



Zoning Ordinance

Town Of Wilkesboro

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Zoning Ordinance

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**Town of Wilkesboro
Zoning Ordinance**

ARTICLE I. GENERAL PROVISIONS

1.1 Purpose and Intent

These regulations are necessary and are adopted in order to promote the public health, safety, morals, convenience, comfort, amenities, prosperity, and general welfare of persons within the planning jurisdiction of the Town of Wilkesboro. Specifically, the regulations are intended to:

- Implement relevant land-use plans;
- Preserve and protect property values;
- Facilitate the adequate and efficient provision of transportation, water, sewerage, parks, schools, and other public requirements;
- Preserve and protect land, air, and water resources;
- Ensure protection from fire, flood, and other dangers.

1.2 Authority

These regulations are adopted pursuant to the authority contained in Article 19 of Chapter 160A, “Planning and Regulation of Development,” of the North Carolina General Statutes.

1.3 Jurisdiction and Applicability

- (A) The provisions of this Ordinance shall apply to all portions of the Town of Wilkesboro and its extraterritorial jurisdiction as defined in an ordinance adopted and recorded in the Wilkes County Register of Deeds.
- (B) These regulations are applicable to all development, public and private, throughout said jurisdiction and no land or structures shall be used or occupied, and no excavation, removal of soil, clearing of a site, or placing of fill shall take place on lands contemplated for development, and no structure, or part thereof, shall be constructed, altered, renovated, or moved, except in compliance with applicable provisions of this Ordinance.
- (C) Bona fide farms not exempt. Bona fide farms, as defined in the North Carolina General Statutes and Article IX of this Ordinance, are not exempt from the provisions of this Ordinance.

1.4 Severability

If any section, provision, or standard of this Ordinance is found by a court of competent jurisdiction to be invalid, the decision of the court shall not affect the validity of any other section, provision, or standard of these regulations except that which is in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

1.5 Conflicting Provisions

- (A) If the provisions of this Ordinance are in conflict with those of the federal or state governments, or are inconsistent with other regulations of the Town, the more restrictive will control, to the extent permitted by law.
- (B) This Ordinance is not intended to abrogate, annul, or otherwise interfere with any easement, covenant or other private agreement or legal relationship otherwise in conformance with it.

1.6 Repeal of Existing Zoning Ordinance

The existing regulations, entitled Town of Wilkesboro Zoning Ordinance, are hereby repealed.

1.7 Continued Violations

Any violation of the previous zoning ordinance shall continue to be a violation under this Ordinance, unless the circumstances that constituted a violation under the previous ordinance do not constitute a violation under this Ordinance, in which case enforcement action shall cease, except to the extent of collecting penalties assessed before the effective date of this Ordinance.

1.8 Interpretation and Word Usage

(A) Meaning and Intent

All provisions, terms, phrases, and expressions contained in this Ordinance shall be construed according to this Ordinance's stated purpose and intent.

(B) Authority for Interpretation

The Zoning Enforcement Officer is responsible for interpreting the text of this Ordinance in accordance with the standards set forth in this Section and applicable Ordinance standards and requirements. Interpretations of the Zoning Enforcement Officer may be appealed to the Board of Adjustment.

(C) Delegation of Authority

Whenever a provision appears requiring an official or an employee of the Town to perform an act or duty, that provision shall be construed as authorizing the official to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

(D) Computation of Time

References to days are calendar days unless otherwise specified.

(E) Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use the terms "such as," "including," or similar language are intended to provide examples only and should not be construed as exhaustive lists of all possibilities.

(F) Mandatory and Discretionary Terms

The words "shall," "will," and "must" are mandatory. The words "may" and "should" are advisory and discretionary.

(G) Conjunctions

Conjunctions shall be interpreted as follows: "and" indicates that all connected items, conditions, provisions, or events apply, while "or" indicates that one or more of the connected items, conditions, provisions, or events apply.

(H) Tenses

Words used in one tense (present, past, future) include all other tenses, unless the context clearly indicates otherwise. The singular includes the plural and the plural includes the singular.

1.9 Effective Date

This Ordinance will be effective February 1, 2005.

ARTICLE II. ADMINISTRATION

2.1 Zoning Enforcement Officer

- (A) **Establishment.** The provisions of this Ordinance shall be administered by the Zoning Enforcement Officer, who shall be appointed by the Town Board.
- (B) **Duties.** The Zoning Enforcement Officer shall have the power to grant Zoning Compliance Permits, to make inspections of buildings or premises, revoke permits, and to perform other procedures necessary to carry out the enforcement of this Ordinance. In connection with the enforcement of this Ordinance, the Zoning Officer shall make all necessary determinations and interpretations as required by this Ordinance. Persons aggrieved by a decision or a determination made by the Zoning Officer may appeal that action to the Board of Adjustment.

2.2 Zoning Compliance Permit Required

- (A) It shall be unlawful to begin construction, place, or move any structure (including signs) or to begin to grade or excavate for immediate construction until the Zoning Officer has issued for such work a Zoning Compliance Permit which includes a determination that the site plan, building specifications, and the intended use of such structure conform in all respects to the provisions of this Ordinance. Site plans shall be submitted in accordance with Article 2.4 of this Ordinance.
- (B) It shall be unlawful to change the type of use or type of occupancy of any building, or to extend any use of any lot on which there is a non-conforming use, until the Zoning Officer has issued for such intended use a Zoning Compliance Permit, including a determination that the proposed use does, in all respects, conform to the provisions of this Ordinance.
- (C) A Zoning Compliance Permit may be required for, but does not satisfy the need for, the issuance of a building permit when the proposed work requires it. Applicants are responsible for obtaining any additional permits from other agencies as required by applicable laws.

2.3 Enforcement

The following procedures and penalties are pursuant to G.S. 14-4 and Part II, Chapter 1, Section 1-6 of the Town of Wilkesboro Code of Ordinances:

(A) General Enforcement Procedures

(1) Investigation

Upon the receipt of complaints or other information suggesting a violation of this Ordinance, the Zoning Enforcement Officer shall investigate the allegations and determine whether a violation exists.

(2) Warning of Violation

Upon determination of a violation, the Zoning Enforcement Officer shall cause a warning citation to be issued to the violator. Such warning citation shall set out the nature of the violation, the section violated, the date of the violation, and shall contain an order to immediately cease the violation. The warning citation shall specify that failure to correct the violation or to appeal the decision to the Board of Adjustment, within a specified time will incur a civil penalty, together with costs and attorney fees.

(3) Appeal to Board of Adjustment

An appeal from a warning citation shall be taken within ten (10) days from the date of said warning citation to the Board of Adjustment. If a person who receives a warning citation does not appeal the determination within the time established in this Section, then that person may not later appeal to the Board of Adjustment the subsequent imposition of any remedy or penalty provided in this article.

(4) Extension of Time to Correct Violation

Where the Zoning Enforcement Officer determines that the period of time stated in the original warning citation is not sufficient for abatement based upon the work required or consent agreement, the enforcement official may amend the warning citation to provide for additional time, up to but not exceeding 30 days. The Zoning Enforcement Officer may grant an extension only by written notice of extension.

(5) Enforcement Upon Failure to Correct Violation

Upon failure of the violator to obey the warning citation, a civil citation shall be issued by the enforcement official of the Town of Wilkesboro and either served directly on the violator, his duly designated agent, or registered agent if a corporation, either in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of Wilkes County or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of said citation. The citation shall direct the violator to appear before the Zoning Enforcement Officer, or designee, within fifteen days of the date of the citation, or alternatively to pay the citation by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid; otherwise further citations shall be issued.

(6) Emergency Enforcement Without Notice

If delay in correcting a violation would seriously threaten the effective enforcement of this Ordinance or pose an immediate danger to the public health, safety, or welfare, then the Zoning Enforcement Officer may order the immediate cessation of a violation. The Zoning Enforcement Officer may seek immediate enforcement, without prior written notice, through any remedy or penalty authorized by this Article.

(B) Repeat Offender

(1) First Offense

Any violation occurring once within a 36-month period shall be considered a first offense. A notice of violation shall be issued by the Administrator or his/her designee to the violator. Such notice shall set out the nature of the violation, the section violated, and the date of the violation. The notice of violation shall provide for a reasonable period of time by which the violation must be abated or otherwise brought into compliance with this Ordinance. The notice shall specify that a second citation shall incur a civil penalty, together with costs and attorney fees. An appeal of the Administrator's decision shall be allowed. Upon the expiration of the deadline stated in the notice of violation, the violator shall be subject to a civil penalty of \$50.00 for each day that the violation remains on the property without further notice. Should a violation continue to exist and/or the violator fails to pay the penalties, the Town shall seek to recover the penalty together with all costs by filing a civil action in the General Court of Justice in the nature of a suit to collect a debt. The collection of a penalty pursuant hereto shall not foreclose further proceedings for penalties coming due subsequent to the date of the filing of a prior proceeding. The provisions of this section may also be enforced through any other appropriate remedies as prescribed in this article.

(2) Repeat Offense

Any violation reoccurring on the same property by the same violator more than once within a 36-

month period shall be considered a repeat offense provided the reoccurrence is a violation of the same Article of this Ordinance. A notice of violation shall be issued by the Administrator or his/her designee and shall have an immediate civil penalty of \$300.00. No warning period shall be granted since this provision applies only to violations that occur more than once in a 36-month period and proper notice was given for the initial violation. For each day the repeat violation remains, the violator shall be subject to a civil penalty of \$300.00. Should a violation continue to exist and/or the violator fails to pay the penalties, the Town shall seek to recover the penalty together with all costs by filing a civil action in the General Court of Justice in the nature of a suit to collect a debt. Procedures for issuance, service, and collection of non-paid penalties shall be as set forth in this article. The collection of a penalty pursuant hereto shall not foreclose further proceedings for penalties coming due subsequent to the date of the filing of a prior proceeding. The provisions of this section may also be enforced through any other appropriate remedies as prescribed in this article.

(3) **OTHER POWERS**

In addition to the enforcement powers specified in this Section, the Town Council may exercise any and all enforcement powers granted by North Carolina law.

(4) **REMEDIES CUMULATIVE**

The remedies and enforcement powers established in this Article shall be cumulative, and the Town may exercise them in any order.

(C) **Remedies and Penalties**

The Town may use any combination of the following actions and penalties to prevent, correct, stop, abate, or penalize a violation of this Ordinance:

(1) **Civil Penalties**

Violations of any Town ordinance shall constitute either a misdemeanor or, at the election of the Town, shall subject the offender to a civil penalty upon the issuance of a citation for said violation as hereinafter provided. The civil penalty, if not paid to the Town of Wilkesboro within fifteen days of the issuance of a citation, may be recovered by the Town in a civil action in the nature of debt. Unless otherwise provided by a specific provision of any Town ordinance, said civil penalties shall be in the amount of \$50.00 for each violation and each day any single violation continues shall be a separate violation.

(2) **Criminal Penalties**

Violation of this Ordinance shall constitute a misdemeanor and is punishable by a fine of up to \$500.00, and imprisonment of up to 30 days, or both. Notwithstanding the provisions of this article related to warnings, notices, and time periods, any crime for the purposes of a criminal penalty occurs and accrues at the time a person violates this Ordinance, whether or not a warning or notice is given. Each day that any violation continues shall constitute a separate offense for the purpose of assessing criminal penalties.

(3) **Injunction and Abatement Order**

In addition to the penalties set out above, this Ordinance may be enforced by injunction and order of abatement by the General Court of Justice. When violations occur, the Town may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and/or order of abatement commanding the defendant to correct the violation. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

(4) Permit Revocation

If a person fails to comply with the terms and conditions of a permit or development approval granted under this Ordinance, the Zoning Enforcement Officer may revoke the permit or development approval.

(5) Disapproval of Subsequent Permits and Development Approvals

As long as a violation of this Ordinance continues and remains uncorrected, the Zoning Enforcement Officer may withhold, and the Zoning Enforcement Officer and other Town boards may disapprove, any request for permit or development approval or authorization provided for by this Ordinance for the land on which the violation occurs.

2.4 Site Plan Approval

Reserved

2.5 Legal Nonconformities

(A) Intent

The intent of this section is to regulate and limit the continued existence of nonconforming uses, nonconforming lots, and nonconforming structures and like improvements. It is the intent of this section to permit these nonconformities to continue until they are removed, but not to encourage their survival except under the limited circumstances established in this section.

(B) Establishment

- (1) A legal nonconformity (hereafter referred to as “nonconformity”) is a use, lot, structure or other like improvement that complied with all applicable requirements when it was created, but which does not comply with subsequent amendments to these requirements.
- (2) The burden of establishing that a nonconformity is a legal nonconformity shall be solely upon the owner.

(C) Nonconforming Uses

(1) Continuation

- (a) A nonconforming use may not be enlarged, extended, altered, or replaced, unless the change is to a use permitted in the district in which located, except as provided in (b) below;
- (b) A non-conforming use may be extended through portions of a building manifestly arranged or intended for such use, but not otherwise, and shall not extend to occupy land outside such building, or any additional building not used for such non-conforming use at the time that non-conforming status was established;
- (c) Normal maintenance or repair of a structure housing a nonconforming use may be performed, provided that the cubic content of the structure shall not be increased.

(2) Discontinuance

- (a) If a nonconforming use is abandoned, ceases, or is discontinued for any reason for a period of more than 180 consecutive days, the use shall be considered abandoned. Once abandoned, the use’s legal nonconforming status shall be lost and re-establishment of the use shall be prohibited. Any subsequent use of the property shall comply with the regulations of the zoning district in which it is located.
- (b) Evidence of abandonment shall include but not be limited to: cessation or discontinuance of the particular use, disconnection of water service to the property, disconnection of electric service to the property, failure to pay property taxes, or failure to maintain the property.

- (c) Any conforming structure housing a nonconforming use that is damaged by any means to an extent exceeding 60 percent shall comply with the use standards of this Ordinance when it is re-constructed. Any conforming structure housing a nonconforming use that is damaged by any means to a lesser extent may continue the nonconforming use if it is reconstructed and used as before within two years of the damage.

(D) Nonconforming Lots

- (1) Nonconforming lots, as defined above, may be built upon if compliance is achieved with regard to setback dimensions and other requirements, except lot area or width.
- (2) Nothing contained herein exempts a lot from meeting the applicable County Board of Health regulations regarding public facilities such as water and sewerage.

(E) Nonconforming Structures

- (1) Normal maintenance and repair is permitted.
- (2) Structural changes shall be permitted if the change does not increase the extent of nonconformity and complies with other applicable requirements of this Ordinance.
- (3) Any nonconforming structure which has been damaged to an extent exceeding 60 percent of its fair market value shall comply with the dimensional and other applicable standards of this Ordinance when it is re-constructed.
- (4) If a nonconforming structure, or portion thereof, or any structure or portion thereof containing a nonconforming use becomes physically unsafe or unlawful due to the lack of repairs or maintenance, and is declared to be an unsafe structure, it shall thereafter be rebuilt and repaired in conformance with the standards of this Ordinance.

2.6 Vested Rights

(A) Definitions

- (1) **Vested Right.** A right pursuant to G.S. 160-385.1 to undertake and complete the development and use of property under the terms of and conditions of an approved site-specific or phased development plan.
- (2) **Site Specific Development Plan.** A plan of land development which has been submitted to the Town by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of land. Approval of the following constitutes approval of a site-specific development plan:
 - (a) a site plan pursuant to Article 2.3 of this Ordinance;
 - (b) a conditional use permit pursuant to Article 4.4 of this Ordinance;

(B) Establishment

- (1) A vested right shall be deemed established with respect to any property upon the valid approval, or conditional approval, of a site-specific development plan by the Town Board following notice and public hearing requirements as provided in G.S. 160A-364. A site specific development plan shall be deemed approved upon the effective date of approval by the approving authority or ordinance relating thereto, and only to the extent of that approval.
- (2) Neither a variance, a sketch plan nor any other document that does not describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall constitute a site specific development plan.
- (3) The establishment of a vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to

land-use regulation by the local jurisdiction, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this section.

- (4) A vested right is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

(C) **Duration**

- (1) A right which has been vested as provided for in this section shall remain vested for a period of two (2) years.
- (2) This vesting shall not be extended by any amendments or modifications to a site specific development plan unless expressly provided by the approving authority at the time the amendment or modification is approved.
- (3) Following approval, or approval with conditions, of a site specific development plan, nothing in this section shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.

(D) **Termination**

A right that has been vested as provided in this section shall terminate upon any of the following:

- (1) **No Building Permit.** Termination of the applicable vesting period with respect to buildings and uses for which no valid building permit has been issued or for which a valid building permit has expired;
- (2) **Written Consent.** Written consent of the affected landowner;
- (3) **Threat to Public Health or Safety.** Findings by the Zoning Enforcement Officer, who must present the findings to the Town Board for them to adopt by ordinance, that natural or constructed hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan;
- (4) **Compensation.** Compensation to the affected landowner for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the local jurisdiction, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action;
- (5) **Misrepresentation.** Findings by the Town Board, by ordinance after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the Town Board of the site specific development plan; or,
- (6) **State or Federal Law.** Enactment or promulgation of a state or federal law or regulation that precludes development as contemplated in the site specific development plan, in which case the Town Board may modify the affected provisions, upon a finding that the change in state or federal law has a fundamental effect on the plan, by ordinance, after notice and a hearing.

2.7 Board of Adjustment

(A) Establishment and Membership

- (1) Pursuant to G.S. 160A-388, a Board of Adjustment is hereby established. Said board shall consist of at least five members, each to be appointed for three (3) year terms. At least four (4) members will be residents of the Town of Wilkesboro and appointed by the Town of Wilkesboro Board of Commissioners ("Town Board") and the remaining members will be residents of the Town's extraterritorial jurisdiction and will be appointed by the Wilkes County Board of Commissioners. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.
- (2) One alternate member will be appointed by the Town Board, who will serve in the absence of a regular member. The alternate member will be appointed for a term of three (3) years. While serving in the absence of a regular member, the alternate shall have and may exercise all the powers and duties of a regular member.
- (3) Members shall serve with such compensation as shall be determined by the Town Board. Also, members may be removed by the Board for inefficiency, neglect of duty, or malfeasance in office, and such removal shall be reported at the next meeting of the Town Board and recorded in the minutes of such meeting.
- (4) The Board of Adjustment shall adopt by-laws and rules of procedure that shall govern its proceedings.

(B) Powers of the Board of Adjustment

- (1) To hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with the enforcement of this Ordinance;
- (2) To hear and decide requests for variances from the requirements of this Ordinance;
- (3) To review applications for conditional use permits as authorized under this Ordinance;
- (4) To make interpretations of the Official Zoning Map and to pass upon disputed questions of lot lines or district boundary lines and similar questions as arise in the administration of this Ordinance;
- (5) To enter, at reasonable times, upon private lands and make examinations or surveys as necessary for the performance of its official duties;
- (6) To request City Council to hold public hearings on matters within the purview of the Board;
- (7) To hear and decide any other matter as required by the provisions of this Ordinance or the Town of Wilkesboro Code of Ordinances.

(C) Appeals of Administrative Decisions

- (1) The Board of Adjustment shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of this Ordinance. An appeal may be taken by any person aggrieved by such decision or by an officer, department or board of the Town.
- (2) After notice of appeal, the chairperson of the Board of Adjustment shall schedule a hearing, which shall be at a regular or special meeting within sixty (60) days from the filing of such notice of appeal.
- (3) A notice of hearing that states the time, place, location of affected property, and the general issue involved, shall be given in at least two (2) of the following ways:
 - (a) An advertisement in a newspaper of general circulation in the Town of Wilkesboro at least five (5) days before the date of the hearing;

- (b) Mailed notice to the parties to the action appealed from, and to such other persons as the Zoning Enforcement Officer shall direct, at least five (5) days before the hearing;
 - (c) Posting of signs in the neighborhood of the affected property.
- (4) An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Enforcement Officer certifies to the Board of Adjustment, after the notice of appeal has been filed, that because of facts stated in the certificate, a stay would cause imminent peril to life or property or that because the violation charged is transitory in nature, a stay would seriously interfere with enforcement of this Ordinance. In such case proceedings shall not be stayed except by a restraining order, which may be granted by the Board or by a court of record on application, on notice to the Zoning Enforcement Officer, and on due cause shown.

(D) Conditional Use Permits (See Article 4.4)

(E) Variances

- (1) A variance from the literal requirements of this Ordinance may be granted by the Board of Adjustment if it determines, pursuant to findings of fact, that:
- (a) strict enforcement of the regulations would result in practical difficulties or unnecessary hardships to the applicant for the variance;
 - (b) the variance is in harmony with general purpose and intent of the ordinance and preserves its spirit, and;
 - (c) in granting the variance the public safety and welfare have been secured and substantial justice has been done.
- (2) An application and required submittals shall be done in accordance with forms available from the Zoning Enforcement Officer.
- (3) After receipt of the required application materials, the chairperson of the Board of Adjustment shall schedule a hearing, which shall be at a regular or special meeting within sixty (60) days from the filing of an application.
- (4) Written notice of the public hearing shall be mailed at least 5 days prior to the date of the public hearing to the applicant and the owners of any property adjoining the property for which the variance is applied for.

(F) Majority Vote Required

The concurring vote of four-fifths (4/5) of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official charged with the enforcement of this Ordinance, 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.

(G) Judicial Review

Every decision of the Board of Adjustment may be appealed to the Superior Court by any aggrieved party. Such appeal shall be in the nature of certiorari and must be filed within 30 days after the filing of the decision in the office of the Zoning Enforcement Officer, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the chairman of the Board at the time of its hearing of the case, whichever is later. The copy of the decision of the Board may be delivered to aggrieved parties either by personal service or by registered mail or certified mail return receipt requested.

**Town of Wilkesboro
Zoning Ordinance**

ARTICLE III. AMENDMENTS

3.1 General

- (A) The Town Board may adopt an ordinance amending the text of this Ordinance or amending the Official Zoning Map upon compliance with the provisions of this section.
- (B) A petition for amendment to the text of this Ordinance or to the Official Zoning Map may be proposed by the Town Board, the Planning Board, the Board of Adjustment, the Zoning Enforcement Officer, or other interested person or agency. Forms are available from the Zoning Enforcement Officer.

3.2 Planning Board and Town Board

- (A) **Referral.** The Zoning Officer shall submit the amendment application and his/her review to the Planning Board no later than the first regular meeting after submittal to the Zoning Enforcement Officer;
- (B) **Recommendation.** Within a maximum of forty-five (45) days after the regular meeting at which a review of the application is scheduled, the Planning Board shall submit a recommendation to the Town Board concerning the disposition of the application. Failure of the Planning Board to submit a recommendation within the required time shall be considered a favorable recommendation, without conditions;
- (C) **Public Hearing.** Following receipt of a recommendation from the Planning Board, the Town Board must hold a public hearing before formally acting on the proposed amendment.

3.3 Public Hearing and Notice Requirements

- (A) **Text Amendment.** The following requirements are established pursuant to G.S. 160A-364:
 - (1) A notice of the public hearing shall be given once a week for two successive calendar weeks in a paper of general circulation in the area, and;
 - (2) The notice shall be published the first time not less than ten (10) days nor more than twenty-five (25) days before the date fixed for the hearing;
 - (3) In computing such period, the day of publication is not to be included, but the day of the hearing shall be included.
- (B) **Zoning Map Amendment (Rezoning).** The following requirements are established pursuant to G.S. 160A-384:
 - (1) A notice of the public hearing shall be sent by first-class mail to the owner of the parcel of land to be rezoned and all of the abutting land owners at the address listed for the owners on the most recent county tax listing;
 - (2) This notice must be deposited in the mail at least ten (10), but not more than twenty-five (25) days prior to the date of the public hearing;
 - (3) In computing such period, the day of publication is not to be included, but the day of the hearing shall be included.
- (C) **Alternate Notice Procedure (Rezoning Only).** The following procedure, pursuant to G.S. 160A-384, may be used in lieu of the mailed notice above if the zoning map amendment affects more than fifty (50) properties that are owned by a total of at least fifty (50) different property owners:

- (1) An advertisement of the public hearing that shows the boundaries of the area affected by the proposed zoning map amendment and the nature of the proposed change shall be published once a week for four (4) successive weeks in a newspaper of general circulation in the area.;
- (2) The final two advertisements shall comply with the provisions of G.S. 160A-364;
- (3) The advertisement shall not be less than one-half of a newspaper page in size;
- (4) The advertisement shall only be effective for property owners who reside within the area of general circulation of the newspaper that publishes the notice and property owners who reside outside of the newspaper circulation area shall be notified by first class mail at the address listed for the owner on the most recent county tax listing.

3.4 Protest Petitions

- (A) In case of a protest against any amendment or change of this Ordinance signed by the owners of twenty percent (20%) or more, either of the area of the lots included in such proposed change; or of those immediately adjacent thereto, either in the rear thereof or on either side thereof, extending one hundred (100) feet there from; or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots; such amendment shall not become effective except by favorable vote of three-fourths (3/4) of all members of the Town Board.
- (B) No protest against any change or amendment of this Ordinance shall be valid or effective under the provisions of the foregoing paragraph unless such protest is 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 such protest shall have been received by the Town Board in sufficient time to allow at least two (2) normal workdays prior to the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. Such petition shall be accompanied by a map or sketch clearly showing the property of the petitioners in such detail as to show that the ownership requirements of the foregoing paragraph are met, which would compel a three-fourths (3/4) favorable vote by the Town Board.

3.5 Withdrawal of Application

A zoning petition may not be withdrawn by the applicant after publication, or scheduled publication which cannot be cancelled, of notice of public hearing except by permission of the Town Board before which the petition is pending for action or consideration. The filing fees are not refundable, except that the Zoning Enforcement Officer may authorize refund of the fees if no notice expenses related to the petition have been incurred.

3.6 Effect of Denial on Subsequent Petitions

- (A) When the Town Board shall have acted upon an application or the application shall have been withdrawn after the first notice of the public hearing thereon, the Board of Commissioner shall not receive another application for the same or similar text or map amendment, affecting the same property or a portion of it, until the expiration of a one year period, extending from the date of action or withdrawal, as appropriate.
- (B) The Town Board may on its own motion, however, initiate an amendment of this nature prior to the expiration of the one year period.

3.7 Minor Changes

Typographical errors, spelling changes, numerical reference errors, errors in section or page numbering, or other purely non-substantive editorial changes may be corrected by the Zoning Officer without formal adoption by the Town Board provided that the changes necessary to correct such errors do not change the meaning of the Ordinance. Any correction made pursuant to this section must be documented to the Town Board.

