

ZONING ORDINANCE

BUNN
NORTH CAROLINA

Original Ordinance: 1981

New Ordinance: May 2007

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AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR THE TOWN OF BUNN, NORTH CAROLINA AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF AND CREATING A PLANNING AND ZONING BOARD IN ACCORDANCE WITH THE STATUTES OF NORTH CAROLINA GOVERNING MUNICIPAL ZONING.

BE IT ORDAINED AND ENACTED BY THE Board of Commissioners of the Town of Bunn, State of North Carolina, as follows:

ARTICLE I. PURPOSE AND AUTHORITY

Section 1.1 Purpose.

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

Section 1.2. Authority.

The provisions of this ordinance are adopted under authority granted by the General Assembly of the State of North Carolina. (General Statutes, Article 19, Chapter 160A.)

ARTICLE II. JURISDICTION

The regulations presented in this ordinance shall comply to all property within the corporate limits of the Town of Bunn, North Carolina, and within the territory beyond such corporate limits as now or hereafter fixed, for a distance of approximately one (1) mile in all directions, as established in ordinance with G.S. 160-A – 360, which is on file in the office of the Register of Deeds of Franklin County. This ordinance shall in no way regulate, restrict, or prohibit any Bona-Fide Farm and its related uses, except that any such use of property for non-farm purposes shall be subject to such regulations.

ARTICLE III. GENERAL PROVISIONS

Section 1. Application

The regulations set forth in this ordinance affect all land, every building and every use of land and/or building shall apply as follows:

1.1 New Uses or Construction

After the effective date of this ordinance, all new construction shall conform to the use, area, and bulk regulations for the district in which it is to be located.

1.2 Conforming Uses

After the effective date of this ordinance, land or structures, or the uses of land or structures which conform to the regulations for the district in which it is located may be continued, provided that any structural alteration or change in use shall conform to the regulations herein specified for the district in which it is located.

1.3 Government Buildings

All of the provisions of this ordinance are hereby made applicable to the erection, construction, and use of buildings by the State of North Carolina and its political subdivisions, as established in G.S. 160A-392. No land owned by the State of North Carolina may be included within a conditional use district without approval of the Council of State or its designate.

Section 2. Non-Conforming Uses

2.1 Purpose and Intent

If, within the districts established by this ordinance, or by amendments that may later be adopted, there exist lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this ordinance to permit these non-conformances to continue until they are removed (except signs, which are provided for below), but not to encourage their continuance. Such non-conformances are declared by this ordinance to be incompatible with permitted uses in the districts in which they are located.

It is further the intent of this ordinance that non-conformances shall not be enlarged upon, expanded or extended, or used as ground for adding other structures, or uses prohibited elsewhere in the same district.

2.2 Non-Conforming Lots of Record

In a district in which single family dwellings are permitted, notwithstanding limitations imposed by the other provisions of this ordinance, a single family dwelling and customary accessory building may be erected on any single lot in separate ownership which was recorded prior to the effective date of this ordinance or amendments to it. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Planning and Zoning Board.

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership, are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet at least eighty percent (80%) of the required lot width and area of the district in which they are located, the land involved shall be considered to be an undivided parcel for purposes of this ordinance, and no portion of said parcel shall be used or sold which does not meet width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot width or area below the requirements stated in this ordinance.

2.3 Non-Conforming Open Uses of Land

This category of non-conformances consist of lots used for storage yards, used car lots, auto wrecking, junk yards, golf driving ranges, and other open uses where the only buildings on the lot are incidental and accessory to the open use of the lot, and where such use of the land is not permitted to be established hereafter under this ordinance in the district in which it is located.

- a) When a non-conforming open use of land has been changed to a conforming use, it shall not thereafter be used for any non-conforming use.
- b) Non-conforming open uses of land shall not be changed to any but conforming uses.
- c) A non-conforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became non-conforming.
- d) When any non-conforming open use of land is discontinued for a period in excess of ninety (90) days, any future use of the land shall be limited to those uses permitted in that district under the provisions of this ordinance. Vacancy and/or non use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

2.4 Non-Conforming Uses of Structures

This category of non-conformances consists of structures used, at the time of passage of this ordinance, for purposes not permitted in the district in which they are located.

- a) A non-conforming use of a structure may be changed to a conforming use.
- b) A non-conforming use of a structure shall not be changed to another non-conforming use.
- c) When a non-conforming use of a structure has been changed to a conforming use, it shall not thereafter be used for any non-conforming use.
- d) A non-conforming use of a structure shall not be extended or enlarged except into portions of the structure which at the time the use became nonconforming, were already erected and arranged or designed for such non-conforming use. No structural alterations shall be made in any structure occupied by a non-conforming use, except those required by law or ordinance or ordered by the Building Inspector to secure the safety of the structure.
- e) When any non-conforming use of a structure is discontinued for a period in excess of one hundred twenty (120) calendar days, any future use of the structure shall be limited to those

uses permitted in that district under the provisions of the ordinance. Vacancy and/or non-use of the building for a period of one hundred twenty (120) calendar days, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

2.5 Non-Conforming Structures

Where a lawful structure exists on the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on the area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a) No such structure may be enlarged or altered in a way which increases its non-conformity.
- b) Should such a structure be moved for any reason for any distance whatever it shall hereafter conform to the regulations for the district in which it is located after it is moved.

Repairs and Maintenance

On any structure on a non-conforming lot, a structure containing a non-conforming use, or a non-conforming structure, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding 20 percent of the current assessed value of the buildings, provided that the cubicle content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased. Should such building or structure be destroyed or damaged by any means to an extent of 100 percent of its current assessed value, it shall not be reconstructed except in conformity with the provisions of this ordinance. Lesser damage may be repaired or reconstructed.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any city official charged with protecting the public safety, upon order of such official.

.7 Non-Conforming Signs

- a) Signs made of paper, cloth or other non-durable material that does not comply with the requirements of this ordinance shall be removed within six months from the effective date of this ordinance.
- b) All other signs that do not comply with the requirements of this ordinance shall not be replaced with new non-conforming signs and shall be removed within one year from the effective date of this ordinance.

.8 Non-conformances Created by Changes in Zoning Boundaries or Regulations

Any non-conformances created by a change in district boundaries or ordinance regulations after the effective date of this ordinance shall also be governed by the provisions of this section.

2.9 Special Uses are Conforming

Any use for which a Special Use Permit is issued, as provided in this ordinance, shall without further action be deemed a conforming use unless otherwise provided in this ordinance or

otherwise provided as a condition of issuance of such permit. Any extension by or addition to such use shall meet all requirements of this ordinance.

Section 3. Zoning Ordinance Regulations

3.1 Mixed Uses

When two or more uses occupy the same building, the greatest yard requirements applicable to any such uses in the district in which the lot is located shall apply to such buildings. Off-street parking and loading requirements shall be met in full for all uses in such buildings.

3.2 Fractional Requirements Under this Ordinance

When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a unit and a fraction of less than one-half shall be disregarded. When the determination of the number of dwelling units permitted on a lot results in a fraction of a dwelling unit, a fraction of one-half or more shall be considered a dwelling unit and a fraction of less than one-half shall be disregarded.

3.3 Nuisance and Hazard

In no case shall any non-residential use of home occupation conduct operations or produce conditions resulting in noise, odors, smoke, glare, dust, gases, electrical or other radiation, or other characteristic of a type or to an extent which the Building Inspector shall determine to be a nuisance or a hazard to adjacent or neighboring properties.

3.4 Every Lot Must Abut a Street

No building, structure or use of land for other than agricultural purposes shall be established on a lot which does not abut a dedicated and accepted public street (see Appendix I, Figure 3 for an illustration).

3.5 One Principal Building Per Lot

Not more than one principal building shall be constructed on any lot, except as specifically noted under other provisions of this ordinance.

3.6 Corner Lots

Any structure on any corner lot shall comply with the minimum setback (front yard) requirements of the street which it faces, and shall comply with fifty percent (50%) of the minimum setback requirements of any other street which the corner lot abuts. Where a structure faces a corner formed by two streets having different setback requirements, the structure shall comply with the more restrictive requirements. In case of doubt as to which street a structure faces or if a structure is built so as not to face any street, the Building Inspector shall determine which setback, side yard and rear yard requirements apply. A street within the meaning of this section shall also include a proposed street.

3.7 Zoning Affects Every Building and Use

Except as hereafter provided, no building shall be erected, reconstructed or structurally altered, nor any site preparations commenced, nor shall any building or land be used except in compliance with all the regulations established by this ordinance for the district in which the building or land is located.

- 3.8 Locations of Building Lines on Irregularly Shaped Lots
Locations of front, side, and rear building lines on irregularly shaped lots shall be determined by the Building Inspector of the Town of Bunn. Such determinations shall be based on the spirit and intent of the district regulations to achieve spacing and location of buildings or groups of buildings on individual lots.
- 3.9 Visibility at Intersections
On a corner lot in all districts except the C-1 Downtown Commercial District, nothing shall be erected, planted, or allowed to grow in such a manner as to impede vision within a triangular area measured thirty (30) feet along street right-of-way lines from the point at which they intersect at the corner.
- 3.10 Minimum Frontage
Where a minimum frontage is specified in these regulations, it shall be measured at the front yard setback line (See Appendix I, Figure 2 for an illustration).
- 3.11 Uses Prohibited
If either a use or class of use is not specifically indicated as being permitted in a district, either as a matter of right or as a conditional use, then such use or class of use shall be prohibited in such district.
- 3.12 Required Buffers
In order to lessen the impact of incompatible land uses, a buffer strip, at least fifty (50) feet in width, shall be provided and maintained to separate those uses which are deemed to have a negative effect on residential areas. When new commercial or manufacturing construction will abut an existing residential district or use, a buffer strip with a visual buffer shall be provided and maintained by the commercial or manufacturing use. In addition, when new residential construction will abut an existing commercial or manufacturing use, or abuts a limited access highway or railroad, the buffer strip shall be provided by the residential developer. This buffer strip shall be part of the lot(s) and shall be maintained by the lot owner(s) or homeowners association, in the case of commonly owned land. All land uses must conform to the provisions in Article IX.
- 3.13 Walls and Fences
The setback requirements of these regulations shall not prohibit any necessary retaining wall or prohibit any planted buffer strip, fence or wall. However, no fence or wall shall exceed a height of six (6) feet in any front or side yard. In no case shall barbed wire type fencing be used in a residential district.
- 3.14 Substandard Lots of Record
Where the owner of one (1) or more lots of record in any residential district does not own sufficient land at the time of the adoption of this ordinance to allow him to conform to the minimum lot size requirements, such lots may be used as building sites, provided that the other requirements of the district are complied with.
- 3.15 Exceptions to Height Requirements
The district height limitations stipulated elsewhere in this ordinance may be exceeded but such modification shall be in accordance with the following:

- a) Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys, shall not exceed in height their distance from the nearest lot line.
- b) Special structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, shall not exceed in height their distance from the nearest lot line.
- c) Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this ordinance.
- d) Communication structures, such as radio and television transmission and relay towers, aerials, and observation towers shall not exceed in height two (2) times their distance from the nearest lot line, or as identified in the provisions of Article XI: Telecommunication Towers.
- e) Agricultural structures, when applicable, such as barns, silos, tanks, and windmills, shall not exceed in height two (2) times their distance from the nearest lot line.
- f) Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot or fraction thereof the structure exceeds the heights therein established.

3.16 Required Open Space May Not be Used by Another Building

No part of any yard, other open space, or off-street parking or loading space required about or in connection with any building, structure or use by this ordinance shall be considered to be part of a required yard, or other open space or off-street parking and loading space for any other buildings, structures or use of off-street parking spaces.

3.17 Open Space Not to be Encroached Upon

The minimum yards or other open spaces or off-street parking or loading space required by this ordinance, including those provisions regulating intensity of use, for each and every building or other structure hereafter erected or structurally altered shall not be encroached upon or considered as meeting the yard or open space requirements for any other building.

3.18 Reduction of Lot and Yard Areas Prohibited

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

3.19 Location of Accessory Uses or Buildings

Accessory buildings may be erected in any required side or rear yards provided no separate accessory building shall be erected within ten (10) feet of any other building, or within five (5) feet from any lot lines. No accessory building shall be located on the side yard required on the street side of a corner lot. All accessory buildings shall conform to the guidelines specified in Article V.

3.20 Mobile Offices as Accessory Uses

When a mobile office is located on a lot as an accessory use to a principal building, the mobile office shall not be located within fifteen (15) feet of any permanent structure or within fifteen (15) feet of any property line, and must conform to all provisions set forth in this Ordinance.

3.21 Home Occupations

A home occupation as permitted and defined in this ordinance shall be governed by the following requirements:

- a) Only one person other than those residing in the home shall be engaged in the occupation
- b) The occupation shall not be visible from the street.
- c) The home shall continue to be used principally as a dwelling.
- d) The occupation shall not involve the retail sales of products.
- e) No accessory building shall be used for a home occupation.
- f) There shall be no change in the outside appearance of the building or premises, except one nonilluminated sign not exceeding three (3) square feet in area.
- g) No equipment or process shall be used in such home occupation which creates noise, vibration, fumes, odors, or which causes electrical interference in radio and television reception.
- h) All Home Occupations shall conform to the guidelines specified in Article V of this ordinance.

3.22 Outdoor Lighting

Outdoor lighting fixtures shall be installed in a manner to protect the street and neighboring properties from direct glare or hazardous interference of any kind. Lighting fixtures shall not exceed a height of 25 feet, and the light direction angle shall not exceed 45-degrees from vertical.

Section 4. Boundaries of Districts

The boundaries of each zoning district are hereby established as shown on the map entitled “Official Zoning Map of the Town of Bunn, North Carolina, and Vicinity,” and as it may be hereafter amended, which accompanies and is hereby declared to be a part of this ordinance. Unless otherwise specifically shown on said map, the boundaries of the districts are street centerlines or lot lines as they existed at the time of the establishment of the boundary in question. Where uncertainty exists as to the boundaries of any district shown on said map, the following rules shall apply.

- a) Where a district boundary appears to divide a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the map. In the event that a district boundary line on the Zoning Map divides a platted lot held in one ownership on the date of passage of this ordinance, each part of the lot so

divided shall be used in conformity with the regulations established by this ordinance for the district in which each part is located.

- b) In case any further uncertainty exists, the Planning and Zoning Board shall interpret the intent of the map as to the location of district boundaries.
- c) Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the official Zoning Map which shall be normally located in the office of the Building Inspector and which shall bear his written certification shall be the final authority as to the current zoning status of land, buildings or other structures in the affected territory, as described in Article II.

Section 5. Interpretation of District Regulations

Uses not designated as permitted uses in Article V shall be prohibited. Additional uses, where in character with the district, may be added to the ordinance by amendment.

Section 6. Conflict with Other Laws

It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing easements or permits previously adopted or issued pursuant to law. However, wherever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern. Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yard or courts to require a lower height of building or a less number of stories or require a greater percentage of lots to be left unoccupied, or impose other standards than are required by the regulations made under authority of this ordinance, the provisions of such statute or local ordinance or regulation shall govern.

Section 7. Remedies

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

Section 8. Penalties

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

Section 9. Separability Clause

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

ARTICLE IV. ESTABLISHMENT OF ZONING DISTRICTS

For the purpose of this ordinance, the Town of Bunn, North Carolina, is hereby divided into the following zoning districts:

Section 1. R-1 Low-Density Residential

This district is defined as low-density residential areas and additional open areas where similar residential development will be a viable land use. The uses permitted in this district are designed to stabilize and protect the essential character of the area and to prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations. Manufactured homes shall be allowed in this district, subject to regulations in Article X. Agricultural uses shall also be permitted in this district.

Section 2. R-2 Medium Density Residential

This district is established to provide a quiet, medium density living environment consisting of single family detached dwellings, two-family dwellings, medium-density multi-family dwellings and related uses necessary for a sound neighborhood. The regulations for this district are designed to stabilize and encourage a healthful environment for family life

Section 3. R-3 High Density Residential

This district is established to accommodate more dense development including single-family homes on smaller lots, two- and multi-family housing, and their accessory uses. This district provides areas in the community for residents desiring smaller residences and multi-family options in higher-density neighborhoods closer to commercial zoning districts. Due to the dense nature of development in this zone, it is expected that municipal water and sewer lines will be available to each lot in this district.

Section 4. C-1 Downtown Commercial

The purpose of this district is to accommodate and encourage further expansion and renewal in the downtown business core of the Town of Bunn. A variety of business, retail, professional, financial, cultural, and other related services are permitted in an effort to provide the mix of activities necessary to attract shoppers.

Section 5. C-2 Neighborhood Business

This district is established to accommodate locations where a group or groups of small establishments may be appropriately located to serve commercial and personal service needs of residents within the surrounding neighborhood, while maintaining an appropriate community appearance. It is not intended to permit major commercial or service establishments.

Section 6. C-3 Highway Commercial

The intent of this zone would be to encourage the establishment of areas for general business that do not require a central location. This district should be located along major radial highways leading out of town where they provide retailing goods and services to the traveling public and local residents. The district is intended to provide for offices, personal services, and the retailing of durable and convenience goods for the community. Because these commercial uses are subject to public view and are important to the economy of the community, they should have ample parking, controlled traffic movement and suitable landscaping. 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:

- a) outside storage must be screened from public view by opaque fencing, screening, or landscaping;
- b) outside storage shall be limited to the rear and side of the principal building;
- c) storage of unsafe (corrosive, flammable, or explosive materials) or hazardous material shall comply with any local, State, or Federal requirements; and
- d) outside storage must be on the premises of the business.

Section 7. I-1 Light Industrial

This district shall establish and preserve areas for industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of commercial uses which are most appropriately located as neighbors of industrial uses or which are necessary to service the immediate needs of people in these areas. It will 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:

- a) all assembly and/or manufacturing be confined within the building;
- b) 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 on the premises of the business; and
- c) anyone 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.

Section 8. I-2 Heavy Industrial

This district will provide an area to permit a range of assembling, fabricating, warehousing, and heavy manufacturing, or any other activities that have significant environmental impacts due to noise, odor, smoke, traffic, or other impacts. 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:

- a) outside storage must be screened from public view by opaque fencing, screening, or landscaping;
- b) outside storage shall be limited to the rear and side of the principal building;
- c) storage of unsafe (corrosive, flammable, or explosive materials) or hazardous material shall comply with any local, State, or Federal requirements; and
- d) outside storage must be on the premises of the business.

This district should be separated from residential areas by natural or structural features such as 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.

Section 9. VMD Village Mixed Use

This district will allow design flexibility that promotes development of village centers that contain a mix of compatible residential, retail, office, and institutional land uses. Land uses that may be permitted include single- and multi-family residential, neighborhood commercial and institutional uses. New development or redevelopment shall have access from a thoroughfare and shall connect to public water and sewer. Development of this district should be pedestrian-oriented and adhere to design standards in order to facilitate a more pedestrian-friendly built environment. This district is specifically designed to incorporate low to medium residential uses with moderate commercial development. The following standards are established for this district and designed to protect adjoining areas from undesirable aspects of commercial development.

a) Shall apply to all nonresidential development and building groups.

b) Miscellaneous Regulations

- Maximum height 35'

- Maximum Gross Floor Area shall be as follows:

Lot Area	GFA
15,000 - 43,560 sq. ft.	4,000
43,561 - 100,000 sq. ft.	4,000 + .05 lot area over 43, 561
Over 100,000 sq. ft.	9,000 + .01 lot area over 100,000

- Twenty (20) percent of the total development shall remain as open space.

c) Parking & Circulation

a.i. Parking shall be limited to fifty-four (54) spaces per development. Multi-family dwellings such as apartments, duplexes, and townhouses will be limited to a maximum of one hundred and thirty-five (135) spaces per development.

