D. A public hearing shall be held by the Board of Commissioners before adoption of any proposed amendment of this Ordinance. A notice of such public hearing shall be published one a week for two (2) consecutive weeks in a newspaper of general circulation in Northampton County. Said notice shall be published the first time not less than ten (10) days and not more than twenty-five (25) days prior to the date established for such public hearing.

In addition, the Zoning Administrator shall post a sign on any property for which a petition to change the zoning classification has been received. The sign shall state the nature of the change requested and the date, time, and place of the public hearing and shall be posted on the property in question at least five (5) days prior to the public hearing date.

- E. Whenever there is a zoning classification action after October 1, 1985 involving a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed classification by first class mail at the last addresses listed for such owners on the county tax abstracts. The person or person mailing such notices shall certify to the Board of County Commissioners that fact, and such certificate shall be

deemed conclusive in the absence of fraud. This provision shall apply only when tax maps are available for the area to be zoned.

- F. When a petition for amendment is denied by the Board of Commissioners, a period of twelve (12) months must elapse before another petition for the same change previously involved may be submitted.

ARTICLE XI

LEGAL STATUS PROVISIONS

Section XI-1 Legal Status Provisions

- A. In its interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare.
- B. This Ordinance and the various parts, sections, subsections, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid as applied to a particular property, buildings, or structures shall not be affected hereby. Whenever any conditional or limitation is included in an order authorizing a Conditional use Permit, variance, zoning compliance permit, Certificate of Occupancy or site plan approval, it shall be conclusively presumed that the authorizing officer or body considered such condition of limitation necessary to carry out the spirit and purpose of this Ordinance or the requirement of some provision hereof, and to protect the public health, safety, and welfare, and that the officer or Board would not have granted the authorization to which the condition or limitation pertain except in the belief that the condition or limitation was lawful.
- C. All actions challenging the validity of this Ordinance, or amendment adopted thereto, shall be brought within nine (9) months after enactment.
- D. This Ordinance, adopted December 30, 1993 by the Northampton County Board of Commissioners, shall take effect and be in force from and after January 1, 1994.

Japer Eley/s
Chairman

Rose R. Sumner/s
Clerk