**Town of Wilkesboro
Zoning Ordinance**

ARTICLE IV. ZONING DISTRICTS

4.1 Official Zoning Map

(A) The Official Zoning Map designates the location and boundaries of the various zone districts established in this Ordinance within the Town and its ETJ (hereinafter “Town”), and is incorporated herein by reference. The Official Zoning Map shall be kept on file in the office of the Zoning Enforcement Officer and is available for public inspection during normal business hours.

(B) Zone District Boundaries

Unless otherwise specified, zone district boundaries are lot lines or the centerline of streets, alleys, railroad rights-of-way, or such lines extended. Where a zone district boundary divides a land parcel under a single ownership into two districts, then the entire parcel shall be zoned for the less restrictive use by the adjustment of the boundaries, provided that the boundary adjustment is a distance of less than 100 feet.

(C) Changes to Official Zone District Map

Changes made in zone district boundaries or other matters portrayed on the Official Zoning Map shall be made in accordance with the provisions of this Ordinance. Changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Town Board with an entry on the Official Zoning Map.

(D) Mapping Disputes

The Zoning Enforcement Officer shall have the authority to interpret the Official Zone District Map and determine where the boundaries of the different zone districts fall, if in dispute.

4.2 Zoning Districts – Intent and Dimensional Requirements

(A) R-20A – Residential/Agricultural

- (1) **Intent.** The purpose of the R-20A district is to provide for development compatible with bona-fide agricultural uses and rural residential uses, such as manufactured housing.
- (2) **Application Criteria.** These districts will usually be applied:
 - (a) in the Town’s extraterritorial jurisdiction and;
 - (b) adjacent to areas zoned R-20, B-3, M-2.
- (3) **General Dimensional Requirements.** There are two lot size requirements for the district depending on whether a lot is served by centralized water or sewer.

Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft)	Maximum Density (du/acre)	Minimum Front Setback (ft)	Minimum Side Setback (ft)		Minimum Rear Setback (ft)	Maximum Building Height (ft)
				Interior Lot	Corner Lot		
20,000 (without centralized water or sewer)	100	2.18	40	15	25 [see Art.6.1(A)]	30 [see Art.6.1(A)]	35
12,000 (with either centralized water or sewer)	90	3.63	35	10	20 [see Art.6.1(A)]	25 [see Art.6.1(A)]	35

(B) R-20 – Suburban Residential

- (1) **Intent.** The purpose of the Suburban Residential district is to provide areas suitable for low- to moderate-density residential development and supporting public, institutional, and other compatible uses that are designed, constructed, and maintained to avoid detracting from a healthy and aesthetically-pleasing residential environment. This district is generally designed to encourage development of single-family detached residences.
- (2) **Application Criteria.** These districts will usually be applied:
 - (a) Adjacent to areas zoned R-20A, R-8, B-2, B-3, M-2, PUD, or areas laying just outside of the extraterritorial jurisdiction of the Town;
 - (b) Neither centralized water nor sewer exists at the site;
 - (c) Either centralized water or sewer exists at the site, but not both.
- (3) **General Dimensional Requirements.** There are two lot size requirements for the district depending on whether a lot is served by centralized water or sewer.

Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft)	Maximum Density (du/acre)	Minimum Front Setback (ft)	Minimum Side Setback (ft)		Minimum Rear Setback (ft)	Maximum Building Height (ft)
				Interior Lot	Corner Lot		
20,000 (without centralized water or sewer)	100	2.18	40	15	25 [see Art.6.1(A)]	30 [see Art.6.1(A)]	35
12,000 (with either centralized water or sewer)	90	3.63	35	10	20 [see Art.6.1(A)]	25 [see Art.6.1(A)]	35

(C) R-8 – Single-Family Residential

- (1) **Intent.** The purpose of the Single-Family Residential district is to provide areas suitable for moderate-density residential development and supporting public, institutional, and other compatible uses that are designed, constructed, and maintained to avoid detracting from a healthy and aesthetically-pleasing residential environment. This district will be served by centralized water and sewer facilities.
- (2) **Application Criteria.** These districts will usually be applied:
 - (a) Adjacent to areas zoned R-20, R-6, B-3, B-1, or PUD;
 - (b) Centralized water and sewer exists at the site, or are to be installed as part of the development process;
 - (c) There is direct vehicular access to a local or collector street.
- (3) **General Dimensional Requirements.**

Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft)	Maximum Density (du/acre)	Minimum Front Setback (ft)	Minimum Side Setback (ft)		Minimum Rear Setback (ft)	Maximum Building Height (ft)
				Interior Lot	Corner Lot		
8,000	70	5.44	35	10	20 [see Art.6.1(B)]	25 [see Art.6.1(B)]	35

(D) R-6 – General Residential

- (1) **Intent.** The purpose of the General Residential district is to provide areas for higher-density single-family residential, two-family residential, multi-family residential, and other compatible uses that are designed, constructed, and maintained to avoid detracting from a healthy and aesthetically-pleasing residential environment. This district also serves as a transitional district for areas that may be changing from single-family to more intense uses such as multi-family or professional uses. This district will be located in urbanized areas with access to a full range of urban services.
- (2) **Application Criteria.** These districts will usually be applied:
 - (a) Adjacent to areas zoned R-8, B-1, B-2, B-3, M-2, or PUD;
 - (b) Centralized water and sewer exists at the site, or are to be installed as part of the development process;
 - (c) There is direct vehicular access to a local or collector street.
- (3) **General Dimensional Requirements.** There are several lot size requirements for the district depending on the use.

Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft)	Maximum Density (du/acre)	Minimum Front Setback (ft)	Minimum Side Setback (ft)		Minimum Rear Setback (ft)	Maximum Building Height (ft)
				Interior Lot	Corner Lot		
6,000 - single-family	60	7.26	25	8	18 [see Art.6.1(C)]	30 [see Art.6.1(C)]	35
9,000 - two-family	70	9.68	30	10	20 [see Art.6.1(C)]	25 [see Art.6.1(C)]	35
9,000 - multi-family	80	10.89	35	12	22 [see Art.6.1(C)]	30 [see Art.6.1(C)]	50
6,000 - other uses	60	---	25	8	18 [see Art.6.1(C)]	20 [see Art.6.1(C)]	35

(E) B-1 – Central Business

- (1) **Intent.** The purpose of the Central Business district is to encourage a mixed-use, pedestrian-oriented business district. The district is intended to accommodate a wide range of uses including retail, office, service, and institutional, as well as residential uses on floors above street level. Performance standards shall be used to insure the absence of adverse impacts beyond the zoning district boundaries.
- (2) **Application Criteria.** These districts will usually be applied:
 - (a) Adjacent to areas zoned B-1, B-2, B-3, or R-6;
 - (b) Centralized water and sewer exists at the site, or are to be installed as part of the development process;
 - (c) Development is at a high density and pedestrian facilities already exist or can be reasonably extended.

(3) **General Dimensional Requirements.**

Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft)	Minimum Front Setback (ft)	Minimum Side Setback (ft)		Minimum Rear Setback (ft)	Maximum Building Height (ft)
			Interior Lot	Corner Lot		
---	---	---	See Art. 5.3(C)	---	---	40

(F) **B-2 – General Business**

- (1) **Intent.** The purpose of the General Business district is to provide suitably situated and sized sites that allow a broad range of commercial, office, and service uses. In most cases, this district will be located along thoroughfares, however, the district is not intended to encourage strip commercial development. Performance standards shall be used to insure the absence of adverse impacts beyond the zoning district boundary.
- (2) **Application Criteria.** These districts will usually be applied:
 - (a) Adjacent to areas zoned B-1, B-2, B-3, M-1, or M-2;
 - (b) Centralized water and sewer exists at the site, or are to be installed as part of the development process;
 - (c) Development will have access via an arterial street.

(3) **General Dimensional Requirements.**

Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft)	Minimum Front Setback (ft)	Minimum Side Setback (ft)		Minimum Rear Setback (ft)	Maximum Building Height (ft)
			Interior Lot	Corner Lot		
10,000	100	30	See Art. 5.3(C)	20	20	50

(G) **B-3 – Limited Business**

- (1) **Intent.** The purpose of the Limited Business district is to accommodate moderately intense business and institutional uses in proximity to areas of low intensity use, such as residential neighborhoods. This district may also be used in rural areas where urban services are not provided. Performance standards shall be used to insure the absence of adverse impacts beyond the area occupied by the building.
- (2) **Application Criteria.** These districts will usually be applied:
 - (a) Adjacent to areas zoned R-20, R-6, B-1, B-2, B-3, M-1, or M-2;
 - (b) Adequate water and sewer facilities exist either through centralized provision or other means;
 - (c) The site would provide a buffer or step down in the intensity of land use from a commercial or industrial use to a less intense use;

(3) **General Dimensional Requirements.**

Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft)	Minimum Front Setback (ft)	Minimum Side Setback (ft)		Minimum Rear Setback (ft)	Maximum Building Height (ft)
			Interior Lot	Corner Lot		
10,000	75	20	10	20	10	40

(H) **M-1 – Industrial**

- (1) **Intent.** The purpose of the Industrial district is to provide locations for enterprises engaged in manufacturing, processing, creating, repairing, renovating, painting, cleaning, and assembling of goods or equipment. This district includes uses that may be offensive due to odors, dust, fumes, traffic, or vibration. The operation may involve some outside activity, such as outdoor storage. To the extent possible, this district will be located away from incompatible uses and separated by features such as roads, natural features, etc. Where this is not possible, performance standards will be used to insure the absence of adverse impacts on adjoining properties.
- (2) **Application Criteria.** These districts will usually be applied:
 - (a) Adjacent to areas zoned B-2, M-1, or M-2;
 - (b) Centralized water and sewer exists at the site, or are to be installed as part of the development process;
 - (c) Development will have access via an arterial street;
 - (d) Where roads, natural features, and the like provide a buffer between the district and other incompatible land uses.

(3) **General Dimensional Requirements.**

Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft)	Minimum Front Setback (ft)	Minimum Side Setback (ft)		Minimum Rear Setback (ft)	Maximum Building Height (ft)
			Interior Lot	Corner Lot		
40,000	150	40	See Art. 5.3(C)	20	30	---

(I) **M-2 - Limited Industrial**

- (1) **Intent.** The purpose of the Limited Industrial district is to provide suitable locations for enterprises engaged in limited manufacturing, distribution, wholesaling, warehousing, and related commercial and service activities. The operation will minimize outdoor storage or similar activity that may have adverse impacts outside of the property. Performance standards will be used to insure the absence of adverse impacts on adjoining properties.
- (2) **Application Criteria.** These districts will usually be applied:
 - (a) Adjacent to areas zoned R-6, B-2, B-3, M-1, or M-2;
 - (b) Adequate water and sewer facilities exist either through centralized provision or other means;
 - (c) Development will have access via an arterial street.

(3) **General Dimensional Requirements.**

Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft)	Minimum Front Setback (ft)	Minimum Side Setback (ft)		Minimum Rear Setback (ft)	Maximum Building Height (ft)
			Interior Lot	Corner Lot		
20,000	100	30	See Art. 5.3(C)	20	20	---

4.3 Permitted Uses

- (A) Table 4.3 lists uses permitted within each district in accordance with the following:
- (1) A “P” indicates a use permitted by right;
 - (2) A “C” indicates a use permitted under certain conditions;
 - (3) A blank cell indicates a use that is not allowed;
 - (4) A notation in the “Standards” column indicates the cross-reference for additional standards a use must meet.
- (B) **Use Interpretation.** If an application is submitted for a use that is not listed, a Use Interpretation committee shall be authorized to make a similar use interpretation based on the intent of the district and the similarity to other uses in the district. This committee will consist of the Zoning Enforcement Officer and one member appointed from the Planning Board. If an applicant is denied a favorable use interpretation, they may appeal the decision to the Board of Adjustment in accordance with this Ordinance.

Table of Permitted Uses 4.3

USE TYPE	R20A	R20	R8	R6	B1	B2	B3	M1	M2	Standards
RESIDENTIAL USES										
Accessory Dwelling Units				C	P					6.6
Accessory Structures, Customary	P	P	P	P						6.1
Boarding or Rooming House				P						
Condominium				C						
Congregate Care Facility				P						
Duplex				P						
Family Care Home	P	P	P	P						6.8
Home Occupation, Customary	P	P	P	P						

USE TYPE	R20A	R20	R8	R6	B1	B2	B3	M1	M2	Standards
Manufactured and/or Mobile Home	P									6.12
Manufactured Home Park	C									6.13
Modular Home	P	P	C	C						
Multi-Family or Apartments				C						6.17
Single-Family, detached	P	P	P	P						
Townhouse			C	C						
COMMERCIAL USES										
ABC Store						P				
Accessory Uses and Structures	P	P			P	P	P	P	P	6.1
Adult Establishment						P				6.2
Animal Hospital (without open kennels)						P			P	
Appliance Sales and Service						P			P	
Bank or Financial Service					P	P	P			
Bar					C	P				
Bed and Breakfast	P	P	C	P	C					6.3
Beauty or Barber Shop					P	P	P			
Bicycle Sales and Service					P	P	P		P	
Boat Sales and Service						P			P	
Building Materials, Supply and Sales	C	C				P		P	P	
Bus Station						P			P	
Convenience Store without fuel sales					P	P	P		P	
Convenience Store/Service Station with fuel sales						P	C		P	6.18
Dance Studio					P	P	P			
Dry Cleaning and Laundry						P			P	
Drive-Thru Window						P				
Electronic Gaming Operations						C				
Farm Equipment Sales and Service	C	C				P		P	P	

USE TYPE	R20A	R20	R8	R6	B1	B2	B3	M1	M2	Standards
Feed and Grain Stores						P		P	P	
Florist					P	P	P			
Grocery Store					C	P	C			
Greenhouse/Nursery	C					P			P	
Health and Fitness Center						P	C			
Heavy Equipment Sales and Service						P		P	P	
Hotel/Motel					C	P				
Kennel	C					C			C	
Manufactured Home Sales						P				
Massage Therapists					P	P	P			
Medical or Dental Office					C	P	C			
Medical or Dental Laboratory						P		P	P	
Mini-Storage Unit						P			P	
Motor Vehicle, Body and Paint Shop						P			P	6.15
Motor Vehicle Rental and Leasing						P				
Motor Vehicle Sales and Service	C					P			P	
Motor Vehicle Repair (without open storage)	C					P			P	
Motor Vehicle Wash or Detailing						P				
Music and Art Studio					P	P	C			
Nightclub						P				
Office Supplies Sales and Service					P	P				
Pawnshop					P	P				
Personal Service					P	P	C			
Professional Office				P	P	P	C			
Restaurant and Cafe				C	P	P	C			
Restaurant w/ Drive-Thru						P				

USE TYPE	R20A	R20	R8	R6	B1	B2	B3	M1	M2	Standards
Retail, General					P	P				
<i>Retail, Single and Multi-Tenant Retail Establishments with a gross floor area equal or greater than 30,000 square feet</i>						S	S			<i>Development Standards for Specific Uses Section 6.23</i>
Storage Services						P			P	
Theater, Indoor					P	P				
PUBLIC/INSTITUTIONAL USES										
Assembly Hall/Coliseum						P				
Campground	C			C						
Cemetery	P	P	P	P		P				6.4
Child Day Care/Nursery School	C			P	P	C	P			6.5
Church	P	P	P	P	P	P	P			
Clubhouse or Lodge	C				P	P	P			
College or University	P	P	P	P	P	P	P	P	P	
Community Center	C			C	P	P	P			
Fire or Police Station	P	P	P	P	P	P	P	P	P	
Funeral Home					P	P	P			
Golf Course	P	P	P	P		P				
Golf Driving Range	C					P			P	
Government Offices					P	P	P			
Hospitals					P	P	P			
Library	P	P	P	P	P	P	P			
Museum/Art Gallery					P	P	P			
Nursing Home				C	P	P	P			
Park, Athletic	P	P	P	P	P	P	P	P	P	
Park, Community	P	P	P	P	P	P	P	P	P	
Schools, Primary and Secondary	P	P	P	P	P	P	P			

USE TYPE	R20A	R20	R8	R6	B1	B2	B3	M1	M2	Standards
Schools, Business/ Technical/Vocational	P			P	P	P	P		P	
Telecommunications Antenna	P	P	P	P	P	P	P	P	P	6.21
Telecommunications Tower	C	C	C	C		C	C	C	C	6.21
Utilities, Public	P	P	P	P	P	P	P	P	P	6.17
INDUSTRIAL USES										
Asphalt and Concrete Plant								P		
Extraction of Earth Products	C									
Correctional Facility										
Farm, Bona-Fide	P									
Feed and Grain Mill	C							P		
Fill Site	C							C		
Food or Beverage Processing						C		P	C	
Freight Terminal						P		P		
Junkyard or Salvage Yard								P		6.9
Motor Vehicle Graveyard								P		6.9
Petroleum Products, Storage and Distribution								P		
Publishing and Printing Establishment						P		P	P	
Radio and/or Television Studio						P		P	P	
Warehousing						P		P	P	

4.4. Conditional Uses

(A) Intent

Conditional uses, because of their inherent nature, extent of development, or external effects, require special care in the control of their location, design and methods of operation, in order to insure protection of the public health, safety and welfare. It is the intent of this section to set forth the additional information required for submittal and consideration of conditional uses and to state the standards by which each application shall be judged.

(B) General Standards and Findings of Fact

The Board of Adjustment shall not approve any conditional use unless it finds:

- (1) The use will not materially endanger the public health and safety, if located where proposed and developed and operated according to the plan as submitted.

- (2) The use, which is listed as a Conditional Use in the district in which it is proposed to be located, complies with all applicable regulations and standards, including the provisions of Article 4.2 and Articles V and VI of this Ordinance.
- (3) The use will not substantially injure the value of contiguous property, or the use is a public necessity.
- (4) The use is in compliance with the general plans for the physical development of the Town as embodied in these regulations, or portion thereof, adopted by the Town Board.

(C) Procedures for Approval of Conditional Use Permits

(1) Application Submittal Requirements

- (a) Applications for approval of a conditional use permit shall be filed on forms available from the Zoning Enforcement Officer.
- (b) Applications which are not complete shall be returned forthwith to the applicant, with a notation of the deficiencies in the application.

(2) Notice of Public Hearing Required for all Conditional Use Permits

- (a) After receipt of the required application materials, the chairperson of the Board of Adjustment shall schedule a hearing, which shall be at a regular or special meeting, within sixty (60) days from the filing of the application.
- (b) Notice of the public hearing shall be given once a week for two (2) consecutive calendar weeks in a newspaper of general circulation in Wilkes County. The notice shall be published the first time not less than ten (10) days no more that twenty-five (25) days before the date fixed for the hearing. In computing such period, the day of publication is not to be such period, the day of publication is not to be included but the day of the hearing shall be included.
- (c) Written notice shall be sent to all adjacent property owners not less than ten (10) days before the hearing date. Adjacent property owners are those whose property lies within five hundred (500) feet of the affected property and whose names and addresses are currently listed in the Wilkes County tax records.

(3) Board of Adjustment Action

- (a) The Board of Adjustment shall review the record of the public hearing and shall take action on the application based on findings of fact as to the determinations required in Article 4.4.B. All findings shall be based on competent evidence presented at the public hearings.
- (b) Action on the application shall be of the following:
 - (i) Approval;
 - (ii) Approval subject to conditions; or
 - (iii) Denial.
- (c) If the Board of Adjustment denies the permit, the reasons for its action shall be recorded in the minutes of the meeting.

(D) Imposed Conditions

- (1) The Board of Adjustment may impose such reasonable conditions upon approval of a conditional use permit as will afford protection of the public health, safety, and general welfare, ensure that substantial justice is done, and equitable treatment provided.

- (2) Any conditions based on time must be consistent with the provisions in Article II on vested rights. Such conditions shall run with the land and use and shall be binding on the original applicant(s) as well as all successors, assigns, and heirs.

(E) Notice of Decision and Issuance of Conditional Use Permit

- (1) The Zoning Officer shall cause notice of the disposition of the application to be delivered by certified mail to the applicant and any aggrieved party who has filed a written request for a copy with the Board at the time of the hearing, and shall cause a copy of the decision to be filed in the office of the Zoning Enforcement Officer.
- (2) The letter notifying the applicant of the Board's action shall be approved and signed by the Chairman or Vice-Chairman of the Board of Adjustment.
- (3) In the case of approval or approval with conditions, the Zoning Officer shall issue the necessary conditional use permit in accordance with the action of the Board of Adjustment and the applicant shall record it in the office of the Wilkes County Register of Deeds within ten (10) days of receipt.

(F) Time Limitations Validity of Conditional Use Permit and Approval of a Site Plan

A conditional use permit issued pursuant to this section shall expire two (2) years after the date of issuance or approval if the work authorized by the permit or approval has not been commenced.

(G) Effect of Denial or Withdrawal on Subsequent Applications

When the Board of Adjustment shall have denied an application or the application shall have been withdrawn, by written notice, after publication of the first public hearing notice, the Zoning Officer shall not accept another application for the same or similar conditional use, affecting the same property or a portion thereof, until the expiration of one year from the date of denial or withdrawal.

(H) Appeal of Decision

A decision by the Board of Adjustment on an application for a conditional use permit may be appealed only to the Superior Court by an aggrieved party. Such appeal shall be in the nature of certiorari and must be filed within thirty (30) days of filing of the decision in the office of the Zoning Officer.

(I) Revocation

- (1) A conditional use permit may be revoked by the Board of Adjustment after a finding of the existence of any one of the following conditions:
 - (a) That the physical construction or activity authorized by a conditional use permit has not commenced within the time limit set above.
 - (b) That the governmental licenses or permits required for the activity authorized by a conditional use permit have not been obtained or have subsequently been terminated; or
 - (c) That any of the applicable requirements of this section or any conditions attached to the conditional use permit, or modification of conditional use permit, have been violated.
- (2) On request by the holder of a conditional use permit, the Board of Adjustment may, for good cause shown, extend the time limits for commencement of authorized construction or activity by up to twelve (12) months.
- (3) The Board of Adjustment may consider reapplication for a conditional use permit on property on which previous permit has been revoked provided that all of the standards which are set forth in this Ordinance are met.

(J) General Requirements

The following additional information is required for all conditional use applications:

Eight (8) copies of the site plan prepared by a registered North Carolina land surveyor or engineer which shall contain the following:

- (1) North point, scale and date;
- (2) Extent of area to be developed;
- (3) Locations and widths of all easements and rights-of-way within or adjacent to the site;
- (4) Location of all existing or proposed structures on the site;
- (5) Location of all areas on the site subject to flood hazard or inundation as shown on flood maps or soil maps;
- (6) Location of all water courses on the site, including direction of flow;
- (7) Existing topography at a contour interval of five (5) feet based on mean sea level datum;
- (8) Proposed or existing fencing, screening, gates, parking, service and storage areas;
- (9) Access to site including sight distances of all roads used for access;
- (10) Architectural elevations of all structures proposed to be used in the development;
- (11) Names and addresses of owners and applicants;
- (12) A fee, as set by the Town Board;

4.5. Special Uses

(A) Intent.

This ordinance provides for certain uses to be located by right in certain districts where the uses are compatible with the purpose of the district and with other uses to be located in certain districts only by complying with additional development standards to insure the same compatibility. However, certain uses which are basically in keeping with the intent and purpose of the district may have substantial impact on the surrounding area and shall only be allowed after a review of a specific proposal. In order to insure that these uses would be compatible with surrounding development, be in conformance with adopted plans and policies and be in keeping with the purpose of the district in which they are proposed to be placed, they are not allowed to be established as a matter of right. They may be established only after review and approval of a Special Use Permit by the Town Council as set forth in this section.

(B) Procedures for Approval of Special Use Permits.

The following information shall be submitted as part of a request for a special use permit. Applications which are not complete shall be returned forthwith to the applicant, with a notation of the deficiencies in the application.

- (1) A completed written application for a Special Use Permit along with standard application fees required by the town shall be filed with the Zoning Administrator. All other reasonable application expenses incurred by the town for the processing of a special use permit application shall be paid prior to the issuance of a final notification of action taken, and the associated issuance of a special use permit, if any. The application, at a minimum, shall include the following items:
 - (a) Name, address and telephone number of the applicant and all property owner(s), if different from the applicant, deed book and page number of the property description.

- (b) A scaled boundary survey drawn to an appropriate scale prepared by and certified to be correct by a surveyor or engineer registered with State of North Carolina showing the total acreage, present zoning classification (s), date and north arrow.
 - (c) The current owners' names, addresses, and tax parcel numbers (as shown on the current year Wilkes County Tax Records), and the uses and current zoning classifications of all adjacent properties.
 - (d) All existing easements, reservations, rights-of-way and all yard requirements for the zoning district.
 - (e) A site plan showing all existing and/or proposed buildings, storage areas, parking and access areas, proposed size, layout and setbacks of land and proposed structures, planned illumination, and proposed number, type and location of signs.
 - (f) Landscape plan showing existing and proposed trees, ground cover and landscape material, proposed screening, including walls, fences or planted areas as well as treatment of any existing natural features.
 - (g) Plans and elevations for all proposed structures with materials and colors of all exterior surfaces noted.
 - (h) A map at the same scale as the site plan showing the following:
 - (i) Delineation of areas within the floodplain as shown on the official flood hazard boundary maps.
 - (ii) Existing and proposed topography at five (5) foot intervals.
 - (iii) Plans for providing potable water and for the treatment of wastewater.
 - (i) Proposed phasing, if any, and approximate completion time of the project.
- (2) Prior to submitting an application, the applicant may submit to the Zoning Administrator a sketch plan of the proposed development showing the appropriate location and dimensions of all proposed structures and improvements. The Zoning Administrator shall review the sketch plan and forward the sketch plan to members of the town's Technical Review Committee and advises the applicant as to its general compliance with this article and any other pertinent regulations and plans.
 - (3) After the receipt of the required application materials, the Zoning Administrator shall place the item on the planning board agenda which shall be at a regular or special meeting within sixty (60) days from the filing of the application.
 - (4) The Planning Board shall have a maximum of forty-five (45) days from the date at which it met to review the application and to submit its recommendation to the Town Council. If a recommendation is not made during the 45 day period, the application shall be forwarded to the Town Council without a recommendation from the Planning Board.
 - (5) When dealing with the Special Use Permit process, it may be desirable to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Zoning Administrator, the Technical Review Committee, the Planning Board and/or the Town Council may request additional information, as they may individually deem necessary.
 - (6) Once the application is forwarded to the Town Council from the Planning Board (or the Zoning Administrator as prescribed in Section 4.5 (B)(4)), the Town Council shall consider conducting a public hearing. If a public hearing is held, due notice of such public hearing shall be published in a manner similar to that as prescribed in Section 3.3 – Public Hearing and Notice Requirements.