Developments that exceed the maximum parking restrictions shall reduce the size of the development to meet the parking standards. (Maximum occupant load according to the NC Building Code will be used to determine the building occupancy.)

a.ii. Parking shall face internal to the development and shall no be directed onto any residential lot.

a.iii. No parking shall be located within ten (10) feet of any property line.

a.iv. No development shall have more than two total points of access for ingress and egress per road frontage.

d) Trash receptacles shall be screened from public view.

e) Outside Storage

- a.i. Outside storage must be screened from public view by opaque fencing, screening, or landscaping.
- a.ii. Outside storage shall be limited to the rear and side of the principal building.
- a.iii. Storage of unsafe (corrosive, flammable, or explosive materials) or hazardous materials shall comply with any local, State, or Federal requirements.
- a.iv. Outside storage must be on the premises of the business.

f) Lighting

- a.i. All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line does not exceed 0.3 onto adjacent residential property.
- a.ii. Light sources shall be concealed and fully shielded from view off-site and shall feature sharp cut-off capability so as to minimize up-light, spill-light, glare, and unnecessary diffusion on adjacent property.
- a.iii. Maximum height of light poles with a ninety (90) degree or less cutoff fixture, measured from the light stream to the ground, shall be twenty-five (25) feet. Maximum height of light poles without a full ninety (90) degree or less cutoff fixture, measured from the light stream to the ground, shall be sixteen (16) feet.
- a.iv. All exterior lighting, on or off the building, shall be either amber in color or turned off between 11:00 PM or one hour after closing, whichever is earlier, and 5:00 AM or one hour before opening, whichever is later, with the exception of low-wattage landscaping lighting, customer entrance, or service area lights aiming down and installed under a canopy of similar roof structure.
- a.v. No flickering or flashing lights permitted.

g) Signage

Signage shall follow the provisions of Article XII.

h) Compatibility

All uses in the VMD district shall be conditional uses that shall be reviewed by the Planning and Zoning Board to ensure compatibility with the spirit and intent of the Bunn Zoning Ordinance, Bunn Future Land Use Plan, and adjacent land uses.

Section 10. C-OD Conservation Overlay District

This district is intended to assist in protecting against extreme hazard, loss of life and severe flood damage in Flood Plain areas. This overlay district is established to be the flood hazard area shown on the most recent flood maps for Bunn. Uses in this district are intended to be associated with open space, recreational and agricultural land uses and shall not hinder movement of floodwaters.

Section 11. Official Zoning Map

The Town of Bunn is hereby divided into districts whose locations and boundaries are shown on the official zoning map for the town 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 the Town of Bunn.

The map shall be identified by the signature of the Mayor, attested by the Town Clerk, and bearing the official seal of the Town of Bunn under the following words: "This is to certify that this is the official zoning map of the zoning ordinance for the Town of Bunn, 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 Town Board the following changes were made in the official zoning map: (brief description of nature of change)." The entry shall be signed by the Mayor and attested by the Town Clerk. No amendment 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 Town Board shall give official notice of the zoning change to the zoning administrator within twenty-four (24) hours after passage of said change. The official zoning map, which shall be located in the town hall, shall be the final authority as to the current zoning status of land, water areas, and buildings in the town.

- a) Replacement of Official Zoning Map – In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret, the town board 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 Mayor and Town Clerk and shall bear the seal of the Town 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 town board that a zoning change has been made, the zoning administrator shall make the necessary changes on the official zoning map within **two weeks** of notification.

Section 12. Rules of 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 centerline of a street, highway, railroad right-of-way, utility easement, stream bed or river bed, 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 the town limits shall be construed as following such town limits.
- d) If a district boundary divides a lot, the requirement for the district in which the greater portion of the lot lines 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.
- e) Where any public street or alley is hereafter officially vacated or abandoned, the regulations applicable to parcels of abutting property shall apply to that portion of such street or alley thereto by virtue of such vacation or abandonment.
- f) In case any further uncertainty exists, the Planning and Zoning Board shall interpret the intent of the map as to location of such boundaries.

Section 13. Provisions Regarding Use

Within the various zoning district established by this ordinance and designated on the official zoning map, no building or structure shall be constructed, erected, altered, used, moved or maintained, and no land shall be used or maintained except in accordance with the provisions of this ordinance.

ARTICLE V ZONING DISTRICT REGULATIONS

Section 1. Table of Permitted Uses

Districts in which particular uses are permitted as a use-by-right are indicated by "p." Uses not specifically listed in the Table of Permitted Uses are prohibited. Districts in which particular uses are permitted as a use-by-right with certain conditions are indicated by "p" with a reference to a footnote to this table.

Districts in which particular uses are permitted as a conditional use upon approval of the Planning and Zoning Board are indicated by "C." Districts in which particular uses are permitted as a special use upon approval of the Bunn Town Council are indicated by "S." See Article VI: Conditional and Special Uses for details of each conditional and special use.

Districts in which particular uses are prohibited are indicated by a blank.

Minimum zoning district area (acreage) requirements are defined in Article VII: Table of Area, Yard, and Height Requirements.

Town of Bunn Permitted Use Table

PERMITTED USES	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	VMD	C-OD
ABC STORES						p			c	
ACCESSORY STRUCTURE (See Note 1)	p	p	p	p	p	p	p	p	c	
ACCESSORY USES Incidental to any permitted use	p	p	p			p	p	p	c	
ADULT BUSINESSES						c				
AGRICULTURAL PRODUCTION (crops)	p						p	p		p
AGRICULTURAL SUPPLY SALES				p	p	p	p			
AGRI-TOURISM	p						p			p
AIR CONDITIONING EQUIPMENT MANUFACTURING								c		
AIRPORT OPERATIONS, AIRCRAFT PORT, HELIPORTS							p	p		
AMBULANCE SERVICE/RESCUE SQUAD				p	p	p	p	p		
ANIMAL HOSPITALS/ VETERINARIANS						p			c	
ANTIQUÉ SALES				p	p	p			c	
APPAREL & ACCESSORY SALES				p	p	p			c	
APPLIANCE STORE				p	p	p			c	
ARTS AND CRAFTS				p	p	p			c	
ASSEMBLIES (Coliseums, Gymnasiums, and Similar Structures)					p	p				
PERMITTED USES	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	VMD	C-OD

ASSEMBLY AND/OR MANUFACTURING OF EMERGENCY COMMUNITY SUPPORT VEHICLES							p	p		
ASSEMBLY AND PACKAGING OPERATIONS							p	p		
AUCTION					p	p				
AUTOMOBILE AND TRUCK ASSEMBLY								c		
AUTOMOBILE AUCTION FACILITY							p			
AUTOMOBILE PARTS SALES (New Only)				p	p	p			c	
AUTOMOBILE REPAIR SERVICE					p	p				
AUTOMOBILE SERVICE STATION (including self-service gas pumps)				p	p	p				
AUTOMOBILE/TRUCK/TRAILER SALES AND RENTAL						p				
AUTOMATIC TELLER MACHINE (ATM)				P	P	P			C	
BAKERIES AND FOOD PRODUCT PREPARATION							p	p		
BARBER AND BEAUTY SHOPS				p	p	p			c	
BAR, NIGHT CLUB, TAVERN					p	p			c	
BED AND BREAKFAST INN (includes Boarding House and Tourist Homes)	C	C	C		C	C			c	
BEDDING AND CARPET MANUFACTURING							p	p		
BICYCLE SALES / REPAIR				P	P	P			C	
BLACKSMITH OR HORSE SHOEING SERVICES							p			
BLUEPRINTING AND PHOTOSTATING ESTABLISHMENTS				p	p	p				
BOAT SALES						p	p			
BOAT WORKS/REPAIR							p	p		
BOOKSTORE				p	p	p				
BOTTLING WORKS							p	p		
BOWLING ALLEY						P				
BRICK, TILE, AND POTTERY YARDS (excluding extraction from Earth)							p	p		
BUILDING COMPONENTS AND CONSTRUCTION MATERIALS MANUFACTURING								c		
BUILDING SUPPLY SALES						p	p			
BULK GRAIN STORAGE								c		
BULK MAIL AND PACKAGING					p	p	p	p	c	
BUS TERMINAL				p	p	p				
CABINET/ WOODWORKING SHOP					C	C	p	p		
PERMITTED USES	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	VMD	C-OD
CAR WASHES						p				
CATERING ESTABLISHMENTS					p	p			c	

CEMETERY	C	C	C		C	C				
CHURCH	p	p	p	p	p	p			c	
CLINIC SERVICES, MEDICAL & DENTAL				p	p	p			c	
CLOTHING ALTERATION AND REPAIR				p	p	p			c	
CLOTHING AND TEXTILE MANUFACTURING							p	p		
CLUB OR LODGE, PUBLIC OR PRIVATE			C	C	C	C				
COLD STORAGE PLANTS						p		c		
COLLEGES, UNIVERSITIES					p	p				
COMMUNICATION OR BROADCASTING FACILITY						p				
COMPUTER SALES				p	p	p			c	
COMPUTER SERVICES				p	p	p			c	
CONFERENCE CENTER/RETREAT FACILITIES					c	c	C		c	
CONTRACTORS, GENERAL BUILDING						p	p	p		
CONTRACTORS, HEAVY CONSTRUCTION						p	p	p		
CONVENIENCE CENTERS	C	C	C	C	C	C	C	C		
COSMETICS MANUFACTURING							p	p		
COUNTRY CLUBS, PRIVATE OR PUBLIC	C	C	C							
COURIER SERVICE				p	p	p	p		c	
CRAFT AND GIFT SHOPS				p	p	p			c	
CRATING SERVICES								c		
CRUDE PETROLEUM & NATURAL GAS							c	c		
CUSTOMARY HOME OCCUPATION (see Note 2)	p	p	p						p	
DAIRY PROCESSING AND DISTRIBUTION							p	p		
DAY CARE CENTER AND KINDERGARTEN	C	C	C	C	C	C	C	C	c	
DAY SPA				p	p	p			c	
DEMOLITION LANDFILL, PUBLIC OR PRIVATE							s	s		
DEPARTMENT STORES				p	p	p			c	
DISTRIBUTION CENTERS							p	p		
DRIVE-IN MOVIES						p				
DRUGS, LEGAL SALES				p	p	p			c	
DRUG STORE				p	p	p			c	
DRY CLEANERS AND LAUNDRIES				p	p	p			c	
DWELLING, MULTI-FAMILY		c	c						c	
DWELLING, SINGLE-FAMILY (one per lot)	p	p	p						c	c
DWELLING, TWO-FAMILY/DUPLEX	p	p	p		p				c	
PERMITTED USES	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	VMD	C-OD
ELECTRICAL APPLIANCE MANUFACTURING							p	p		
ELECTRICAL APPLIANCE SALES AND SERVICE				p	p	p				

ELECTRICAL COMPONENT MANUFACTURING							p	p		
ELECTRICAL INDUSTRIAL APPARATUS, ASSEMBLY							p	p		
ELECTRICAL INDUSTRIAL APPARATUS, MANUFACTURING							p	p		
ELECTRICAL MACHINERY MANUFACTURE AND/OR ASSEMBLY							p	p		
ELECTRONIC COMPONENT ASSEMBLY OPERATIONS							p	p		
EMERGENCY SHELTER	p	p	p	p	p	p	p	p	c	
EMERY CLOTH AND SANDPAPER MANUFACTURING							p	p		
EMPLOYMENT/ PERSONNEL AGENCY				p	p	p			c	
FABRICATED METAL PRODUCTS							p	p		
FABRIC OR PIECE GOODS STORE				p	p	p			c	
FAMILY CARE HOME		C	C	c	c				c	
FARM EQUIPMENT AND SMALL ENGINE REPAIR							C			
FARM MACHINERY ASSEMBLY AND REPAIR							p	p		
FEED AND GRAIN SALES AND STORAGE							p	p		
FERTILIZER MANUFACTURING AND COMPOUNDING								c		
FERTILIZER WHOLESALE AND RETAIL SALES							p			
FIBER MANUFACTURING							p	p		
FINANCIAL INSTITUTIONS (Bank, Savings and Loan, Credit Unions)				p	p	p			c	
FIRE/RESCUE STATION OPERATIONS	p	p	p	p	p	p	p	p	c	
FLEA MARKETS							p			
FLORIST				p	p	p			c	
FLOOR COVERINGS, SALES				p	p	p	p		c	
FLOUR AND FEED MILLS								c		
FOOD AND RELATED PRODUCTION, MISCELLANEOUS							p	p		
FOOD PROCESSING FACILITIES								c		
FOOD STORE				p	p	p	p		c	
FORESTRY	p						p			
FUEL OIL SALES							p	p		
PERMITTED USES	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	VMD	C-OD
FUNERAL HOME				p	p	p				
FURNITURE AND FIXTURES ASSEMBLY							p	p		
FURNITURE AND WOOD PRODUCT MANUFACTURING							p	p		
FURNITURE STORES				p	p	p				

GLASS, SALES				p	p	p			c	
PRODUCTION OF GLASS PRODUCTS FROM PURCHASED GLASS							p	p		
GOLF COURSE	C	C								
GOLF COURSE, MINIATURE					p	p			c	
GOLF DRIVING RANGE	C					c	C			
GRAIN MILL PRODUCTS								c		
GROCERY AND CONVENIENCE STORES				p	p	p			c	
HARDWARE STORES				p	p	p			c	
HATCHERIES								c		
HEATING, EQUIPMENT AND PLUMBING FIXTURES						p				
HEAVY EQUIPMENT MANUFACTURING								c		
HEALTH CLUB / GYMNASIUM				P	P	P			C	
HOME FURNISHINGS, MISCELLANEOUS						p			c	
HOME OCCUPATION (SEE NOTE 2)	P	P	P							
HOMELESS SHELTER			S		S	S				
HOSPITALS					c	c				
ICE PRODUCTION								c		
INDUSTRIAL AND COMMERCIAL MACHINERY, SALES						p	p			
INDUSTRIAL SUPPLIES AND EQUIPMENT SERVICES						p	p	p		
JEWELRY MANUFACTURING							p	p		
JEWELRY SALES AND WATCH REPAIR				p	p	p			c	
KENNEL OPERATIONS, CARE					p	p	p			
LABORATORY OPERATIONS, MEDICAL OR DENTAL					p	p				
LABORATORY RESEARCH					p	p	p	p	c	
LANDSCAPE AND HORTICULTURAL SERVICES					p	p				
LAUNDROMAT, COIN-OPERATED				p	p	p				
LAW ENFORCEMENT STATION	p	p	p	p	p	p	p	p	c	
LEATHER AND LEATHER PRODUCTS (no tanning)							p			
LEATHER AND LEATHER PRODUCTS (tanning)								c		
LEATHER PRODUCTS AND LUGGAGE MANUFACTURING							p	p		
LIBRARY				p	p	p			c	
LOCKSMITH, GUNSMITH				p	p	p	p		c	
PERMITTED USES	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	VMD	C-OD
MACHINE TOOL MANUFACTURING							p	p		
MACHINE WELDING SHOPS								c		
MANUFACTURED HOME SALES but excl. any residential occupancy						c				

MANUFACTURED HOME, Individual, For Office and Exhibition						C	C		c	
MANUFACTURED HOME, Individual, For Residential Occupancy	p									
MANUFACTURED HOME PARK but excl. any manufactured home sales	C									
PRODUCTION OF MANUFACTURED HOUSING AND WOOD BUILDINGS								c		
MEDICAL, DENTAL AND SURGICAL EQUIPMENT							p			
METAL FABRICATION FACILITIES								c		
MANUFACTURED OF MILLWORK, PLYWOOD AND VENEER								c		
MISCELLANEOUS RETAIL SALES				p	p	p			c	
MONUMENT WORKS								c		
MOTELS/HOTELS					p	p			c	
MOTOR VEHICLE ASSEMBLY								c		
MOTOR VEHICLE SALES (new and used)						p				
MOTORCYCLE SALES						p				
MUSICAL INSTRUMENT SALES				p	p	p			c	
NEWSSTAND				p	p	p			c	
OFF-STREET PARKING AND LOADING FACILITIES (in accordance with Article 16)				p	p	p	p	p	c	
OFFICE FOR BUSINESS, PROFESSIONAL, OR PERSONAL SERVICES				p	p	p			c	
OFFICE MACHINE SALES				p	p	p			c	
OFFICES, SMALL/LOW-IMPACT				p	p	p	p	p	c	
OPTICAL GOODS SALES				p	p	p			c	
ORPHANAGE	p	p								
OUTDOOR FRUIT AND VEGETABLE MARKETS	p	p	p	p	p	p			c	
PAINT AND WALLPAPER SALES				p	p	p			c	
PAPER GOODS MANUFACTURING							p	p		
PAPER PRODUCTS, SALES				p	p	p			c	
PARKS AND OPEN SPACE, PUBLIC OR PRIVATE	p	p	p	p	p	p	p	p	c	p
PERMITTED USES	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	VMD	C-OD
PAWNSHOP OR USED MERCHANDISE STORE				p	p	p			c	
PEST OR TERMITE CONTROL SERVICES					p	p			c	
PET CREMATION						C	c			
PET STORE				p	p	p			c	
PETROLEUM AND RELATED INDUSTRIES								c		

PETROLEUM PRODUCTS, STORAGE AND/OR DISTRIBUTION							c	c		
PHARMACEUTICAL MANUFACTURING							p	p		
PHOTOCOPYING AND DUPLICATING SERVICES				p	p	p			c	
PHOTOGRAPHIC EQUIPMENT						p			c	
PLANT NURSERIES/LAWN AND GARDEN STORES				p	p	p	p			
POLICE SERVICES				p	p	p	p	p	c	
PORTLAND CEMENT MIXING PLANTS								c		
POST OFFICE				p	p	p			c	
POTTERY AND RELATED PRODUCTS, SALES				p	p	p			c	
PRECISION INSTRUMENT MANUFACTURING							p	p		
PRESSURE WOOD TREATMENT PLANTS								c		
PRINTING AND PUBLISHING				p	p	p	p	p	c	
PUBLIC BUILDINGS	p	p	p	p	p	p	C		c	
PUBLIC RECREATION	p	p	p	p	p	p	p	p	c	p
PUBLIC UTILITY STATIONS (including electrical substations, water tanks/towers, and telephone exchanges)		C	C	C	C	C	C	c	c	
RADIO OR TELEVISION STUDIO ACTIVITIES ONLY					p	p		p		
RAILROAD STATIONS AND YARDS							p	p		
RECORD AND TAPE STORE				p	p	p			c	
RECREATION FACILITY, INDOORS				p	p	p	p		c	
RECREATIONAL VEHICLE SALES						p				
REFRIGERATED WAREHOUSING							p	p		
RESEARCH FACILITIES, including manufacturing incidental to same							p	p		
REST HOMES/NURSING HOMES	p	p	p		p	p			c	
RESTAURANTS AND GRILLS				p	p	p	p	p	c	
RESTAURANTS (with drive-thru)						p	p	p		
PERMITTED USES	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	VMD	C-OD
RESTAURANTS (without drive-thru)				p	p	p	p	p	c	
SANITARY LANDFILL								s		
SCHOOL, BUSINESS, PROFESSIONAL, AND ART					p	p				
SCHOOL, INDUSTRIAL TRADE							p	p		
SCHOOL, PUBLIC AND PRIVATE	p	p	p	p	p					
SEPTIC SYSTEM CONTRACTORS					p	p	p	p		

SEPTIC TANK MANUFACTURING								c		
SEPTIC TANK MERCHANT WHOLESALERS							p	p		
SEPTIC TANK PUMPING/CLEANING							p	p		
SEWAGE/WATER TREATMENT PLANTS		C	C		C	C	C	p		
SHEET METAL FABRICATION								c		
SHOE SALES AND REPAIR				p	p	p			c	
SHOPPING CENTERS/COMMERCIAL GROUP DEVELOPMENT						p			c	
SIGN PAINTING AND FABRICATION SHOP					p	p	p	p	c	
SIGNS (in compliance with Article 17)				p	p	p	p	p	c	
SOAP AND COSMETICS, SALES				p	p	p			c	
SPORTING GOODS SHOP				p	p	p			c	
STORAGE FACILITIES, MINI						p	p			
STORAGE, WAREHOUSE							p	p		
SWIMMING CLUBS	C	C	C		c					
SWIMMING POOLS (see Note 3)	p	p	p		p	p	p	p	c	p
TATTOO SHOPS					C	C			c	
TAXIDERMIST						p			c	
TELECOMMUNICATION TOWERS					C	C	C	C		
TELEPHONE EXCHANGE CABINETS	p	p	p	p	p	p	p	p	c	
TEMPORARY USES, SUCH AS CARNIVALS, FAIRS, FESTIVALS, CIRCUSES, CONCERTS, AND SIMILAR USES (See Note 4)	p	p	p	p	p	p	p	p	p	p
TEXTILE PRODUCTS (no dyeing and finishing)							p	p		
TEXTILE PRODUCTS (with dyeing and finishing)								c		
TIRE RECAPPING							p	p		
TIRE SALES						p	p		c	
TIRES AND INNER TUBES MANUFACTURING								c		
TOBACCO PRODUCTS, SALES				p	p	p			c	
PERMITTED USES	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	VMD	C-OD
TOBACCO PRODUCTS MANUFACTURING OR PROCESSING								c		
TOWNHOUSES			p		p				c	
TRAVEL AGENCY				p	p	p			c	
TRUCK STOP						p		p		
TRUCK/TRAILER REPAIR						C	C	C		
TRUCKING, TRANSFER COMPANIES, AND HEAVY EQUIPMENT TERMINALS								c		

UNDERGROUND ELECTRICAL POWER DISTRIBUTION LINES; WATER OR SEWER LINES; GAS DISTRIBUTION , AND LIQUID FUEL TRANSMISSION LINES							p	p		
UTILITY BUILDING SALES					p	p				
VETERINARY OFFICE/HOSPITALS					p	p			c	
VIDEO TAPE RENTAL AND SALES				p	p	p			c	
WAREHOUSE (general storage, enclosed)						p	p	p		
WHOLESALE AND JOBBING ESTABLISHMENTS							p	p		
WOOD PRODUCTS								c		

Note 1. Accessory Uses, Buildings, and Structures.