(C) Town Council Decision.

If the Town Council should find, after conducting a public hearing, that the proposed Special Use Permit should be granted, the Town Council may impose such additional reasonable and appropriate special conditions upon such Special Use Permit, as it may deem necessary. In no instance shall any of these conditions be less restrictive than any requirements which would pertain to that particular development found in the same zoning district. Any conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development and other matters that the Town Council may find appropriate or the petitioner may propose. The conditions may include sign controls and architectural review or control. The landscaping provisions of the Tree Ordinance shall be minimum landscaping requirements as a condition for awarding a SUP, however, the Town Council may impose additional reasonable landscaping requirements as a condition for awarding a SUP as the Council considers necessary to protect the health, safety and welfare in accordance with the purpose and intent of this Ordinance. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Town Council. The Town Council shall give due regard to the intent and purpose of this section of the Ordinance and that the public health, safety and welfare will be secured and substantial justice done.

(1) Burden of Proof.

The applicant has the burden of producing competent material and substantial evidence, tending to establish the existence of the facts and conditions which the appropriate section of this Ordinance requires for the issuance of a Special Use Permit.

(2) Voting.

When deciding Special Use Permits, the Town Council shall follow quasi-judicial procedures. No vote greater than a majority vote shall be required for the Council to issue such permits. For the purposes of this Section, vacant positions on the Council and members who are disqualified from voting on a quasi-judicial matter shall not be considered "members of the Council" for calculation of the requisite majority.

(3) Findings to be made by Town Council.

The Town Council shall issue a Special Use Permit only after having conclusively confirmed each of the following findings:

- (a) The use will not materially endanger the public health or safety if located where proposed and developed according to the submitted plan.
- (b) The use meets all required conditions and specifications.
- (c) The use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity.
- (d) 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 will be in general conformity with this Ordinance and adopted town plans and policies.
- (e) Additional review criteria, as listed for specific uses in Section 4.5(J), shall also be considered and addressed where required.

(4) Appeal of Town Council Decision on Special Use Permit. Every SUP decision of the Town Council shall be subject to review by the Superior Court by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be filed with the appropriate Clerk of Superior Court within thirty (30) days after the decision of the Town Council is filed in the Office of the Town Clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a

written request for such copy with the Clerk at the time of the hearing of the case, whichever is later. The decision of the Town Council may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

(D) Binding Effect.

Any Special Use Permit so authorized shall be likewise binding to the property included in such permit unless subsequently changed or amended by the Town Council. Notification of any approved Special Use Permit shall be forwarded to the Wilkes County Register of Deeds for recordation.

However, minor changes in the detail of the approved plan which will (1) not alter the basic relationship of the proposed development to adjacent property, or (2) will not alter the uses permitted or increase the density of development, or (3) will not decrease the off-street parking ratio or (4) reduce the yards provided at the boundary of the site may be made upon submittal to and the subsequent approval of the Zoning Administrator. The Zoning Administrator shall take action on such requests within fifteen (15) days, unless additional information is requested. A written decision shall be provided to the applicant, and, if positive, a copy shall be forwarded to the Wilkes County Register of Deeds. Any applicant may appeal a negative decision of the Zoning Administrator to the Board of Adjustment which shall determine if an amendment to the Special Use Permit is required in order to allow the proposed minor change to be made to the approved plan.

(E) Certificate of Occupancy.

No Certificate of Occupancy shall be issued for any building or land use on a piece of property which has received a Special Use Permit unless the building or structure is constructed, or used, or the land is developed or used in conformity with the Special Use Permit as approved by the Town Council. In the event that only a segment of a proposed development has been approved, the Certificate of Occupancy shall be issued only for that portion of the development as approved.

(F) One Year Limitation

- (1) If a Special Use Permit request is denied by the Town Council, a similar application for a Special Use Permit for the same property or any portion thereof shall not be filed until the expiration of a twelve (12) month period from the date of most recent determination by the Town Council.
- (2) This waiting period shall not be applicable or otherwise be involved in the filing of a new application for rezoning of all or any part of the property previously considered by the Town Council where the new application requests rezoning to a different zoning district and/or where the application for a Special Use Permit is substantially different from the original application.

(G) Change in Special Use Permit. Any request to materially change a SUP shall be reviewed by the Planning Board as required by Section 4.5 (B) or in compliance with the applicable portion of the minor change approval procedure set forth in Section 4.5 (D). The Town Council may thereafter change or amend any previously approved Special Use Permit, only after having held a public hearing. Notice of a public hearing shall be in accordance with the provisions of Section 3.3. Amendment by the Town Council of a Special Use Permit shall be subject to the same considerations as provided for in Section 4.5(C)(3).

(H) Time Limitations Validity of Special Use Permit and Approval of a Site Plan. A Special Use Permit issued pursuant to this section shall expire two (2) years after the date of issuance or approval if the work authorized by the permit or approval has not commenced.

(I) Revocation.

- (1) A Special Use Permit may be revoked by the Town Council after a finding of the existence of any one of the following conditions:
 - (a) That the physical construction or activity authorized by a Special Use Permit has not commenced within the time limit set above.

- (b) That the governmental licenses or permits required for the activity authorized by a Special Use Permit have not been obtained or have subsequently been terminated; or
 - (c) That any of the applicable requirements of this section or any conditions attached to the Special Use Permit, or modification of Special Use Permit, have been violated.
- (2) On request by the holder of a Special Use Permit, the Town Council may, for good cause shown, extend the time limits for commencement of authorized construction or activity by up to twelve (12) months.
 - (3) The Town Council may consider reapplication for a Special Use Permit on property on which previous permit has been revoked provided that all of the standards which are set forth in this Ordinance are met.

(J) Additional Review Criteria.

The review criteria specified for each of the following uses shall be addressed by the Town Council as an integral part of any applicable Special Use Permit review activity:

- (1) **Single and Multi-Tenant Retail Buildings with a gross floor area equal to or greater than 30,000 square feet.**
 - (a) Access to public streets and the adequacy of those streets to carry anticipated traffic.
 - (b) On-site circulation for both pedestrian and on-site and off-site vehicular traffic circulation patterns.
 - (c) Adequacy of existing community facilities such as water, sewer, and police and fire services.
 - (d) Compatibility of the proposed use with the general characteristics of the area with respect to the location and design of structures, the location, design and landscaping of parking and service areas, and the location, size and character of signs and the streetscape.

(K) Additional standards for findings of fact require in specific uses.

The review criteria specified for each of the following uses shall be addressed by the Zoning Board of Adjustments as an integral part of any applicable conditional use permit.

- (1) Assembly/Coliseum Uses.
 - (a) Compatibility of proposed use with the general characteristics of the area with respect to the location and impacts of existing land use:
 - (b) Compatibility with the Town of Wilkesboro and Wilkes County's economic development efforts to bring additional jobs to the area:
 - (c) The proposed location is being utilized at its highest use:
 - (d) Adequate parking for the use can be onsite or through a shared parking agreement
 - (e) The existing structure can be modified to meet all building and fire codes:
 - (f) Access to the site can be provided by the existing roads or improvements of existing roads can be improved to meet the transportation requirements of the new use:
 - (g) Meets all adequate zoning codes:
 - (h) Adequate traffic control is provided for each special event:

**Town of Wilkesboro
Zoning Ordinance**

ARTICLE V. GENERAL DEVELOPMENT STANDARDS

5.1 Principal Structures

There shall be only one principal structure per zoning lot, except in cases of an approved multi-family development or other group projects that are not subject to this provision.

5.2 Minimum Frontage

No building shall be erected on any lot which does not abut at least twenty-five (25) feet on a publicly dedicated or maintained street.

5.3 Exceptions to Height and Setback Regulations

(A) Height Limitations.

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observations towers, transmission towers, chimneys, smokestacks, conveyors, flag poles, radio towers, television towers, masts aerials and similar structures, except as otherwise provided in the vicinity of airports.

(B) Front Yard Setbacks for Dwellings.

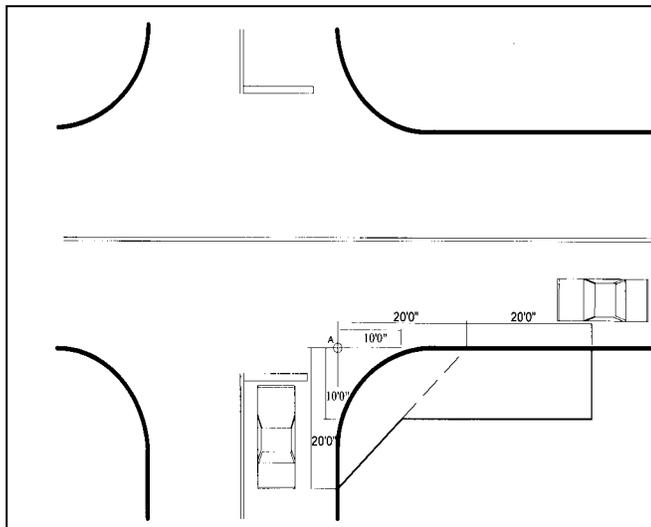
The front yard setback requirements of this ordinance for dwellings shall not apply to any lot where the average setback of existing buildings located wholly or partially within one-hundred (100) feet on each side of the proposed dwelling within the same block and zoning district and fronting on the same side of the street is less than the minimum required front yard depth. In such case, the setback on such lots may be less than the required setback, but not less than the average of the existing on the aforementioned lots, or within ten (10) feet of the street right-of-way line, whichever is greater.

(C) When No Side Setback is Required.

In cases where no side yard is required, if a side yard is provided it must be at least four (4) feet in width to allow for maintenance, cleaning, etc.

5.4 Visibility at Intersections.

At any public right of way intersection, no obstruction shall exceed 28 inches in height above existing grade within the area as shown in the illustration below. "A" is located at the intersection of the road edges or curb.



5.5 Off-Street Parking

(A) Required.

Off-street automobile parking shall be provided on every lot on which a use is established. If no parking space can be reasonably provided on the same lot, such space shall be provided on a lot of which a substantial portion is within five-hundred (500) feet of such use. No Certificate of Occupancy will be issued upon completion of any building or group of buildings unless all off-street parking requirements are in place and ready for use.

(B) Central Business District Parking.

Uses in the B-1, Central Business District, are exempt from parking requirements unless required by other provisions of this Ordinance.

(C) Combined Parking.

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 at the same time, *except* that one-half (1/2) of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

(D) Reduction in Number of Required Spaces.

As part of its review, the Town Board may reduce the required number of parking spaces required by this section by up to 10% upon finding that the reduced number of parking spaces will be sufficient to satisfy the demand for parking expected for the use, considering: the nature of the use, the number of trips generated by the use, the times of day when the use generates the most trips, and the extent to which other establishments are located on the same property and may reduce the number of vehicle trips required between different establishments.

(E) Size and Number.

Each parking space shall be not less than nine (9) feet by nineteen (19) feet, in or exclusive of adequate access drives and maneuvering space. Each space shall be provided with vehicular access to a street or alley and shall be equal in number to at least the minimum requirement for the uses set out in Table 5.5. Requirements based on the number of seats, students, etc., are based on the design capacity of the building.

Table 5.5

Residential Uses	Parking Requirements
Single Family, Duplex, Condominiums, Manufactured Homes, and similar residential	2 spaces per dwelling unit
Multi-family (apartments, etc.)	2 spaces per one-bedroom unit and two-bedroom unit; 2.5 spaces per 3 + bedroom unit
Multi-family for elderly, handicapped (including group homes)	1 space per resident
Rooming or Boarding House	1 space plus one for each room to be rented

Institutional Uses	Parking Requirements
Churches and similar places of worship; funeral homes	1 space per 4 seats in principal auditorium
Clubs, lodges, fraternal organizations, civic organizations, etc.	1 space per 400 sq. ft. of gross floor area or 1 space per 2 seats of meeting space, whichever is greater
Schools, elementary and intermediate	2 spaces for each classroom and 1 space for each administrative office
Schools, senior high	2 spaces per classroom plus 1 per 3 students
Hospital	1 space per patient bed plus 1.25 per full-time employee (total number, regardless of shifts)
Colleges	1 space per classroom 1.5 spaces per 2 students
Libraries, Museums, and other like cultural establishments	1 space per 250 sq. ft. of gross floor area
Day Care Centers	1 space per 8 to 10 licensed attendees plus 1 per employee
Nursing/Rest/Convalescent Homes	1 space per 4 residents plus 1 per staff member on largest shift
Stadium, Auditorium, Theater, Convention Center	1 space per 2 seats
Golf Courses	4 spaces per green plus 1 per employee
Community Recreation Centers	1 space per 250 sq. ft. of gross floor area
with swimming pool	1.25 spaces per lane
with tennis or racquets courts	3 spaces per court
Commercial/Business/Office Uses	Parking Requirements
Restaurants	1 space per 3 seats
- with drive-thru	3 stacking spaces for each window
Auto Repair Establishments	4 spaces per service bay or rack
Convenience Mart	1 space per 200 sq. ft. of gross floor area
Banks	1 space per 300 sq. ft. of gross floor area plus:
- drive-thru	3 stacking spaces for each window
- automated teller machine	1 space per machine
Medical/Dental/Vet offices and/or clinics	1 space per 300 sq. ft. of gross floor area
Hotels/Motels	1 space per room plus 1 space per 3 employees on largest shift plus:
- with conference/meeting facilities	1 space per 250 sq. ft. of gross floor area
Commercial Recreation, Indoor, such as: - dance instruction - martial arts instruction - skating rink - billiard parlor - bowling alley - music instruction, etc.	1 space per 250 sq. ft. of gross floor area
Commercial Recreation, Outdoor, such as: - driving range	1.5 spaces for every tee, station, or other method of designating the total number of participants at the

- miniature golf - skeet range, etc.	facility at one time
Retail Establishments	1 space per 200 sq. ft. of gross floor area
Offices (general, professional)	1 space per 300 sq. ft. of gross floor area
Home Occupation	1 space in addition to residential requirements
Auto/Boat/Truck Sales and Rental	1 space per 300 sq. ft. of enclosed gross floor area plus 1 space per 5,000 sq. ft. display area
Shopping Centers	5 spaces per 1000 sq. ft. of leasable area (not including restaurants, which still must meet seating requirement)
Personal Service Establishments (barbers, tanning, etc.)	1 space per 200 sq. ft. of gross floor area

Industrial/Wholesale Uses	Parking Requirements
Manufacturing, Heavy	.75 space per employee on largest shift plus 1 space per truck
Manufacturing, Light	1 space per 500 sq. ft. of gross floor area
Wholesale Establishments	1 space per 500 sq. ft. of gross floor area
Warehousing and Distribution Establishments	1 space per 500 sq. ft. of gross floor area
Warehouses/Storage	1 space per employee plus 1 space per truck

5.6 Off-Street Loading Space

(A) Required.

Every building used for business, trade, or industry hereafter erected shall provide space as indicated herein for the loading and unloading of goods, etc. Each space shall have access to an alley or street.

(B) Size and Number.

Each off-street loading space shall have minimum dimensions fourteen (14) feet in height above the alley or street grade and twenty-five (25) feet in depth from the alley or street line. The number of spaces required is as follows:

- (1) Retail: One (1) space of three hundred (300) square feet for each five thousand (5,000) square feet of floor area;
- (2) Wholesale/Industry: One (1) space of five hundred (500) square feet for each ten thousand (10,000) square feet of floor area.

5.7 Signs

(A) Purpose:

The purpose of this section is to establish enforceable and impartial regulations for all types of signs. It is hereby determined that signs are a legitimate and beneficial use of property and/or business and should preserve and reinforce the natural, historical, and architectural qualities of neighborhoods. The regulations thereof are necessary to:

- Protect the public health, safety, convenience and general welfare;
- Reduce traffic hazards caused by signs which may distract, confuse and impair the visibility of motorists and/or pedestrians;
- Facilitate the efforts of fire, emergency services and law enforcement protection;

- Incorporate sufficient signage which readily describes the locations of all general public and governmental services;
- Incorporate sufficient signage which readily describes the locations, services, and/or products of all legitimate businesses and industries;
- Afford the residents the freedom and access to express acceptable information to visitors and the community from public venues;
- Ensure the unobstructed view of public traffic signs and signals;
- Minimize the potentially negative impacts to the public's property investments; and
- Preserve the scenic and economic values which support equally the interests of all residents and businesses within the community.

This ordinance may be reviewed and revised as needed by the Wilkesboro Planning Board in an effort to keep current with the desires of the community at large.

(B) Minimum Requirements Provision:

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, convenience and general welfare. Wherever the requirements of this Ordinance are at variance with the requirements of any other Town ordinances, State Laws, and/or Federal laws the highest or most restrictive standard shall apply.

(C) Title:

This Article shall hereinafter be known and cited as the "Town of Wilkesboro Signage Ordinance".

(D) Applicability:

This Article is intended to regulate all signs currently existing or yet to come into existence, which are to be located within the Town of Wilkesboro North Carolina City Limits and the Extra Territorial Jurisdiction.

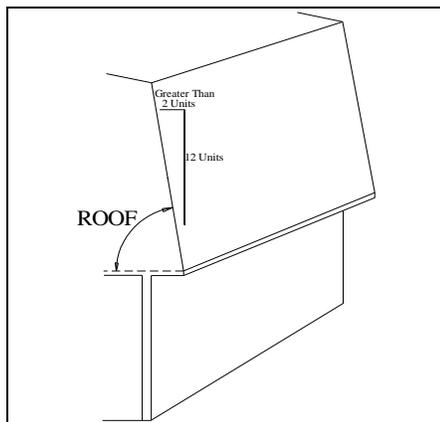
(E) Definitions:

- (1) **ABANDONED SIGN:** Signs which have not been in use for ninety (90) days or more shall be deemed to be abandoned and non-conforming. Supporting structures for freestanding signs are not exempt when sign and/or lettering are removed.
- (2) **ADDRESS IDENTIFICATION SIGN:** A sign which is limited to the address and number of a building, institution, complex or person.
- (3) **AGRA -BUSINESS SIGNS:** A commercial business which grows and sells over fifty (50) percent of the items indigenous to the local growing area (Wilkes County and adjacent counties) whether on the premises or at other local growing locations.
- (4) **ART:** Integral decorative and/or architectural features of buildings or individual works of art that do not contain letters, trademarks, or contain any commercial references or messages.
- (5) **ATTACHED (i.e., WALL) SIGN:** A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than sixteen (16) inches from such building or structure.
- (6) **AWNING:** A roof-like covering consisting of any material attached to a rigid frame dependent on another structure and forming a sheltered walk to the entrance/exist of a building.

- (7) **BANNER:** A temporary sign composed of lightweight material, either enclosed or not enclosed in a rigid frame, and supported on at least two (2) opposing sides and/or edges.
- (8) **BILLBOARD:** A billboard is an off-premises “sign” or object typically erected in high traffic areas such as alongside major highways, expressways, corridors or principal arterials that are displayed outdoors or visible from a public right of way. Billboards do not include on-premises commercial or political signage nor small commercial or non-commercial signs temporarily placed in residential lawns by residents, owners, contractors, realtors, or by or on behalf of political candidates or issues as described in this ordinance.
- (9) **BUILDING DEPARTMENT:** A building inspector as designated by the Town of Wilkesboro.
 Wilkes County Building Inspections (3rd floor)
 110 North Street
 Wilkesboro, NC 28697
 Phone (336) 651-7303
 Fax (336) 651-7567
- (10) **CHANGEABLE SIGNS:**
- (a) **ANIMATED and/or MECHANICAL SIGN:** A sign which creates motion, action, or the illusion of action and/or motion (Includes intentional wind/air-blown, inflatable signs or figurines).
- (b) **CHANGEABLE COPY SIGN:** A sign designed to allow changing of copy by automatic, mechanical or manual means.
- (c) **SCROLLING SIGN:** A Sign which incorporates and/or conveys a continuous or intermittent written message or image through moving surfaces, rotating surfaces, pixels or lights that give the illusion of active sequential motion.
- (11) **COMPLEX IDENTIFICATION SIGN:** A sign identifying a complex but which does not include identification of any individual business within the complex.
- (12) **CONSTRUCTION SIGN:** A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors and similar persons or firms having a role or interest with respect to the structure or project.
- (13) **DIRECTIONAL SIGN:** Any sign erected on premises and commonly associated with and limited to information and directions necessary and convenient for persons coming on the property, including signs marking entrances, parking areas, one-way drives, rest rooms, pickup and delivery areas and the like.
- (14) **FARM STAND:** An individual Farm Producer selling Farm Products.
- (15) **FLAG:** A flag is a piece of flexible material suspended on one end from a pole or other structure. (Includes streamers and pennants).
- (16) **FREESTANDING SIGN:** A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. If the message is removed from the freestanding sign, the supporting structure shall still be considered a sign.
- (17) **FRONTAGE:**
- **BUILDING FRONTAGE:** The linear distance of a building and/or business facing a street or right-of-way and which contains the main entrance to the building and/or business.
 - **STREET FRONTAGE:** The linear distance of the parcel measured along the primary entrance street.

- (18) **GOVERNMENTAL SIGN:** A sign erected and maintained pursuant to any governmental function or required by any law, ordinance or governmental regulation.
- (19) **GROUND (i.e. grade) LEVEL:** The average ground elevation within a ten (10) foot diameter circle measured horizontally from the most centrally located point of the sign base.
- (20) **HEIGHT:** The vertical distance between the ground level under a sign and the highest point of the sign structure.
- (21) **HOUSE OF WORSHIP:** A religious edifice; a church, temple, or similar place where believers go to practice their faith.
- (22) **HUMAN SUPPORTED SIGN:** Any sign which is carried, handled, held, or supported by a human being for display or promotion.
- (23) **INFLATABLE SIGNS:** Signs and/or sculptures inflated with fluids, expanding solids, air or gas whose primary purpose is to expand or increase surface areas or create movements which attract attention.
- (24) **ILLUMINATED SIGN:** Any sign which emanates light either by means of exposed tubing, surface lamps, illumination transmitted through sign surface or which reflects light from a source intentionally directed upon it.
- (25) **LOGO:** A symbol, graphic, trademark or emblem commonly associated with or representing a specific entity, product or concept.
- (26) **LOT:** Any parcel of real property recorded in deed form filed in the Wilkes County Register of Deeds Office.
- (27) **MAXIMUM PERMITTED SIGN AREA:** A formulation or arithmetic methodology that assigns a value which computes the permissible area of a sign to determine compliance with this ordinance. Reference section H (1) (a)
- (28) **MERCHANDISE SALES EVENT:** Merchandise and/or service promotion for the express purpose of merchandise clearance and/or service offerings to stimulate customer flow.
- (29) **MULTI-TENANT SIGN:** A sign containing a list of the names of business establishments located within a building complex (i.e. multi-tenant building). The style, lettering and color for all tenants identified on such signs shall be similar.
- (30) **MULTI TENANT ESTABLISHMENTS:** Include two (2) or more of any separate and distinct non-residential licensed establishments, which are located on the same premises.
- (31) **NON-CONFORMING:** Any sign which was lawfully erected and maintained prior to the effective date of this Article or any amendments thereto.
- (32) **OFF-PREMISES SIGN:** Any sign advertising or calling attention to any business or activity not located on the same continuous parcel of real estate as the sign.
- (33) **ON-PREMISES SIGN:** Any sign which is located on the same continuous parcel of real estate as the business it advertises.
- (34) **OUTDOOR SALES AREA SIGNS:** Signs which promote goods which are displayed in a clearly defined, open air, designated retail or wholesale space.
- (35) **PARAPET:** A portion of a vertical wall or architectural railing of a building that extends above the roofline.
- (36) **PERMANENT SIGN:** A sign for which a permit has been issued pursuant to the provisions of this ordinance, which will remain in force unless the conditions of this ordinance are violated.

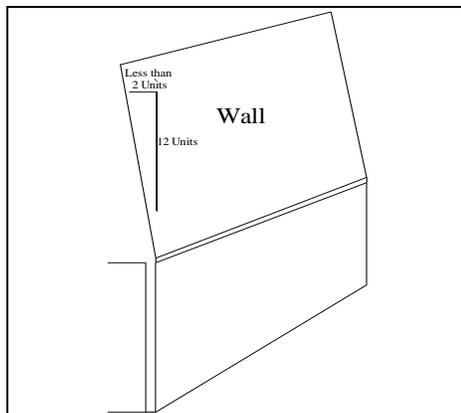
- (37) **PLANNING BOARD:** The Town of Wilkesboro North Carolina and Extra Territorial Jurisdiction (ETJ) Planning Board.
- (38) **POLITICAL SIGN:** A sign announcing or supporting political candidates or issues connected with any national, state or local election.
- (39) **PORTABLE SIGN:** A sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes. Signs designed to be portable cannot be retrofitted to become permanent.
- (40) **PRIVATE or YARD SALE SIGN:** A sign advertising the sale of personal property at house sales, garage sales, and/or rummage sales. Yard sale signs may not be attached to governmental signs and/or public utility poles.
- (41) **PROJECTING SIGN:** A sign which projects sixteen (16) inches or more from and is supported by a wall of a building or structure. Projecting signs not exceeding six (6) square feet do not require building permit. (Ref: NC State Building Code). Projecting signs shall not be constructed or project below eight (8) feet.
- (42) **PUBLIC SERVICE/INFORMATION SIGN:** Any sign intended primarily to promote items of general interest to the community such as time, temperature and date, atmospheric conditions, news, traffic control, and/or special events (Subject to Planning Department Review).
- (43) **REAL ESTATE SIGN:** A sign pertaining to the sale, lease or rent of real property, or a portion thereof.
- (44) **RUNNING SIGN:** A sign which consists of a series of two or more separate signs placed in a line parallel to a street when read in succession carries a single message, copy or announcement.
- (45) **ROOF:** Any building surface whose slope is less than two vertical units to one horizontal unit. (See illustration below)



- (46) **ROOFLINE, TOP:** The top edge of the roof or top of the parapet, whichever forms the top line of the buildings silhouette.
- (47) **ROUTINE MAINTENANCE:** The replacement of existing colors, graphics, lettering, logos, sign structure, lighting and/or trim, and/or materials which were originally designed, approved, permitted, or built and which does not alter the perception of the signs appearance or the size of the signs presentation.
- (48) **SIGN:** Any device, object, display, or structure, or part thereof which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location to express a point of view or display identification,

description, illustration or device by any means, including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations, electronic message centers or projected images whether illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise, or any logo, painting, banner, pennant, placard or temporary sign, with the exception of window displays and national flags. "Signs" shall also include all sign structures.

- (49) **SIGN STRUCTURE:** Any structure or material which supports, or previously supported a sign, including the decorative cover.
- (50) **SPECIAL EVENT:** A group activity including, but not limited to, a performance, meeting, assembly, contest, exhibit, ceremony, parade, athletic competition, reading, and/or community gathering. Special Events shall not include casual park use by visitors or tourists.
- (51) **STREET and/or PUBLIC RIGHT OF WAY:** A public highway, road or thoroughfare which affords the principal means of access to adjacent lots, measured from property line to property line.
- (52) **TEMPORARY SIGN:** Any sign which is not intended to be permanent.
- (53) **WALL:** Any building surface whose slope is two vertical to one horizontal or steeper. (See Illustration)



- (54) **WINDOW SIGN:** A sign that is applied or attached to a window or located within three feet of the interior of the window and which can be seen from the exterior of the structure.
- (55) **ZONING ENFORCEMENT OFFICER:** Wilkesboro Planning Department Director or appointed designee.

(F) Permit Required

Scope: A sign may not be replaced, erected, moved, enlarged, or altered in any manner except for routine maintenance unless a Wilkesboro Sign Permit is obtained. All signs requiring a permit shall include a scaled drawing of the proposed sign(s) showing the size, height, method of illumination and whether it will be attached or freestanding. As deemed necessary by the Zoning Enforcement Officer, a site plan and/or sketch shall be submitted showing the location of the sign on the property in relation to lot lines, buildings, sidewalks, intersections and overhead utility lines along with any other necessary information needed in order to carry out the purpose and intent of this ordinance. Signs that do not require a permit are identified in section (I): "Signs Not Requiring a Permit and Certain Temporary Signs".

(G) Administration and Enforcement:

- (1) The provisions of this article shall be administered and enforced by the Town of Wilkesboro Zoning Enforcement Officer or his/her designee, which shall have the power to make necessary inspections and interpretations.
- (2) No sign permit shall be approved by the Town of Wilkesboro Enforcement Officer except in compliance with the provisions of this article.

(H) General Standards:

(1) Sign Area Determination:

- (a) The surface area of a sign shall be computed by including the entire area within the smallest contiguous perimeter of the sign's space within not more than eight (8) straight lines or a circle enclosing the extreme limits of the writing, representation, emblem or any elements of display together with any inclusive interior air space and any material or color forming an integral part of the background of the display used to differentiate the sign from the backdrop or structure against which it is placed, but not including any necessary supporting framework, engineered structure or bracing that is clearly incidental to the signage display.
- (b) The maximum combined sign area calculated by 5.6(H)1(a) may not exceed two-hundred (200) square feet of signage per premises.
- (c) Maximum sign area determination for on premises outdoor sales area(s) must not exceed fifty percent (50%) of the parcel's linear street frontage times one (1) square foot up to a maximum of one-hundred (100) square feet.
- (d) Where a sign has two (2) identical display planes or faces and only one image is visible from a single observation point, the area of only one face shall be considered as the sign area.
- (e) In the case of other multi-sided signs such as cylinders, wedges, spheres or cube shaped signs, which are substantially three-dimensional in respect to their display area; all areas shall be considered when calculating the sign area.

(2) Sign Height Determination:

Signage height determination is based on zoning classification and can be reviewed in sections 5.6 (L) (M) (N) and 5.4 Visibility at Intersections.

(3) Non-conforming and Abandoned Signs:

- (a) Any sign legally in existence prior to the enactment of this article [insert date], may be continued and maintained. A sign may not be replaced, erected, moved, enlarged, or altered in any manner except for routine maintenance unless a Wilkesboro Sign Permit is obtained.
- (b) Any sign which is replaced, erected, moved, enlarged, and/or altered in any manner shall be considered a new sign and shall be required to conform to the requirements contained herein.
- (c) Any sign, whose copy displays an image, icon, symbol or lettering that is incomplete, is faceless, and is meaningless or illegible shall be considered to be an abandoned sign; or
- (d) Signs which have not been in operation for ninety (90) days or more shall be deemed to be abandoned and shall be removed by the property owner. After the end of the ninety (90) day period, the Town of Wilkesboro reserves the right to remove the said sign at the owner's expense. Supporting structures for freestanding signs are not exempt when sign and/or lettering are removed.

- (e) At the discretion of the Wilkesboro Planning Board, any portion of an abandoned sign which has potential value may remain pursuant to this ordinance.

(4) Little or No Building Frontage:

Establishments with little or no building frontage, such as interior office establishments, may have a maximum sign area of twenty four (24) square feet provided that the total maximum permitted sign area allowed for the building is not exceeded.

(5) Freestanding Signs:

- (a) Freestanding signs shall be permitted only when the principal building or structure in which the activity is conducted is set back at least twenty (20) feet from the edge of pavement or face of the curb of the adjacent roadway.
- (b) No portion of a freestanding sign shall be located closer than ten (10) feet to any adjacent lot line of a separate lot and twenty (20) feet if the side lot line abuts a residentially zoned district.
- (c) In addition to the previously stated setback requirements of this section, no part of any freestanding sign shall extend into or over an existing right-of-way as shown on the Wilkes County tax maps or a survey. (Exception: Political signs, special events, and/or governmental signs)
- (d) Freestanding sign height shall be measured from ground level (Ref: Definition "Ground Level").
- (e) Any freestanding sign in any zoning district shall comply with Article 5.4, "Visibility at Intersections."
- (f) All freestanding signs shall be self-supporting structures and the applicant of such sign designs shall comply with all applicable building codes and a building permit shall be obtained if deemed necessary by the Wilkes County Building Inspections Department.
- (g) No freestanding sign shall be located directly underneath any overhead utility lines or within the vertically plumb space one foot on either side of its path.
- (h) Freestanding signs may be allowed within the street right-of-way of entrances to subdivisions, planned developments, institutions, etc., and must comply with the following requirements:
 - (i) Applicant must acquire Planning Board approval;
 - (ii) The Town will not be responsible for maintenance;
 - (iii) An entity responsible for maintenance shall be created or identified;
 - (iv) No such signs shall interfere with sight distance or with normal maintenance requirements; and
 - (v) Maximum size not to exceed eighty (80) Square Feet.
 - (vi) Free standing signs shall be placed a minimum of one hundred (100) feet apart unless separated by a public right-of-way in which instance a minimum total separation of at least fifty (50) feet is required.

(6) Sign Illumination:

- (a) Lighting from an externally illuminated sign or floodlight shall be shaded, shielded or directed so that it illuminates only the face of the sign.
- (b) Lighting from an internally and/or externally illuminated sign and/or a light emitting diode (LED) sign cannot become a nuisance to occupants of adjacent residential building interiors,

and/or interfere with driver visibility. Whether or not a sign is considered a nuisance will be the discretion of the Planning Board, and alteration or sign removal will be decided by the Wilkesboro Town Council.

- (c) Illuminated tubing and/or strings of lights on the exterior of a building cannot exceed one (1) perimeter length of measurement around the building.
- (d) Flashing signs as listed and prohibited in Article 5.6(J).

(I) **Signs Not Requiring a Permit and Certain Temporary Signs:**

Signs listed in this section are exempt from the permit requirements of Article 5.7(F) and may be erected in any zoning district provided they comply with the conditions described herein and prior notification is provided to the Planning Department. Signs permitted in this section will not be considered in determining maximum permitted sign area. All such signs except government signs and political signs shall be located outside of the public right-of-way as determined by the Wilkes County tax maps, off government and utility poles, and outside of any sight distance as described in section 5.4. Temporary non-profit and community event signage may be allowed with planning department and Wilkesboro Planning Board designee collective approval.

- (1) **Address Identification Signs:** Signs indicating the address of the premises, not exceeding the total of four (4) square feet and not including any commercial logo or advertising.
- (2) **Houses of Worship Directional Signs:** Off-premise directional signs shall not exceed six (6) square feet per sign; this exemption covers up to two (2) such signs. One (1) off-premise sign is allowed per parcel location provided property owner's approval is obtained.
- (3) **Directional Signs:** On premise signs directing traffic or identifying buildings within the premises that do not exceed eight (8) square feet or shall not be less than four (4) square feet each. No more than two signs per entrance and/or exit. Logos shall be permitted up to 40% of the area of the sign.
- (4) **Construction Site and Subdivision Signs:** On-premise signs identifying the project name, owner, developer, etc.
 - (a) Each site shall be limited to one sign per street frontage with each not exceeding fifty (50) square feet and ten (10) feet in height.
 - (b) Signs shall be removed by the time either a permanent sign is erected; thirty (30) days after the certificate of occupancy is issued; or two years after the first certificate of occupancy is issued in the case of a subdivision whichever comes first.
- (5) **Electronic Time & Temperature Signs:** Unpermitted time and temperature signs may not exhibit any other message except for time and temperature and the successive alternating images cannot change more frequently than three (3) seconds each. Time and Temperature formats will not be permitted should the feature be designed or integrated in another Changeable Sign format to justify the shorter lapse time of image changes.
- (6) **Farm Products Signs:** On-premise signs announcing the availability of seasonal farm products. Such signs shall not exceed a total area of forty (40) square feet in area.
- (7) **Flags:** On premise flags representing any government, religious, charitable, civic, public or not for profit organization, subject to the following:
 - (a) No single non-governmental entity shall display more than three such flags per premises.
 - (b) Flagpoles shall not exceed fifty (50) feet in height (above grade).
 - (c) The United States Flag must be displayed in accordance with the US Flag Code Section 1 of Title 4.

- (d) The lowest portion of the flag at rest cannot extend below eight (8) feet above grade.
- (8) **Holiday Decorations:** Decorations, including displays and/or lights, provided such lighting does not constitute a visibility or safety hazard.
- (9) **Merchandise on Display:** On premises merchandise offered for sale or rent where the product is displayed is subject to the height, setback and sight distance requirements; not allowed if it inhibits the safe ingress or egress to the premises onto a public street or thoroughfare. Exception: Merchandise displayed within an “outdoor sales area”.
- (10) **Merchandise “Sale Event” Signs:** “Sale event” signs cannot be displayed for more than thirty (30) consecutive days and may not display more than two (2) on premises “sale event” signs per active campaign nor can the combined sign areas exceed thirty-two (32) square feet. This section applies to permanent businesses “on premise” events and excludes “Special Events”. Such signs are subject to removal if not maintained in a presentable manner.
- (11) **Political Signs:** Erected in connection with public elections or campaigns. Such signs shall not exceed twenty-four (24) square feet each and shall not be erected more than 60 days prior to an applicable election (campaign) and shall be removed within 10 days after the elected conclusion of the campaign. The following regulations apply to political signs:
- (a) If these signs are deemed to create a hazardous condition they shall be subject to immediate removal by a representative of the Town authorized to do so by the Town Manager. If information is provided to the Town or included on the sign indicating whom to contact regarding the sign, the Town shall provide notice to the contact following removal of the sign.
1. Political signs shall not be placed in any public street median, or on any bridge, public utility box, or any pole used for public utility, traffic control signs, traffic signals, or street signs.
 2. Political signs shall not be placed in or along public rights-of-way such that they are considered by the town to be a sight distance problem for the drivers of vehicles, or which interfere or distract from the traffic control devices in place, or which interfere with safe bicycle or pedestrian circulation.
 3. With the exception of public parks, political signs may be placed on public property within ten (10) feet from the back of curb adjacent to a public street if they do not interfere with pedestrian circulation along sidewalks, pathways or the levee/pedestrian-way; do not obstruct bicycle circulation along bicycle paths; do not obstruct the sight distance of drivers of vehicles; and/or, do not cause unsafe conditions as determined by the town.
- (b) Political signs located in or over the right of way cannot exceed four (4) square feet.
- (c) Political signs placed in residential zoning districts shall be no larger than twenty four (24) square feet. Placement of political signs on roofs is prohibited.
- (d) Political signs placed on private property must have the express consent of the property owner; includes the yard space from the property line to the face of the curb (i.e., public right-of-way). *Roads and associated right-of-way which are maintained by NCDOT are governed by NCDOT policy and authorities granted under NC GS 160A-296 and are not controlled or regulated by the Town of Wilkesboro.*
- (e) Political signs shall not be illuminated. (Exception: Bill Boards)
- (12) **Portable Sidewalk Signs:** One (1) sign per business not exceeding six (6) square feet. Portable sidewalk signs are only allowed in the B1 - Central Business district, and B-2 – General Business district.

- (13) **Real Estate Signs:** Indicating the availability of real property for sale, lease or rent and are located on said property.
- (a) Such signs shall be limited to one (1) per street frontage and shall not exceed twelve (12) square feet in residential zones and sixteen (16) square feet in all other zones.
 - (b) If said property has more than four hundred (400) feet of frontage, then a second such sign (maximum two (2) per lot) will be allowed. Maximum height is six (6) feet.
 - (c) In addition, two (2) off-premise signs are allowed within the right of way not to exceed six (6) square feet each and not to exceed three (3) feet in height.
 - (d) Signs must be removed no later than thirty (30) days after the execution of the contract.
- (14) **Right-of-Way Signs:** Only “political” and “special event” signs as described in this ordinance.
- (15) **Scoreboards:** Scoreboards on athletic fields.
- (16) **Security and Warning Signs:** On premise signs regulating the use of the property such as “no trespassing”, “no hunting”, “no fishing”, “no loitering”, “no smoking”, “Caution”, “Warning” and “Danger” signs that do not exceed eight (8) square feet each.
- (17) **Special Event Signs:** On premise special event signs shall be allowed in addition to the maximum allowable sign area normally permitted. All signs shall be in conformance with the following provisions:
- (a) Signs shall only be allowed for up to two separate fifteen (15) day periods or one continuous thirty (30) day period per 180 day period.
 - (b) Portable changeable copy signs may not be used.
 - (c) Special events signs are allowed in the right-of-way.
 - (d) Special event signs shall not exceed a total combined area of four hundred (400) square feet in area for a maximum number of twenty (20) signs. Signs exceeding thirty-two (32) square feet per sign require a permit.
 - (e) Special events signs shall be separated by one-hundred (100) feet.
- (18) **Vehicle Signs:** Signs which are painted or otherwise permanently attached to operable and currently licensed motor vehicles and trailers which are properly parked on premises and which are not used primary as a sign.
- (19) **Window Signs:** On premise signs located inside an enclosed building and visible through a window or door. A permit is required when the opaque coverage exceeds 50% of the total window and/or door area.
- (20) **Yard/Garage Sale Signs:** Two (2) on-premises and four (4) off-premise signs per yard sale provided that no sign exceeds eight square feet and all are removed within twenty-four (24) hours after the sale. Yard sale signs shall not interfere with visibility of intersections or be placed on public right of way, signs and/or utility poles. Signs placed on private property must have the property owner’s approval.
- (21) **Non Legible / Readable Signs:** Signs which cannot be read because of viewing distance from a public right-of-way. (Example: store hours, menu boards, etc.)
- (22) **Inflatable Signs:** Inflatable signs are subject to specific criteria which includes:
- (a) A minimum lot size of six tenths (0.6) acre.
 - (b) A minimum single street frontage of one-hundred fifty (150) linear feet.
 - (c) A maximum height not to exceed thirty (30) feet above grade

- (d) A limit of one inflatable per parcel (no intentional or actuated movements allowed)
- (e) Adequate securing of the inflatable is required.
- (f) "Lighter than air" inflatable's volume not to exceed a total volume of 1151 cubic feet. (Example: 6.5 foot Diameter of a single inflatable round balloon)
- (g) An inflatable placement cannot be closer than the inflatable's height measurement from any structure, overhead utilities or vehicle right-of-way
- (h) Inflatable's must be removed or deflated during periods of high wind exceeding 30 miles per hour.
- (i) An Inflatable may not be displayed more than thirty (30) sequential days within one ninety (90) day period. (Examples: One-30 day period in 90 days or three, ten (10) day periods in 90 days or five, six (6) day periods in 90 days, Etc.)

(23) Miscellaneous Exemptions: Exceptions not requiring a permit include:

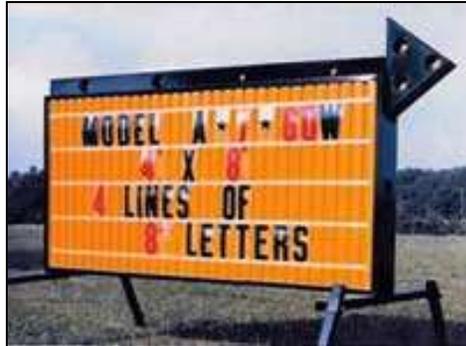
- (a) Handicapped parking space signs
- (b) Automatic teller machines (ATM)
- (c) Equipment or other functional safety signs
- (d) Gas pumps
- (e) Memorial signs
- (f) Menu boards
- (g) Monuments
- (h) Plaques or grave markers which are non-commercial in nature
- (i) Security and Warning Signs (See definitions)
- (j) Vending machines

(J) Prohibited Signs:

The following signs are prohibited within the Town of Wilkesboro's Extra Territorial Jurisdiction (ETJ) unless expressly permitted elsewhere in this ordinance.

- (1) Flashing Signs: Signs with flashing/blinking lights or light of changing degrees of intensity and/or color.
- (2) Glaring Signs: Signs with light sources or reflectivity from surfaces of such brightness that the brilliance constitutes a traffic safety hazard or general public nuisance.
- (3) Off Premise Human Supported Signs: (See definitions)
- (4) Animated and/or Mechanical Motion Signs: (See definitions)
- (5) Nudity or a State of Nudity Signs: Signs which display or show the male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola or suggests displays of sexual intercourse which is presented to the public at large.
- (6) Off-Premise Signs: Unless expressly permitted elsewhere in this ordinance.
- (7) Scrolling Signs: (See Definitions)
- (8) Running Signs: (See Definitions)

- (9) Simulated Traffic Signs, etc.: Signs, lights, rotating disks, words or other devices which resemble, imitate or obstruct the view of any authorized traffic signals or signs, emergency warning or vehicle signs or governmental signs.
- (10) Temporary Signs: (See Definitions) Unless expressly permitted elsewhere in this ordinance.
- (11) Violence or a State of Violence Signs: Signs which display or show acts of mutilation, infliction of physical damage, dismemberment, assault, or other violent illegal behaviors which is presented to the public at large.
- (12) Portable Changeable Copy Signs: (See Definitions)



Portable Changeable Copy Sign Example

- (13) Right-of-Way Signs: Signs within or over any public road right-of-way, or signs placed on bridges, utility poles, street signs, fire hydrants, parking meter poles, structures, etc., unless otherwise approved by the Town of Wilkesboro. Special event, political campaigns, and governmental signs are allowed within the public right of way. Signs placed in public right of way are subject to removal without notification.
- (14) Audio speakers or any form of pyrotechnics are prohibited in association with a sign.
- (15) Any sign which interferes with free passage of any fire escape, window, door or opening intended as a means of primary or secondary ingress or egress.
- (16) A sign which contains obscene words and/or pictures which offend the general public at large. Identification and removal of offensive signs will be at the discretion of the Town of Wilkesboro Town Council.
- (17) Other signs not expressly permitted by this ordinance.
- (18) Signs which block or inhibit pedestrian or vehicular infrastructural right-of-ways.
- (19) Signs below eight (8) feet over pedestrian walk-ways.

(K) Signs Subject To Special Conditions:

The following signs are subject to special conditions within the Town of Wilkesboro's Town Limits and Extra Territorial Jurisdiction unless expressly exempt elsewhere in this ordinance.

- a. Mechanical Changeable Signs: All mechanical changeable signs must be static for a minimum of five (5) minutes and the transition must not exceed 30 seconds.
- b. Electronic Message Center or Display: Images and/or messages must be static a minimum of thirty (30) second and the transition must occur as instantaneously as technology allows. This is not considered animation and/or a flashing sign.
 - i. Brightness: The sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum of 750 nits (candelas per

square meters) between dusk and dawn, nor shall the sign have varying light intensity during the display of any single message.

- ii. Every sign must be equipped with a dimming mechanism that adjusts display brightness to accommodate varying ambient light conditions. This function can be performed manually or automatically with the use of a light sensing device.
- c. **Billboard Signs:** In addition to the following regulation and criteria, Billboard signs may be erected at off-premises locations only (maximum 420 SF) and are subject to specific criteria set forth in the NCDOT Outdoor Advertising Manual.
- (a) Ownership documentation and/or lease agreements must be filed with the Town of Wilkesboro's Planning Department supporting the use of a property for billboard signage.
 - (b) Billboard locations shall be permitted only on:
 - i. Privately owned property and not allowed on any road right of way.
 - ii. Permitted only on non-freeway Federal Aid Primary highway within B-2 and M-1 zoning districts.
 - (c) No two billboard signs shall be spaced less than one thousand (1,000) feet apart as measured by an extending radius around each sign.
 - (d) No billboard sign advertising a business shall be permitted on the premises of that same business. A billboard must be an off premises sign.
 - (e) No billboard advertisement or sign is permitted within 1000 feet of the advertising business's property line.
 - (f) Total sign area shall not exceed four hundred twenty (420) square feet and maximum length of sixty (60) feet inclusive of any border and trim but excluding the base of apron, supports and other structural members. If an advertising message appears on the base or apron, it will not be included with the maximum dimensions and maximum allowable sign area.
 - (g) Signs may not exceed thirty (30) feet in height as measured from ground level.
 - (h) Except as noted above, Outdoor Advertising Signs should comply with specifications set out in the NCDOT Outdoor Advertising Manual.
 - (i) Signs located on-premises are not billboard signs and are regulated elsewhere in this ordinance.

(L) Sign Permitted in Residential Districts:

The intent of this section is to provide for a limited use of signs which are generally not illuminated and which will enhance the residentially oriented character of the neighborhoods. Signs allowed without a permit are listed in Article 5.6(I) of this ordinance. The following signs may be placed in said districts subsequent to the issuance of a sign permit by the Zoning Enforcement Officer. Permits are required for all other allowed signs which are governed by the following specific criteria and by the additional general criteria in Article 5.6(H). All other signs are prohibited.

- (1) Signs on the premises of Residential Subdivisions, Multi-Family Developments, Nursing Homes and Mobile Home Parks are regulated as follows.
 - (a) Type: Attached or Freestanding on premise.
 - (b) Number: One (1) per vehicle entrance onto a public street not to exceed two (2) per development. If two free standing signs are used they shall be at least fifty (50) feet apart.
 - (c) Maximum Area: Twenty-four (32) square feet per sign.

- (d) Maximum Height: Attached signs shall not be constructed on the roof or parapet and shall not extend above the top roof-line. Freestanding signs shall not exceed eight (8) feet in height.
 - (e) Minimum Setbacks: Twenty (20) feet from the edge of the street pavement/face of curb or ten (10) feet behind the utility poles whichever is less, and also ten (10) feet from any other separate lot and outside of any sight distance as defined in section 5.4.
 - (f) Illumination: External or detached illumination only. Lighting from an externally illuminated sign shall be shaded, shielded or directed so that it illuminates only the face of the sign.
- (2) Signs on the premises of other permitted non-residential uses are regulated as follows:
 - (a) Type: Attached or Freestanding on premise.
 - (b) Number: Attached, not to exceed two (2) signs. Freestanding, one (1) per vehicular entrance onto a public street not to exceed two (2) per project.
 - (c) Maximum Area: Forty (40) square feet for churches and schools, all other users are allowed twenty-four (24) square feet total.
 - (3) Maximum Height: Freestanding signs shall not exceed eight (8) feet in height. Attached signs shall not be constructed on the roof or parapet.
 - (a) Minimum Setbacks: Fifteen (15) feet from the edge of the street pavement/face of curb or five (5) feet behind the utility poles whichever is less, and also ten (10) feet from any other separate lot line and outside of any sight distance as defined in section 5.4.
 - (4) Illumination: External or detached illumination only. Lighting from an externally illuminated sign shall be shaded, shielded or directed so that it illuminates only the face of the sign.

(M) Signs Permitted in Central Business District (B-1):

All signs under this section require the approval of the Town of Wilkesboro Historic Preservation Commission. The B-1 (Central Business) District has diverse shops and services in close proximity to one another and is scaled primarily to pedestrian use rather than vehicular use. The intent of this section is therefore to promote a village atmosphere. The size and height (i.e., scale) and method of illumination of signs can significantly impact the warmth, friendliness and natural and architectural beauty of the area. Signs allowed without a permit are listed in Article 5.6(I) of this ordinance. Permits are required for all other allowed signs which are governed by the following specific criteria and by the additional general criteria in Article 5.6(H). All other signs are prohibited.

- (1) Type: Attached or freestanding on premise. Freestanding signs shall only be allowed where the principal building, along with any awning, is setback at least twenty (20) feet from the edge of the street pavement/face of curb.
- (2) Number: Attached, not to exceed four (4) signs. Freestanding, one (1) except that two (2) shall be permitted if the principal use has direct vehicular access from two (2) or more public streets. If two (2) freestanding signs are allowed they shall be located at least one hundred (100) feet apart as measured using the shortest straight line distance between the two signs and said signs shall front along two (2) separate streets.
- (3) Maximum Area: Total sign area shall not exceed one and one half (1 ½) square foot of sign area per linear foot of building frontage. The total sign area may be divided among attached and freestanding signs in any proportion provided that no single freestanding sign exceed twenty-four (24) square feet and no single attached sign exceed sixty (60) square feet.
- (4) Maximum Height: Attached signs shall not extend above the top building roofline or parapet. Freestanding signs shall not exceed ten (10) feet in height.

- (5) Minimum Setbacks: Attached signs shall not project from the building front more than five (5) feet unless said signs are an integral part of any awning or canopy. In either case, said signs shall be located no closer than three (3) feet from any street pavement/face of curb. Attached signs which project from the building in a perpendicular fashion shall be at least eight (8) feet above the ground.
 - (6) Portable Sidewalk Signs: One (1) sign per business not exceeding six (6) square feet.
 - (7) Illumination: External or detached illumination only. Lighting from an externally illuminated sign shall be shaded, shielded or directed so that it illuminates only the face of the sign.
- (N) **Signs Permitted in General Business (B-2), Limited Business (B-3), Limited Industrial (M-1) and Industrial (M-2) Districts:**

The Business and Industrial Districts provide for a variety of commercial services. These districts are often located along highly traveled roads. Therefore, it is the intent of this section to allow for an efficient means of identifying establishments quickly and easily while still considering the purpose and intent of this section. Signs allowed without a permit are listed in Article 5.6(I) of this ordinance. Permits are required for all other allowed signs which are governed by the following specific criteria and by the additional general criteria in Article 5.6(H). All other signs are prohibited.