Accessory uses are permitted in any zoning district in accordance with the following regulations:

- (A) An accessory building, structure, or use is a building, structure, or use on the same lot or site with, of a nature customarily incidental or subordinate to, and of a character related to the principal use or structure.
- (B) 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 Planning and Zoning Board.
- (C) Residences for watchmen and caretakers are permitted accessory uses to research and industrial uses.
- (D) No accessory building shall exceed the principal building in height by more than ten (10) feet.
- (E) 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.
- (F) No detached accessory building or use shall be located closer than ten (10) feet to any other building or mobile home.
- (G) 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.
- (H) 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.
- (I) No accessory structure or building except utility substations shall be erected in any easements.

- (J) Class A, B, or C manufactured homes or recreational vehicles may not be used for accessory structures.
- (K) Portable Storage Facilities shall not be used for accessory structures see **Note 1 (A)** above – Portable Storage Facilities are **not “....of a character related to the principal use or structure....”** Please see Note 5. for definition and allowable usage regulations for Portable Storage Facilities.

Note 2. Customary Home Occupations.

Shall be permitted only as an incidental use and are limited to the following:

- (A) Art gallery or the office or studio of a physician, artist (not inclusive of a studio of a commercial photographer), general or trades contractor, musician, insurance agent, lawyer, real estate broker, instruction in music or dancing, tutoring of academic subjects, teacher or other like professional person residing on the premises;
- (B) Workshops not conducted for profit;
- (C) Customary home occupations such as millinery, dressmaking, laundering, or pressing and tailoring conducted by a person residing on the premises;
- (D) Single operator beauty shop or barber shop;
- (E) Pet grooming services without the boarding of animals or operation of kennels. The outside containment of animals is prohibited.
- (F) Only a non-lighted flush mounted four (4) square foot sign shall be permitted.

And provided, furthermore, the home occupations listed above shall be permitted subject to the following limitations:

- (A) No exterior display of products;
- (B) No mechanical equipment shall be installed or used except such that is normally used for domestic or professional purposes and which does not cause noises or other interference in radio and television reception;
- (C) No accessory buildings or outside storage shall be used in connection with the home occupation;

- (D) Not over twenty-five percent (25%) of the total floor area or five hundred (500) square feet, whichever is less, shall be used for a home occupation;
- (d.E) Only one employee may be employed by the home occupation who is not a resident of the dwelling.
- (d.F) A fee of \$50 shall be paid to the Town of Bunn, North Carolina for each Home Occupation permit request to cover administrative costs involved.

Note 3. Swimming Pools, Spas, and Hot Tubs.

The following requirements are for swimming pools, spas, and hot tubs.

- (A) *Outdoor Swimming Pool.* An outdoor swimming pool, including an in-ground, aboveground, or on-ground pool, hot tub, or spa shall be provided with a barrier which shall comply with the following:
 - (1) The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).
 - (2) Openings in the barrier shall not allow passage of a 4 inch diameter (102 mm) sphere.
 - (3) Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
 - (4) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1-3/4 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1-3/4 inches (44 mm) in width.

- (5) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1-1/4 inches (44 mm) in width.
- (6) Maximum mesh size for chain link fences shall be a 1-1/4 inch (32 mm) square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1-3/4 inches (44 mm).
- (7) Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1-3/4 inches (44 mm).
- (8) Access gates shall comply with the requirements of the NC State Building Code and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:
 - (a) The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate; and
 - (b) The gate and barrier shall have no opening greater than 1/2 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.
- (9) Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:
 - (a) The pool shall be equipped with a powered safety cover in compliance with the NC State Building Code; or
 - (b) All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are opened. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door is opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual

means, such as touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last for not more than 15 seconds. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or

- (c) Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by Items (a) and (b) described above.

- (10) Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:

- (a) The ladder or steps shall be capable of being secured, locked, or removed to prevent access; or
- (b) The ladder or steps shall be surrounded by a barrier which meets the requirements of the NC State Building Code. When the ladder or steps are secured, locked, or removed, any opening created shall not allow the passage of a 4 inch diameter (102 mm) sphere.

- (11) In no case shall barbed wire type fencing be used in residential areas.

- (B) *Indoor Swimming Pool.* All walls surrounding an indoor swimming pool shall comply with Section (A) above.
- (C) *Prohibited Locations.* Barriers shall be located so as to prohibit permanent structures, equipment, or similar objects from being used to climb the barriers.
- (D) *Barrier Exceptions.* A portable spa with a safety cover which complies with ASTM ES 13 shall be exempt from the provisions of this Section. Swimming pools, hot tubs, and nonportable spas with safety covers shall not be exempt from the provisions of this Section.

Note 4. Temporary Uses, Such as Carnivals, Fairs, Festivals, Circuses, Concerts, and Similar Uses. Temporary Uses shall be allowed in all zoning districts, provided the conditions of this Section are met. Such temporary outdoor events shall be governed by the provisions of this Ordinance. No person shall permit, maintain, promote, conduct, advertise, act as an entrepreneur, undertake, organize,

manage or sell or give tickets to an actual or reasonably anticipated assembly of 500 or more persons which continues or can reasonably be expected to continue for 18 or more consecutive hours, whether on public or private property, unless the standards of this section are met and a Temporary Use Permit is obtained from the Town of Bunn. The application fee for a Temporary Use Permit is \$25.

(A) Exemptions.

(1) This section shall not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly for assemblies that do not exceed by more than 250 people the maximum seating capacity of the structure where the assembly is held.

(2) This section shall not apply to government-sponsored fairs held on regularly established fairgrounds, nor to assemblies required to be licensed by other ordinances and regulations of the Town of Bunn.

(B) Required facilities. Prior to commencement of the assembly, the organizer shall provide the following facilities to ensure the assembly causes as little disruption and inconvenience as possible to adjacent properties, neighborhoods, and traffic patterns.

(1) A fence completely enclosing the proposed location of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four gates, at least one at or near four opposite points of the compass. If the applicant provides acceptable alternative security measures, this requirement may be waived by the Zoning Administrator.

(2) Potable water meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day.

(3) Separate enclosed toilets for males and females meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet for every 200 females and one toilet for every 300 males, together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulations.

(4) A sanitary method of disposing of solid waste in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least two and one-half pounds of solid waste per person per day, together with a plan for holding and a plan for collecting all such waste at least once each day of the assembly and sufficient trash cans with V-lids and personnel to perform the task.

(5) EMS personnel and at least one emergency ambulance must be available for use at all times.

(6) If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five foot-candles, but not to shine unreasonably beyond the boundary of the enclosed location of the assembly.

(7) Security guards, either regularly employed, duly sworn, off-duty North Carolina peace officers or private guards licensed in North Carolina, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every 750 people.

(8) Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the North Carolina Administrative Code and ordinances of the Town of Bunn, and sufficient emergency personnel to efficiently operate the required equipment.

(9) All reasonably necessary precautions to ensure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly.

(10) Traffic control plan that is acceptable to the Zoning Administrator and Police Department.

Note 5. Portable Storage Facilities

- (A) Portable Storage facilities shall be defined as any unit such as Pack Rat, Pods, Connex, Overseas Shipping Containers, or the like that are customarily moved by transfer truck, tractor trailer, or rollback and are considered mobile storage units or portable storage facilities. Zoning code further defines these units as temporary not permanent structures.
- (B) Portable Storage Facilities shall be allowed for the maximum of 30 days on any lot and shall be removed for a period of at least 90 days before relocating on a lot.
- (C) Should the storage unit be on site for in excess of 30 days it shall be considered a zoning violation and appropriate fines shall be levied according to zoning code.
- (D) Portable Storage Facilities shall be allowed on construction sites with a valid Franklin County building permit and a Town of Bunn Zoning Permit fee of \$200.00. Bunn zoning permit shall be valid for 6 months and may be renewed once for a \$50.00 fee for an additional 6 months should the construction project still be underway and should the Franklin County building permit still be active and in good standing.
- (E) GRANDFATHER CLAUSE - Any portable storage facilities currently in use on a property with commercial zoning (any non-residential zoning) in which the primary structure is currently being used for commercial use shall be grandfathered and allowed to remain so long as the principal use of the business remains unchanged, the container remains in good repair and is well kept (painted properly in the opinion of the zoning official), and is not moved from its current location. Should the container be moved or removed for any reason a new container or the moved container shall be disallowed and shall be considered a non-conforming structure under the provisions of this code and not relocated on site.

ARTICLE VI CONDITIONAL USES

Section 1. Purpose

Conditional uses add flexibility to the Zoning Ordinance by allowing uses, which would otherwise be undesirable, to be established in designated districts under conditions imposed by the Planning and Zoning Board. Applications for conditional use permits shall be filed with the zoning administrator, who shall transmit the application to the Planning and Zoning Board. After a public hearing, the Planning and Zoning Board may grant permission to establish conditional uses as permitted in the district regulations, if the Planning and Zoning Board finds that:

- a) The proposed use does not affect adversely the general plans for the physical development of the town as embodied in these regulations and in any plan or portion thereof adopted by the Planning and Zoning Board.
- b) The proposed use will not be contrary to the purposes stated for these regulations.
- c) The proposed use will not affect adversely the health and safety of residents and workers in the town.
- d) The proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses.
- e) The proposed use will not be affected adversely by the existing uses.
- f) The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of said use.
- g) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fume generation or type of physical activity.
- h) The standards set forth for each particular use for which a permit may be granted have been met.
- i) The Planning and Zoning Board may impose or require such additional restrictions and conditions as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood.
- j) The proposed use shall be subject to the minimum area, setback, and other locational requirements of the zoning district in which it will be located.
- k) The proposed use shall be subject to the off-street parking and service requirements of these regulations, and
- l) Wherever the Planning and Zoning Board shall find, in the case of any permit granted pursuant to the provisions of these regulations, that any of the terms, conditions, or restrictions, upon

- m) which such permit was granted are not being complied with, said board shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

Uses specified in this section shall be permitted only upon the issuance of a conditional use permit. The uses for which conditional use permits are required are identified in Section 3 of this Article.

Section 2. Procedure for Obtaining Conditional Use Permit

Conditional use permits may be issued by the Administrator, after approval by the Planning and Zoning Board, for the uses as designated in the table of regulations for conditional uses. The petition for a conditional use permit and the accompanying plans shall be submitted to the Administrator at least three (3) weeks prior to the regular monthly Planning and Zoning Board meeting at which it is to be heard. Such application shall include all of the requirements pertaining to it as specified in this Article. On receiving the application, the Planning and Zoning Board shall give notice of a public hearing at least five (5) days prior to the date of the public hearing. At the public hearing, all interested persons shall be permitted to testify. The Planning and Zoning Board shall consider the application and may approve or deny the requested conditional use permit.

The conditional use permit, if approved, shall include approval of plans as may be required. In approving the permit, the Planning and Zoning Board shall find as a specific finding of fact and reflect in their minutes that the permit will comply with the following four facts:

- (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 and specifications;
- (3) That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and
- (4) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Town of Bunn Future Land Use Plan.

In approving the conditional use permit, the Planning and Zoning Board 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 with the area in which it is proposed to be located and with the

spirit of this Ordinance. All such additional conditions shall be entered in the minutes of the meeting at which the conditional use permit is granted and also on the conditional use permit approving, and on the approved plans submitted therewith. All specific 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 for each conditional use permit will be fulfilled, the petitioner for the conditional use permit may be required to enter into a contract with the Town of Bunn providing for the installation of the physical improvements required as a basis for the issuance of the conditional use permit. Performance of said contract shall be secured by cash or surety bond which will cover the total estimated cost of the improvements as determined by the Town of Bunn; provided, however, that said bond may be waived by the Planning and Zoning Board within its discretion.

If the Planning and Zoning Board denies the permit, they shall enter the reason for its action in the minutes of the meeting at which the action is taken.

Each decision of the Planning and Zoning Board is subject to review by the County Superior Court. Any appeal to the Superior Court shall be taken within thirty (30) days after the decision of the Planning and Zoning Board, or after a written copy of the decision is delivered to the appellant by registered mail, return receipt requested, whichever is later.

In addition to the conditions specifically imposed by the Planning and Zoning Board, conditional uses shall comply with the height, area, and parking regulations of the zone in which they are located, as well as conditions outlined in Section 3 of this Article.

In the event of failure to comply with the plans approved by the Planning and Zoning Board or with any other conditions imposed upon the conditional use permit, the permit shall thereupon immediately become void and of no effect. No building permits for further construction nor a certificate of compliance under this conditional use permit shall be issued, and the use of all completed structures shall immediately cease and such completed structures not thereafter be used for any purpose other than a use-by-right as permitted by the zone in which the property is located.

Site 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 authorized by the Planning and Zoning Board after their review. All plans shall show the following:

Topography: Topography of the site at contour intervals not greater than ten (10) feet.

Structure: Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.

Circulation: Proposed points of access and egress and pattern of internal circulation.

Lighting: Proposed lighting location and design.

Buffering: Shall be required.

Parking and Loading: Layout of parking spaces and type of proposed surfacing.

Drainage: Proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.

Landscaping: If applicable.

A statement analyzing the reasonableness of any proposed rezoning shall be prepared for each petition for a zoning amendment. This statement shall be drafted by Zoning Administrator, may be amended by the Planning and Zoning Board and/or the Bunn Town Council, and must be endorsed by all bodies approving or rejecting such rezonings. The statement must address exactly how the proposed rezoning is reasonable (or unreasonable), documenting whether or not it is arbitrary and/or unduly discriminatory, state how the proposed action is or is not consistent with the Town's adopted Comprehensive Land Use Plan and is or is not in the public interest.

Section 3. Fee.

A fee of \$200 shall be paid to the Town of Bunn, North Carolina, for each application for a conditional use permit to cover the necessary advertising and administrative costs.

Section 4. Regulations for Conditional Uses

The Planning and Zoning Board may grant permission for the establishment of the following uses, subject to any specific conditions, either set forth below, or which said board may deem necessary to satisfy the conditions stated above:

1. Adult Use Business, subject to the following:
 - (a) No adult use business may be located closer than 2000' to the nearest:
 - Residential Zone
 - House of worship
 - Day Care Center
 - School
 - Public Park
 - Public Library
 - Cemetery
 - Motion Picture Theater regularly showing G or PG rated movies to the public
 - Any other area where large numbers of minors regularly travel or congregate

- (b) All windows, doors, openings, entries, etc. for all adult uses shall be so located, covered, screened, or otherwise treated so that views into the interior of the establishment are not possible from any public or semi-public area, street, or way.
 - (c) The lot containing the adult use shall not be located within a 1000' radius of another lot containing an adult use.
 - (e) All buildings used for permitted adult uses must be designed in such a way as to prevent the escape of noise from the premises.
 - (f) Adult use businesses must be located on a public street; however, no adult use business may be located on a main thoroughfare running through the Town of Bunn.
2. Bed and Breakfast Inns
- 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) per guest room and one (1) for owner/manager;
 - f) Meet all applicable local and State health and building code requirements.
3. Cabinet/woodworking shops:
- a) Building does not exceed one thousand two hundred (1,200) square feet.
 - b) Minimum lot size: Three (3) acres.
 - c) *Outdoor storage*. Shall be enclosed by a six (6) foot high opaque fence.
4. Carnivals and Fairs:
- g) *Minimum Lot Area*. The minimum lot size shall be three (3) acres.
 - b) The hours of operation allowed shall be compatible with the land uses adjacent to the carnival or fair.
 - c) The amount of noise generated shall not disrupt the activities of the adjacent land uses.
 - a) The permit-issuing authority shall not grant the permit unless it finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.
5. Cemetery:
- a) All graves and crypts shall be set back at least thirty (30) feet from exterior property lines or public roads. As an alternative for the setback along exterior property lines, a Class I buffer may be substituted in accordance with Article IX.

6. Club or Lodge, public or private:
 - a) *Lighting.* Lighting shall be such that it is not directed onto any adjacent residential lot.
 - b) Clubs or lodges shall have direct access to a Federal or State highway.
 - c) All new sites shall be no less than one (1) acre in size
 - d) The structure shall have minimum front, side and rear yards of fifty (50) feet, and
 - e) Provisions for food, refreshment, and/or entertainment for club members and their guests may be allowed in conjunction with such uses if the Planning and Zoning Board determines that said provisions will not constitute a nuisance.

7. Conference Center/Retreat Facilities
 - a) *Minimum lot size.* Five (5) acres.
 - b) Shall be compatible with the neighborhood.
 - c) All structures used for meeting rooms and classrooms shall conform to all applicable local and State health and building code requirements.
 - d) No environmentally damaging or hazardous materials allowed.

8. Convenience Centers:
 - a) Site shall provide a fifty (50) foot open space setback along all property lines of residentially utilized property.

9. Country Clubs, private or public:
 - a) All buildings and swimming pools must be set back a minimum of fifty (50) feet from all exterior property lines.
 - b) Outdoor swimming pools shall be protected by a secured fence.

11. Crude Petroleum and Natural Gas, sales, storage and / or distribution:
 - a) The front, rear and side yards be a minimum of fifty (50) feet
 - b) The storage area shall be enclosed by a fence at least six (6) feet in height
 - c) The yard shall be planted in evergreen shrubs to act as a buffer, and
 - d) The tanks and other storage facilities shall meet the requirements of the National Fire Protection Association.

12. Day Care Centers and Kindergartens:
 - a) *Lighting.* Lighting shall be such that it is not directed on to any adjacent residential lot.
 - b) Day nurseries and kindergartens shall meet all State and county regulations. Water supply and sewerage provisions made for the day nurseries and kindergartens shall be approved by the Franklin County Health Department.

13. Demolition Landfill:

- 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.

14. Dwelling, multi-family:

- a) Accessory buildings, garbage and trash facilities and recreation facilities may be located in the required rear yard, provided that such uses shall be at least fifteen (15) feet from the principal building and at least fifteen (15) feet from any lot line.
- b) Site shall be serviced by water and sewer infrastructure
- c) Minimum lot area shall be one acre
- d) Minimum lot area per dwelling shall be 5,000 sq. ft. in an R-2 District; Minimum lot area per dwelling shall be 3,000 sq. ft. in an R-3 District.
- e) Minimum front yard depth for each building shall be 35 feet
- f) Minimum rear yard depth for each building shall be 30 ft.
- g) Minimum side yard depth for each building when adjacent to street shall be 30 ft; minimum side yard depth for each building when adjacent to a private street or side lot line shall be 15 feet; minimum side yard depth for each building when adjacent to another building in the project area shall be 20 feet.
- h) Minimum space between buildings shall be 40 ft.
- i) Height of buildings shall not exceed thirty-five (35) feet
- j) Off-street parking shall be provided at a ratio of two spaces per dwelling. All parking shall be off-street. No parking space shall have direct access to a public street or road.
- k) Garbage and trash facilities shall be subject to the approval of the Town Board, and

- l) A site plan of the proposed project shall be submitted to Bunn Planning and Zoning Board for review. The Planning and Zoning Board will have thirty (30) days within which to make a recommendation to the Town Board of Commissioners.
- m) A final corrected design shall be approved by the Planning and Zoning Board before a building permit may be issued. Special conditions may be recommended for the project plan by the Planning and Zoning Board and planted buffer strips of suitable substitutes may be completed before occupancy will be allowed.