- (1) Signs on the premises of single tenant, commercial or industrial establishments or other uses are permitted as follows:
 - (a) Type: Attached or freestanding on premise.
 - (b) Number: Attached, no limit. Freestanding one (1), except two (2) shall be permitted if the development has direct vehicular access from two (2) or more public streets. If two (2) freestanding signs are allowed, the shortest straight-line distance between the two signs shall be no less than one hundred (100) feet and said signs shall front along the two separate streets and not along the same street.
 - (c) Maximum Area: Total sign area shall not exceed one and one-half (1 ½) square feet of sign area per linear foot of building frontage up to a maximum of (200) square feet of signage per premises. The total sign area may be divided among attached and freestanding signs in any proportion provided that no single freestanding sign exceeds one hundred twenty five (125) square feet in area.
 - (d) Maximum Height: Attached signs shall not extend above the top building roofline or parapet. Freestanding signs shall not exceed thirty (30) feet in height.
 - (e) Minimum Setbacks: Freestanding signs shall be setback fifteen (15) feet from the edge of the public street pavement/face of curb or five (5) feet behind the utility poles whichever is less, and it must be at least ten (10) feet from any separate lot line.
- (2) Multi-tenant establishments are regulated as follows. The style, lettering and color for all tenants identified on such signs shall be similar.
 - (a) Type: Attached or Freestanding on premise.
 - (b) Number: Attached, no limit. Freestanding one (1), except two (2) shall be permitted if the development has direct vehicular access from two (2) or more public streets. If two (2) freestanding signs are allowed, the shortest straight-line distance between the two signs shall be no less than one hundred (100) feet and said signs shall front along the two separate streets and not along the same street.
 - (c) Maximum Area: Attached signs shall not exceed one and one-half (1 ½) square foot of sign area per one (1) linear foot of building frontage up to a maximum of (100) square feet of signage per individual establishment. Freestanding signs shall not exceed one hundred twenty five (125) square feet for multi-tenant premises with five (5) tenants or less. For

multi-tenant developments with more than five (5) tenants freestanding signs shall not exceed one hundred seventy five (175) square feet. In addition, "Big Box" multi-tenant establishments are allowed one hundred seventy five (175) square feet for freestanding signs.

- (d) Maximum Height: Attached signs shall not extend above the top building roofline or parapet. Freestanding signs shall not exceed thirty (30) feet in height.
- (e) Minimum Setbacks: Freestanding signs shall be setback fifteen (15) feet from the edge of the public street pavement/face of curb or five (5) feet behind the utility poles whichever is less, and it must be at least ten (10) feet from any separate lot line.

(O) Historic Downtown Wilkesboro - Local Historic District:

Signage proposed to be located in Historic Downtown Wilkesboro must obtain a Certificate of Appropriateness (COA) approval from the Wilkesboro Historic Preservation Commission. Applications and associated information (e.g., enabling legislation, Historic Preservation zoning language, Local Historic Downtown Wilkesboro boundary map, etc.) can be obtained from the Wilkesboro Planning Department.

5.8 Addressing – Reserved

5.9 Access – Reserved

5.10 Exterior Lighting – Reserved

5.11 Buffering and Screening

- (A) Where a non-residential lot abuts any residential district, there shall be a side or rear yard clearance of at least ten (10) feet on the side and/or rear yard abutting the residential district.
- (B) Upon any side or rear lot located in a non-residential zoning district that abuts a residential zoning district there shall be a densely planted buffer strip at least six (6) feet in height along the rear and/or side lot abutting the residential property. No such buffer shall extend nearer to a street right-of-way line than the established building line of the adjoining residential lot.

5.12 Landscaping – Reserved

5.13 Utilities – Reserved

**Town of Wilkesboro
Zoning Ordinance**

ARTICLE VI. DEVELOPMENT STANDARDS FOR SPECIFIC USES

6.1 Accessory Uses and Structures

- (A) In R-20 and R-20A zoning districts, accessory structures are permitted only in a rear yard and shall be not less than fifteen (15) feet from any property line, except on corner lots where they shall be set back at least fifty (50) feet from any side street right-of-way line.
- (B) In the R-8 zoning district, accessory structures are permitted only in a rear yard and shall be not less than ten (10) feet from any property line, except on corner lots where they shall be set back at least forty (40) feet from any side street right-of-way line.
- (C) In the R-6 zoning district, accessory structures are permitted only in a rear yard and shall be not less than five (5) feet from any property line, except on corner lots where they shall be set back at least thirty (30) feet from any side street right-of-way line.
- (D) In the B-1, B-2 and B-3 districts, accessory uses shall not include open storage.

6.2 Adult Uses

- (A) No adult establishment shall be located within one thousand (1,000) feet of a church, public or private school, library, child day care center, residential district, residential development, public park, or an establishment with an on-premise North Carolina ABC license.
- (B) All windows, doors, openings, etc. shall be covered, screened, or located so that views into the interior are not possible from any public area.

6.3 Bed and Breakfasts - Reserved

6.4 Cemeteries - Reserved

6.5 Child Day Care/Nursery School Facilities

- (A) At least one hundred (100) square feet of outdoor play area shall be provided for each child.
- (B) A completely fenced play area is required. No play area shall be allowed in the street setback.
- (C) The applicant must obtain any and all required state licenses and comply with all state licensing requirements.
- (D) Outdoor play times shall not be scheduled before 9:00 a.m. or after 8:00 p.m. Care should be taken to minimize noise impacts on adjacent residences.

6.6 Accessory Dwelling Units

(A) Dwellings in B-1 Central Business

- (1) **Ground Floor.** A dwelling will only be permitted within the B-1 district if it is in a structure in which the ground floor is used exclusively as a non-residential use.
- (2) **Parking.** A dwelling unit will only be permitted within the B-1 district if it can provide private, off-street parking in accordance with this Ordinance.

(B) Dwellings in R-6 General Residential

- (1) **Quantity.** There shall be no more than two dwelling units in a structure previously built and/or used as a single family dwelling, and no more than two dwelling units on a lot.
- (2) **Design.** The ADU shall be designed so that the appearance of the structure maintains that of a single family dwelling.
- (3) **Parking.** There shall be provided at least two off-street parking spaces for the principal dwelling(s). One parking space shall be provided on-site for each one bedroom ADU and two parking spaces shall be provided on site for each two bedroom ADU.
- (4) **Size Restrictions:** The living area for an accessory dwelling unit shall not exceed fifty percent (50%) of the principal dwelling floor area. The height of an attached or detached accessory dwelling unit shall not exceed the height of the principal dwelling.
- (5) **Deed Restrictions.** Before obtaining a zoning compliance permit for an accessory dwelling unit the property owner shall file with the county register of deeds a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
 - (a) The accessory unit shall not be sold separately.
 - (b) The unit is restricted to the approved size as stated in Size Restrictions above.

6.7 Extraction of Earth Products - Reserved

6.8 Family Care Home

No new family care home is permitted within a one-half (1/2) mile radius of an existing family care home.

6.9 Junkyards, Motor Vehicle Graveyards, and Salvage Yards

"Junkyards, Motor Vehicle Graveyards, and Salvage Yards" must adhere to the following development standards and/or conditions:

(A) Nonconforming Motor Vehicle Storage Yards, Junkyards, and Salvage Operations

Nonconforming vehicle graveyards, junkyards, and salvage yards that were legally established but are not currently allowed within the zoning district in which they are located and/or do not meet the development standards of Section 6.9 may not be continued for more than one (1) year after the date of this amendment (April 19th, 2010) unless the following conditions are met:

- (1) A principal structure shall be located on parcel. The storage area shall be located in the rear yard of a principal structure and more than 50 feet from the street right-of-way.
- (2) The storage area shall be screened by an opaque wall or fence that is a minimum of six (6) feet tall and is constructed of wood, vinyl, masonry, or similar material. Chain link fence with vinyl slats may not be used to satisfy this requirement. No items may be stacked taller than the wall or fence. If deemed necessary by the Zoning Enforcement Officer, a site plan shall be submitted to determine the required fencing height and design, which is to be based on the visibility lines and terrain of the parcel in question and/or surroundings areas.
- (3) Burning shall not be permitted.
- (4) Disposal of garbage unrelated to motor vehicles shall be in an approved container and regularly maintained. Open dumping of garbage shall be prohibited.
- (5) Disposal of toxic and/or hazardous matter is prohibited anywhere without a state permit.

- (6) Stock piling of tires and batteries is prohibited.
- (7) Storage of items shall be so arranged as to permit easy access for fire-fighting purposes, which will be reviewed and approved by the Wilkesboro Fire Inspector.

6.10 Electronic Gaming Operations

- (A) The maximum number of machines/terminals/computers for any electronic gaming operations business shall be unlimited, except as limited only by Paragraph (B) stated hereunder.
- (B) Minimum paved parking spaces:
 - (1) One (1) space per every two (2) terminals or one (1) space per every one hundred (100) square feet of total floor area, whichever is greater;
 - (2) One (1) handicapped space per every twenty five (25) or fewer spaces;
 - (3) One (1) in every eight (8) accessible spaces, but not less than one, shall be served by an access aisle ninety six (96) inches wide minimum and shall be designated "van accessible";
 - (4) One (1) additional space per each (1) employee.
- (C) All applicable permits must be issued to the applicant prior to the issuance of the conditional use permit and the opening of business.
- (D) If food or beverage is served, the establishment must meet the requirements of the Wilkes County Health Department, including any and all necessary permits and/or licenses.
- (E) The establishment must be a minimum of five hundred (500) feet from any building being used as a dwelling or any residential zoning district.
- (F) The establishment must be a minimum of one thousand (1,000) feet from any other organization engaged in an electronic gaming operation business or any adult or sexually oriented business. The establishment must also be a minimum of one thousand (1,000) feet from any established place of religious worship, school, daycare center/home, library, public park, recreation area or motion picture establishment where "G" or "PG" movies are shown to the general public on a regular basis.
- (G) When, separated by an imposing physical divide such as a road right of way which is difficult to cross, or other substantial geographical barrier such as a steep slope or river or other substantial water course, then such gaming facility's entrance door must be a minimum of two hundred and fifty (250) feet from any structures mentioned in 6.10 (E) and (F). The determination of whether an "imposing physical divide" or "other substantial geographical barrier" exists shall rest in the sole and unfettered discretion of the Zoning Board of Adjustment.
- (H) A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing electronic gaming operations within one thousand (1,000) feet of the property to be certified; the property lines of any established religious institution/synagogue, school, daycare center/home; library, public park, recreation area or motion picture establishment where "G" or "PG" rated movies are shown to the general public on a regular basis that is within one thousand (1,000) feet of the property to be certified. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.
- (I) Measurement of distance separation shall be in a straight line from the closest point of the parcel at which the electronic gaming operations business is located.
- (J) No alcoholic beverages will be served or consumed on the premises of electronic gaming operations.

6.11 Kennels – Reserved

6.12 Manufactured Homes on Individual Lots

(A) Setup

- (1) Manufactured homes shall be set up in accordance with the standards established by the North Carolina Department of Insurance;
- (2) All transportation lights and towing apparatus shall be removed.

(B) Roof

- (1) A roof shall have a minimum vertical rise of two (2) feet for each twelve (12) feet of horizontal run;
- (2) A roof shall be shingled or metal construction.

(C) Siding

- (1) Wood, hardwood, aluminum, or vinyl comparable in composition, appearance, and durability to the exterior siding common in standard residential construction;
- (2) In no case shall aluminum or vinyl siding exceed the reflectivity of glossy white paint.

(D) Skirting

- (1) Skirting shall be masonry or stucco and the reflectivity when painted shall in no case exceed that of glossy white paint;
- (2) Skirting shall be continuous under all sides of the home except for required ventilation and access;
- (3) Skirting shall be installed no later than sixty (60) days after the set-up of the home.

6.13 Manufactured Home Parks

(A) Plan Requirements

In addition to the other requirements of this Ordinance, an applicant seeking a Conditional Use Permit to establish a Manufactured Home Park must submit a detailed plan which specifies the following design components in relation to requirements described in section B.

- (1) Name of the Manufactured Home Park (approval required by Planning & Community Development Department) and complex identification signage.
- (2) Location and dimensions of every manufactured home space, including total number of spaces.
- (3) Location and dimensions of every street (street names approval required by the Planning & Community Development Department) as well as accommodations for service and emergency vehicles.
- (4) Location of required signage as described in section B.
- (5) Location of designated mail space as described in section B.

(B) General Requirements of Manufactured Home Parks.

- (1) **Entrance Sign.** There shall be at least one (1) entrance sign identifying the park which complies with the requirements of Section 5.7 Signs of the Wilkesboro Zoning Ordinance.
- (2) **Mail Service.** There shall be a designated space on the grounds for mail service for the residents of the Manufactured Home Park.
- (3) **Minimum Size.** A manufactured home park site shall be a minimum of two (2) acres and have a minimum of five (5) spaces for initial development. Adding spaces after initial approval shall require new conditional use permit approval.

- (4) **Lot Size.** Each manufactured home space shall be a minimum of eighty (80) feet by one hundred (100) feet and there shall be no more than five (5) manufactured home spaces per acre of park area.
- (5) **Placement.** All manufactured homes shall be placed parallel to the public street. As determined by the Board of Adjustment, manufactured home park layout shall be designed to 1) prevent public view into property, 2) provide resident privacy, and 3) provide appurtenance screening.
- (6) **Appearance.** Homes should meet the appearance criteria in Article 6.12.
- (7) **Setbacks.**
 - (a) **Spaces.** All manufactured home spaces must be set back at least twenty (20) feet from all public right-of-ways and adjoining property lines.
 - (b) **Home Setbacks.** Setbacks for manufactured homes in relation to individual space boundaries as shown on the detailed plan are as follows:
 - (1) Front Setback: Twenty-five (25) feet
 - (2) Side Setbacks: Ten (10) feet
 - (3) Rear Setback: Twenty (20) feet
- (8) **Accessory Structures.** Structures shall be located a minimum of twenty-five (25) feet from any residential unit within the park and a minimum of twenty-five (25) feet from any property line.

(C) Streets and Signage.

- (1) Streets shall be graded and surfaced with pavement and be a minimum width of eighteen (18) feet. If a street is proposed for dedication to the Town, it must meet NC Department of Transportation specifications.
- (2) Each Manufactured Home Park shall have a complex identification sign located at entrance.
- (3) All streets in the Manufactured Home Park intersecting another street shall have a stop sign that conforms to the NC Department of Transportation Specifications.
- (4) Each street shall have a permanent street sign installed with an approved designated E911 name.
- (5) Permanent dead end streets shall have a cul-de-sac. Cul-de-sacs shall be designed to accommodate emergency response and service vehicles.

(D) Access.

- (1) All entrances/exits of the manufactured home shall have steps and/or ADA compliant ramp.
- (2) Each manufactured home space shall have direct vehicular access to an internal private street, however; no manufactured home space shall have direct vehicular access to a public or private street outside of the development.

(E) Parking.

- (1) Two off-street parking spaces shall be provided within each manufactured home space and cannot be located between the front of the home and the public street. Parking spaces must be at least four (4) feet away from unit.
- (2) On-street parking areas may be utilized if the street within the Manufactured Home Park is designed and constructed to accommodate on-street parking.
- (3) To meet the two parking space requirement, a combination of off-street and on-street parking is allowed.

(F) **Sanitation, Water and Sewer.**

- (1) **Sanitation.** Parks must provide sanitation service that consists of either each home having its own container, or a dumpster provided for the entire development. Dumpsters must be screened from public view and shall be maintained to avoid accumulation of rubbish outside of the container.
- (2) **Water.** An accessible, adequate, safe, and potable supply of water shall be provided in each manufactured home park. Where an approved public water supply is available, connection shall be made there and its supply used. When a public water supply is not available, adequate water supply shall be developed in accordance with the Wilkes County Health Department standards.
- (3) **Sewer.** Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks. Collection systems and sewage treatment plants shall be in compliance with the requirements of the NC Department of Environmental and Natural Resources. Individual septic tank systems can be considered, if soil, topography, and ground water conditions are favorable, and approval is granted by the Wilkes County Environmental Health Department.

(G) **Landscaping / Buffering.** Certain land uses may create an adverse impact when developed adjacent to other less intensive land uses. Buffers shall provide screening between a proposed development and a dissimilar existing land use or zoning designation to provide a transition between them. A buffer is a strip of land together with some form of screening such as existing vegetation, planted vegetation, a landscaped earthen berm, a fence, a wall, or a combination of the above.

- (1) Landscaped buffer must be a minimum width of fifteen (15) feet and no less than six (6) feet in height at maturity. Total number of plants required for every one hundred (100) linear feet shall equal or exceed eighteen (18).
- (2) Grade changes in areas to be included in the landscaped buffers shall not exceed five (5) percent from the pre-development profile, except wherein an earthen berm is incorporated as part of the landscaped area.
- (3) All dumpsters, loading docks, or utility structures visible from a public street or adjacent property line shall be screened unless already screened by an intervening building or buffer. Landscaping shall not interfere with the access and operation of any such structure or facility. All unenclosed outdoor storage areas greater than twenty-five (25) square feet shall also be screened from adjacent properties and streets.

(H) **Recreation Area.** Each manufactured home park shall have a minimum of eight (8) percent of the total area set aside and developed for recreation purposes. Land set aside for recreation must be suitable for such purposes. Steep slopes and other unsuitable area shall not be counted towards the eight (8) percent minimum. Recreation areas shall be maintained by property owner in a safe and sanitary manner and available to all residences of the park.

(I) **Park Register.** The park operator must maintain a register containing a record of all occupants. The register must contain the following information:

- (1) Name, address, and space number of each occupant; and
- (2) The date the manufactured home entered the park.

(J) **Maintenance.**

- (1) Grounds and buildings of the manufactured home park shall be kept free of debris, trash, and litter to prevent the infestation of rodents, flies, mosquitos, and other pests.
- (2) Grounds within the manufactured home park shall have proper drainage to prevent the accumulation of water.
- (3) All maintenance is responsibility of property owner.

- (K) **Lighting.** All streets in the manufactured home park shall be adequately illuminated from sunset until sunrise as determined by the Board of Adjustment. The minimum size street light shall be a 175 watt mercury vapor (approximately 7,000 lumen class), or its equivalent, spaced at intervals not more than four hundred (400) feet.

6.14 Mini-Storage Units - Reserved

6.15 Modular Units – Reserved

6.16 Motor Vehicle Body Shop – Reserved

6.17 Multi-Family Dwellings – Reserved

6.18 Precious Metals Dealer – Reserved

6.19 Public Utilities

- (A) In residential zones, public works and public utility facilities such as distribution lines, transformer stations, transmission lines and towers, electric substations, water tanks, and telephone exchanges, should be essential to the service of the immediate area and there should be no vehicles or equipment stored or any offices located on the property. The entire lot shall be landscaped properly and furnished with a densely planted buffer at least six (6) feet in height.

- (B) Service and storage yards for public works or public utility facilities are only permitted in an M-1 or M-2 district.

6.20 Service Stations with Fuel Sales

Gasoline pumps and other appliances shall be located at least twelve (12) feet behind the property line.

6.21 Telecommunications Towers and Antennae

(A) Intent

The Town of Wilkesboro desires to encourage the orderly development of wireless communication technologies for the benefit of the Town and its citizens. The Town also recognizes the need to protect the character and appearance of its community. As a matter of public policy, the Town desires to encourage the delivery of new wireless technologies throughout the Town & its ETJ while controlling the proliferation of communication towers. Such development activities will promote and protect the health, safety, prosperity and general welfare of persons living in Wilkesboro.

(B) Permitting Requirements

- (1) Application for a permit to construct or site a wireless telecommunications tower or antenna will be on forms provided by the Zoning Enforcement Officer.

- (a) **Administrative Review.** Applications to permit an attached wireless communication facility (i.e., antenna) or to modify an existing wireless communication facility may be processed through the Zoning Enforcement Officer in accordance with any applicable standards of this Article and this Ordinance.

- (b) **Review by the Board of Adjustment.** Applications to permit a new telecommunications tower shall be required to obtain a conditional use permit in accordance with Article 4.4 and any applicable standards of this Article and this Ordinance.

- (2) **Annual Report.** The holder of a permit for a telecommunications tower shall file an annual report on forms provided by the Planning Department that shall demonstrate continuing compliance with the requirements of this Ordinance.

- (3) **Colocation.** The applicant must prove that reasonable attempts to colocate antennae on an existing tower or other suitable structure have been exhausted so as to require the erection of a new tower. Such evidence shall indicate that alternative towers, buildings or other structures are not available at fair market value within the vicinity of the proposed tower which can provide coverage to the proposed service area and which are structurally capable of supporting the intended equipment or which meet the necessary height criteria, and which do not cause interference between the existing and proposed frequencies. The applicant shall provide written documentation that no existing or approved telecommunications tower with a top elevation similar to the proposed tower is able to share space for a new antenna. For purposes of this section an elevation similar to the proposed tower shall include all towers with a top elevation within 10 percent of the total height of the proposed tower.
- (4) **Proof of Regulatory Compliance.** Written statements from the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC) showing that the proposed facilities comply with or is exempt from all appropriate regulations of that agency.
- (5) **Insurance.** Telecommunications towers shall not be constructed unless the company erecting the tower has general liability coverage of at least \$1,000,000. The owner of a telecommunications tower shall provide the City with a certificate of insurance showing evidence that it has general liability coverage of at least \$1,000,000, and the certificate shall contain a requirement that the insurance company notify the Town 30 days prior to the cancellation, modification or failure to renew the insurance coverage required.

(C) Standards for Siting Telecommunications Antennae

- (1) Antennas erected solely for a residential, non-commercial individual use, such as residential television antennas, satellite dishes, or ham radio antennas are exempt from these requirements.
- (2) No antenna shall interfere with usual and customary radio and television reception excepting broadcast facilities as provided for in the regulations of the Federal Communications Commission.
- (3) All antennas shall comply with FCC and FAA guidelines. The antenna owner shall provide the City each year with a copy of any FCC and FAA license issued.
- (4) Antennas shall be restricted to the minimum standards of lighting required by the FAA. All antennas that require flashing lights by the FAA shall utilize a dual lighting system consisting of a white strobe light for daytime lighting and a red flashing light for nighttime lighting.
- (5) No antennae shall add more than twenty (20) feet to the height of an existing structure to which they are attached. However, antennae attachments to existing towers shall not increase the height above the maximum permitted.
- (6) Antennae shall be designed so as to be compatible with the support structure in terms of structural design, façade colors, and the like.
- (7) No antennas, except for those owned by governmental entities and providing emergency services communications, shall be constructed on the property on which a National Register or locally designated historic landmark is located.
- (8) No antennas shall be located on structures containing residential dwelling units. Antennas may be located in residential zoning districts by co-locating them on existing water tanks, towers, and similar structures.
- (9) In no event shall an antenna extend beyond the structure in any direction greater than thirty (30) inches horizontally or past the boundary line of an adjoining parcel of land, whichever shall be less.

(D) **Standards for Siting Telecommunications Towers**

- (1) **Fall Area.** Telecommunication towers shall be sited to contain all ice-fall and debris from tower failure. The applicant must present proof of either fee simple ownership, a recorded leasehold interest, or an easement from the record owner of all property within the engineer-certified fall radius of the proposed tower. If the applicant does not submit an engineer's certification as to the fall radius of the proposed tower, this requirement shall be a radius equal to the height of the tower. The area included within the fall radius may include NCDOT right-of-way if the applicant provides written consent to that effect from the Division Engineer.
- (2) **Structural Integrity.** Towers shall be constructed to the Electronics Industries Association/ Telecommunications Industries Association 222 Revision F Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Support Structures," as the same may be amended from time to time. Any tower shall also comply with the requirements of the North Carolina Building Code, National Electrical Code, Uniform Plumbing Code, and Uniform Mechanical Code.
- (3) **Spacing.** No tower shall be located closer than 2,640 feet from an existing tower as measured from the base of the tower or the guy anchors, whichever shall provide the greatest distance between the towers in question. This requirement may be waived by the Board of Adjustment upon a finding that the applicant has presented information to establish that collocation on an existing tower within 2,640 feet is not possible.
- (4) **Lighting.** Telecommunication towers and antennas shall be restricted to the minimum standards of lighting required by the FAA. Strobe lights shall be red at night and may be either red or white during daylight unless otherwise required by Federal or State regulations.
- (5) **Landscaping.** A minimum area of ten (10) feet around the perimeter of the security fence shall meet the following standards:
 - (a) One row of evergreen trees with a minimum caliper of 1.75 inches shall be installed with a maximum spacing of 25 feet;
 - (b) Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least six (6) feet shall be planted with a maximum spacing of five (5) feet and plants shall be at least twenty-four (24) inches tall at time of planting;
 - (c) All plants and trees shall be indigenous to western North Carolina and shall be drought resistant.
- (6) **Existing Vegetation.** Existing mature tree growth and natural land form on the site shall be preserved to the extent feasible. Existing vegetation may be used in lieu of required landscaping where approved by the Zoning Enforcement Officer.
- (7) **Aesthetics, Materials, and Color.** Towers shall be designed to be compatible with existing structures and surroundings to the extent feasible and shall have neutral façade colors and utilize camouflage technology where possible.
- (8) **Signs.** A single sign, two square feet in size, shall be displayed in a visible location near a telecommunication tower. The purpose of the sign is for use by law enforcement departments to contact the company operating the equipment in the event of an emergency. The sign shall contain a number to be assigned to the company and a telephone number for 24-hour emergency contact. No other signs shall be permitted on the facility.
- (9) **Colocation.** The applicant shall assess whether existing towers could accommodate the antenna to be attached to the proposed tower without causing structural instability or electromagnetic interference. If the antenna to be attached to the proposed tower cannot be accommodated on an existing tower, the applicant shall assess, as to each existing tower, whether such tower could be structurally strengthened or whether the antennas, transmitters and related equipment could

be protected from electromagnetic interference. The applicant shall also generally describe the means and projected cost of shared use of existing tower which is capable of being used for co-location.

A proposed telecommunications tower shall be designed and constructed to permit the capability for colocation of at least three (3) telecommunication uses if the tower has a height of less than 150 feet, and at least four (4) telecommunication uses if the tower has a height of greater than 150 feet. If a new tower is approved, the owner shall provide written authorization that the tower and its accessories will be available for sharing by other telecommunication facilities at fair market value. The owner shall record in the Office of the Register of Deeds a letter evidencing such intent prior to the issuance of a permit. The letter of intent shall bind all subsequent owners of the approved telecommunications tower.

- (10) **Public Use.** The applicant shall allow public entities use of a telecommunications tower at fair market value on a non-interfering basis if a request is made for such use within 30 days of the filing of the permit application. If it is determined that the proposed tower is situated in a location that will benefit the telecommunication system of either the Town of Wilkesboro or Wilkes County, the tower shall be engineered and constructed to accommodate the additional telecommunication equipment beneficial to the public system.
- (11) **Noise.** No unusual sound emissions such as alarms, bells, buzzers, or the like are permitted.
- (12) **Maximum Height.** No telecommunication tower shall exceed 200 feet in height. No telecommunication towers shall be located on top of buildings.
- (13) **Cessation of Use.** Whenever a tower has not been used for a continuous period of one year, the property owner shall cause such tower to be removed within 120 days of the end of such one-year period.
- (14) **Setbacks.** A tower shall be separated from other on-site and off-site towers and supporting structures such that one tower will not strike another tower or its support structure if it falls. In districts in which telecommunications towers are permitted uses, they shall be set back from property lines in accordance with the setback requirements for the district or 10 percent of the tower height, whichever is greater. Additionally, telecommunications towers must set back from any residential districts or uses a distance equivalent to the fall radius of the tower being erected or 200 feet, whichever is greater.
- (15) **Fencing.** The base of the telecommunications tower along with any individual guy wires shall be enclosed by a fence a minimum of eight feet in height.
- (16) **Signal Interference.** No telecommunications tower or antenna shall interfere with usual and customary radio and television reception excepting broadcast facilities as provided for in regulations of the Federal Communications Commission.
- (17) **Historic Properties.** No telecommunication towers shall be constructed in a designated historic district or on property on which a designated historic landmark is located. In addition, telecommunications towers shall not be constructed within 500 feet of a designated historic district. For purposes of this paragraph, the term "historic" shall refer to districts or landmarks which have been nominated to the National Register of Historic Places or have been granted local designation.

6.22 Helicopter Landing Pads

Allowed in B-2, General Business, M-1, M-2, Manufacturing

HELICOPTER LANDING PAD: The designated takeoff and landing area from which helicopter departures and approaches are intended to originate or terminate.

HELIPORT: A helicopter terminal facility for general public transportation with support facilities. The word *heliport* shall mean an area on the ground used by helicopters, which may include, in addition to the landing pad, passenger and cargo facilities, maintenance, overhaul, fueling, service and storage facilities, tie-down areas, hangars, parking, and other necessary buildings and open spaces. The term *heliport* includes the terms *heliports* and *public-use heliport* used in Federal Aviation Administration publications.

HELISTOP: A limited use helicopter terminal facility, restricted by the owner to the support of a related business, institution, or other operation. The word *helistop* shall mean an area, either on the ground or on a building, and shall include the landing pad used by helicopters for the purpose of picking up or discharging passengers or cargo, routine maintenance facilities, parking area, fuel pumping facilities (only if such activity is approved by the appropriate agencies), and storage or hangar facilities, but no other accessory facilities. The term *helistop* includes the terms *private-use heliport* and *personal-use heliport* contained in Federal Aviation Administration publications, except for the limitations on the facility as noted.

SUPPLEMENTARY REQUIREMENTS FOR HELISTOPS OR HELIPORTS

(A) STANDARDS AND REQUIREMENTS

All heliports and helistops will meet the standards and requirements imposed by the Federal Aviation Administration and all other federal, State, or local agencies having jurisdiction.

(B) SITE SIZE

The minimum site size of helicopter terminal facilities shall be:

- (1) Helistops.** One hundred (100) feet in width by one hundred (100) feet in length for a rectangular area, or one hundred twenty (120) feet in diameter for a circular area.
- (2) Heliports.** Two hundred (200) feet in width by four hundred (400) feet in length for a rectangular area, or three hundred twenty-five (325) feet in diameter for a circular area.

(C) HOURS OF OPERATION

Nonemergency use of heliports and helistops between the hours of 10:00 P.M. and 6:00 A.M. is prohibited. Emergencies excepted are for public safety or medical purposes.

(D) SETBACKS

Landing pads for on-grade helistops and heliports shall be set back a minimum of one hundred (100) feet from any property line and four hundred (400) feet from any building used for residential purposes, public or private schools, hospitals, or public parks.

(E) LOCATION

Heliports shall be located a minimum one thousand (1,000) feet from other heliports or on-ground helistops and fifty (50) feet from the easements for high voltage transmission lines.

(F) ACCESS

An on-ground helistop or heliport shall be surrounded by a fence or other barrier which prohibits access except at a controlled access point. Adequate access for fire and other emergency vehicles shall be provided to on-ground sites.

(G) DESIGN STANDARDS

Federal Aviation Administration standards for design of helicopter landing pads, taxiways, parking positions, and pavement grades shall be met. The helistop or heliport landing area shall be constructed of a material free of dust and loose particles which may be blown about by the down blast of the helicopter rotor. Adequate drainage shall be provided for the site and approved by the local jurisdiction.

(H) **LIGHTING**

Lighting for helistops or heliports is to be provided according to Federal Aviation Administration requirements and is to be oriented as much as possible away from adjacent uses.

(I) **APPROACH SURFACES**

Approach surfaces and transitional surfaces for landings and take-offs must be sufficiently clear of obstructions to meet Federal Aviation Administration slope standards. If necessary, a curved approach may be used. The landing area shall be aligned to give maximum into-the-wind operation.

(J) **LOCATION ON STRUCTURES**

Heliports may not be located on structures. Helistops located on structures require certification of the structure's integrity by an engineer.

(K) **SETBACK ADJUSTMENTS**

All setback and distance requirements for elevated helistops may be reduced one foot for each one foot of the elevation above ground level.

(L) **OPERATION AT AN AIRPORT**

A heliport or helistop may be operated at an airport facility with the approval of the Federal Aviation Administration and airport administration.

6.23 Single and Multi-Tenant Retail Buildings Greater than 30,000 square feet (i.e., Big Box)

(A) **Intent.** The intent of this Section is to encourage visual design interest and a pedestrian site design for large-scale retail buildings. These structures shall be designed to reduce the massive scale and uniform, monolithic appearances. Large retail buildings have the potential to create adverse traffic, environmental and aesthetic effects and further erode Wilkesboro's small town character. Therefore, the Town of Wilkesboro wants careful attention to the local community design issues to promote adaptable large retail buildings that fit the small-town character of this community. Building and site design shall also promote a safe and comfortable pedestrian oriented site with a mixture of uses and sizes of the structures.

(B) **Applicability.** The following design standards shall apply to new single and multi-tenant retail buildings with a gross floor area equal to or greater than 30,000 square feet and existing vacant single and multi-tenant retail buildings equal or greater to 30,000 square feet undergoing renovations or expansions equal to or greater than fifty percent (50%) of their current assessed value as listed by the Wilkes County Tax Assessor.

(C) **General Development Standards.** All design standards contained within this Section shall be applicable unless otherwise specified.

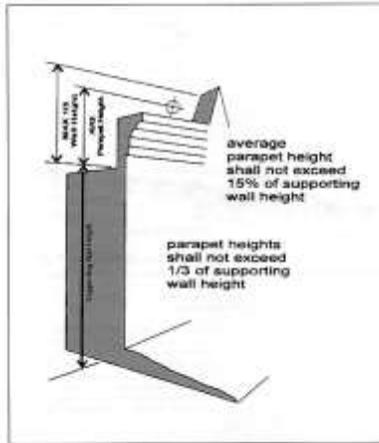
(1) **Exterior Materials.** Predominant exterior building materials shall include wood, brick, limestone, granite, other native stone, or tinted, textured concrete masonry units, or stucco. Prefabricated metal buildings shall have a veneer of wood, brick, limestone, granite, other native stone, or tinted, textured concrete masonry units, or stucco on all sides visible to the public.

(2) **Landscaping.** Please refer to Section 1-14. Landscaping Requirements for Commercial Development contained in the Wilkesboro Tree Ordinance for specific requirements.

(3) **Articulation.** Facades greater than one hundred (100) feet in linear length shall be articulated with recesses or projections, which total at least twenty-five (25) percent of that façade. Each recess or projection shall be a minimum of two percent (2%) of the length of that façade. No uninterrupted length of any façade shall exceed seventy-five (75) horizontal feet.

- (4) **Entrances.** Large Retail Establishments over 75,000 square feet shall be required to have at least two customer entrances. The two entrances shall be separated by at least one-third (1/3) of the building.
- (D) **Building Design.** All new buildings shall incorporate at least five (5) of the following design features. Renovations and expansions to existing buildings shall incorporate at least three (3) of the following design features. The Town Council may allow minor deviations to the full requirement of each chosen item if the petitioner can adequately demonstrate that the overall intent and spirit of this Section continues to be adhered to in the overall development design:
- (1) **Color.** Facade colors shall be low reflectance, subtle, neutral or Earth Tone Colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited. Building trim and accent areas may feature brighter colors, including primary colors.
 - (2) **Material and Textures.** Buildings shall have at least three (3) of the materials/textures set forth in 6.23 (C) (1).
 - (3) **Pedestrian Walkways.** Covered pedestrian walkway (minimum of 8 feet depth across at least 35% of the façade).
 - (4) **Window Display.** Clear glass window display areas that covers at least 20% of one façade or 30% of two facades.
 - (5) **Animating Features.** Ground floor facades shall have arcades, display windows, entryways, awnings, and other such design features on at least 60% of that façade.
 - (6) **Integral Planters.** Integral planters shall be constructed parallel to the building. The intent is to incorporate such an area that shall be a minimum of five (5) feet wide and shall cover at least 35% of the façade.
 - (7) **Parapets.** Raised corniced parapets located over the main entrance to the building.
 - (8) **Outdoor Patios.** Outdoor patios, which incorporate gathering and sitting opportunities adjacent to the main entrance or on the front façade equivalent to two percent (2%) of the gross square footage of that building. Such areas shall include a seating area with benches or tables and chairs.
- (E) **Roofs.** The following standards are intended to foster a variation in rooflines to soften and reduce the massive scale of large buildings. Roofs shall have the following features:
- (1) Parapets concealing flat roofs and roof top equipment such as HVAC units from public view. The height of such parapet shall not exceed one-third (1/3) of the height of the support wall. Such parapets shall feature three dimensional cornice treatments and shall not be of a constant height for a distance of greater than 150 feet.

Figure 11
Parapet Heights



(2) Three or more roof slope planes.

(F) **Transit Stops.** Single and Multi-Tenant retail establishments over 80,000 square feet shall provide an off-street transit stop for customers and employees if the development is located on an established or planned public transit route. The location of the transit stop shall be shown on the site plan. The transit stop may be a freestanding structure or an existing overhang/awning incorporated in the design of the building.

(G) **Parking Lots and Pedestrian Circulation.** The parking lot design and pedestrian circulation routes shall provide a safe, convenient and efficient access for vehicles and pedestrians. Pedestrian circulation via internal public sidewalks shall be encouraged. The placement of structures shall enhance and promote pedestrian circulation on the site. All pedestrian and circulation requirements shall be noted on the site plan.

(1) Artistic detailing, material changes and paving patterns are encouraged in pedestrian walkways, plazas, and gathering areas.

(2) The number of required parking places may be reduced if the establishment promotes shared parking and a more pedestrian friendly environment for the development.

(3) At least five (5) foot wide walkways shall connect focal points of pedestrian activity, such as transit stops, street crossings or entry points, and shall feature adjoining landscaped areas (four (4) foot wide minimum landscape depth) to provide a separate and pedestrian friendly access route for no less than fifty (50) percent of their overall length.

(4) All internal pedestrian walkways shall be physically separated from the drive lanes. Additionally all sidewalks and crosswalks shall be visually distinct from the driving surfaces.

(5) Sidewalks, at least eight (8) feet in width, shall be provided along any façade featuring a customer entrance, and along any façade abutting public parking areas. At all times such sidewalks shall maintain at least a five (5) foot clear pedestrian passage. Additionally, such sidewalks shall connect all customer entrances to other internal sidewalks. Sidewalks shall meet all ADA requirements.

(6) Where feasible, pedestrian paths and vehicular linkages shall be made with adjoining properties.

- (7) Overnight parking of RV's, camper trailers and other vehicles providing transient residency shall be at the discretion of the property owner but shall be limited to no more than two (2) days.

(H) Miscellaneous Site Plan Requirements.

- (1) Outdoor shopping cart storage areas shall be provided in the parking lots and adjacent to the building if they are not available at the entrance. Additionally, shopping cart storage location shall be clearly defined on the site plan. Shopping cart locations next to the building shall be located in an enclosed area.
- (2) Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other such service functions shall be incorporated into the overall design of the structure and landscaped so that the visual and acoustic impacts of these functions are fully contained and out of the view from the general passersby. If screening material is needed it shall be the same material as those used on the structure to avoid visual detection of the service function on and off site.
- (3) Only areas previously designated and approved for the parking or storage of trucks, trailers, or containers as accessory outdoor storage shall be permitted. These designated areas shall be screened from public view. Such areas are prohibited on any portion of a walkway, drive aisle, parking or landscaped area.
- (4) Where applicable, private streets within an existing site shall be required to be improved to town standards.
- (5) Any infrastructure improvements needed for existing or proposed structures shall be the responsibility of the developer/owner.
- (6) Where applicable, any other site upgrades shall be the sole responsibility of the developer.

(I) Outdoor Sales. Permanent and seasonal outdoor sales areas shall be incorporated into the design of the building and site. Additionally, only previously designated and approved permanent or seasonal outdoor sales areas shall be permitted.

- (1) Non-enclosed areas for the sale and storage of seasonal inventories shall be permanently defined and separated with walls and/or fences. Walls and roofs shall conform to the standards defined in Section 6.23 (C) and (E).
- (2) If anti-theft devices for the area(s) are provided, they shall be identified on the site plan.
- (3) No outdoor display or sales area shall encroach on to any portion of a walkway, drive aisle, parking or landscaped area.

(J) Traffic Analysis and Plan.

- (1) NCDOT will review traffic impacts for all single and multi-tenant retail establishments over 30,000 square feet. The developer shall comply with all NCDOT requests.
- (2) The Town Council will review recommendations submitted by NCDOT for internal and site specific conditions and shall have the ability to require any recommendations as the Town Council deems appropriate.

- (3) Where applicable, the Town Council may require an outside firm to prepare a traffic impact analysis study for the development site. If required, the developer will accrue all costs associated with the development and town review of the study.

(K) **Lighting Requirements.**

- (1) **Lighting of buildings and landscaping.** Lighting fixtures shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building facade, plantings, and away from adjoining properties, public or private rights-of-way, and the night sky. All wall pack fixtures shall be full cutoff fixtures.

- (2) **Lighting in parking lots and outdoor areas.**

- (a) All outdoor area and parking lot lighting fixtures shall be full cutoff fixtures.
- (b) The mounting height of all outdoor lighting shall not exceed 30 feet above finished grade.
- (c) All pole mounted fixtures shall be located in a curbed island which may or may not be a part of a landscaped island

(L) **Signs.** Signs shall be appropriate to the design of the structure. Signs shall be designed for both the pedestrian and the motorist. These requirements shall be in addition to the requirements set forth in the Wilkesboro Sign Ordinance.

- (1) Roof mounted signs are prohibited
- (2) Freestanding signs shall be constructed with a base of the same materials as the structure to provide for a pedestrian scale and to unify the sign with the structure(s).
- (3) Architectural gateway or entrance elements, which identify the address of the site, do not incorporate any commercial advertising and are less than five (5) feet in overall height, shall not constitute a freestanding sign.
- (4) Traffic and parking signs shall comply with the Manual on Uniform Traffic Control Devices. Sign housings and posts shall be designed to be a visual and design amenity for the site. Creativity in design is encouraged.
- (5) Signs shall comply with all requirements set forth in Section 5.6 of the Wilkesboro Zoning Ordinance.

(M) **Vacant Single and Multi-tenant Retail Establishments Over 30,000 Square Feet.** Abandoned buildings and blighted sites cause negative visual and fiscal concerns for the community. Therefore in order to minimize these instances upon the community, the following shall apply to vacated buildings(s) or developments reviewed under this section:

- (1) **Exterior Surfaces.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches and trim shall be maintained in good repair. Exterior wood surfaces, other than resistant materials shall be protected from the elements and decay by painting or other protective coverage or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repaired. All siding and masonry joints shall be maintained weather resistant and watertight;

- (2) **Exterior Walls.** Exterior walls of buildings shall be maintained free from holes, breaks, loose or rotting materials, and graffiti; and shall be maintained weatherproof and properly surface coated as need to prevent deterioration.
- (3) **Roofs.** Roofs of buildings shall be maintained so that they are structurally sound and in a safe condition and weather tight, and not have defects, which might admit rain or cause dampness in the interior portions of a building. All portions, additions or sections of a roof including, but not limited to, the fascia, eave, soffit sheathing, rafter tail, barge rafter, vent screening, gutter, downspout, roof jack, lead or metal flashing, shall be complete with all trim strips, moldings, brackets, braces and supports attached or fastened in accordance with common building practices.
- (4) **Windows.** All glassed areas, including those in windows and doors shall be fully supplied and maintained as per the approved plan(s), or covered with smooth surface boards that are painted to coordinate with the building.
- (5) **Grounds.**
 - (a) All landscaped areas as defined in the approved plan(s) shall be maintained and kept free of trash, old building materials, junk, unlicensed or inoperative vehicles, and other such material and equipment which, by its appearance, location or use, makes it incompatible with the principle use or other uses in the immediate neighborhood. The height of the grass and other general ground cover shall be kept trimmed to a height of no more than eight (8) inches. Trees and shrubs shall be kept maintained and trimmed;
 - (b) All driveway, parking loading and outside storage areas shall be maintained as per the approved plan(s); and
 - (c) All fences, walls, lighting, signs, storage structures, and other visually physical improvements or appurtenances as per the approved plan(s) shall be maintained in a safe, working order and in good appearance and free of graffiti.
- (6) **Storage.**
 - (a) No outside storage is permitted on a vacant site.
 - (b) No outdoor sales, such as new or used cars, or mobile carwashes, shall be allowed on a vacant site unless approved in advance by the Zoning Administrator and as per the applicable zoning district allowed uses.
 - (c) The site shall have visible signage stating the prohibited uses on the vacant site.
 - (d) Parking of RV's, camper trailers, storage trailers, storage containers and the temporary parking of tractor trailers is prohibited on vacant sites.
- (7) **Active Marketing.** The Town of Wilkesboro requires active marketing of a vacant site. Active marketing includes a visible for sale sign and requires the property to be listed with a realtor of the developer's choice. A quarterly marketing report shall be submitted to the Planning Department.

6.24 Planned Unit Development

(A) Intent

Planned unit developments, as defined in this article, are recognized as being desirable in the town in order that the public health, safety morals and general welfare be furthered in an era of increasing urbanization and of growing demand for housing of all types and design; to provide for necessary commercial and educational facilities conveniently located to such housing and to other areas of the community which require such facilities; to encourage innovations in residential and commercial development so that the growing demands of the population may be met by great variety in type, design and layout of the buildings and by the conservation and more efficient use of open space, and so that greater opportunities for better housing and recreation and shops, conveniently located to each other, may extend to all citizens and residents of the town; to encourage a more efficient use of land and of public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economies may inure to the benefit of those who need home, to lessen the burden of traffic on streets and highways; to encourage the building of new developments incorporating the best features of modern design; to conserve the value of land; and, in aid of these purposes, to provide a procedure which can relate the type, design and layout of residential and commercial development to the particular site and the particular demand for housing and other facilities, including the foregoing, at the time of development in a manner consistent with the preservation of the property values within established residential area, and to insure that the increased flexibility of substantive regulations over land development authorized here in is subject to such administrative standards and procedures as shall encourage the disposition of proposals for land development without undue delay.

(B) Area Requirements: Uses & Density Regulations

(1) Minimum Area Requirements:

- (a) Planned unit developments comprising less than thirty (30) acres shall contain residential uses only.
- (b) All other planned unit developments comprising thirty (30) acres or more, may contain all uses permitted by (2) below:

(2) Regulations of Uses:

- (a) Permitted uses. Subject to (1) above, a planned unit development may contain any uses permitted in the following district:

R-20	Suburban Residential District;
R-8 -	Single Family Residential District;
R-6 -	General Residential District; and
B-2 -	General Business District.

- (b) However, no more than five percent (5%) of the gross planned unit development acreage shall be used for commercial purposes. Additional permitted uses in any residential zone include: cluster homes, zero lot line houses, town houses and condominiums.

(3) Density Limitations and Open Space Requirements

The residential density in a planned unit development shall not exceed that defined in Article IV of the Wilkesboro Zoning Ordinance.

(C) Open Space, Common Open Space

- (1) Open Space: Planned unit developments shall provide open space as follows:

- (a) Not less than twenty (20) percent of the gross acreage when the development is one hundred (100) acres or less, and
 - (b) Not less than twenty-five (25) percent of the gross acreage when the development exceeds one hundred (100) acres.
- (2) Common Open Space; for the collective enjoyment of the residents of the development, shall comprise at least fifty percent (50%) of the open space.
- (D) **Street Design.** All single family attached and detached dwelling units on individually platted lots shall have access to a street constructed to State DOT Standards in accordance with Articles VII and VIII of the Subdivision Regulations.
- (E) **Common Parking**
 - (1) May be allowed in conjunction with multi-family structures.
 - (2) The land for such shall not be subdivided from the land, which contains the multi-family, structures it serves.
 - (3) Lots for such shall be built to the construction standards for public streets.
- (F) **Maximum Building Height.** Maximum building height shall be controlled by the zoning district regulations in which the development is occurring.
- (G) **Setbacks**
 - (1) All structures shall be set back a minimum of thirty (30) feet from the project's perimeter boundaries.
 - (2) Single Family (attached or detached) and Two-Three-and Four-Family Requirements.
 - (a) Twenty (20) feet minimum front yard setback and twenty-five (25) feet minimum length of paved driveway.
 - (b) Twenty (20) feet between exterior sides.
 - (c) Thirty (30) feet between exterior side wall of one dwelling unit and the rear of another.
 - (d) Fifty (50) feet between the rear of one dwelling unit and the rear of another.
 - (e) No building shall be closer than ten (10) feet from any parking area.
 - (f) Fifty (50) feet outside side yard at street intersections.
 - (3) Multi-Family (five (5) or more) Requirements:
 - (a) Twenty (20) feet front yard setback.
 - (b) Twenty (20) feet between exterior sides.
 - (c) Thirty (30) feet between an exterior side of one dwelling unit and the rear of another.
 - (d) Fifty (50) feet between the rear of one dwelling unit and the rear of another.
 - (e) Fifty (50) feet outside side yard at street intersections.
- (H) **Maximum Frontage.** A townhouse type structure, whether multi-family or otherwise, and attached, shall not contain more than eight (8) dwelling units unless recommended by the Planning Board and approved by the Town Board.
- (I) **Buffer Strips and Landscape Screening.**

Landscaping and buffer strip requirements are established to improve the appearance of vehicular use are established to improve the appearance of vehicular use areas, outdoor storage yards, and

utility areas; to required buffering between incompatible land uses; to protect the character and value of surrounding areas; and to reduce noise pollution, air pollution, hear and artificial light glare.

- (1) Buffer Strip Required Between Residential Districts and Between Residential Districts and General Business Districts. Where any residential district shall abut property in a business district, the owner or developer of the business property or his agent, shall cause to be planted on the common boundary an evergreen buffer strip at least ten (10) feet in width consisting of one row of evergreen trees not more than fifteen (15) feet apart and one row of dense shrubs at not more than five (5) feet apart. The trees shall be at least five feet in height and the shrubs two (2) feet in height at the time of installation. Existing vegetation may be substituted for this requirement with planning board approval as per subsection (3) below.
 - (2) Landscaping shall be required along any front or side property line that abuts the right-of-way of a street, road or highway. Such landscaping shall be provided as follows:
 - (a) A landscaping strip of six (6) feet in depth shall be located between the abutting right-of-way and any off-street parking, loading or other vehicular use areas, except where driveway openings are to be provided.
 - (b) There shall be a landscaping strip planted between the right-of-way and the off-street parking and the town engineer shall approve it.
 - (3) Existing Vegetation: The developer should make every reasonable effort to preserve existing vegetation. By preserving existing vegetation, potential erosion and sedimentation are minimized and vegetated buffer zones for the use of the residents are provided. Existing vegetation may be substituted for the requirement of subsection (1) above.
 - (4) Fences. If fencing is to be used in the project, a schematic fencing plan shall be incorporated in the development plan and shall clearly illustrate the types of fencing to be used.
- (J) **Off-Street Parking.** Two spaces, exclusive of carport or garage, for each dwelling unit are required.
- (K) **Lighting.** The plan to be used for lighting shall be submitted as part of the final plat for each phase of project, as warranted.
- (L) **Requirements for Development.**
- (1) Master Land Use Plan. All applications for approval of a planned unit development shall be accompanied by a preliminary plat (Section 91 of subdivision regulations) and a master land use plan which shall include, but not be limited to:
 - (a) The number and types of residential dwelling units.
 - (b) Planned primary and secondary traffic circulation patterns including an analysis of anticipated traffic.
 - (c) Planned park, playgrounds and open areas to be developed or preserved in accordance with Article 7.3(C) of this ordinance, or to be dedicated pursuant to the subdivision ordinance.
 - (d) Planned means of providing for the organizational arrangements for the ownership, maintenance and preservation of common open spaces.
 - (e) Relationship of the planned unit development to the surrounding land use.
 - (f) Plans for water and wastewater systems to be constructed in accordance with town standards.
 - (g) Plans for the access of firefighting and refuse disposal equipment; to include the method of refuse disposal such as compactors, dumpsters, etc.
 - (h) Plans for all utilities (including cablevision) wherever reasonable possible all planned unit developments shall provide for underground installation of utilities in both public ways and

private extension thereof, in accordance with the specifications and policies of the respective utility companies.