15. Family Care Home:

- a) No other family care home may be located within a one-half (½) mile radius of an existing family care home.

16. Farm Equipment and Small Engine Repair

- a.a) *Lighting.* Lighting shall be such that it is not directed on to any adjacent residential lot.
- a.b) *Outdoor storage.* Outdoor storage shall be enclosed by a six (6) foot high opaque fence.

17. Golf Course:

- a) *Lighting.* Lighting shall be such that it is not directed on to any adjacent residential lot.
- b) All buildings, water features and swimming pools must be set back a minimum of fifty (50) feet from all exterior property lines.
- c) Outdoor swimming pools shall be protected by a secured fence.

18. Golf Driving Range:

- a) *Lighting.* Lighting shall be such that it is not directed on to any adjacent residential lot.
- b) All buildings, water features and swimming pools must be set back a minimum of fifty (50) feet from all exterior property lines.
- c) Outdoor swimming pools shall be protected by a secured fence.

19. Group Care Facility:

- a) No other family care home may be located within a one-half (½) mile radius of an existing family care home.

20. Hospitals:

- a) The minimum lot size shall be two (2) acres
- b) The structures shall have a minimum front, side and rear yards of fifty (50) feet

21. Manufactured Home Sales

- a) The minimum lot size shall be two (2) acres

- b) When the sales lot abuts a residential district, a visual screen six (6) feet in height shall be provided between the sales lot and the residential district.

22. Manufactured Home, individual, for office or exhibition use:

- a) *Lighting.* Lighting shall be such that it is not directed on to any adjacent residential lot.
- b) *Office and Exhibition.* A temporary Certificate of Occupancy/Compliance allowing manufactured 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 Administrator or his authorized agent where the Planning and Zoning Board finds as a fact that the use of such manufactured 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.

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

1. The structure under construction is located on the same property;
2. 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.
3. It is not used for any other purpose than that connected with on-site construction;
4. It is justified by the size and nature of the construction project;
5. It is for a period of not to exceed twenty-four (24) months;
6. It is utilized only incidental to on-site construction during daylight hours and not for residential living quarters;
7. It is parked in a location approved in advance by the Administrator or his authorized agent;
8. Its sanitary facilities are approved by the Franklin County Health Department.

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

1. The sanitary facilities are approved by the Franklin County Health Department; and

2. The electrical facilities are connected in compliance with regulations set forth in the 1971 National Electrical Code.

23. Manufactured Home Park:

a) Requirements: Each lot in the park must conform to the minimum square footage requirements of the district and comply with Article X.

24. Pet Cremation:

- a) Minimum lot size of five (5) acres.
- b) Limited to pets which weigh no more than two hundred (200) pounds.
- c) The crematory shall meet the minimum yard regulations of the existing zoning district.
- d) The crematory shall be screened with solid type fencing or with evergreen shrubs at least five (5) feet in height.
- e) All remains of the cremation shall be returned to the pet owner or disposed of in a sanitary landfill or other municipal or county disposal facility.
- f) The cremation process shall emit no odor that is objectionable to surrounding property owners.
- g) All pets shall be cremated within twenty-four (24) hours after being received or stored in freezers to prevent odor or decomposition.
- h) *Lighting.* Lighting shall be such that it is not directed on to any adjacent residential lot.

25. Petroleum Products, storage and/or distribution:

- a) The front, rear and side yards be a minimum of fifty (50) feet
- b) The storage area shall be enclosed by a fence at least six (6) feet in height
- c) The yard shall be planted in evergreen shrubs to act as a buffer, and
- d) The tanks and other storage facilities shall meet the requirements of the National Fire Protection Association.

26. Public Buildings:

a) *Lighting.* Lighting shall be such that it is not directed on to any adjacent residential lot.

27. Public Utility Station:

- a) *Lighting.* Lighting shall be such that it is not directed on to any adjacent residential lot.
- b) Public utilities other than distribution lines, to include but not limited to, electric substations, telephone exchange buildings, and water tanks and towers, are not required to meet minimum lot standards of the underlying zoning district; however, all applications for site development for utility structures shall include an accurate site specific plan using the following conditions as development guidelines:

a.i.1. The easement or lease shall include sufficient area for the foundation of the structure, any underground improvements such as electrical ground fields, vehicular maneuvering, and parking. The vehicular area requirements may overlap the underground improvements as needed.

a.i.2. Location shall be designed to minimize traffic hazards.

a.i.3. Standard residential, commercial, or industrial building setbacks of the zoning district are not required for utility structures; however, all utility structures and required areas for utility structures shall not be located closer than twenty (20) feet from any dwelling or building. Where the height of the utility structure exceeds thirty-five (35) feet, the setback from the easement line shall be increased one foot for every two feet of height in excess of 35 feet of the structure in addition to other area requirements. For the purpose of this Ordinance, the lease or easement line shall be considered to be the property line.

a.i.4. Utility structures or required utility areas shall not infringe on area required as a septic tank field by the Franklin County Health Department, nor any open space or yard requirements for building lots as required by Article VII.

a.i.5. All water treatment and sewage disposal facilities, sanitary landfills, and electric substations shall be set back one hundred (100) feet from all exterior property lines. This area shall be planted with evergreen shrubs as a buffer strip. The entire perimeter inside the buffer shall be enclosed with a fence at least six (6) feet in height.

a.i.6. Other conditions may be required by the Planning and Zoning Board on a individual site review basis in order to protect the visual quality of the county, protect the adjoining properties from unnecessary intrusion, consider traffic safety, and protect the public health and general welfare.

28. Rest Homes/Nursing Homes:

- a) The minimum lot size shall be two (2) acres
- b) The structures shall have a minimum front, side and rear yards of fifty (50) feet

29. Sewerage and Water Treatment Plants:

- a) *Lighting.* Lighting shall be such that it is not directed on to any adjacent residential lot.

b) All buildings, structures, tanks, and pits shall be set back at least one hundred (100) feet from all exterior property lines. A natural buffer at least fifty (50) feet in width shall separate all such uses from all exterior property lines. A non-climbable fence, at least six (6) feet in height, shall completely enclose such uses.

30. Swimming Clubs:

a) *Lighting.* Lighting shall be such that it is not directed on to any adjacent residential lot.

b) All buildings and swimming pools must be set back a minimum of fifty (50) feet from all exterior property lines.

31. Tattoo Shops:

a) *Lighting.* Lighting shall be such that it is not directed on to any adjacent residential lot.

b) *Location.* Shall not be located adjacent to any residentially used property

32. Telecommunication Towers:

a) See Article XI: Telecommunication Towers

33. Truck/Trailer Repair:

a) *Minimum lot area.* Shall be 40,000 square feet.

b) *Lighting.* Lighting shall be such that it is not directed on to any adjacent residential lot.

c) *Outside Storage.* All outside storage shall be enclosed by a six (6) foot high opaque fence.

ARTICLE VII TABLE OF YARD, AREA, AND HEIGHT REQUIREMENTS

	R1		R2		R3		C1	C2	C3
	Residential	Non-Residential	Residential	Non-Residential	Residential	Non-Residential			
Min. Lot Area	30,000 sqft	40,000 sqft	10,000 sq ft single family 15,000 sqft two-family	20,000 sqft	8,000 single family 12,000 two-family or multi-family	15,000 sqft	n/a	10,000 sqft	n/a
Width	75 feet	150 feet	60 feet	75 feet	50 feet	75 feet	n/a	50 feet	40 feet
Depth	150 feet	200 feet	100 feet	150 feet	75 feet	100 feet	n/a	100 feet	n/a
Front Setback	30 feet	35 feet	20 feet	30 feet	15 feet	15 feet	n/a	25 feet	30 feet
Rear Setback	30 feet	40 feet	20 feet	30 feet	15 feet	15 feet	n/a	25 feet**	10 feet**
Side Setback	25 feet*	25 feet*	10 feet*	25 feet*	5 feet*	10 feet*	n/a	10 feet**	20 feet**
Max Building Height	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet

	I1	I2	VMD	C-OD
Min. Lot Area	20,000 sqft	40,000 sqft	See Regulations in Article IV, Section 9	same as underlying district
Width	50 feet	100 feet	See Regulations in Article IV, Section 9	same as underlying district
Depth	100 feet	100 feet	See Regulations in Article IV, Section 9	same as underlying

*On corner lots first establish the front yard and then add 10 feet to each side yard that abuts a street.

**When a C or I district abuts an R district, add an additional 10 feet and follow buffer requirements in Article IX.

				g distri ct
Front Setback	40 feet	50 feet	See Regulations in Article IV, Section 9	same as unde rlyin g distri ct
Rear Setback	30 feet**	50 feet**	See Regulations in Article IV, Section 9	same as unde rlyin g distri ct
Side Setback	25 feet**	30 feet**	See Regulations in Article IV, Section 9	same as unde rlyin g distri ct
Max Building Height	35 feet	35 feet	See Regulations in Article IV, Section 9	same as unde rlyin g distri ct

For this table and in all zoning classes Churches shall be considered a residential use for definition of setbacks, etc.

ARTICLE VIII OFF-STREET PARKING AND LOADING

Section 1 Off-Street Parking Requirements

At the time of erection of any new building, permanent off-street parking shall be provided in all districts in the amount specified by this article.

- a) Each application for a building permit shall include information as to the location and dimensions of off-street parking and loading spaces 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 lot, but the required space assigned to one use may not be assigned to another use, except that one-half 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 on 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, provided such land is in the same ownership as the principal use. Such 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 shall be calculated from the following table. In the case of a building or use not expressly provided for, the number of off-street spaces shall be the same as for a similar use or inclusive category which is provided for. Where there is more than one use in a single structure, or on a single tract, or two or more instances of the same use, the minimum number of required off-street parking spaces shall be equal to the sum of the requirements of the various uses.
- e) Each automobile parking space shall be not less than two hundred (200) square feet in area exclusive of adequate access drives and maneuvering space (see Appendix I, Figure 1 for an illustration). Such space shall be provided with vehicular access to a street or alley; such use shall not thereafter be encroached upon or altered; proof that applicant has sufficient control over the required off-street parking space to prevent later encroachment of alteration shall be required; and spaces shall be equal in number to at least the minimum requirements for the specific use set forth below:

Use	Minimum Parking Requirement
Agricultural - Vegetative	One (1) space per four hundred (400) square feet of gross floor area.

Use	Minimum Parking Requirement
Assemblies (Assembly Hall, Armory, Stadium, Coliseum)	One (1) parking space for each four (4) spectator seats (one seat is equal to two feet of bench length).
Auction sales	One (1) space per two (2) seats or two (2) per one hundred (100) square feet of gross leasable area, whichever is greater.
Auto sales	Four (4) spaces for each salesman on the largest shift.
Automatic teller machine	Two (2) spaces per machine.
Automobile laundry/car wash, full service	One (1) space for each two (2) employees on shift of greatest employment, plus one (1) space for the manager. Plus sufficient space for twelve (12) stacking/queuing spaces per day.
Automobile laundry/car wash, self service	Four (4) stacking spaces for each washing stall, plus two (2) drying spaces for each washing stall.
Automobile repair and/or body work	Four (4) spaces for each service bay.
Automobile service station operations	One and one-half (1-1/2) spaces for each fuel nozzle. In addition, one (1) parking space shall be provided for each fifty (50) square feet of usable floor area in the cashier's and office areas. In no instance shall such a facility provide less than three parking spaces. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or awaiting fuel.
Bicycle sales and repair	Three (3) spaces per thousand (1,000) square feet of gross floor area.
Books and printed matter, distribution	Four and one-half (4-1/2) spaces for every thousand (1,000) square feet of gross floor area.
Bowling alley	Three (3) spaces per alley plus requirements for any other use associated with the establishment such as restaurant, etc.
Business and professional offices such as real estate, lawyers, insurance, corporate headquarters, government, etc.	One (1) parking space per employee per shift, plus 5% additional for customers and visitors.
Cemetery	One (1) space per full-time employee.
Commercial indoor recreation	One (1) space for each two hundred (200) square feet.
Day care centers, kindergartens, and nurseries	One (1) space for each employee plus one (1) parking space per four (4) children.

Use	Minimum Parking Requirement
Drive-in eating establishments	Two and one-half (2-1/2) spaces for each one hundred (100) square feet in the principal building.
Drive-in windows	Off-street movement lane to accommodate two (2) cars to the front and two (2) cars to the rear of each window.
Drug and alcohol treatment center	One (1) space per two beds and one (1) space per staff member.
Elementary, middle, and junior high schools	Three (3) spaces for each classroom plus off-street passenger loading arrangements.
Exterminating services	Three (3) spaces per thousand (1,000) square feet of gross floor area.
Financial institutions such as banks, savings and loans	One and one-half (1-1/2) spaces per two hundred (200) square feet of net floor area in the structure.
Fraternal or social clubs	One (1) space for each two hundred (200) square feet.
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.
Furniture stores	One (1) space for each two hundred (200) square feet of sales floor area below five thousand (5,000) square feet plus one (1) space for each four hundred (400) square feet above five thousand (5,000) square feet.
Golf courses/country clubs	Three (3) spaces for each hole, plus one (1) for every two hundred (200) square feet of space in the principal building.
Health club/gymnasium	One (1) space for each one hundred (100) square feet of gross floor area.
Home occupations	One (1) off-street space for each person employed plus sufficient off-street spaces for patrons, not to be in a required front yard.
Hospitals	One (1) space for each bed plus one (1) space for each staff doctor, plus one (1) space for each three (3) employees on the largest shift.
Industries	One (1) space for every one and one-half (1-1/2) employees during maximum employment, and one (1) space for every truck to be stored or stopped simultaneously.

Use	Minimum Parking Requirement
Kennel Operations, Care	One (1) space per four hundred (400) square feet, but no fewer than four (4) spaces.
Library, museum, art gallery, or other cultural facility	One (1) space for each two hundred (200) square feet of gross floor area for use by the public.
Medical offices and clinics	Six (6) spaces for each doctor plus one (1) space for each employee.
Miniature golf courses	One (1) space for each hole.
Motel, hotel, or motor court operations	One (1) space for every rental room plus one space for every two (2) permanent occupants.
Multi-family residences	Two and one-half (2 ½) spaces for each dwelling unit.
New churches, auditoriums, coliseums, stadiums, arenas, theaters	One (1) space for each three (3) fixed seating spaces in the largest assembly area.
Nursery operations (plant)	One (1) space per thousand (1,000) square feet of total sales area.
Nursing or rest homes	One (1) space for each two (2) beds plus one (1) space for each three (3) employees.
Personal service establishments such as barber shops, beauty shops, shoe repair, dry cleaning, washerette, etc.	One (1) space per two hundred (200) square feet where primary business is routinely conducted excluding such secondary areas as storage areas, corridors, stairwells, restrooms, and intermittently used meeting rooms or areas.
Post Office	One (1) space for each four hundred (400) square feet of gross floor area, plus one (1) space per each two (2) employees on the shift of greatest employment.
Recreation Center	One (1) space for every one hundred (100) square feet of floor area.
Restaurants, not drive-in	One (1) space for each three (3) seats.
Retail stores, not otherwise specified	One and one-half (1-1/2) spaces for each two hundred (200) square feet of sales area in the building.
Hardware Stores	One and one-half (1-1/2) spaces for each four hundred (400) square feet of sales area in the building.
Senior high schools, trade and vocational schools, business and professional schools, colleges, and universities	Ten (10) spaces for each classroom plus off-street passenger loading arrangements.
Single and two-family residences	Two (2) spaces for each dwelling unit.

Use	Minimum Parking Requirement
Storage, self-service	One (1) space for each five thousand (5,000) square feet of gross floor area.
Swimming pool	Two (2) spaces for every one hundred (100) square feet of water area.
Telecommunication towers	Four (4) spaces per thousand (1,000) square feet.
Theater productions, indoor	One (1) space for each four (4) seats in the largest assembly area.
Theater productions, outdoor	One (1) space for each forty-five (45) square feet of assembly or floor area.
Tourist homes and room renting	One (1) space for each guest room.
Travel agency	Four (4) spaces per thousand (1,000) square feet.
Veterinarian	One (1) space per five hundred (500) square feet.
Wholesale establishments	One (1) space for each two (2) employees plus one (1) space for each one hundred (100) square feet of sales area.

Section 2. Off-Street Loading Requirements

Every building or structure used for business, trade, or industry hereafter erected, shall provide space, as indicated herein, for the loading and unloading and maneuvering space of vehicles off the street or public alley. Such space shall have access to an alley or, if there is no alley, to a street. For the purpose of this section, an off-street loading space shall have minimum dimensions of twelve (12) feet by forth (40) feet, and an overhead clearance of fifteen (15) feet above the alley or street grade.

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	One (1) space for each fifty thousand (50,000) square feet of gross floor area or fraction thereof.

ARTICLE IX. LANDSCAPING, SCREENING AND BUFFER REQUIREMENTS

Section 1. Purpose and Intent

It is the intent of this Article to encourage the preservation of existing trees and vegetation; to identify landscape standards and plat classification, to reduce radiant heat from surfaces and conserve energy; to provide shade; to reduce wind and air turbulence; to minimize potential nuisances such as the transmission of noise, dust, odor, litter and glare of automobile headlights; to provide visual buffering and to provide for the separation of spaces; to enhance the beautification of the town; to reduce the amount of impervious surface; to reduce stormwater runoff; to safeguard and enhance property values and to protect public and private investment; and to protect the public's health, safety and general welfare.

Section 2. Classes of Buffer

- a) Class I Buffer – A buffer which is at least 10 feet in width with at least one (1) shade tree for every 30 feet in length, and one (1) small tree for every 15 feet or 10 shrubs for every 30 feet.
- b) Class II Buffer – A buffer strip that is 20 feet in width with at least two (2) shade trees for every 50 feet of length, 3 small trees for every 50 feet, or 20 shrubs for every 50 feet.
- c) Class III Buffer – A buffer strip that is 30 feet in width with at least three (3) shade trees for every 50 feet in length, five (5) small trees for every 50 feet, or 30 shrubs for every 50 feet in length.
- d) Class IV Buffer – A buffer strip that is 75 feet in width with at least five (5) shade trees for every 50 feet of length, seven (7) small trees for every 50 feet, or 50 shrubs for every 50 feet in length.

Section 3. Definitions

- a. *Access Way* means a point of ingress and egress of property or building from street or adjoining property, including parking areas, driveways and pedestrian walkways.
- b. *Buffer* means a continuous area of land set aside along the perimeter of a lot in which landscaping, along with berms, walls, or decorative fences are used to reduce the environmental, aesthetic, and other impacts of one land use upon another.
- c. *Landscaping* means any combination of living plants such as grass, groundcover, shrubs, vines, hedges or trees; and nonliving landscape materials such as rocks, pebbles, sand, mulch, walls fences or decorative paving materials.
- d. *Tree* means any self-supporting wood perennial plant which has a trunk of diameter of two (2) inches or more when measured at a point of four and one-half (4 ½) feet above ground level and which normally attains an overall height of at least 15 feet at maturity, usually with one main stem or trunk and many branches.
- e. *Shade Tree* means any species of trees that has an expected height at maturity of at least 35 feet and an expected crown spread at maturity of at least 30 feet.
- f. *Shrub* means a self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than 10 feet in height at maturity.

- g. *New Development* means any project involving substantial property improvement that involves change in the character of the land use, construction of a new building on a parcel, or any addition to an existing structure that increases the gross floor area of the original structure by 60 percent or more.

Section 4. Applicability

The provisions of this Article shall apply to commercial, industrial, multi-family, manufactured home parks and institutional new development, and the development of residential subdivisions within the planning jurisdiction of the Town of Bunn, and that are commenced after the effective date of this ordinance. The State of North Carolina has adopted riparian buffer rules which are in effect in the Tar-Pamlico River basin. These rules apply to 50-foot wide riparian buffers directly adjacent to surface waters in the Tar-Pamlico Basin (intermittent streams, perennial streams, lakes, ponds, and estuaries), excluding wetlands. The public is encouraged to read and understand the buffer rules before beginning any activities within buffers in the basin. In Franklin County, the Raleigh office of the Division of Water Quality enforces the riparian buffer protection rules.

Section 5. Landscape Plan Required

Prior to the issuance of any Certificate of Zoning Compliance, a landscape plan shall be submitted to and approved by the Zoning Administrator. The landscaping plan shall be drawn to scale and contain sufficient information to determine that the landscaping and buffer requirements will be met. The plan shall include:

- a) The shape and dimension of the lot(s) on which the proposed building or use is to be erected or conducted;
- b) The location of the said lot with respect to adjacent street rights-of-way and adjoining lots;
- c) The use or zoning of all parcels adjacent to the lot that the proposed structure or use is to be erected or conducted;
- d) The location or dimension of off-street parking and loading areas, and the means of ingress and egress to such space;
- e) The location of landscape, screening, and buffer areas;
- f) Number and species of trees to be planted or preserved;
- g) The location and label for all existing and proposed plants and landscaping materials to be provided to meet requirements of this ordinance;
- h) Plant list with the common name, quantity, and size of all proposed landscaping materials at the time of planting; and
- i) Any additional information determined by the Zoning Administrator that is reasonable necessary to determine compliance with the provisions of this ordinance.

Section 6. Landscaping Requirements for New Development

- 1. All new development falling under the requirements of this Article shall provide a landscape buffer along the perimeter of the lot that adjoins another lot except at permitted access ways. The required buffer areas to be installed shall be as provided below for the zoning district the property is located:

Existing Use

	R1	R2	R3	C1	C2	C3	I1	I2	VM D
R1	-	-	-	Class I	Class II	Class II	Class IV	Class IV	Class II
R2	-	-	-	Class I	Class II	Class II	Class IV	Class IV	Class II
R3	-	-	-	Class I	Class II	Class II	Class IV	Class IV	Class II
C1	Class I	Class I	Class I	-	-	-	Class II	Class III	Class I
C2	Class II	Class II	Class II	-	-	-	Class II	Class III	Class I
C3	Class III	Class III	Class III	-	-	-	Class II	Class III	Class I
I1	Class IV	Class IV	Class IV	Class II	Class II	Class II	-	-	Class III
I2	Class IV	Class IV	Class IV	Class III	Class III	Class III	-	-	Class III
VM D	Class II	Class II	Class II	Class I	Class I	Class I	Class III	Class III	-

Proposed Use

2. There shall be a landscape area that is a minimum width of four (4) feet between all parking areas and street rights-of-way except at permitted access ways. Nonliving landscape materials shall not comprise more than 50 percent of the total landscaped area.
3. All dumpster areas shall be screened from public view by an opaque fence or other landscape materials.

Section 7. Landscape Requirements for Residential Subdivisions

- a) All new residential subdivisions shall provide a landscaped entrance or median with a minimum area of 200 square feet. The nonliving landscape materials shall not exceed more than 50 percent of the landscaped area.
- b) There shall be a buffer strip provided along the perimeter of the subdivision as required by the zoning designation in which the subdivision is located.
- c) Maintenance of all landscaped areas will be the responsibility of the Homeowners' Association or the property owner(s).

Section 8. Maintenance

All landscaping areas and screening devices required by this ordinance shall be properly maintained by the property owner so as to continue its effectiveness. Any required plantings that die or otherwise fail to satisfy the requirements of this ordinance shall be replaced with equal or similar species and size. Failure to properly maintain landscape areas and materials shall be deemed a violation of this ordinance.

Section 9. Landscape Standards

- a) All trees used shall be a minimum of 2-inch diameter measured four (4) feet from the ground at time of planting.
- b) Plant materials used in conformance with the provisions of this ordinance shall be of specimen quality and conform to the American Standard for Nursery Stock published by the American Association of Nurserymen.
- c) All trees and vegetation to be planted shall be hardy for North Carolina and the Town of Bunn.
- d) The required landscaping shall be installed prior to the issuance of a certificate of occupancy. An applicant may post a monetary guarantee in an amount that is reasonable necessary to insure satisfactory installation of the required landscaping. If the required landscaping has not been installed within six (6) months of issuance of certificate of occupancy, the Bunn Board of Commissioners may install it at the applicant's expense.
- e) Landscaping and landscaped and buffer areas shall not obstruct the view between streets and access drives or street intersections.

ARTICLE X. MANUFACTURED HOMES AND MANUFACTURED HOME PARKS

Section 1. Manufactured Home Parks

Manufactured home parks may be established in certain districts as prescribed in the District Use Regulations of this ordinance subject to the requirements of that district and provided that:

The minimum size manufactured home park shall be three (3) acres, and contain at least ten (10) manufactured home spaces.

- a) Manufactured home park identification signs shall be limited to one (1) sign per park entrance. No sign shall exceed thirty-six (36) square feet in area. Only indirect, non-flashing lighting shall be used for illumination.
- b) Convenient access to each manufactured home space shall be provided by streets and drives with a minimum right-of-way of thirty (30) feet, of which twenty (20) feet shall be graded and drained for auto manufactured circulation within the park. Maintenance of such streets shall be provided by the owner or operator of the park.
- c) Two (2) auto manufactured parking spaces, each at least ten (10) feet by twenty (20) feet in size, shall be provided adjacent to each manufactured home park space but such spaces shall not be located within any public right-of-way or within any street in the park.
- d) All manufactured homes shall be located on individual manufactured home spaces. Each manufactured home space shall contain at least ten thousand (10,000) square feet of ground area. However, if individual sewage disposal systems (septic tanks) are used, each manufactured home space shall contain at least twenty thousand (20,000) square feet of ground area, subject to approval by the Franklin County Health Department. If subsoil conditions dictate, larger lots may be required by the Franklin County Health Department.
- e) Each manufactured home shall be located at least fifteen (15) feet from any other manufactured home, at least fifteen (15) feet from any building within the manufactured home park, at least fifteen (15) feet from any property line, and at least fifteen (15) feet from the edge of the right-of-way of any street.
- f) Each manufactured home space shall be provided with and connected to a source of water and a system of sewage disposal approved by the Franklin County Health Department. All manufactured home parks are encouraged to tap-on to the Bunn water supply
- g) All garbage and refuse in every manufactured home park shall be stored in suitable water-tight and fly-tight receptacles.
- h) The zoning administrator is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this ordinance. It shall be the duty of the owners or occupants of manufactured home parks to give free access to such premises at reasonable times for the purpose of inspection and to maintain the park, its facilities and equipment in good repair and in clean and sanitary condition.

- i) At least two hundred (200) square feet of recreation space per manufactured home space shall be provided for recreation and open space for the residents of the manufactured home park. No such recreation area shall contain less than three thousand (3,000) square feet.
- j) No manufactured home park within the jurisdiction of the Town of Bunn shall be established or expanded until a conditional use permit has been issued by the zoning administrator authorizing such construction.
- k) All manufactured homes not placed on permanent foundations shall be secured by a corrosive resistant metal screw anchor placed at least four (4) feet deep in the ground, securely tied to the chassis or frame on each of four (4) corners for units up to thirty (30) feet in length. Manufactured homes thirty (30) to fifty (50) feet in length shall have a minimum of three (3) ties on each side, and units over fifty (50) feet in length shall have a minimum of four (4) ties on each side.

Manufactured homes placed on permanent foundation, which meet the specifications of the State of North Carolina Regulations for Manufactured Homes, may comply with these regulations for tie-downs, when approved by the zoning administrator.

Section 2. Application Procedure for Conditional Use

- 1. Preliminary Plan – A preliminary plan drawn to a scale of not less than one (1) inch = 100 feet shall be submitted to the Bunn Planning and Zoning Board for all new or expanded manufactured home parks to determine if the proposal meets the requirements and intent of this ordinance.

The preliminary plans should include, among other things:

- a. The name of the park, the names and addresses of the owner or owners, and the designer or surveyor
- b. Date, scale, and approximate North Arrow
- c. Site plan showing streets, driveways, recreation area, parking spaces, service buildings, water courses, easements, manufactured home spaces, and all structures to be located on the park site.
- d. Vicinity map showing the location of the park and the surrounding land use
- e. Names of adjoining property owners
- f. The proposed utility system for water, sewer, gas, surface water drainage, street lights, and electrical power.

2. The Planning and Zoning Board, based on its own findings and on the recommendations of the Planning and Zoning Board, shall approve or disapprove the manufactured home park plan within 45 days of the submittal of the final plans.
 - a. If the plan is approved, the zoning administrator shall issue the owner or developer a conditional use permit. This permit is authority to construct the manufactured home park.
 - b. If the plan is disapproved, the conditions upon which it would be approved shall be stated. Once the conditions are agreed to by the owner or developer, the zoning administrator shall issue a conditional use permit, allowing the park to be constructed.

Section 3. Certificate of Occupancy

- 1) When the developer has completed the construction of the manufactured home park, he shall apply to the zoning administrator for a certificate of occupancy. The zoning administrator shall make an on-site inspection of the park.
 - a) If the plan conforms to the park plan approved by the Planning and Zoning Board or the Zoning Administrator, the zoning Administrator shall issue the developer a certificate of occupancy.
 - b) If the plan does not conform to the approved plan, the Zoning Administrator shall delay issuance of the certificate of occupancy until it comes into conformity.
- 2) The certificate of occupancy issued to the developer shall constitute authority to lease or rent spaces in the manufactured home park.

Section 4. Manufactured Homes on Individual Lots

Manufactured homes on individual lots shall be a permitted use where indicated in Article V of this Ordinance.

Requirements. All requirements for the location of a single-family dwelling on an individual lot shall be met. Only Class A and B manufactured homes are permitted. A Class A manufactured home is a double-wide or multi-sectioned manufactured housing unit that meets the U.S. Housing and Urban Development Department manufactured home construction standards and adhere to the following appearance and other requirements. A Class B manufactured home is a single-wide manufactured housing unit that meets the U.S. Department of Housing and Urban Development manufactured home construction standards and also meets the following appearance and other requirements. All new manufactured and modular homes shall be installed according to the manufacturers' installation manual or blueprints, all others shall be installed according to the North Carolina Regulations for Manufactured Homes and for modular homes, North Carolina Building Code Volume VIII. All the appropriate Franklin County Health Department requirements shall be met.

Additional Requirements:

- (A) Exterior finishes shall be in good repair and in no case shall the degree of reflectivity of the exterior siding, foundation skirting, and roofing, exceed that of gloss white paint.
- (B) A continuous, uniform foundation enclosure, unpierced except for required ventilation and access, shall be installed. The enclosure may consist of brick or concrete block, or wood, vinyl, or metal fabricated for this purpose. Any wood framing for foundation skirting shall be constructed with treated lumber.
- (C) Permanent or precast steps shall be constructed or placed at all exterior doors as necessary.
- (D) The running lights shall be removed and the hitch shall either be removed or screened with shrubbery.
- (E) At least two (2) off-street parking spaces shall be provided.
- (F) All areas not used for parking, manufactured home, or required porches, shall be grassed or otherwise suitably landscaped to prevent erosion.
- (G) The pitch of the main roof of the building shall have a minimum rise of three (3) feet for each twelve (12) feet of horizontal run. The roof shall be finished with a type of shingle that is commonly used in residential construction. The eave projection shall be no less than six (6) inches, which may include a gutter.
- (H) All standards must be met prior to issuance of a Certificate of Occupancy.

ARTICLE XI. TELECOMMUNICATION TOWERS

Section 1. Conditional Use for Telecommunication Tower Permit Application and Other Requirements.

Pursuant to the Telecommunications Act of 1996, no person shall be permitted to site, place, build construct, modify, or prepare any site for the placement or use of, wireless telecommunications facilities without having first obtained a conditional use for telecommunication tower or zoning permit.

- a) An application for a conditional use or zoning permit for wireless telecommunications facilities shall be signed on behalf of the applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information. The landowner, if different than the applicant, shall also sign the application. At the discretion of the Town, any false or misleading statement in the application may subject the applicant to denial of the application without further consideration or opportunity for correction.
- b) Applications not meeting the requirements stated herein or which are otherwise incomplete, may be returned by the County with deficiencies noted.
- c) All applications for the construction or installation of new wireless telecommunications facilities shall contain the information hereinafter set forth. The application shall be signed by an authorized individual on behalf of the applicant. Where a certification is called for, such certification shall bear the signature and seal of a Professional Engineer licensed in the State. The application shall include the following information:
 - i) Documentation that demonstrates the need for the wireless telecommunications facility to provide service within the County and surrounding counties. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites;
 - ii) The name, address and phone number of the person preparing the report;
 - iii) The name, address, and phone number of the property owner, operator, and applicant, and to include the legal form of the applicant;
 - iv) The tax map and parcel number of the property;
 - v) The zoning district or designation in which the property is situated;
 - vi) Size of the property stated both in square feet and lot line dimensions, and a diagram showing the location of all lot lines; (This requirement is waived if co-locating on an existing tower, originally designed and constructed to support antennae.)
 - vii) The location of nearest residential structure; (This requirement is waived if co-locating on an existing tower, originally designed and constructed to support antennae.)

- viii) The location, size and height of all structures on the property, which is the subject of the application; (This requirement is waived if co-locating on an existing tower, originally designed and constructed to support antennae.)
 - ix) The location, size and height of all proposed and existing antennae and all appurtenant structures;
 - x) The type, locations and dimensions of all proposed and existing landscaping, and fencing; (If co-locating on an existing tower, and there is insufficient area to install required screening due to a change in landscaping required by the Zoning Ordinance, waiver shall be granted upon documentation of such.)
 - xi) The number, type and design of the tower(s) and antenna(s) proposed and the basis for the calculations of the tower's capacity to accommodate multiple users;
 - xii) The make, model and manufacturer of the tower and antenna(s);
 - xiii) A description of the proposed tower and antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
 - xiv) The frequency, modulation and class of service of radio or other transmitting equipment;
 - xv) The actual intended effective radiated power and the maximum designed-for effective radiated power of the antenna(s) expressed in watts;
 - xvi) Direction of maximum lobes and associated radiation of the antenna(s);
 - xvii) Certification that the NIER levels at the proposed site are within the threshold levels adopted by the FCC;
 - xviii) Certification that the proposed antenna(s) will not cause interference with other telecommunication devices;
 - xix) A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities;
- d) The applicant shall certify that the wireless telecommunication facility, foundation and attachments are designed and will be constructed to meet all local, County, State and Federal structural requirements for loads, including wind and ice loads. This shall be required only at the time of application for a building permit. Applicants shall acknowledge this requirement in the application for a conditional use or zoning permit.
- e) The applicant shall certify that the wireless telecommunications facilities will be effectively grounded and bonded so as to protect persons and property and are installed with appropriate surge protectors. This shall be required only at the time of application for a building permit. Applicants shall acknowledge this requirement in the application for a conditional use or zoning permit.

- f) An applicant will be required to submit an environmental assessment analysis and a visual addendum. Based on the results of the analysis, including the visual addendum, the Planning and Zoning Board may require submission of a more detailed visual analysis. If co-locating a wireless facility on an existing tower, originally designed and constructed to support antennae, and the proposed wireless facility does not increase the height of the existing tower, this requirement shall be waived.
- g) The applicant shall furnish a visual impact assessment which shall include:
 - i) Pictorial representations of “before and after” views from key viewpoints both inside and outside of the Town as may be appropriate, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents.
 - ii) An assessment of the visual impact of the tower base, wires, cabling, and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.

If co-locating a wireless facility on an existing tower, originally designed and constructed to support antennae, and the proposed wireless facility does not increase the height of the existing tower, this requirement shall be waived.

- h) All wireless telecommunications facilities shall contain a demonstration that the facility be sited so as to be the least visually and physically intrusive means that is not technologically impracticable, and thereby have the least adverse visual effect on the environment of the neighborhood and the Town and its character, on existing vegetation, and on the residences in the general area of the wireless telecommunications facility. If co-locating a wireless facility on an existing tower, originally designed and constructed to support antennae, and the proposed wireless facility does not increase the height of the existing tower, this requirement shall be waived.
- i) Both the wireless telecommunications facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings; this shall include the utilization of stealth or concealment technology as may be required by the Town. If co-locating a wireless facility on an existing tower, originally designed and constructed to support antennae, and the proposed wireless facility does not increase the height of the existing tower, this requirement shall be waived.

- j) A person who holds a conditional use or zoning permit for wireless telecommunications facilities shall construct, operate, maintain, repair, provide for removal of, modify or restore the permitted wireless telecommunications facilities in strict compliance with all current applicable technical, safety and safety-related codes adopted by the Town, County, State, or United States, including but not limited to the most recent editions of the national electrical safety code and the national electrical code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.

- k) An applicant shall submit to the Zoning Administrator ten (10) completed applications four (4) weeks prior to the Planning and Zoning Board hearing.

- l) The applicant shall examine the feasibility of designing a proposed tower to accommodate future demand for at least four (4) additional commercial applications, for example, future co-locations. The tower shall be structurally designed to accommodate at least four (4) additional antenna arrays equal to those of the applicant, and located as close to the applicant's antenna as possible without causing interference. This requirement may be waived, provided that the applicant, in writing, demonstrates that the provisions of future shared usage of the tower is not technologically feasible or creates an unnecessary and unreasonable burden, based upon:
 - 1) The foreseeable number of FCC licenses available for the area;
 - 2) The kind of wireless telecommunications facilities site and structure proposed;
 - 3) Available space on existing and approved towers.

If co-locating a wireless facility on an existing tower, originally designed and constructed to support antennae, and the proposed wireless facility does not increase the height of the existing tower, this requirement shall be waived.

- m) The owner of the proposed new tower, and his/her successors in interest, shall negotiate in good faith for the shared use of the proposed tower by other wireless service providers in the future, and shall:
 - 1) Respond within 60 days to a request for information from a potential shared-use applicant;

- 2) Negotiate in good faith concerning future requests for shared use of the new tower by other telecommunications providers;
 - 3) Allow shared use of the new tower if another telecommunications provider agrees in writing to pay reasonable charges.
- n) The holder or applicant of a conditional use for telecommunication tower or zoning permit shall notify the Town of any intended modification of a wireless telecommunication facility and shall apply to the Town to modify, relocate or rebuild a wireless telecommunications facility.
- o) In order to better inform the public, in the case of a new tower, the applicant shall, prior to the public hearing on the application, hold a “balloon test”. If co-locating a wireless facility on an existing tower, originally designed and constructed to support antennae, and the proposed wireless facility does not increase the height of the existing tower, this requirement shall be waived. The applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three (3) foot in diameter brightly colored balloon at the maximum height of the proposed new tower. The applicant shall inform the Planning Department, in writing, of the dates and times of the test, at least fourteen (14) days in advance. The balloon shall be flown for at least four (4) consecutive hours sometime between 7:00 am and 4:00 pm on the dates chosen. The primary date shall be on a weekend, but in case of poor weather on the initial date, the secondary date may be on a weekday.
- p) The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the tower or existing structure intended to support wireless facilities requires lighting under Federal Aviation Administration Regulation Part 77. This requirement shall be for any new tower or for an existing structure or building where the application increases the height of the structure or building. If this analysis determines, that the FAA must be contacted, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided in a timely manner. If co-locating a wireless facility on an existing tower, originally designed and constructed to support antennae, and the proposed wireless facility does not increase the height of the existing tower, this requirement shall be waived.
- q) Applications shall be submitted in a 3 ring binder. The application shall contain a table of contents which shall list each section and subsection and the issue required to be addressed. Requests for waiver shall be clearly set forth and indicated in the table of contents, with an explanation for the request for waiver contained in the appropriate section of the application.

Each issue or matter addressed in the Ordinance that requires a response shall be set forth in a separate section (i.e. tab), in the application including requests for waiver.

b.A.r) Applicants shall agree to make towers available for use by County Emergency Service agencies.

b.A.s) A fee of four thousand five hundred dollars (\$4500) shall be paid to the Town of Bunn, North Carolina for each conditional use for telecommunication tower permit application to cover the related administrative and advertising expenses associated with telecommunication tower location.

Section 2. Location of Wireless Telecommunications Facilities.

- a) Applicants for wireless telecommunications facilities shall locate, site and erect said wireless telecommunications facilities in accordance with the following priorities, one (1) being the highest priority and three (3) being the lowest priority.
 - i) On existing structures;
 - ii) On properties zoned Industrial (I1 or I2);
 - iii) On properties zoned Commercial (C2 or C3).
- b) If the proposed site is not the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the applicant if the permit were not granted for the proposed site.
- c) An applicant may not bypass sites of higher priority by stating the site proposed is the only site leased or selected. An application shall address co-location as the preference of the Town. If such an option is not proposed, the applicant must explain to the reasonable satisfaction of the Town why co-location is impracticable. Agreements between providers limiting or prohibiting co-location shall not be a valid basis for any claim of hardship.
- d) Notwithstanding the above, the Town may approve any site located within an area in the above list of priorities, provided that the Town finds that the proposed site is in the best interest of the health, safety and welfare of the Town and its inhabitants and will not have a deleterious effect on the nature and character of the community and neighborhood, or the site is a public necessity.