- (i) Plans for an adequate storm drainage system to be constructed in accordance with town standards.
- (j) The delineation of areas to be constructed in phases of sections and the sequential order that will be followed in development including a written statement from the applicant indicating the date for beginning each phase of construction and the estimated date of completion.
- (k) Drafts of any covenants which create a homeowners association for the maintenance of all privately owned common areas, including, but not limited to streets, parking areas, easements, and the like.
- (l) Drafts of any proposed declarations to be recorded pursuant to the North Carolina Unit Ownership Act (G.S. Ch. 47A).

(M) Detailed Site Plan and Construction Drawings.

After approval of the master land use plan, the developer shall submit a final plat (Section 92 of the subdivision regulations) which shall in addition, contain the following:

- (1) Detailed engineering and construction plans of all necessary on-site and off-site improvements in accordance with town standards that may be submitted in phases as approved by Town Council.
- (2) Final copies of all necessary covenants and declarations.
- (3) Detailed plans that specify the types of erosion and sedimentation control practices that are to be employed during all phases of construction so required by the Sedimentation and Pollution Control Act of 1973, as amended.
- (4) In areas where the soil types and slope are such that the planning and zoning board deems it advisable, a report sealed by a North Carolina Register Professional Engineer practicing in the soils or geo-technical field describing the suitability of on-site soils for the proposed development.
- (5) The planning and zoning board may, when it deems advisable, require greater detail on any of the items enumerated in this section.

(N) Procedures

- (1) Review by the Planning and Zoning Board
 - (a) The master land use plan and the detailed engineering and construction drawings shall be submitted to and reviewed by the planning and zoning board and forwarded to the town council with any necessary recommendations.
 - (b) The planning and zoning board shall consult with the recreation commission, town engineer, fire chief and other persons and boards to make a recommendation to the town council
 - (c) The planning and zoning board may engage a certified engineer and/or planning consultant, with demonstrated experience in large scale residential or planned unit developments, to conduct an independent review of the proposed PUD, and report findings and recommendations to the planning board and town council prior to the approval of the PUD master plan or any phases thereof.
 - (d) A notice of public hearing shall be given in the same manner as for amendments to the zoning ordinance.

- (2) Approval by the Town Council. No permit for construction of any on-site or off-site improvements in a planned unit development shall be granted prior to final approval of the planned unit development by the town council.
- (3) Revisions of Approved Plans. No phases or section of an approved planned unit development shall be revised, enlarged or amended without first resubmitting that phase or section to the planning and zoning board and the town council as provided for in this section.

**Town of Wilkesboro
Zoning Ordinance**

ARTICLE VII. OVERLAY DISTRICTS

7.1 Watershed Protection Overlay

(A) Intent

It is the purpose of this section to protect the quality of drinking water for the Town of Wilkesboro by setting standards for the development that occurs within designated Public Water Supply Watershed areas. It is further intended that the establishment of watershed regulations reflect the protection of critical environmental areas in accordance with the State of North Carolina's Water Supply Watershed Protection Rules.

(B) Authority

The Legislature of the State of North Carolina has, in Chapter 160A, Article 8, Section 174, General Ordinance Authority, and in Chapter 143, Article 21, Watershed Protection Rules, delegated the responsibility or directed local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

(C) Effective Date

The provisions in this Article were adopted on September 7, 1993 and shall become effective on September 30, 1993.

(D) Jurisdiction

The provisions of the Article shall apply within the areas designated as a Public Water Supply Watershed by the North Carolina Environmental Management Commission and shall be defined and established on the Official Zoning Map.

(E) Existing Development

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

(F) Watershed Areas Described

(1) For the purpose of this Article the Town of Wilkesboro extraterritorial jurisdiction are hereby divided into the following areas:

- (a) WS-IV-Critical Area
- (b) WS-IV-PA (Protected Area)

(2) **WS-IV-Critical Area**

- (a) Only new development activities that require an erosion/sedimentation control plan under State law or approved local programs are required to meet the provisions of this Article when located in the WS-IV watershed. In order to address a moderate to high land use intensity pattern, single-family residential uses are allowed at a maximum of two (2) dwelling units per acre. All other residential and non-residential development shall be allowed twenty-four percent (24%) built-upon area. New sludge application sites and landfills are specifically prohibited.

(b) Allowed Uses:

- i. Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990. Agricultural activities conducted after January 1, 1993 shall maintain a minimum ten (10) foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Animal operations greater than 100 animal units shall employ Best Management Practices (July 1, 1994 recommended by the Soil and Water Conservation Commission).
- ii. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCA II.6101-.0209).
- iii. Residential.
- iv. Non-residential development, except, the storage of toxic and hazardous materials unless a spill containment plan is implemented; landfills; and sites for land application of sludge/residuals or petroleum contaminated soils.

(c) Density and Built-upon Limits:

- i. Single Family Residential development shall not exceed two dwelling units per acre on a project by project basis. No residential lot shall be less than one-half (1/2) acre, except within an approved cluster development.
- ii. All other Residential and Non-Residential-development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis. For the purpose of calculating the built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

(3) WS-IV-Protected Area

- (a) Only new development activities that require an erosion/sedimentation control plan under State law or approved local government program are required to meet the provisions of this ordinance when located in a WS-IV watershed. In order to address accommodate a moderate to high land use intensity pattern, single family residential uses shall develop at a maximum of two (2) dwelling units per acres (2du/ac). All other residential and non-residential development shall be allowed at a maximum of twenty four percent (24%) built-upon area. A maximum of three (3) dwelling units per acre (3 du/ac) or thirty-six percent (36%) built-upon area is allowed for projects without a curb and gutter street system.

(b) Allowed Uses

- i. Agriculture, subject to the provisions of the food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.
- ii. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).
- iii. Residential development.
- iv. Non-residential development, excluding the storage of toxic and hazardous materials unless a spill containment plan is implemented.

(c) Density and Built-upon Limits:

- i. Single Family Residential development shall not exceed two (2) dwelling units per acre, as defined on a project-by-project basis. No residential lot shall be less than one half (1/2) acre (or 20,000 square feet, excluding roadway right-of-way), or one third (1/3)

acre for projects without a curb and gutter street system, except within an approved cluster development.

- ii. All other residential and Non-Residential-development shall not exceed twenty four percent (24%) built-upon area on a project-by-project basis. For projects without a curb and gutter street system, development shall not exceed thirty six percent (36%) built-upon area on a project-by-project basis. For the purpose of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed.
- iii. In addition to the development allowed under paragraphs (i) and (ii) above, new development and expansions to existing development may occupy up to ten percent (10%) of the protected area with up to seventy percent (70%) built-upon area on a project basis, when approved as a special density allocation (SDA). The Watershed Administrator is authorized to approve SDA's consistent with the provisions of this ordinance. Projects must, to the maximum extent practical, minimize built-upon surface area; direct storm waterways from surface waters and incorporate Best Management practices to minimize water quality impacts. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

(G) Special Density Allocations

- (1) The Watershed Review Committee may grant Special Density Allocations (SDAs) to project sites in the WS-IV-PA Watershed Areas. The SDAs may permit up to 70% built upon area on a project by project basis without requiring installation of stormwater control devices. No more than 10% of the WS-IV-PA Watershed Area may be developed under SDAs. At no time may the built upon area of a SDA project site exceed 70% of the total SDA project site.
- (2) SDA requests must be submitted to the Watershed Administrator, who shall preview the request and submit it to the Watershed Review Committee. The Watershed Review Committee will review the SDA request, and either approve or deny the request. If the request is denied, the applicant may redesign the project and resubmit the request.
- (3) If the request is approved by the Watershed Review Committee, the Watershed Administrator shall issue a SDA permit. The permit shall be valid for one year from date of issuance. A record of all SDA permits shall be kept on file in the Office of the Watershed Administrator.
- (4) The following review criteria will be used by the Watershed Review Committee to evaluate SDA requests. The review criteria will be used to encourage applicants to maximize development in the SDA project areas, as well as incorporate measures to improve the water quality and aesthetics of the project area. Projects must have a point total of at least 300 to qualify for a SDA.

REVIEW CRITERIA FOR EVALUATING SDA REQUESTS

CRITERIA	POINTS
Landscaping	
minimum of 8' landscaped area along street-side of property (measured from right-of-way)	40
minimum of 8' landscaped area along side of property (measured property line)	30
minimum of one (1) landscaped space for every space in parking lot	50
Landscaped area must have grass or mulch ground cover with trees or shrubs planted according to the following specifications: <ul style="list-style-type: none"> • evergreen shrubs – 6' spacing with 1.5' minimum height at planting • evergreen trees – 10' spacing with 6' minimum height at planting • deciduous trees – 20' spacing with 8' minimum height at planting 	
Easement	
permanent greenway easement, a minimum width of 25', granted to Town of Wilkesboro along perennial streams or other location approved by the Town of Wilkesboro Planning Board; or , dedication of right-of-way, a minimum width of 15', along street-side of property for sidewalks	50
Multi-story building development (excluding basement)	75
Building development with parking located under building (excluding basement)	75
Area of project that remains in undisturbed, natural vegetation	
50% or more natural vegetation	50
25 to 50% natural vegetation	25
Erosion Control Plan approved and implemented	25
Permanent sedimentation/erosion control measures on site (i.e., dry detention ponds, sand filters, artificial wetlands, infiltration ponds, etc.)	25
Tax base added by project:	
\$250,000 or less	25
\$250,000 to \$500,000	50
\$500,000 to \$1,000,000	75
\$1,000,000 or more	100
Employment added by project:	
1 to 10	25
11 to 25	50
26 to 75	75
76 or more	100
Planned Unit Development (PUD) approved by Town of Wilkesboro Planning Board	50
Drainage:	

surface drainage rather than curb and gutter; or	40
drainage through vegetated buffer or grass swale	60
Percentage of Built-Upon Area:	
36 to 50%	25
51 to 60%	50
61 to 70%	75
TOTAL POSSIBLE POINTS	805

(H) Cluster Development

Clustering of development is allowed under the following conditions:

- (1) Built-upon area or storm water control requirements of the projects shall not exceed that allowed for the critical area or balance of watershed, whichever applies.
- (2) All built-upon area shall be designed and located to minimize storm water runoff impact to the receiving waters and minimize concentrated storm water flow.
- (3) The remained of the tract shall remain in a vegetated or natural state. Where the development has an incorporated property owner association, the title of the open space shall be conveyed to the association for management. Where a property association is not incorporated, a maintenance agreement shall be filed with the property needs.

(I) Buffer Areas Required

- (1) A minimum thirty (30) foot vegetative buffer for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5) minute scale topographic maps or as determined by local government studies. Desirable artificial stream bank or shoreline stabilization is permitted.
- (2) No new development is allowed in the buffer except for water dependent structures and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area; direct runoffs away from the surface waters and maximize the utilization of storm water Best Management Practices.

(J) Additional Requirements for Variances within Watershed Areas

- (1) The Zoning Enforcement Officer shall notify in writing each local government having jurisdiction in the watershed. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Watershed Administrator prior to a decision by the Watershed Review Board. Such comments shall become a part of the record of proceedings of the Watershed Review Board.
- (2) If the application calls for the granting of a major variance, and if the Watershed Review Board decides in favor of granting the variance, the Board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:
 - (a) The variance application;
 - (b) The hearing notices;
 - (c) The evidence presented;
 - (d) Motions, offers of proof, objections to evidence, and ruling on them;
 - (e) Proposed findings and exceptions;
 - (f) The proposed decision, including all conditions proposed to be added to the permit.

- (3) The preliminary record shall be sent to the Environmental Management Commission for its review as follows:
- (a) If the commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner cannot secure a reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and (2) the variance, if granted, will not result in a serious threat to the water supply, then the Commission shall approve the variance as proposed, or approve, the proposed variance with conditions and stipulations. The Commission shall prepare a Commission decision and send it to the Watershed Review Board. If the Commission approves the variance as proposed, the Board shall prepare a final decision granting the proposed variance. If the commission approves the variance with conditions and stipulations, the Board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.
 - (b) If the commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure a reasonable return from or make a practical use of the property without the variance or (2) the variance, if granted, will result in a serious threat to the water supply, then the commission shall deny approval of the variance as proposed. The Commission shall prepare a Commission decision and send it to the Watershed Review Board. The Board shall prepare a final decision denying the variance as proposed.
 - (c) If the application calls for the granting of a minor variance, then the Watershed Review Board may grant such variance if it determines that to do so would not result in a serious threat to the water supply.
- (4) Powers of the Planning Board
- (a) To act as the Watershed Review Board on proposed plats of land subdivision and hear major and minor variance request related to the subdivisions within the designated Water Supply Watershed.
 - (b) To hear cases concerning major variances vested rights, administrative reviews and appeals regarding the zoning ordinance or decisions of the Zoning Enforcement Officer in designated Water Supply Watersheds.

7.2 Flood Damage Prevention Overlay

SECTION 1: STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

(A) STATUTORY AUTHORIZATION

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Town Council of Wilkesboro, North Carolina, does ordain as follows:

(B) FINDINGS OF FACT

- (1) The flood prone areas within the jurisdiction of Wilkesboro are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

(C) STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (1) restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (5) prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

(D) OBJECTIVES

The objectives of this ordinance are to:

- (1) protect human life, safety, health and general welfare;
- (2) minimize expenditure of public money for costly flood control projects;
- (3) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) minimize prolonged business losses and interruptions;
- (5) minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- (6) help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (7) ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

SECTION 2. DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

“Accessory Structure (Appurtenant Structure)” means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like

qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

“Addition (to an existing building)” means an extension or increase in the floor area or height of a building or structure.

“Appeal” means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

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

“Area of Special Flood Hazard” see “Special Flood Hazard Area (SFHA)”.

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

“Base Flood Elevation (BFE)” means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Building” see “Structure”.

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

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

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

“Elevated Building” means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Encroachment” means the advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

“Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland waters; and/or
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

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

“Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.

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

“Flood Insurance Study (FIS)” means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

“Flood Prone Area” see **“Floodplain”**

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

“Floodplain” means any land area susceptible to being inundated by water from any source.

“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

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

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

“Floodplain Management Regulations” means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

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

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

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

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

“Historic Structure” means any structure that is:

- (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
- (d) certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”.

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

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

“Lowest Floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

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

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

“Market Value” means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

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

“New Construction” means structures for which the “start of construction” commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

“Non-Encroachment Area” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

“Post-FIRM” means construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map.

“Pre-FIRM” means construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map.

“Principally Above Ground” means that at least 51% of the actual cash value of the structure is above ground.

“Public Safety” and/or **“Nuisance”** means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Recreational Vehicle (RV)” means a vehicle, which is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck; and
- (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Reference Level” is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, A99 or AO.

“Regulatory Flood Protection Elevation” means the “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

“Remedy a Violation” means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Salvage Yard” means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

“Solid Waste Disposal Facility” means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

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

“Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Article 7.2.1(3)(B) of this ordinance.

“Start of Construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or

the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

“Substantial Damage” means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”.

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

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

“Variance” is a grant of relief from the requirements of this ordinance.

“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 7.2.1(4) and (5) is presumed to be in violation until such time as that documentation is provided.

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

“Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

SECTION 3. GENERAL PROVISIONS

(A) LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs), of Wilkesboro and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

(B) BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Wilkes County dated March 2nd 2009, which are adopted by reference and declared to be a part of this ordinance.

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

Wilkes County Unincorporated Area, dated May 15th 1991.

(C) ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Article 7.2.1(3)(B) of this ordinance.

(D) COMPLIANCE

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

(E) ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(F) INTERPRETATION

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

- (a) considered as minimum requirements;
- (b) liberally construed in favor of the governing body; and
- (c) deemed neither to limit nor repeal any other powers granted under State statutes.

(G) WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Wilkesboro or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(H) PENALTIES FOR VIOLATION

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Wilkesboro from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 4: ADMINISTRATION

(A) DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Zoning Enforcement Officer or his/her designee, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance.

(B) FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS

- (1) **Application Requirements.** Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:
- (a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (i) the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - (ii) the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 7.2.1(3)(B), or a statement that the entire lot is within the Special Flood Hazard Area;
 - (iii) flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 7.2.1(3)(B);
 - (iv) the boundary of the floodway(s) or non-encroachment area(s) as determined in Article 7.2.1(3)(B);
 - (v) the Base Flood Elevation (BFE) where provided as set forth in Article 7.2.1(3)(B); Article 7.2.1 (4)(C); or Article 7.2.1(5)(D);
 - (vi) the old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
 - (b) Proposed elevation and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 - (i) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - (ii) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be floodproofed; and
 - (iii) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.
 - (c) If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
 - (d) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - (i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
 - (ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article 7.2.1(5)(B) subsection (4)(c) when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30.

- (e) Usage details of any enclosed areas below the lowest floor.
 - (f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
 - (g) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
 - (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Article 7.2.1(5)(B) subsection (6) and (7) of this ordinance are met.
 - (i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
- (2) **Permit Requirements: The Floodplain Development Permit shall include, but not be limited to:**
- (a) A description of the development to be permitted under the floodplain development permit.
 - (b) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Article 7.2.1(3)(B).
 - (c) The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.
 - (d) The Regulatory Flood Protection Elevation required for the protection of all public utilities.
 - (e) All certification submittal requirements with timelines.
 - (f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
 - (g) The flood openings requirements, if in Zones A, AO, AE or A1-30.
- (3) **Certification Requirements**
- (a) **Elevation Certificates:** A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
 - (b) **Floodproofing Certificate:** If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit

approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

- (c) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Article 7.2.1(5)(B) subsection (3)(b).
- (d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
- (e) **Certification Exemptions.** The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
 - (i) Recreational Vehicles meeting requirements of a Article 7.2.1(5)(B) subsection (6)(a);
 - (ii) Temporary Structures meeting requirements of Article 7.2.1(5)(B) subsection (7); and
 - (iii) Accessory Structures less than 150 square feet meeting requirements of Article 7.2.1(5)(B) subsection (8).

(C) DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- (1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- (2) Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received.
- (3) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- (5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 7.2.1(5)(F) are met.
- (6) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Article 7.2.1(4)(B) subsection (3).
- (7) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Article 7.2.1(4)(B) subsection (3).
- (8) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Article 7.2.1(4)(B) subsection (3).
- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Article 7.2.1(4)(B) subsection (3) and Article 7.2.1(5)(B) subsection (2).

- (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this section.
- (11) When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of Article 7.2.1(3)(B), obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Article 7.2.1(5)(D) subsection (2)(b), in order to administer the provisions of this ordinance.
- (12) When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Article 7.2.1(3)(B), obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
- (13) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- (14) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (15) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (16) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (17) Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (18) Follow through with corrective procedures of Article 7.2.1(4)(D).
- (19) Review, provide input, and make recommendations for variance requests.
- (20) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with the provisions of Article 7.2.1(3)(B) of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

- (21) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

(D) CORRECTIVE PROCEDURES

- (1) **Violations to be Corrected:** When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (2) **Actions in Event of Failure to Take Corrective Action:** If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
- (a) that the building or property is in violation of the floodplain management regulations;
 - (b) that a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (c) that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- (3) **Order to Take Corrective Action:** If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.
- (4) **Appeal:** Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (5) **Failure to Comply with Order:** If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

(E) VARIANCE PROCEDURES

- (1) The Zoning Board of Adjustment as established by Wilkesboro, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) Variances may be issued for:
- (a) the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic

- structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
- (b) functionally dependent facilities if determined to meet the definition as stated in Article 7.2.1(2) of this ordinance, provided provisions of Article 7.2.1(4)(E) subsection (9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
 - (c) any other type of development, provided it meets the requirements of this Section.
- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
- (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location as defined under Article 7.2.1(2) of this ordinance as a functionally dependent facility, where applicable;
 - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (8) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- (9) Conditions for Variances:

- (a) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - (b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) Variances shall only be issued prior to development permit approval.
 - (e) Variances shall only be issued upon:
 - (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship; and
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (10) A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
- (a) The use serves a critical need in the community.
 - (b) No feasible location exists for the use outside the Special Flood Hazard Area.
 - (c) The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.
 - (d) The use complies with all other applicable Federal, State and local laws.
 - (e) The Town of Wilkesboro has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

SECTION 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

(A) GENERAL STANDARDS

In all Special Flood Hazard Areas the following provisions are required:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Regulatory Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of “new construction” as contained in this ordinance.
- (9) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- (10) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Article 7.2.1(4)(E) subsection (10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Article 7.2.1(4)(B) subsection (3).
- (11) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (12) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (13) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (14) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (15) When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
- (16) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.

(B) SPECIFIC STANDARDS

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Article 7.2.1(3)(B), or Article 7.2.1(5)(D), the following provisions, in addition to the provisions of Article 7.2.1(5)(A), are required:

- (1) **Residential Construction.** New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 7.2.1(2) of this ordinance.
- (2) **Non-Residential Construction.** New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 7.2.1(2) of this ordinance. Structures located in A, AE, AO, and A1-30 Zones may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the

passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Article 7.2.1(5)(G) subsection (2). A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 7.2.1(4)(B) subsection (3), along with the operational plan and the inspection and maintenance plan.

(3) **Manufactured Homes.**

- (a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in Article 7.2.1(2) of this ordinance.
- (b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
- (c) All enclosures or skirting below the lowest floor shall meet the requirements of Article 7.2.1(5)(B) subsection (4).
- (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

(4) **Elevated Buildings.** Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

- (a) shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
- (b) shall be constructed entirely of flood resistant materials at least up to the Regulatory Flood Protection Elevation; and
- (c) shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - (i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - (ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - (iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

- (iv) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
 - (v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - (vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.
- (5) **Additions/Improvements.**
- (a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (i) not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - (ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
 - (b) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
 - (c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (i) not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - (ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (6) **Recreational Vehicles.** Recreational vehicles shall either:
- (a) be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
 - (b) meet all the requirements for new construction.
- (7) **Temporary Non-Residential Structures.** Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:
- (a) a specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
 - (b) the name, address, and phone number of the individual responsible for the removal of the temporary structure;
 - (c) the time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 - (d) a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
 - (e) designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

- (8) **Accessory Structures.** When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
 - (b) Accessory structures shall not be temperature-controlled;
 - (c) Accessory structures shall be designed to have low flood damage potential;
 - (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - (e) Accessory structures shall be firmly anchored in accordance with the provisions of Article 7.2.1(5)(A) subsection (1);
 - (f) All service facilities such as electrical shall be installed in accordance with the provisions of Article 7.2.1(5)(A) subsection (4); and
 - (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Article 7.2.1(5)(B) subsection (4)(c).

An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Article 7.2.1(4)(B) subsection (3).

(C) RESERVED

(D) STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Article 7.2.1(3)(B), where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Article 7.2.1(5)(A), shall apply:

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:
 - (a) When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Article 7.2.1(5)(A) and (B).
 - (b) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Article 7.2.1(5)(B) and (F).
 - (c) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Article 7.2.1(3)(B) and utilized in implementing this ordinance.

- (d) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Article 7.2.1(2). All other applicable provisions of Article 7.2.1(5)(B) shall also apply.

(E) STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS

Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- (1) Standards of Article 7.2.1(5)(A) and (B); and
- (2) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

(F) FLOODWAYS AND NON-ENCROACHMENT AREAS

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Article 7.2.1 (3)(B). The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Article 7.2.1(5)(A) and (B), shall apply to all development within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - (a) it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or
 - (b) a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
- (2) If Article 7.2.1(5)(F) subsection (1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (3) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - (a) the anchoring and the elevation standards of Article 7.2.1 (5)(B) subsection (3); and
 - (b) the no encroachment standard of Article 7.2.1(5)(F) subsection (1).

G. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO).

Located within the Special Flood Hazard Areas established in Article 7.2.1(3)(B), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article 7.2.1(5)(A) and (B), all new construction and substantial improvements shall meet the following requirements:

- (1) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least four (4) feet above the highest adjacent grade if no depth number is specified.
- (2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article 7.2.1(5)(G) subsection (1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and

hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Article 7.2.1(4)(B) subsection (3) and Article 7.2.1(5)(B) subsection (2).

- (3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

SECTION 6. LEGAL STATUS PROVISIONS

(A) EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted December 3rd, 1973, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of Wilkesboro enacted on December 3rd, 1973, as amended, which are not reenacted herein are repealed.

The date of the initial Flood Damage Prevention Ordinance for Wilkes County is November 12th, 2002.

(B) EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

7.3 Airport Overlay

(A) Intent

It is the intent of these requirements to restrain influences which are adverse to the property and safe conduct of airport operations in the vicinity of Wilkes County Airport, to prevent creation of conditions hazardous to aircraft operation, to prevent conflict with land development which may result in loss of life and property, and to encourage development that is compatible with airport use characteristics within the intent and purpose of zoning.

(B) Airport Height Limitation Zones

In order to carry out the provisions of this section, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Airport. Such zones are shown on the Official Zoning Map. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established as subclassifications of the Airport Overlay District and are defined as follows:

- (1) **Precision Instrument Runway Approach Zone (AO-A1)** – The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (2) **Runway Larger than Utility Visual Approach Surface (AO-A2)** – The inner edge of this surface begins at and corresponds with the width of the primary surface and is 1,000 feet wide. This surface rises uniformly at a 20:1 slope to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface along the extended runway centerline.
- (3) **Runway Larger than Utility with a Visibility Minimum as Low as ¾ Mile Nonprecision Instrument Approach Zone (AO-A3)** – The inner edge of this approach zone coincides with the

width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

- (4) **Transitional Zone (AO-T)** – The transitional zones are the areas beneath the transitional surfaces.
- (5) **Horizontal Zone (AO-H)** – The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- (6) **Conical Zone (AO-C)** – The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

(C) **Airport Environs Height Limitations**

Except as otherwise provided in this section, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created under this section to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- (1) **Precision Instrument Runway Approach Zone (AO-A1)** – Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
- (2) **Runway Larger than Utility Visual Approach Surface (AO-A2)** – The inner edge of this surface begins at and corresponds with the width of the primary surface and is 1,000 feet wide. This surface rises uniformly at a 20:1 slope to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface along the extended runway centerline.
- (3) **Runway Larger than Utility with a Visibility Minimum as Low as ¼ Mile Nonprecision Instrument Approach Zone (AO-A3)** – Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- (4) **Transitional Zone (AO-T)** – Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the Airport elevation which is 1,301 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline from the edge of the approach surface.
- (5) **Horizontal Zone (AO-H)** – Established at a height of 150 feet above the Airport elevation or an elevation of 1,451 feet above mean sea level.
- (6) **Conical Zone (AO-C)** – Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the Airport elevation and extending to a height of 350 feet above the Airport elevation, or an elevation of 1,651 feet above mean sea level.