- e) The applicant shall submit a written report demonstrating the applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If appropriate, based on selecting a site of lower priority, a detailed written explanation as to why sites of a higher priority were not selected shall be included with the application.

Section 3. Shared use of Wireless Telecommunications Facilities and other structures.

The Town shall always prefer locating on existing towers or others structures, as opposed to the construction of a new tower. The applicant shall submit a comprehensive report inventorying all existing towers and all other suitable structures that are within four (4) miles of the location of any proposed new tower, unless the applicant can show that some other distance is more reasonable and demonstrate conclusively why an existing tower or other suitable structure can not be used.

Section 4. Height of Telecommunications Tower(s).

- a) The Applicant shall submit documentation justifying the total height of any tower, Facility and/or antenna and the basis therefore. Such documentation will be analyzed in the context of the justification of the minimum height needed to provide service to an area that is without service that is within the Town and surrounding area, to the extent practicable, unless good cause is shown.
- b) If the need for a new tower can be proven, the maximum permitted height of a new tower shall be the minimum needed to accommodate five (5) carriers, taking in to account the neighboring tree height or the height of any nearby obstruction that would effectively block the signal in that direction. No tower shall exceed two hundred and fifty (250) feet in total height including antennae and supporting antennae structures. All towers shall be designed to the maximum height of (250) feet, but shall be constructed only to the minimum height needed to accommodate five (5) carriers.
- c) No Wireless Facility constructed after the effective date of this Ordinance, including allowing for all attachments, shall exceed that height which shall permit operation without required artificial lighting of any kind in accordance with municipal, County, State, and/or any Federal statute, law, local law, County ordinance, code, rule or regulation.

Section 5. Appearance and Visibility of Wireless Telecommunications Facilities.

- a) Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by Law.
- b) Towers shall be galvanized or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this Ordinance and any conditions of the conditional use for telecommunication towers or zoning permit.
- c) If lighting is required, applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations.
- d) Towers shall be limited to monopole-, mast-, or lattice structures only. Guyed towers shall not be permitted.
- e) Landscaping shall be required around the perimeter of the secured area. Such landscaping shall, at a minimum, comply with the Bunn Zoning Ordinance standards for landscape buffers and screening as identified in Article IX of this Ordinance. The Planning and Zoning Board may require additional landscaping to effectively screen the secured area.

Section 6. Security of Wireless Telecommunications Facilities.

All Wireless Telecommunications Facilities and antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:

- a) All antennas, towers and other supporting structures, wires and cabling shall be made inaccessible to unauthorized individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and
- b) Transmitters and Telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.
- c) All fencing shall be in harmony and concert with the nature and character of the neighborhood and be maintained in a manner so as to retain its originally installed appearance. In no case shall barbed wire fencing be installed or used in a residential district.

Section 7. Signage.

Wireless Telecommunications Facilities shall contain a sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities and shall contain the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet of the applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. The sign shall not be lighted, unless

lighting is required by applicable law, rule or regulation. Advertising or other signs unrelated to the safety of the facility shall not be permitted.

Section 8. Lot Size and Setbacks.

All proposed towers and any other proposed wireless telecommunications facility structures shall be set back from abutting parcels, recorded rights-of-way, existing or proposed structures, and road and street lines by the greater of the following distances: A distance equal to the height of the proposed wireless telecommunications facility structure plus twenty percent (20%) of the height of the facility or structure, or the existing setback requirement of the underlying zoning district, whichever is greater.

Section 9. Retention of Expert Assistance.

The Town may hire any consultant and/or expert necessary to assist the Town in reviewing and evaluating the application, including the construction and modification of the site, once permitted, and any requests for re-certification.

Section 10. Exceptions from a Conditional Use for Telecommunication Towers Permit for Wireless Telecommunications Facilities.

- a) No person shall be permitted to site, place, build, construct, modify or prepare any site for the placement or use of, wireless telecommunications facilities as of the effective date of this Ordinance without having first obtained a conditional use for telecommunication tower or zoning permit for wireless telecommunications facilities. Notwithstanding anything to the contrary in this section, no conditional use permit shall be required for those non-commercial exceptions noted in the definition of wireless telecommunications facilities. Zoning permits may apply to non-commercial exceptions noted in the definition of wireless telecommunications facilities.
- b) All wireless telecommunications facilities existing on or before the effective date of this Ordinance shall be allowed to continue as they presently exist, provided however, that any visible modification of an existing wireless telecommunications facility must comply with this Ordinance.

Section 11. Administrative Review.

Applications that qualify for administrative review are subject to requirements of this Ordinance and include:

- a) A) Installing an antenna on an existing non-residential structure other than a tower (such as a building, sign, light pole, water tower, utility pole, or other free-standing, non-residential

structure) in any commercial or industrial district that is less than 50 feet in height so long as such addition does not add more than 10 feet to the height of the existing structure.

- b) Installing an antenna on an existing tower of any height, including a pre-existing tower, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty (20) feet to the height of the existing tower.
- c) Replacing an existing tower which adds no more than 10 feet to the overall height of the existing structure with only 1 replacement allowed.
- d) Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower, or other free standing, non residential structure) that is more than fifty (50) feet in height, so long as such addition does not add more than twenty (20) feet to the height of the existing structure.

Note:

An increase in tower or structure height shall only be allowed once and any additional proposed increases shall require a Conditional Use Permit for a Site Plan Amendment. In the event that an increase in tower or structure height would require that an existing unlighted tower be lighted, a Conditional Use Permit shall be required for a Site Plan Amendment.

Section 12. Public Hearing Exemptions.

There shall be no public hearing required for an application for a Zoning Permit to co-locate on an existing tower or other structure, as long as it meets the provisions of Section 11 of this Article.

Section 13. Performance Security.

The applicant and the owner of record of any proposed wireless telecommunications facilities property site shall, at its cost and expense, be jointly required to execute and file with the Town a bond, renewable letter of credit, or other form of security acceptable to the Town as to type of security and the form and manner of execution, in an amount of at least twenty five (25) percent of the towers construction cost. The full amount of the bond or security shall remain in full force and effect throughout the term of the conditional use or zoning permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the original conditional use or zoning permit.

Section 14. Reservation of Authority to Inspect Wireless Telecommunications Facilities.

In order to verify that the holder of a conditional use or zoning permit for wireless telecommunications facilities and any and all lessees, renters, and/or licensees of wireless telecommunications facilities, place and construct such facilities, including towers and antennas,

in accordance with all applicable technical, safety, fire, building, and zoning codes, laws, ordinances and regulations and other applicable requirements, the Town may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, towers, antennas and buildings or other structures constructed or located on the permitted site.

Section 15. Annual NIER Certification.

The holder of the conditional use or zoning compliance permit shall, annually, certify to the Town that NIER levels at the site are within the threshold levels adopted by the FCC.

Section 16. Indemnification.

Any application for wireless telecommunication facilities that is proposed for Town property, pursuant to this Ordinance, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the Town, and its officers, boards, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising there from, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the Town, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the Town.

Section 17. Default and/or Revocation.

- a) If wireless telecommunications facilities are repaired, rebuilt, placed, moved, re-located, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this Ordinance or of the conditional use or zoning permit, then the Town shall notify the holder of the conditional use or zoning permit in writing of such violation. Notwithstanding anything to the contrary in this subsection or any other section of this Ordinance, if the violation causes, creates or presents an imminent danger or threat to the health or safety of lives or property, the Town may, at its sole discretion, order the violation remedied within twenty-four (24) hours.
- b) If within the period set forth in (A) above the wireless telecommunications facilities are not brought into compliance with the provisions of this Ordinance, or of the conditional use or zoning permit, or substantial steps are not taken in order to bring the affected wireless

telecommunications facilities into compliance, then the Town may revoke such conditional use or zoning permit for wireless telecommunications facilities, and shall notify the holder of the conditional use or zoning permit within forty-eight (48) hours of such action.

Section 18. Removal of Wireless Telecommunications Facilities.

Under the following circumstances, the Town may determine that the health, safety, and welfare interests of the Town warrant and require the removal of wireless telecommunications facilities.

- 1) Wireless telecommunications facilities with a permit have been abandoned (i.e. not used as wireless telecommunications facilities) for a period exceeding one hundred and eighty (180) consecutive days or a total of three hundred and sixty five (365) days in any two (2) year period, except for periods caused by force major or Acts of God, in which case, repair or removal shall commence within 180 days;
- 2) Permitted wireless telecommunications facilities fall into such a state of disrepair that it creates a health or safety hazard;
- 3) Wireless telecommunications facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required conditional use or zoning permit, or any other necessary authorization.

Section 19. Waiver.

Any applicant or permittee desiring waiver from any aspect or requirement of Article XI may request such from the Zoning Administrator, provided that the waiver is contained in the original application for either a conditional use or zoning permit, or in the case of an existing or previously granted conditional use or zoning permit a request for modification of its tower and/or facilities. Such waiver may be temporary or permanent, partial or complete. However, the burden of proving the need for the requested waiver is solely on the applicant to prove. No such waiver shall be approved unless the applicant demonstrates by clear and convincing evidence that, if granted, the waiver will have no significant affect on the health, safety and welfare of the Town, its residents and other service providers.

Section 20. Adherence to State and/or Federal Rules and Regulations.

- a) To the extent that the holder of a conditional use or zoning permit for wireless telecommunications facilities has not received relief, or is otherwise exempt, from appropriate State and/or Federal agency rules or regulations, then the holder of such a conditional use or zoning permit shall adhere to, and comply with, all applicable rules, regulations, standards, and

provisions of any State or Federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.

- b) To the extent that applicable rules, regulations, standards, and provisions of any State or Federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a conditional use or zoning permit for wireless telecommunications facilities, then the holder of such a conditional use or zoning permit shall conform the permitted wireless telecommunications facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

ARTICLE XII. SIGNS

Section 1. Purpose

The purpose of this Article is to preserve the quality of life in the Town of Bunn without littering the Town with unregulated signs. The Article seeks to preserve the rights to free speech afforded in the First Amendment of the US Constitution, while maintaining an aesthetically pleasing urban landscape within the Town of Bunn.

Section 2. Sign Construction and Placement

Signs can be made with any material that is durable and sturdy. Such materials may include wood, metal, steel, aluminum, and plastics. Such signs may be put together with any hardware deemed secure enough to hold it in place in a minor weather event. Placement of signs in the city limits shall be allowed provided they follow the guidelines in Section 3 of this Article.

Section 3. Guidelines

a) Residential Districts (R1, R2, R3)

- a.i) No signs may be located in public right-of-way
- a.ii) Political signs may be placed in a residential yard only with the property owner's permission
- a.iii) No sign shall block the line of sight at an intersection
- a.iv) No sign shall be placed within 15 feet of a fire hydrant
- a.v) All political signs shall be removed no later than two (2) weeks after the election
- a.vi) No sign shall be placed on a telephone or utility pole
- a.vii) No sign shall be over a maximum height of 6 feet

b) Commercial C1, C2 and C3 Districts

- b.i) No free-standing sign may be over 10 feet in height
- b.ii) No sign shall impede pedestrian traffic
- b.iii) Setbacks shall follow current zoning classification
- b.iv) Lighted signs are permitted, provided that no sign shall emit a light that will blind traffic
- b.v) Signs may be painted directly on the walls of businesses
- b.vi) No sign shall be placed on a telephone or utility pole
- b.vii) No sign shall block the line of sight at an intersection
- b.viii) No sign shall be placed within 15 feet of a fire hydrant
- b.ix) All political signs shall be removed no later than two (2) weeks after the election
- b.x) No signs may be located in public right-of-way

c) Industrial I1 and I2 Districts

- a.i) No free-standing sign shall be over 10 feet in height
- a.ii) No sign shall impede pedestrian traffic

- a.iii) Setbacks shall follow current zoning classification
- a.iv) Lighted signs are permitted, provided that no sign shall emit a light that will blind traffic
- a.v) Signs may be painted directly on the walls of businesses
- a.vi) No sign shall be placed on a telephone or utility pole
- a.vii) No sign shall block the line of sight at an intersection
- a.viii) No sign shall be placed within 15 feet of a fire hydrant
- a.ix) All political signs shall be removed no later than two (2) weeks after the election
- a.x) No signs may be located in public right-of-way

Section 4. Prohibited Signs

Applicability. The following signs are prohibited within the Town of Bunn:

- (1) Signs which approximate official highway signs, warning signs, or regulatory devices.
- (2) Signs displaying blinking, flashing, or intermittent lights, animation, and moving parts.
- (3) Portable signs as regulated by this Article.
- (4) “Wrap-around” signs or other continuous wall signs that extend around building corners or radii.
- (5) Off-premise signs except as specifically permitted herein.
- (6) Facsimile signs.
- (7) Signs placed within any required sight triangle.
- (8) Signs attached to or painted on utility poles, telephone poles, trees, parking meters, bridges and overpasses, rocks, other signs, benches, and refuse containers, except that the latter two may contain a logotype.
- (9) Roof signs.
- (10) Pavement markings for purposes other than traffic control.
- (11) Signs placed within or extending into the right-of-way of city and state maintained streets and roads, except those signs erected by a duly constituted government.

- (12) Signs that contain language and/or pictures obscene to the general public in accordance with NCGS 14-190.1.
- (13) Signs that advertise an activity or business no longer conducted on the property on which the sign is located.
- (14) Indirect illumination, such as floodlights, erected in such a manner as to cause glare that impairs driver vision on streets or roadways, pilot vision approaching or departing Franklin County Airport runways, or that causes a nuisance to adjoining property.
- (15) Signs that obstruct fire escapes, windows, doors, or other openings used as means of egress or as required legal ventilation.
- (16) Signs containing or consisting of pennants, ribbons, streamers, festoon lighting, balloons (or inflatable signs), or spinners.
- (17) Signs that do not conform to the provisions of these regulations.

Section 5. Signs That Do Not Require A Permit

Applicability. No permit is required for the following signs, provided they are not prohibited as defined in Section 4, and provided they comply with the conditions set forth. If a sign exceeds the size or in any other way does not comply with these limitations, it shall be considered as a prohibited sign and/or shall be subject to all other provisions in Article XII.

1. *Building Marker Signs.* A building marker sign may include only the building name, date of construction, or historical data on historic buildings or sites; and shall be cut or etched into masonry, bronze, or similar material.
2. *Business Identification Sign.* A pedestrian oriented sign attached to a building to identify the tenant within. Such sign shall contain no advertising other than trade name and/or logotype. One sign is permitted per entrance. Maximum size is six square feet.
3. *Special Event Signs for Public, Quasi-Public, or Non-Profit Organizations.* A sign may be erected by public, quasi-public, or non-profit organizations such as schools and churches for promoting.

- (a) Scheduled sales events such as rummage and bake sales. Such signs shall remain in place no more than 72 hours. Additionally, such signs shall be limited to one on-premise sign per street frontage.
 - (b) Public events such as charity benefits, fairs, fund drives, revivals, and sporting events. Such sign shall not be illuminated nor be located within a street right-of-way or required sight triangle. Such signs may be displayed for a period of 30 days and may be allowed on-or off-premise.
 - (c) Special seasonal events, such as parades, fairs, and festivals. Such signs may be erected (on-or off-premise) within 21 days of the event and shall be removed within one week after the end of an event. Such signs shall not be illuminated and maximum size is 32 square feet.
4. *Construction/Contractor's and Subdivision Project Signs.* Such signs shall be non-illuminated and may be located in any district to identify future tenants, home builders, contractors, and architectural or engineering designers during the period of construction. These signs shall be removed no later than seven days after the completion of a project. Maximum size is 32 square feet.
5. *Flags.* Flags of the United States of America, the State of North Carolina, Franklin County, Town of Bunn or foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such flag shall not be flown from a pole the top of which is more than 40 feet in height. Such flags shall be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting these conditions shall be considered a banner sign and shall be subject to regulation as such. Maximum size is 60 square feet.
6. *Governmental Signs.* Signs posted by various local, state, and federal agencies such as regulatory signs, welcome signs, and traffic control signs.
7. *Incidental Signs.* Signs indicating vehicular entrances and exits, parking areas, one-way traffic, no trespassing, dumping, loitering, etc. Such signs shall not exceed three feet in height, shall not obstruct any vehicular sight triangle, and shall be located no farther than 15 feet away from the edge of the entrance or exit which it delineates. No more than two signs per entrance or exit shall be permitted. Such signs may be illuminated and shall contain no sign copy other than directional information. Maximum size is four square feet.

8. *Occupant/Street Number Signs.* Non-illuminated signs affixed to structures, mailboxes, decorative light posts, driveway entrances, etc., which serve to identify the address of the structure or occupant. All such signs are required to be placed in such a manner as to be visible from the street.
9. *Off-Premise Directional Signs for Churches.* Non-illuminated ground-mounted signs located outside of the street right-of-way. A maximum of three directional signs per church shall be permitted within the town's zoning jurisdiction. Maximum size is six square feet.
10. *Political Signs.* Political signs staked in the ground shall not be illuminated, shall not be located within a public street right-of-way or located closer than 10 feet to the edge of street pavement or within a required sight triangle, shall not be attached to trees or utility poles, and shall be no taller than six feet. Political signs may be displayed during a period beginning 45 days prior to an election and concluding one week after certification of the election by the Board of Elections. In the event of a runoff election, political signs for the candidates involved may remain on display until 48 hours after certification of the election by the Board of Elections. All roof-mounted signs for political advertisement are prohibited. All political signs in violation of the above provisions shall be removed for disposal by the county. Maximum size is 32 square feet.
11. *Public Service Signs.* Signs displayed for the convenience of the general public, such as signs for public rest rooms, automobile inspection, hours of operation, freight entrances, credit cards accepted, etc. Such signs may be illuminated and shall contain no sign copy other than service information and trade names and/or logos for the business. Maximum size is six square feet.
12. *Real Estate Signs-Residential Properties (On-Premise).* Signs which advertise the sale or lease of the property on which said sign is located. Such signs may not be illuminated or located within a sight triangle or public right-of-way and shall be removed no later than seven days after the sale or lease of the property. Signs are limited to one per street frontage. Maximum size is six square feet.
13. *Real Estate Signs-Non Residential Properties (On-Premise).* Signs which advertise the sale or lease of the property on which said sign is located. Such signs may not be illuminated or located within a sight triangle or public right-of-way and shall be removed no later than seven days after the sale or lease of the property. Signs are limited to one per street frontage. Maximum size is 32 square feet.

14. *Suspended Canopy Signs.* Signs attached to the underside of canopy/awnings in all districts. Such sign shall not be illuminated, shall contain no advertising other than the trade name and/or logotype. One sign is permitted per business, and such signs shall meet the provisions for clearance as described in the latest edition of the North Carolina State Building Code. Maximum size is four square feet.
15. *Window Signs.* Signs placed or painted on the interior or exterior of glass windows or doors provided that such signs cover no more than 30 percent of the glass area of the entire storefront. Window signs that cover more than 30 percent of the glass shall be considered as wall signs and shall meet requirements for wall signs within the appropriate zoning district.
16. *Yard Sale Signs.* Such signs may be placed on- or off-premise provided they are not located in a sight triangle or street right-of-way nor placed on any tree, street sign, or utility pole. Such signs may not be illuminated and may remain in place for 72 hours in any thirty (30) day period. Maximum size is six square feet.

Section 6. Sign Permit Process

- a) A site plan showing proposed location and size of all signs must accompany application
- b) The site plan shall be approved by the Zoning Administrator
- c) A site inspection may be needed to help the Zoning Administrator make the ruling
- d) The cost of a sign permit is \$50.00.

Section 7. Outdoor Advertising (Billboard) Signs

- a) *Applicability.* The maximum permitted sign area, location, characteristics, and number of off-premise outdoor advertising signs shall be determined in accordance with the standards in this section.
- (b) The following regulations shall apply to off-premise outdoor advertising signs:
 - (i) Such signs shall be permitted only in the I1 and I2 districts with the issuance of a Conditional Use Permit.
 - (ii) Such signs shall be limited to a maximum size of 160 square feet.
 - (iii) Such signs shall be setback a minimum of fifty (50) feet from the public right-of-way, or any legal private access road.
 - (iv) Such signs shall not exceed ten (10) feet in height.
 - (v) There shall be only one (1) face per side of the sign. "Double-decker" signs with signs erected one over or above the other and side-by-side signs with signs erected one next to the other are prohibited.

- (vi) Such signs shall be a minimum of one-thousand (1,000) feet from any residential zoning district or residentially developed property, whether within the jurisdictional limits of the Town or not. The distance shall be measured radially from the proposed sign location to the nearest point of the residential district or property.
- (vii) Each sign shall be a minimum of one-thousand (1,000) feet from any other off-premise outdoor advertising sign, located on the same or on the opposite side of the street. The distance shall be measured radially from the proposed sign location to the existing sign location.
- (viii) Such signs shall be a minimum of one-hundred (100) feet from any existing or proposed building, off-street parking area, or other building or structure. The distance shall be measured radially from the proposed sign location to the nearest point of the building, off-street parking area, or other building or structure.
- (ix) No vegetation in the public right-of-way shall be cut for the purpose of increasing or permitting visibility to such off-premises outdoor advertising sign unless approved by the chief engineer of the governmental authority having jurisdiction over such right-of-way.
- (x) No off-premise outdoor advertising sign shall be located in a required front yard setback.
- (xi) Such signs shall meet 30 PSF wind loading requirements and all supports shall be of steel, aluminum, concrete, or other non-combustible material.
- (xii) No such sign shall be erected closer than ten (10) feet from any conductor of electricity, and all such signs shall comply with all requirements of the National Electrical Code with respect to clearance from overhead electrical conductors.
- (xiii) All lighting and illumination of the sign shall be directed away from adjacent properties and shall not be directed so as to interfere with vehicular traffic.

Section 8. Grandfather Clause

Any sign erected on or before this ordinance takes place shall be grandfathered and shall be considered to be permitted for a period of one year. One year after the adoption of this ordinance, all non-conforming signs shall be removed and, if replaced, shall be subject to the provisions of this Ordinance.

ARTICLE XIII. ADMINISTRATION, ENFORCEMENT AND AMENDMENTS

Section 1. Planning and Zoning Board

1.1. Creating the Planning and Zoning Board

Pursuant to NCGS 160A-361 and 160A-362, the Planning and Zoning Board of the Town of Bunn is hereby designated as the official planning agency for the Town and shall be referred to as the Planning and Zoning Board. The Planning and Zoning Board shall perform the functions and duties herein prescribed.

a) Composition and Appointment

The Planning and Zoning Board shall consist of five (5) members. Three (3) members shall be residents of the Town of Bunn and shall be appointed by the Town Board of Commissioners. Two (2) members shall be residents of any extraterritorial area that is subject to the Bunn Zoning Ordinance, subdivision regulations, or building code enforcement, and shall be appointed by the Franklin County Board of Commissioners. All members of the Planning and Zoning Board shall have voting rights on any matter brought before the Board.

b) Terms of Office

Upon appointment of original members, the initial terms shall be as described herein. For in-town members, one (1) member shall be appointed for a term of one (1) year; one (1) member shall be appointed for a term of two (2) years; and one (1) member shall be appointed for a term of three (3) years. For out-of-town members, one member shall be appointed for a term of two (2) years and one (1) shall be appointed for a term of three (3) years. Upon completion of the initial term, each successive term shall be for a period of three (3) years. Terms shall commence on July 1 of the year of appointment and shall expire on June 30 of the last year of said member's appointment. Members shall serve until the expiration of their term or until their successor has been appointed.

Faithful attendance at the meetings of the Planning and Zoning Board is considered a prerequisite for the maintenance of membership on the Board. Unexcused absence from three (3) consecutive meetings shall be deemed adequate reason for termination of membership on the Planning and Zoning Board by the legislative body.

c) Vacancies

Vacancies in the membership of the Planning and Zoning Board occurring for reasons other than expiration of term shall be filled as they occur for the remainder of the unexpired term of the board member. The appointing authority shall fill any vacancies for the period of the unexpired term.

d) Officers and Rules

The Planning and Zoning Board shall elect from its membership a chairman and create and fill such other offices as it may determine beneficial to its operation. The term of the chairman and other officers shall be one (1) year or until successors shall have been elected and installed, with eligibility for reelection. Vacancies in officers' positions prior to an expiration of terms shall be filled for the period of the unexpired term by the Planning and Zoning Board. The Board shall adopt rules for transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings, and recommendations, which shall be a

public record. The Board shall hold at least one (1) meeting quarterly on the first Tuesday of August, November, February, and May, unless there is no business to be discussed or acted upon, and all of its meetings shall be held in accordance with Chapter 143, Article 33c of the NC General Statutes.

e) Quorum

A quorum shall consist of a majority of the board membership. However, the Board shall not act on any questions relating to an appeal from a decision, order, requirement, or determination of any administrative official charged with the enforcement of the zoning ordinance, or an application for a variance or special use permit when fewer than four-fifths (4/5) of the membership is present and in favor of said action.

f) Voting

Any member who is a party at interest to matters under consideration by the Planning and Zoning Board shall declare such interest prior to a vote of the Board on the question, and shall abstain from voting on the question. This provision shall not prohibit such members from participation in discussion of the board on such matters prior to a vote. The required vote to act on appeals or applications for variances and special use permits shall be as provided in Section (e) above, and shall not be reduced by any disqualification.

g) Compensation

All members of the Planning and Zoning Board shall serve as such without compensation. Members or employees of the Planning and Zoning Board, when duly authorized by the Board of Commissioners, may attend planning conferences or meetings of planning institutes or hearings upon pending planning legislation, and the Board may, by formal and affirmative vote, pay the reasonable traveling expenses incidental to such attendance, within the Board's budget and with the concurrence of the Board of Commissioners of the Town of Bunn.

h) General Powers and Duties

It shall be the function and duty of the Planning and Zoning Board, as the official planning agency for the Town of Bunn, to make comprehensive surveys and studies of existing conditions and probable future development as will best promote the public health, safety, morals, conveniences, or the general welfare as well as the efficiency and economy in the development of the Town of Bunn. The Planning and Zoning Board shall have the powers and duties given by the General Statutes of North Carolina and the Board of Commissioners of the Town of Bunn, including the powers to:

1. Make studies of the area within the town's jurisdictions and surrounding area;
2. Determine the objectives to be sought in the development of the study area;
3. Prepare and adopt plans for achieving these objectives;
4. Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans;
5. Advise the Town Board concerning the use and amendment of means for carrying out plans;

6. Exercise any functions in the administration and enforcement of various means for carrying out plans that the council may direct;
7. Perform the functions, duties, and responsibilities of the Board of Adjustment or Planning and Zoning Board as prescribed by local and state ordinances and regulations;
8. Perform any other related duties that the council may direct.

i) Reporting Requirements

The Planning and Zoning Board may be required to submit to the Board of Commissioners a written report of its activities, an analysis of the expenditures to date for the current fiscal year, and its requested budget of funds needed for operation during the ensuing fiscal year. The Planning and Zoning Board is authorized to appoint such committees and to authorize such expenditures within its approved budget as it may see fit, subject to such limitations of funds provided for the Planning and Zoning Board by the Board of Commissioners of the Town of Bunn.

1.2. Filing and Notice for an Appeal, Variance, or Special Use

Appeals from the enforcement and interpretation of this ordinance and requests for variances, and special uses shall be filed with the Zoning Enforcement Officer specifying the grounds thereof. The Zoning Enforcement Officer shall transmit to the Board all applications and record pertaining to such appeals, variances and special uses. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Enforcement Officer certifies to the Board that by reason of facts stated in the certificate, a stay would in his opinion, cause imminent peril to the life and property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board by a court of record on application or notice to the Officer from whom the appeal is taken and due cause shown.

a) Hearing of the Appeal

After receipt of notice of an appeal or request for variance or special use, the Board Chairman shall schedule the time for a hearing, which shall be at a regular or special meeting within thirty-six (36) days from filing or such notice of appeal.

b) Notice

At least one week prior to the date of the hearing, the Town of Bunn shall furnish all adjoining property owners with written notice of the hearing.

c) Fees for Variances or Special Uses

A fee of two hundred dollars (\$200) plus five dollars (\$5) for each property owner to be notified shall be paid to the Town of Bunn, North Carolina, for each application for a variance or special use to cover the necessary administrative costs and advertising.

d) Fees for Appeals. A fee of two hundred dollars (\$200) shall be paid to the Town of Bunn, North Carolina, for each appeal to cover the necessary administrative costs.

1.3. Powers and Duties of the Planning and Zoning Board

The Planning and Zoning Board shall have the following powers:

a) Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Building Inspector or other administrative officials in the carrying out or enforcement of any provisions of this ordinance. A concurring vote of four-fifths (4/5) of members of the Board shall be necessary to reverse, wholly or partly any order, requirement, decision, permit, determination or refusal, or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance, or to grant a variance from the provisions of this ordinance. For the purposes of this subsection, vacant positions on the Planning and Zoning Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered “members of the Board” for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such members.

b) Conflicts on Quasi-Judicial Matters

A member of the Planning and Zoning Board or any other body exercising the functions of a Planning and Zoning Board shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons’ constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to a hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member’s participation and that member does not recuse him- or herself, the remaining members shall by majority vote rule on the objection.

c) Variances

When practical difficulties or unnecessary hardships would result from carrying out the strict letter of this ordinance, the Planning and Zoning Board shall have the power to vary or modify any of the regulations or provisions of the ordinance so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. No change in permitted uses may be authorized by variance. Appropriate conditions, which must be reasonably related to the condition or circumstance that gives rise to the need for a variance, may be imposed on any approval issued by the Board. A variance from the terms of this ordinance shall not be granted by the Board unless and until the following written findings are made:

- i. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structure or buildings in the same district;
- ii. That the literal interpretation of the provision of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
- iii. That the special conditions and circumstances do not result from the actions of the applicant;

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

v. That no change in permitted uses in the district shall be authorized by granting the requested variance.

d) Special Uses

Special uses add flexibility to the Zoning Ordinance by allowing uses, which would otherwise be undesirable; to be established in designated districts under conditions imposed by the Planning and Zoning Board or Town Board of Commissioners. Applications for Special Use Permits shall be filed with the Zoning Enforcement Officer, who shall transmit the application to the Planning and Zoning Board. No vote greater than a majority vote shall be required for the Board to issue such permits. For the purposes of this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered "members of the Board" for calculation of the requisite majority. After a public hearing, the Planning and Zoning Board may grant permission to establish Special Uses as permitted in the district regulations, if the Planning and Zoning Board finds that:

i) The proposed use does not affect adversely the general plans for the physical development of the town as embodied in these regulations and in any plan or portion thereof adopted by the Planning and Zoning Board.

ii) The proposed use will not be contrary to the purposes stated for these regulations

iii) The proposed use will not affect adversely the health and safety of residents and workers in the town;

iv) The proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses;

v) The proposed use will not be affected adversely by the existing uses;

vi) The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of said use;

vii) The proposed use will not constitute a nuisance or hazard because of the of persons who will attend or use such facility, vehicular movement, noise or fume generation or type of physical activity;

viii) The standards set forth for each particular use for which a permit may be granted have been met;

ix) The Planning and Zoning Board or Town Board of Commissioners may impose or require such additional restrictions and conditions as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood;

x) The proposed use shall be subject to the minimum area, setback, and other locational requirements of the zoning district in which it will be located;

xi) The proposed use shall be subject to the off-street parking and service requirement of these regulations; and

xii) Wherever the Planning and Zoning Board shall find, in the case of any permit granted pursuant to the provisions of these regulations, that any of the terms, conditions, or restrictions, upon which such permit was granted are not being complied with, said Board shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

1.4 Appeal from the Planning and Zoning Board

Every decision of the Planning and Zoning Board shall be subject to a review by the Superior Court by proceedings in the nature of certiorari. Appeal from the decision of the Planning and Zoning Board may be made to the Franklin County Superior Court within thirty (30) days after the decision is made by the Board, but not thereafter.

Section 2. Zoning Administrator

The Zoning Enforcement Officer (also referred to as the “Zoning Administrator”) is hereby authorized to enforce the provisions of this ordinance. Appeal from the decision of the Zoning Enforcement Officer shall be made to the Planning and Zoning Board.

Section 3. Certificate of Zoning Compliance

No land shall be used or occupied and no building hereafter structurally altered, erected, or moved, shall be used, or its use changed until a certificate of zoning compliance shall have been issued by the Zoning Enforcement Officer stating that the building and/or the proposed use thereof complies with the provisions of this ordinance. A like certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a nonconforming use. A certificate of zoning compliance either for the whole or a part of a building shall be applied for at least 2 days prior to construction and the certificate permit must be issued before actual construction begins. A record of all certificates shall be kept on file in the office of the Zoning Enforcement Officer and copies shall be furnished on request at cost to any person.

No permit for excavation of, or erection of, any building or part of a building, or for repairs to, or alterations of, a building shall be issued until after a statement of its intended use has been filed by the applicant. No certificate of zoning compliance for the construction of a building on any property shall be issued during the pendency of an application for the rezoning of such property.

3.1 Temporary Certificate

The Zoning Enforcement Officer may issue a temporary certificate of zoning compliance for bazaars, carnivals, religious revivals, construction offices and similar uses. Such certificates shall be issued for a fixed period of time, but not to exceed ninety (90) days, and shall be subject to such limitations as the Zoning Enforcement Officer may impose to protect the character of the district affected.

3.2 Application Procedures

Each application for a Certificate of Zoning Compliance shall be accompanied by a plan in duplicate, drawn to scale, one (1) copy of which shall be returned to the owner upon approval. The plan shall be accompanied by a letter of recommendation from the Franklin Soil and Water Conservation District and a letter of approval from the Franklin County Health Department. The plan shall include:

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

3.3 Fee

A fee of twenty-five dollars (\$25.00) shall be paid to the Town of Bunn, North Carolina, for each application for an occupancy permit for a residential use to cover the administrative costs involved. A fee of seventy-five dollars (\$75.00) shall be paid to the Town of Bunn, North Carolina for each application for a non-residential use to cover the administrative costs involved.

3.4 Construction and Use Shall be in Conformity with Plan

A certificate of zoning compliance issued on the basis of plans and applications approved by the Zoning Enforcement Officer authorize arrangement and construction set forth in the approved plan. Use, arrangement or construction at variance with that authorized shall be deemed in violation of this ordinance and punishable as provided by Article III, Section 8.

Section 4. Certificate of Occupancy

A certificate of occupancy issued by the Zoning Enforcement Officer is required in advance of:

- a. Occupancy or use of a building hereafter erected, altered, or moved;
- b. Change of use of any building or land.

A certificate of occupancy, either for the whole or a part of a building shall be applied for coincident with the application for a certificate of zoning compliance and shall be issued within ten (10) days after the erection or structural alteration of such building, or part, shall have been completed in conformity with the provisions of this ordinance. A certificate of occupancy shall not be issued

unless the proposed use of a building or land conforms to the applicable provisions of this ordinance. If the certificate of occupancy is denied, the Zoning Enforcement Officer shall state in writing the reasons for refusal and the applicant shall be notified of the refusal. A record of all certificates shall be kept on file in the office of the Zoning Enforcement Officer and copies shall be furnished at cost, on request to any person.

Section 5. Duties of Zoning Enforcement Officer, Planning and Zoning Board, Courts and Town Board of Commissioners as to Matters of Appeal

It is the intention of this ordinance that all questions arising in connection with the enforcement of this ordinance shall be presented first to the Zoning Enforcement Officer and that such questions shall be presented to the Planning and Zoning Board only on appeal from the Zoning Enforcement Officer; and that from the decision of the Planning and Zoning Board recourse shall be had to courts as provided by law. It is further the intention of this ordinance that the duties of the Town Board in connection with the ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof, but that the procedure for determining such questions shall be as herein set in the ordinance, and that the duties of the Town Board in connection with this ordinance, shall be only the duty of considering and passing upon any proposed amendment or repeal of the ordinance as provided by law.

Section 6. Changes and Amendments

The Town Board of Commissioners may amend, supplement, or change the text regulations and zoning map according to the following procedures.

6.1. Action by the Applicant

The following action shall be taken by the applicant:

a) Initiation of Amendments

Proposed changes or amendments may be initiated by the Town Board, Planning and Zoning Board, or by one or more interested parties.

b) Application

An application for any changes or amendment shall contain a description and/or statement of the present and proposed zoning regulations or district boundary to be applied, and the names and addresses of the owner or owners of the property. Such application shall be filed with the Town Clerk not later than ten (10) days prior to the Planning and Zoning Board meeting at which the application is to be considered.

c) Text Amendment Fee

A fee of two hundred dollars (\$200.00) shall be paid to the Town of Bunn, North Carolina, for each application for amendment to cover the costs of advertising and other administrative expenses involved.

d) Rezoning/Map Amendment Fee

The following fee schedule shall apply to all rezoning requests in the Town of Bunn zoning jurisdiction. Fees shall be paid to the Town of Bunn, North Carolina, for each application for

rezoning to cover the costs of advertising and updating the Official Zoning Map of the Town of Bunn.

Less than 1 acre	\$250
1 acre – 3 acres	\$300
3.1 acres – 10 acres	\$400
More than 10 acres	\$500

6.2. Action by Planning and Zoning Board

The following action shall be taken by the Planning and Zoning Board:

a) Planning and Zoning Board Conflict of Interest

Members of appointed boards providing advice to the Town Board shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

b) Planning and Zoning Board Review

Subsequent to initial adoption of a zoning ordinance, all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning and Zoning Board for review and comment. If no written report is received from the Planning and Zoning Board within 30 days of referral of the amendment to that Board, the Town Board may proceed in its consideration of the amendment without the Planning and Zoning Board report. The Town Board is not bound by the recommendations, if any, of the Planning and Zoning Board.

c) Planning and Zoning Board Statement

The Planning and Zoning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning and Zoning Board shall provide a written recommendation to the Town Board that addresses plan consistence and other matters as deemed appropriate by the Planning and Zoning Board, but a comment by the Planning and Zoning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Town Board.

6.3. Action by the Town Board

a) Notice and Public Hearing

No amendment shall be adopted by the Town Board until after public notice and hearing.

Notice of Public Hearing shall be given once a week for two (2) consecutive calendar weeks in a newspaper of general circulation in Bunn, North Carolina. Said notice shall be published the first time not less than fifteen (15) days nor more than twenty-five (25) days prior to the date of the public hearing.

Whenever there is a proposed zoning map amendment, 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 public hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least 10 but not more than 25

days prior to the date of the public hearing. The person or persons mailing such notices shall certify to the Town Board that fact, and such certificate shall be deemed conclusive in the absence of fraud.

The first class mail notice required under this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the city elects to use the expanded published notice provided for in this subsection. In this instance, the Town may elect to either make the mailed notice provided for above, or may as an alternative elect to publish notice of the hearing once a week for two successive calendar weeks in a newspaper of general circulation in the Town of Bunn, as required by G.S. 160A-364, but provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement must show the boundaries of the area affected by the proposed zoning map amendment and explain the nature of the proposed change. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the first class mail notice provisions above.

When a zoning map amendment is proposed, the Town shall also prominently post a notice of the public hearing on the site proposed for rezoning or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the Town shall post sufficient notices to provide reasonable notice to interested persons.

b) Town Board Action

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

A Town Commissioner shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the Commissioner.

c) Town Board Statement

Prior to adopting or rejecting any zoning amendment, the Town Board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the Board considers the action taken to be reasonable and in the public interest.

d) Protests

In case, however, of a protest against such change, such amendment shall not become effective except by favorable vote of three-fourths (3/4) of all the members of the Town Board. For the purposes of this subsection, vacant positions on the Town Board and members who are excused

from voting shall not be considered “members of the Board” for the calculation of the requisite supermajority.

To qualify as a protest under this section, the petition must be signed by the owners of either (i) twenty (20) percent or more of the area included in such proposed change, or (ii) five percent (5%) of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the Town may rely on the county tax listing to determine the “owners” of potentially qualifying areas.

The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted (i) special use district, (ii) conditional use district, or (iii) conditional district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the special use district, conditional use district or conditional district.

No protest against any change in or amendment to a zoning ordinance or zoning map shall be valid or effective for the purposes of this section unless it be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, and unless it shall have been received by the Town Clerk in sufficient time to allow the Town at least two normal work days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. The Town Board may by ordinance require that all protest petitions be on a form prescribed and furnished by the Town, and such form may prescribe any reasonable information deemed necessary to permit the Town to determine the sufficiency and accuracy of the petition. A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed zoning amendment. Only those protest petitions that meet the qualifying standers set forth herein at the time of the vote on the zoning amendment shall trigger the supermajority voting requirement.

e) Denial

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

Section 6. Fines for Violations of Zoning Ordinance*

- a. 15 day grace period on all offenses that do not endanger public safety or wellbeing
- b. \$25.00 fine per day for first 15 days (beginning immediately for offenses that endanger public safety or wellbeing)
- c. \$250.00 fine per day for next 15 days
- d. \$2,500.00 fine per day for remainder of the violation

*This zoning violation fee schedule was adopted by Town council on 6/6/2011 and supercedes all other stated fees for violations in this code.

ARTICLE XIV. DEFINITIONS OF TERMS USED IN THIS ORDINANCE

1.1 Interpretations of Commonly Used Terms and Words

- a) Words used in the present tense shall include the future tense
- b) Words used in the singular number shall include the plural, and words used in the plural number shall include the singular, unless the natural construction of the wording indicates otherwise.
- c) The word “person” includes a firm, association, corporation, trust company, as well as an individual.
- d) The words “used for” shall include the meaning “designated for.”
- e) The word “structure” shall include the word “building.”
- f) The word “lot” shall include the words “plot,” “parcel,” or “tract.”
- g) The word “shall” is always mandatory and not merely directory.
- h) The term “Town Board” shall have the same meaning as the term “Town Commissioner.”

1.2 Definitions of Specific Terms and Words

1. Accessory Building or Use. A building or use customarily located on a lot in association with a principal building or use and incidental and subordinate to the principal building or use.
2. Adult Business Shall be as defined in NCGS 14-202.10 with the exception of the term “health club” which shall be defined herein.
3. Alteration. The word “alteration” shall include any of the following:
 - a. Any addition to the height or depth of a building or structure;
 - b. Any change in the location of any of the exterior walls of a building or structure;
 - c. Any increase in the interior accommodations of a building or structure
4. Alley. A public or private thoroughfare which affords only a secondary means of access to abutting property.
5. Antenna. A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals. Such shall include but not be limited to radio, television, cellular, paging, personal telecommunications services (PCS), microwave telecommunications and services not licensed by the FCC, but not expressly exempt from the Town’s permitting and building authority.
6. Automobile Laundry. A structure or portion thereof, the use of which is the washing of automobiles or other motor vehicles with the use of a chain or other conveyer and a blower or steam cleaning device.

7. Automobile Service Station. An area of land including any structure thereon, used for the retail sale of gasoline, oil or other fuels for the propulsion of motor vehicles and incidental services, including facilities for lubrication and hand washing and the furnishing of minor motor vehicle accessories and repairs, but excluding an automobile laundry and a repair garage.
8. Bar. Any place devoted primarily to the selling, serving, or dispensing and drinking of malt, vinous, or other alcoholic beverages, or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable within or thereon, and where such beverages are consumed on the premises, and the service of food is only incidental to the consumption of such beverages. Bars include taverns, nightclubs, and similar facilities serving alcoholic beverages.
9. Buffer Strip. An unused strip of land as defined in Article IX. No building or part of a building, no driveway or parking area shall occupy any part of a buffer strip.
10. Building. A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels, and including tents, lunch wagons, dining cars, trailers, free-standing billboards and signs, fences, and similar structures whether stationary or movable. The term "building" shall be construed as if followed by the words "or parts thereof." Each portion of a building separated by division walls from ground up without opening shall be considered a separate building.
11. Building, Height of. The vertical distance from the mean elevation of the finished grade along the front of the building, or from the established grade where the building is within ten feet of the street line, to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
12. Building Inspector. The officer or other designated authority charged with the administration and enforcement of the building code, or his duly authorized representative or agent.
13. Building Line. A line which establishes the minimum allowable horizontal distance between the lot line and the nearest portion of any structure on the lot.
14. Building, Principal. A building in which is conducted the principal use of the lot on which it is located.
15. Building Setback Line. A line establishing the minimum allowable distance between the nearest portion of any building, excluding the outermost three (3) feet of any uncovered porches, steps, eaves, gutters, and similar fixtures, and the street right-of-way line when measured perpendicularly thereto.
16. Business Districts. C1, C2 and C3 Districts shall be considered as business districts.
17. Certificate of Zoning Compliance. A statement, signed by the Zoning Enforcement Officer, stating that the plans for a building, structure, or use of land complies with the requirements

of the Zoning Ordinance of Bunn, North Carolina, the Franklin County Health Department, and the North Carolina Department of Human Resources, Division of Health Services.

18. Certificate of Occupancy. A statement, signed by the Zoning Enforcement Officer, setting forth that the building, structure or use of land complies with the Zoning Ordinance of Bunn, North Carolina, the Franklin County Health Department and the North Carolina Department of Human Resources, Division of Health Services.
19. Child Care Facility. A building or premises regularly used for recreational or supervisory care of six or more children unrelated to the operator, but not including foster homes.
20. Curb Cut. A lowered or cut-away curb for purposes of ingress or egress to property abutting a public street.
21. Customary Home Occupation. An occupation for gain or support conducted by members of a family with no more than one non-family employee within a residential building provided that no article or service is sold, offered for sale or performed except by the family or its employee and provided that all articles are produced in the residential building, and provided that no more than ten (10) percent of the floor area of the building shall be used for said occupation, and provided that not display of said articles shall be visible from a main traveled roadway. No commercial delivery during sleeping hours.
22. Day Spa. A nurturing, safe, clean commercial establishment, which employs professional, licensed therapists whose services include massage and body or facial treatments. Private treatment rooms are provided for each client receiving a personal service. Massage treatments may include body packs and wraps, exfoliation, cellulite and heat treatments, electrolysis, body toning, waxing, aromatherapy, cleansing facials, medical facials, nonsurgical face lifts, electrical toning, and electrolysis. Hydrotherapy and steam and sauna facilities, nutrition and weight management, spa cuisine, and exercise facilities and instruction may be provided in addition to the massage and therapeutic treatment services. Full service hair salons, make-up consultation and application and manicure and pedicure services may be provided as additional services.
23. District Zoning. A section of the Town of Bunn within which the zoning regulations are uniform.
24. Dwelling, Multi-Family. A building or portion thereof used or designed as a residence for three or more families living independently of each other and doing their own cooking therein, including apartments, apartment hotels, and group houses.
25. Dwelling, Single-Family. A detached building designed for or occupied exclusively by one family. A “mobile home” or trailer is not included in this definitions, regardless of the degree of permanence of its attachment to the land.
26. Dwelling, Two-Family. A building designed for or occupied exclusively by two families living independently of each other.

27. Dwelling Unit. A building or portion thereof, providing complete and permanent living facilities for one (1) family. The term “dwelling” shall not be deemed to include a motel, hotel, tourist home, structure designed for transient residence.
28. Family. One or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel.
29. Fence, Open. A fence in which the openings through which clear vision is possible from one side to the other on a horizontal plane occupying 70% or more of the side area of the fence.
30. Flood Plain. An area subject to a temporary rise in streams or surface water level that results in inundation of the area not usually covered by water.
31. Frontage. The distance between the two side lot lines as measured along the front setback line.
32. Garage, Private. A garage used for storage purposes only and having a capacity of not more than four motor vehicles or to more than two motor vehicles per family housed in the building to which such garage is accessory, whichever is the greater, and in which space may be used for not more than one commercial vehicle, and in which space may be rented for not ore than three vehicles of others than occupants of the building to which such garage is accessory.
33. Garage, Repair. A garage in which machinery operated by mechanical power is installed which is designed for making major repairs to motor vehicles, or where in making repairs to motor vehicles the mechanical power employed in the operation of any machine or tool exceeds 3-HP or the total mechanical power provided or employed exceeds 15-HP.
34. Gross Floor Area. The total number of square feet within a building devoted to a particular use, including the space occupied by such supporting facilities as storage areas, work areas, toilets, mechanical equipment and the like.
35. Health Club/Gymnasium. A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities, operated for profit or not-for-profit and which can be open only to bona fide members and guests of the organization or open to the public for a fee.
36. Home Occupation. An occupation for gain or support customarily conducted on the premises by a person or family residing thereon. The term “home occupation” shall not be deemed to include a tourist home.
37. Hotel, Motel. Any building or group of buildings containing 9 or more rental units for transient guests (see definition or rental unit below).
38. Industrial District. L-I District shall be considered as a light industrial district in this ordinance.

39. Junk Yard. The use of more than six hundred (600) square feet of any lot or tract for the outdoor storage and/or sale of waste paper, rags, scrap metal, other junk including the storage of automobiles or other vehicles or dismantling of such vehicles or machinery or parts thereof.
40. Least Dimensions. The least dimension of a yard is the least of the horizontal dimensions of such yards. If two opposite sides of a yard are not parallel, such least dimension shall be deemed to be the mean distance between them.
41. Lot. A parcel or tract of land owned by any one person, partnership, or other individual interest, not divided by streets, occupied or to be occupied by a use structure or buildings and its accessory buildings, together with such open spaces as are required under the provisions of law and having its principal frontage on a street or on such other means of access as may be deemed in accordance with the provisions of law to be adequate as a condition of the issuance of a building permit for a building or buildings on such land.
42. Lot, Corner. A lot at the junction of and abutting upon two or more streets.
43. Lot, Depth of. The mean horizontal distance between the front and rear lot lines.
44. Lot, Front of. The front of a lot shall be considered to be that side of the lot which fronts a street. In the case of a corner lot the narrower side fronting on the street shall be considered to be the front of the lot. In case the corner lot has equal frontage on two or more streets, the lot shall be considered to front on that street on which the greatest number of lots front, or if unplatted, on that street on which the greatest number of buildings have been erected.
45. Lot, Interior. A lot other than a corner lot.
46. Lot Lines. The lines bounding a lot as herein defined.
47. Lot of Record. A lot which is part of a subdivision, a plat of 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 so recorded prior to the adoption of this ordinance.
48. Lot, Through. A lot having frontage on two parallel or approximately parallel streets.
49. Lot Width. The width of a parcel of land measured at the rear of the specified street yard.
50. Main Traveled Roadway. A traveled portion of private or public road, street, or highway right-of-way owned, constructed, or maintained in whole or in part by federal, state, county, or municipal governments and used for through or service traffic, except that the through traffic roadway on either side of a divided highway is a main traveled roadway and parallel service roads within the same right-of-way are not.
51. Mobile Home. Any vehicle or structure which is or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped, used or intended to be used primarily for human habitation, including any additions, attachments, annexes, foundations and appurtenances thereto. This does not include modular rooms

which meet conventional home construction standards and are transported on a flatbed truck, nor does it include travel trailers and campers. Double-wide mobile home units that are permanently attached to the ground shall not be considered as mobile homes but as single-family dwelling units.

52. Mobile Home Park. Any premises used or intended to be used or occupied by two (2) or more mobile homes, for a period of fourteen (14) days whether on wheels or anchored in place or supported by a foundation or other stationary supports, together with automobile parking space, utility structures, and other required facilities incidental thereon. This definition shall not include mobile home sales lots on which only unoccupied homes are parked for purposes of inspection or sale.
53. Mobile Home Space. A parcel or land in a mobile home park occupied or intended to be occupied by one and only one mobile home, and for the exclusive use of the occupants of said mobile home.
54. Nonconforming Use or Structure. Any use of a building, structure, or land which does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments which may be incorporated into this ordinance.
55. Open Space. Unroofed storage area, whether fenced or not.
56. Parking Area, Gross. The total area provided for the off-street parking of automobiles, including parking stalls and the necessary driveway access space thereto. Walkways, planting strips, and other landscaped areas shall not be counted as gross parking space.
57. Planned Unit Development. The planned residential development of mixed structures such as apartments, townhouses, row houses, and cluster subdivisions, usually incorporating privately owned, open common areas.
58. Parking Space. 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 sizes shall be governed by the following:
 - a. Angle Parking Minimum – 8.5 feet x 20.0 feet (measured parallel to the vehicle)
 - b. 90 degree Parking Minimum – 9.0 feet x 20.0 feet
59. Parking Stall. The standing storage space for one automobile.
60. Public Notice. Public notice of a hearing means notice of the time and place thereof published once a week for two successive calendar weeks in a newspaper of general circulation in the Town of Bunn.
61. Premises. A lot and the structure or structures located on it.
62. Principal Building. A building in which is conducted the principal use of the parcel on which it is situated (see definition of “Principal Use” below).

63. Principal Use. The primary purpose of function that a parcel serves or is intended to serve.
64. Public Sewage Disposal System. A sanitary sewage disposal system with 3,000 gallons or more designed and/or whose effluent is discharged to surface water. This system shall be approved under rules and regulations promulgated by the North Carolina Department of Natural Resources and Community Development, Division of Environmental Management.
65. Public Water Supply System. An approved water supply system serving ten (10) or more residences or businesses or combination of residences and businesses, including municipal and sanitary district water systems as well as water systems designed to serve particular subdivisions at full development and constructed to specifications approved by the Sanitary Engineering Section, Division of Health Services, North Carolina Department of Human Resources.
66. Residential Districts. R1, R2 and R3 Districts shall be considered as residential districts.
67. Room. Any floor space exceeding 40 square feet enclosed by partitions or walls having cased openings or doors, but excluding kitchen and bath facilities.
68. Service Station. A building or lot dedicated to the rendering of services such as the sale of gasoline, oil, grease, and accessories and the minor repair of automobiles, excluding body working, overhauling, and painting.
69. Setback Line. A line measured across the full width or length of a lot or parcel of land parallel to the center lines of right-of-way lines of abutting main traveled roadways. The perpendicular distance between said center or right-of-way lines shall be the “setback” required by this ordinance.
70. Shopping Center. Two or more commercial establishments planned, and constructed, as a single unit with off-street parking and loading facilities provided on the property and related in location, size, and type of shops to the trade area which the unit serves.
71. Sign. Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known, including any surface, fabric or other material or structure designed to carry such devices, such as are used to designate or attract attention to an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are exposed to public view, and used to attract attention. This definition shall not include the flag, badge, or insignia of any governmental unit.
72. Sign, Advertising. A sign which directs attention to a business, commodity, service or entertainment not conducted, sold or offered on the premises where the sign is located.
73. Sign Area. The entire face of a sign and all wall work including illuminating tubing incidental to its decoration. In the case of an open sign made up of individual letters, figures, or designs shall be included as part of the sign area.

A “V” type back to back or double face sign shall be considered as the area of a single face.

74. Sign, Business. A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered on the premises where the sign is located.
75. Sign, Ground. A sign supported by one or more upright braces or posts placed directly upon or in the ground, and not attached to any part of a building.
76. Sign, Identification. A sign which carries no advertising message and is limited to information pertaining only to the premises on which such sign is located.
77. Sign, Incidental. A sign carrying no advertising message but giving information for the convenience and necessity of public such as “entrance,” “exit,” etc.
78. Sign, Independent. One advertising device used to disseminate information concerning a person, place, or thing, not pertaining to the use of the land upon which it is located.
79. Sign, Marquee. A sign affixed to the top of any hood or canopy over the entrance to a store, building, or place of public assembly.
80. Sign, Pole, Projection. A sign projecting out from, and attached to, the exterior wall of a building and forming an angle of thirty degrees or more with said wall.
81. Sign, Roof. A sign erected, constructed or maintained upon the roof of any building.
82. Sign, Suspended. A sign which is suspended from the underside of a horizontal plane surface, such as a canopy or marquee, and is supported by such surfaces.
83. Sign, Wall. A sign affixed to the surface of, and whose plane is parallel to the plane of, the exterior wall of the building, or which forms an angle of less than thirty (30) degrees with said wall.
84. Special Use. A use that would not be generally appropriate without restriction throughout the zoning district, but, which if controlled as to number, area, location, or relation to the neighborhood, would promote the health, safety, morals, general welfare, order, comfort, convenience, appearance, or prosperity. Such uses may be permitted in such zoning district as special provisions for such is made in this zoning ordinance.
85. Street. A dedicated and accepted public right-of-way for vehicular traffic which affords access to abutting properties for vehicular traffic.
86. Proposed Street. A street which has been dedicated for the public use but not open.
87. Street, Centerline. Line determined by the Town of Bunn Director of Public Works and lying halfway between the two edges of the street right-of-way.
88. Street Line. The street line is the dividing line between the street and the lot, as established by the Town of Bunn.

89. Street Width. The distance between the parallel right-of-way lines of a street (street lines) measured at right angles to such lines.
90. Street, Local. A local street is any link not a higher-order urban system and serves primarily to provide direct access to abutting land and access to higher systems. It offers the lowest level of mobility and through traffic is usually deliberately discouraged.
91. Street, Major Thoroughfares. Major thoroughfares consist of interstate, other freeway and expressway links and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.
92. Street, Minor Thoroughfares. Minor thoroughfares are important streets in the town system and perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare systems. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating a minor through traffic movement and may also serve abutting property.
93. Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground.
94. Telecommunication Structure. A structure used in the provision of services described in the definition of wireless telecommunication structure.
95. Telecommunication Tower and Telecommunication Site and Wireless Telecommunication Structure. A structure, facility or location designed or intended to be used as, or used to support, antennas or other transmitting or receiving devices. This includes without limit, towers of all types and kinds and structures that employ camouflage technology, including but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other structures that can be used to mitigate the visual impact of an antenna or the functional equivalent of such, including all related facilities such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal telecommunications services, commercial satellite services, microwave services and services not listed by the FCC but not expressly exempt from the Towns' building and permitting authority, excluding for private, non-commercial radio and television reception and private citizens' bands, amateur radio and other similar non-commercial telecommunications where the height of the facility is below thirty-five (35) feet in height.
96. Telecommunications. The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light and other electronic or electromagnetic systems.
97. Tourist Home. A private residence in which lodging and board are offered to the traveling public for compensation to not more than eight guests.

98. Use. The purpose or activity for which the land or building or structure is arranged, designed or intended, or for which either land or a building or structure is, or may be, occupied or maintained.
99. Variance. A modification of the existing zoning ordinance by the Town of Bunn Planning and Zoning Board when strict enforcement of this ordinance would cause undue hardship, owing to circumstances unique to the individual property on which the variance is granted.
100. Yard. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except by trees, shrubbery, or screen walls or fences or otherwise provided or required in this ordinance. The minimum allowable depth or width of a yard shall be determined by a line parallel to or following the curvature of the property line at a constant distance there from. Covered porches, garages, and carports, whether enclosed or unenclosed, shall be considered as part of the building and shall not project into a required yard.
101. Yard, Front. An open space on the same lot with a principal building, between the front line of the building (exclusive of steps) and the front property or street right-of-way line and extending across the full width of the lot.
102. Yard, Rear. A rear yard is an open space on the same lot with a main building, unoccupied except as hereinafter permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot, or center line of the alley if there be an alley and the rear line of the building.
103. Yard, Side. An open space between the building and the adjacent side lot line or adjacent street right-of-way which is open and unobstructed from the surface of the ground upward by any structure other than: (a) sills, belt courses and ornamental features not to exceed six (6) inches; (b) cornices, roof overhangs, and fixed awnings not to exceed two (2) feet, provided that no cornice, roof overhang or fixed awning shall be less than two (2) feet from any lot line; (c) open fire escapes, unenclosed porches, balconies or patios not to exceed five (5) feet; and (d) ordinary projection of chimneys and pilasters when placed so as not to obstruct light and ventilation. The side yard extends from the rear line of the front yard to the front line of the rear yard, or to the appropriate property line if no front or rear yards are required by this ordinance.

ARTICLE XV

APPENDIX

FIGURE 1

OFF-STREET PARKING

OFF-STREET PARKING DIMENSIONAL TABLE

		45°	60°	90°	Parallel
A	Width of Parking Space	12'	10'	9'	9'
B	Length of Parking Space	19'	19'	19'	23'
C	Width of Driveway Aisle	13'	17'6"	25'	12'
D	Width of Access Driveway	17'	14'	14'	14'

Nothing between two and one half (2 ½) and ten (10) feet in height shall be located in the triangular area as shown in the following diagram:

LOT TERMS

LOT AREA = TOTAL HORIZONTAL AREA

LOT COVERAGE = PERCENT OF LOT COVERED BY BUILDING

FIGURE 2

FIGURE 3