- (7) **Expected Height Limitations** – Nothing in this section shall be construed as prohibiting the erection, alteration, or maintenance of any structure or growth of any tree at or to a height which is below the limitations set forth herein.

(D) Regulation Related to Sanitary Landfill Location

Due to the increased attraction of birds in the vicinity of sanitary landfills and the potential hazards which birds create to aircraft operations (see FAA Order SO 5200.5), the following provisions shall apply:

- (1) No sanitary landfill shall be located within 10,000 feet from a runway of any airport.
- (2) Sanitary landfills which are proposed to be located further than 10,000 feet from a runway of any airport but within the conical surface will be reviewed on a case by case basis by the Town Board, which may in turn consult with the FAA. If, in the opinion of the Town Board or the FAA, the proposed landfill poses a threat to safe aircraft operations, then the landfill shall not be allowed in the proposed location.

(E) Use Restriction

Notwithstanding any other provision of this section, no use may be made of land or water within any zone established hereunder in such a manner as to create electrical interference with navigational signals or radio communication between the Airport and aircraft, make it difficult for pilots to distinguish between Airport lights and others, result in glare in the eyes of pilots using the Airport, impair visibility in the vicinity of the Airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the Airport.

(F) Legal Nonconformities

The owner of any existing non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Town to indicate to the operators of aircraft in the vicinity of the Airport the presence of such Airport obstruction. Such markers and lights shall be installed, operated, and maintained at the Town's expense.

(G) Permits and Variances

- (1) No permit shall be issued with respect to any use within this overlay district unless said use complies with all of the requirements of this section provided, however, that:
 - (a) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any use or structure except in cases where, because of terrain, land contour, or topographic features, such use or structure would extend above the height limits prescribed for such zones.
 - (b) In areas lying within the limits of the approach zones, no permit shall be required for any use or structure except in cases where such use or structure would extend above the height limit prescribed for such approach zones.
 - (c) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any use or structure except when such use or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.
 - (d) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree, in excess of any of the height limits established in Article 7.5(C).

(2) Any application for a variance with respect to any use within this overlay district shall be accompanied by a written determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace and the Airport. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this section. Additionally, no application for variance to the requirements of this section may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Airport Manager and the Wilkes County Airport Board for advice as to the aeronautical effects of the variance. If the Airport Manager and/or the Airport Board does not respond to the application within 30 days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

(3) Obstruction Marking and Lighting

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this section, and is reasonable under the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit the Town of Wilkesboro, at its own expense, to install, operate, and maintain the necessary markings and lights.

7.5 Gateway Overlay – Reserved

7.6 US Hwy 421 Overlay – Reserved

ARTICLE VIII. HISTORIC OVERLAY DISTRICTS/HISTORIC LANDMARKS

8.1 Purpose.

The historical heritage of our Town is one of our most valued and important assets. The conservation and preservation of historic districts and landmarks stabilize and increase property values in their areas and strengthen the overall economy of the Town. The purpose of establishing local historic districts and landmarks is to encourage the restoration, preservation, rehabilitation and conservation of historically, architecturally, and archaeologically significant areas, structures, buildings, sites, objects and their surroundings; and to review new construction design to ensure compatibility with the character of the district; and to safeguard against any potentially adverse influences which may cause the decline, decay, or total destruction of these important assets. In addition, the preservation of historic districts and landmarks provides for the education, pleasure and enrichment of the residents of Wilkesboro and the State as a whole.

8.2 Establishment and Jurisdiction of Historic Preservation Commission.

Pursuant to Part 3C of Article 19 of Chapter 160A of the General Statutes, there is hereby established a commission that shall be known as the Wilkesboro Historic Preservation Commission. Its jurisdiction shall include the Town of Wilkesboro and the extraterritorial jurisdiction area of the Town as shown on the official zoning map and atlas of the Town. The Commission will consist of seven (7) members appointed by the Town Board, and will serve without compensation.

8.3 Membership and Organization

(A) Tenure

Members shall be appointed for three (3)-year staggered terms. A member may be reappointed for a second consecutive term, but after two (2) consecutive terms a member shall be ineligible for reappointment until one (1) calendar year has elapsed from the date of the termination of his or her second term. In the case of a vacancy occurring during a term, such vacancy shall be filled for the unexpired portion of such term.

(B) Qualifications

A majority of the members of the Commission shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields; and all members shall reside within the territorial zoning jurisdiction of the Town of Wilkesboro.

(C) Meetings

The Historic Preservation Commission shall establish a meeting time, and shall meet at least monthly, unless there is not sufficient business to warrant a meeting. All meetings of the Commission are subject to the North Carolina Open Meetings Law.

(D) Rules of Procedure

The Historic Preservation Commission shall adopt and publish Rules of Procedure to govern the conduct of its business.

(E) Meeting Minutes

The Historic Preservation Commission shall keep permanent minutes of all its meetings. The minutes shall record attendance of its members, resolutions, findings, recommendations, and actions.

8.4 Commission Powers

The general duties of the Historic Preservation Commission are to promote, enhance, and preserve the character of the historic overlay district and designated historic landmarks. The Commission shall exercise the following powers as part of their duties:

- (A) To recommend districts or areas to be designated by ordinance as historic overlay districts;
- (B) To recommend individual structures, sites, or objects to be designated by ordinance as an historic landmark;
- (C) To recommend that designation of historic overlay districts, or part thereof, be revoked or removed for cause;
- (D) To recommend that designation of individual structures, sites, or objects as historic landmarks be revoked for cause;
- (E) To consider and grant or deny applications for certificates of appropriateness in accordance with this ordinance;
- (F) To publish information, or otherwise inform the owners of property within the historic districts or of designated landmarks, about matters pertinent to its duties, organization, procedures, duties, or requirements, and;
- (G) To exercise such other powers and perform such other duties as are required elsewhere by this ordinance and/or state law.

8.5 Establishment and Amendment Procedure – Historic Districts

(A) Establishment

- (1) Requests for establishment of an historic district may be made by:
 - a) the Town Board;
 - b) the Planning Board;
 - c) Town planning staff, or;
 - d) any interested person.
- (2) All requests shall first be presented to the Historic Preservation Commission. The requests should include reference to the historical, architectural, or archaeological significance of the proposed district. The Commission will conduct a preliminary investigation to determine the eligibility of the proposed area.
- (3) If the Commission determines that the proposed area is ineligible to become an historic district, the Commission shall report such determination to the entity that requested the designation. Such report shall be made within thirty (30) days of the Commission's consideration of the request. The report may also include recommendations of if and how the request may be amended in order to make the area eligible as an historic district.
- (4) If the Commission determines that a proposed area is eligible to become an historic district, it shall notify property owners within the area through first class mail that establishment of an historic district will be considered by the Commission at a specified date and time. The Commission shall hold the public informational meetings and receive questions and comments, after which they shall make refinements to any proposed boundaries.
- (5) The Commission shall prepare and submit a report to the Planning Board, and the Town Board. The report shall include, but not be limited to, the following information:
 - a) a boundary description of the area;

- b) a map at a scale of not less than one (1) inch represents two hundred (200) feet (1" to 200'), showing the boundaries of the proposed area, and;
 - c) a description of the significance of the area, including its buildings, structures, features, sites, or surroundings.
- (6) Pursuant to review and comment by the Town Board, the report shall be forwarded to the North Carolina Department of Cultural Resources who shall make an analysis of and recommendations concerning such report and description of proposed boundaries to the Town Board. Failure of the Department to submit its written analysis and recommendations to the Town Board within thirty (30) calendar days after a written request for such analysis has been received by the Department of Cultural Resources shall relieve the Town of any responsibility for awaiting such analysis, and the Town Board may at any time thereafter take any necessary action to adopt or amend its zoning ordinance.
- (7) Once all of the previous procedural steps have been met, rezoning the proposed area to an historic district shall proceed in the same manner as would otherwise be required for a change in the zoning ordinance.

(B) Amendment

- (1) The Commission shall prepare and submit a report to the Planning Board and the Town Board. The report shall include, but not be limited to, the following information:
- a) a boundary description of the area;
 - b) a map at a scale of not less than one (1) inch represents two hundred (200) feet (1" to 200'), showing the boundaries of the proposed area, and;
 - c) a description of the significance of the area, including its buildings, structures, features, sites, or surroundings.
- (2) Pursuant to review and comment by the Town Board, the report shall be forwarded to the North Carolina Department of Cultural Resources who shall make an analysis of and recommendations concerning such report and description of proposed boundaries to the Town Board. Failure of the Department to submit its written analysis and recommendations to the Town Board within thirty (30) calendar days after a written request for such analysis has been received by the Department of Cultural resources shall relieve the Town of any responsibility for awaiting such analysis, and the Town Council may at any time thereafter take any necessary action to adopt or amend its zoning ordinance.
- (3) Once all of the previous procedural steps have been met, rezoning the proposed area to an historic district shall proceed in the same manner as would otherwise be required for a change in the zoning ordinance.

8.6 Historic District Overlay Regulations

(A) Permitted Uses

All uses permitted in the underlying zoning district shall be permitted in the historic overlay district.

(B) Regulation of Exterior Features

No exterior portion of any building or other structure, nor above-ground utility structure, nor any type of on-premise sign, nor important landscape, or natural features may be erected, altered, restored, moved, or demolished within a historic overlay district until and after a certificate of appropriateness has been approved by the Historic Preservation Commission according to the requirements of Section 136.

8.7 Designation of Historic Landmarks.

- (A) Requests for designation of an historic landmark may be made by:
- (1) the Town Board;
 - (2) the Planning Board;
 - (3) Town planning staff, or;
 - (4) any interested person.
- (B) All requests shall first be presented to the Historic Preservation Commission. The requests should include reference to the historical, architectural, or archaeological significance of the proposed landmark. The Commission will conduct a preliminary investigation to determine the eligibility of the landmark.
- (C) If the Commission determines that the proposed landmark is ineligible to become an historic landmark, the Commission shall report such determination to the entity that requested the designation. Such report shall be made within thirty (30) days of the Commission's consideration of the request. The report may also include recommendations of if and how the request may be amended in order to improve it.
- (D) If the Commission determines that the proposed landmark is eligible to become an historic landmark, it shall notify property owners within the area through first class mail that designation of an historic landmark will be considered by the Commission at a specified date and time. The Commission shall hold the public informational meetings and receive questions and comments.
- (E) The Commission shall prepare and submit a report to the Planning Board and the Town Board. The report shall include, but not be limited to, the following information:
- (1) The name and address of the current property owner.
 - (2) The location of the property proposed to be designated historic, including the street address and tax map and parcel numbers.
 - (3) The date of construction and of any later alterations, if any.
 - (4) An architectural or archaeological description of the area of the site or structure proposed to be designated. If outbuildings or other appurtenant features are proposed for designation, the report shall contain a description of those features.
 - (5) An assessment and historical discussion of the site or structure within its type, period, and locality.
 - (6) Photographs that clearly depict the property proposed for designation, including views of all facades, pertinent details and siting.
 - (7) A map clearly showing the location and boundaries of the property, including any outbuildings and appurtenant features.
- (F) Pursuant to review and comment by the Town Board, the report shall be forwarded to the North Carolina Department of Cultural Resources who shall make an analysis of and recommendations concerning such report and description of proposed boundaries to the Town Board. If the department does not submit its written comments or recommendations in connection with any proposed designation within thirty (30) calendar days after a written request for such analysis has been received by the department shall relieve the Town of any responsibility for awaiting such analysis.
- (G) The Town Board and Historic Preservation Commission shall hold a joint public hearing on the proposed ordinance. Notice of the hearings shall be published at least once in a newspaper generally circulated within the Town. Written notice of the hearings shall also be mailed by the Commission to

all owners and occupants of properties. All such notices shall be published or mailed not less than ten (10) nor more than twenty-five (25) days prior to the date set for the public hearing.

- (H) Upon adoption of the ordinance or any amendments thereto, the owners and occupants of each designated historic property shall be given written notification of such designation. One (1) copy of the ordinance and each amendment thereto shall be filed by the Historic Preservation Commission in the office of the County Register of Deeds. Each historic property designated as an historic landmark in the ordinance shall be indexed according to the name of the owner of the property in the grantee and grantor indexes in the Register of Deeds office, and the Historic Preservation Commission shall pay a reasonable fee for filing and indexing. A second copy of the ordinance and of each amendment thereto shall be kept on file in the Town Clerk's office and shall be made available for public inspection at any reasonable time. A third copy of the ordinance and each amendment thereto shall be given to the Wilkes County Building Inspector.
- (I) Upon adoption of the ordinance or any amendments thereto, it shall be the duty of the Historic Preservation Commission to give notice thereof to the Wilkes County tax assessor. The designation and any recorded restrictions upon the property limiting its use for preservation purposes shall be considered by the assessor in appraising it for tax purposes. The fact that a building, structure, site, area, or object has been designated an historic landmark shall be clearly indicated on all tax maps maintained by the County for such period as the designation remains in effect.

8.8 Certificates of Appropriateness

(A) Certificate of Appropriateness Required

- (1) No exterior portion of any building or other structure (including masonry, walls, fences, light fixtures, steps and pavement, or other appurtenant features) nor above-ground utility structure, nor any type of outdoor advertising sign, nor important landscape and natural features may be erected, altered, restored, moved or demolished on a landmark or within the historic district until and after the property owner or his/her agent has contacted the Historic Preservation Commission staff to determine whether the project will require a certificate of appropriateness. If a certificate of appropriateness is required, then the applicant will follow the procedures in 8.8(D).
- (2) The Town of Wilkesboro and all public utility companies shall be required to obtain a certificate of appropriateness for landmarks and in the historic district prior to initiating any changes in the character of street paving, sidewalks, utility installations, lighting, walls, fences, and structures on property, streets, or easements owned or franchised by the State of North Carolina, Town of Wilkesboro, or public utility companies.
- (3) A certificate of appropriateness shall be issued prior to the issuance of a zoning permit or other permit granted for purposes of constructing, altering, moving or demolishing structures. Therefore, a certificate of appropriateness is a prerequisite to the issuance of such a zoning permit or such other permits. Any such zoning permits or such other permits not issued in conformity with this section shall be invalid.

(B) Maintenance and Repair Permitted

No certificate of appropriateness shall be required for:

- (1) The routine maintenance or repair of any exterior architectural feature in an historic district or on an historic landmark that does not involve a change in design, material, or outer appearance;
- (2) The Commission shall have no jurisdiction over interior arrangement and shall take no action unless it is to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant features, outdoor advertising signs or other significant features which would be incongruous with the special character of a landmark or district.

- (3) The construction, reconstruction, alteration, restoration, moving, or demolishing of any such feature that the building inspector or similar official shall certify to the property owner and to the Historic Preservation Commission is required by the public safety because of an unsafe condition, and;
- (4) The routine maintenance or repair of streets, sidewalks, pavement markings, utility lines, street signs, traffic signs, and/or replacement of street light fixtures in the event of equipment failure, accidental damage, or natural occurrences.

(C) Minor Works

The Historic District Commission may, after adoption of Design Review Guidelines, allow the review and approval of a certificate of appropriateness for minor works by the Zoning Enforcement Officer. However, no denial of a certificate of appropriateness is allowed without formal action by the Commission.

(D) Procedures to Obtain a Certificate of Appropriateness

(1) Applications

Applications for a certificate of appropriateness shall be submitted to the Zoning Enforcement Officer no later than fourteen (14) calendar days prior to the next regularly scheduled meeting of the Historic Preservation Commission. The names and addresses of the property owners filing the application and those of the property owners within one hundred (100) feet on all sides of the property that is the subject of the application. The Zoning Enforcement Officer is responsible for transmitting the application to the Historic Preservation Commission.

(2) Notice and Hearing

The planning staff will notify by mail the owners of any property located within one hundred (100) feet on all sides of the property that is the subject of the application. Prior to the issuance or denial of a certificate of appropriateness, the Historic Preservation Commission will give the applicant and other affected property owners and/or residents the opportunity to be heard.

(3) Time Limit For Action

The Historic Preservation Commission shall act upon the application within sixty (60) calendar days after the filing. If the Commission fails to act upon the application within this time shall be deemed to constitute approval and a certificate of appropriateness shall be issued.

(4) Decisions

All actions of the Historic Preservation Commission shall be set forth in writing. The Historic Preservation Commission's final action on an application for a certificate of appropriateness shall be by the passage of a motion to take one (1) of the following actions:

- (5) Approve the application for a certificate of appropriateness as proposed, and provide in writing the findings on which the decision is based;
- (6) Approve the application for a certificate of appropriateness subject to specific conditions and/or modifications, providing these conditions of approval in writing;
- (7) Disapprove the application for a certificate of appropriateness as proposed, and provide in writing the findings on which the decision is based.
- (8) Time Limit on Approval
- (9) The applicant shall have one hundred eighty (180) days from the date the certificate of appropriateness is approved and issued to procure a building or demolition permit. Failure to procure the permit in this period will be a failure to comply with the certificate of appropriateness and it shall be void.

(10) If a building permit is not required, the work must be completed within the one hundred eighty (180) day period.

(11) If work is commenced, but discontinued for a period of one hundred eighty (180) days or more, the certificate will be void.

(12) Reapplication After Denial

If the Historic Preservation Commission determines that a certificate of appropriateness should not be issued, a new application affecting the same property may be submitted only if substantial changes are made in plans for the proposed work.

(13) Demolition

(a) An application for a certificate of appropriateness authorizing the relocation, demolition or destruction of a designated landmark or a building, structure or site within an historic district may not be denied, except as provided in paragraph (2) below. However, the effective date of such a certificate may be delayed for a period of up to three hundred sixty-five (365) days from the date of approval. The commission shall reduce the maximum period of delay authorized by this section where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period the commission shall negotiate with the owner and with any other parties in an effort to find a means of preserving the building or site.

(b) An application for a certificate of appropriateness authorizing the demolition or destruction of a building, site or structure determined by the state historic preservation officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

(c) If the commission has voted to recommend designation of a property as a landmark or designation of an area as a district, and final designation has not been made by the Town Board, the demolition or destruction of any building, site or structure located on the property of the proposed landmark or in the proposed district may be delayed by the Commission for a period of up to one hundred eighty (180) days or until the Town Board takes final action on the designation, whichever comes first.

(d) In case any building, structure, site, area or object designated as a landmark or located within the historic district is about to be demolished whether as a result of deliberate neglect or otherwise, materially altered, remodeled, removed or destroyed, except in compliance with the ordinance, the commission or other party aggrieved by such action may institute any appropriate action or proceeding to prevent such unlawful action.

(14) Appeals

Any aggrieved party may take an appeal from the actions of the Historic Preservation Commission to the Zoning Board of Adjustment, whether the application was approved or denied. The appeal shall be taken within twenty (20) calendar days after the decision of the Commission and shall be in the nature of certiorari.

8.9 Standards for Design Review

(A) Design Review Guidelines Required

The provisions for issuing a certificate of appropriateness shall not become effective until after the Historic Preservation Commission has prepared and adopted design review guidelines. These principles and guidelines shall address new construction, alterations, additions, moving, and demolition as it applies to designated landmarks or historic districts. The design review guidelines shall be placed on file in the Town of Wilkesboro offices and made available to the public for review.

(B) Design Review Guidelines Amendment

Prior to the amendment of design review guidelines, any person may be allowed to comment on the proposal. Not less than thirty (30) days prior to the public hearing at which the Historic Preservation Commission proposes to act upon the amendment(s), copies shall be made available to the Town Board, Planning Board, and any other interested person upon request. The Commission shall also cause notice of the meeting to be published in a newspaper of general circulation not less than ten (10) nor more than twenty-five (25) days prior to the date set for the public hearing.

8.10 Conditions for Certain Approvals

(A) Authentic Restoration or Reconstruction

In the event that the Historic Preservation Commission finds that an application for a building permit covers activity constituting an authentic restoration or reconstruction in the same location as the original location, said building or structure may be restored or reconstructed at the same location where the original building or structure was located.

(B) Encroachment into a Public Right-of-Way

Any items restored, reconstructed, or maintained over, on, or within public sidewalks, public alleys, or other such public rights-of-way, shall be the responsibility of the owner. The owner's restoration, reconstruction, or maintenance of any such item shall constitute the owner's agreement to protect and hold the Town of Wilkesboro blameless against any and all liability, cost, damage, or expense suffered as a result of the restoration, reconstruction, or maintenance thereof. The lowest point of any item projecting into these public areas shall be nine (9) feet above the ground immediately below.

**Town of Wilkesboro
Zoning Ordinance**

ARTICLE IX. DEFINITIONS

Definitions associated with “Signage” (Article 5.6) and “Flood Damage Prevention Overlay” (Article 7.2) are contained within their respective sections.

Accessory Use

A use or structure on the same lot with, and of a nature, customarily associated with and clearly subordinate to the principal use or structure.

Accessory Dwelling Unit (ADU)

An ADU is a second dwelling subordinate in size to the principal dwelling unit located in either the principal dwelling or an accessory structure. The ADU is constructed so as to maintain the appearance and essential character of a single family dwelling and/or any accessory structures.

Adult Establishments

As defined in N.C. General Statute 14-202.10, except for massage therapists that meet the provisions of N.C. General Statute 90-620 through 90-636.

Alley

A service way providing only a secondary means of access to abutting property.

Antenna

A device, dish, or array used to transmit or receive telecommunications signals.

Base Flood

A flood having a one-percent (1%) chance of being equaled or exceeded in any given year. Also referred to as the 100-year flood.

Bed and Breakfast

An owner-occupied structure that is residential in character and offers overnight lodging and meals for a fee.

Berm

A mound of earth.

Buffer

A fence, wall, hedges, landscaped area, additional setbacks, or combination of the above, designed for the purpose of screening or to set apart one land use from another

Buildable Area

The portion of a lot remaining after setbacks have been satisfied.

Building

Any structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure of persons, process, equipment, or goods.

Building Height

The vertical distance measured from the mean elevation of the finished grade along the side of the building or structure to the highest point of the building or structure.

Building, Principal

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

Canopy

A roof-like cover, often of fabric, metal, plastic, fiberglass or glass on a support, which is supported in total or in part, from the ground and providing shelter over, for example, a doorway, outside walk, interior access drive or parking area.

Club or Lodge

An establishment operated by an association or corporation for social, recreational, fraternal, or charitable purposes, but which is not operated for profit or otherwise conducted as a business.

Conditional Use

A use which would not be appropriate generally through the zoning district, but which, if permitted only upon issuance of a conditional use permit and subject to the limitations and conditions specified therein would be allowed.

Condominium

A residential development of two or more buildings designed and built for unit ownership according to the North Carolina Unit Ownership Act.

Congregate Care Facility

A facility composed of residential and congregate areas and affording health-sustaining services to assist the residents. The residential components shall be considered as self-contained dwelling units as defined in the NC Building Code. The facility shall also have congregate areas for use by or service to the residents which may include dining, recreation and medical areas. In addition, services may be provided such as custodial care, physical therapy, and social and recreation coordination.

Curb-Cuts. An opening cut in a curb allowing for the construction of a driveway to a single or multi-retail establishment off a major thoroughfare.

Customary Home Occupation

Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof; and in connection with which there is not display and not person, not a resident on the premises, is employed specifically in connection with the customary home occupation. Provided further, that no mechanical equipment is installed or used except such that is normally used for domestic or professional purposes, and that not over twenty-five per cent (25%) of the total floor space of any structure is used for home occupations.

Cornice. An architectural decorative horizontal projecting crown of an exterior building wall.

Dwelling

A building designed, arranged, or used for permanent living quarters for one (1) or more persons.

Dwelling, Duplex

A detached building with two (2) dwelling units which may be attached side by side or one above the other. The two (2) dwelling units shall be roughly equal in floor area.

Dwelling, Multi-Family

A building arranged to be occupied by three or more families living independently of each other.

Dwelling, Single-Family, Attached

A one-family dwelling attached to two or more one-family dwellings by common vertical walls. No dwelling unit may be located above another unit.

Dwelling, Single-Family, Detached

A dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means.

Dwelling, Manufactured Home

A dwelling unit that is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be installed or joined on the building site and which meets or exceeds the United States Housing and Urban Development standards for manufactured homes that went into effect June 15, 1976.

Dwelling, Mobile Home

A dwelling unit that was fabricated before June 15, 1976 in one or more modules at a location other than the home site, by assembly line type production techniques or by other construction methods unique to an off-site manufacturing process and designed for occupancy by one family.

Dwelling, Modular Home

A dwelling unit consisting of one or more components constructed in compliance with the North Carolina Uniform Residential Building Code for One or Two-Family Dwelling Units and comprised of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Dwelling, Townhouse

A single-family dwelling unit in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more common fire resistant walls.

Dwelling Unit

A room or group of rooms forming a single independent habitable unit with facilities used or intended to be used for living, sleeping, cooking, and eating by one family; for owner occupancy or rental, lease or other occupancy on a weekly or longer basis, and containing independent cooking, sanitary, and sleeping facilities. Units otherwise meeting this definition but occupied by transients on a rental or lease basis for periods of less than one week shall be construed to be lodging units.

Easement.

A grant of rights by a property owner to another individual, group, or governmental unit to make limited use of a portion of real property for a specified purpose

Eave.

The overhanging lower edge created by the intersection of the of the roof and wall planes

Electronic Gaming Operation.

Any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This term includes, but is not limited to internet cafes, internet sweepstakes, beach sweepstakes or cybercafés. This does not include any lottery approved by the State of North Carolina.

Entrance.

The front door(s) established as the primary customer access point. The area of an entrance shall include the area on either side of the door for a distance of at least 10 feet.

Exterior Walls.

The vertical or nearly-vertical planes which form the exterior envelope of a building

Façade.

The portion of any exterior building elevation extending from grade to the top of the parapet, wall or eaves and extending the entire length of the building. The façade includes any artificial or structural elevation which is primarily visible to the general public.

Fascia.

A horizontal band or board, often used to conceal the ends of rafters; the front of an object or other structural roof components.

Family

An individual or two (2) or more persons related by blood, marriage, or adoption living together in a dwelling unit; or a group of not more than three (3) persons who are not related by blood, marriage, or adoption living together in a dwelling unit. A 'family' may include five (5) or fewer foster children.

Family Care Home

A facility licensed by the appropriate state agency as a family care home for one (1) to six (6) unrelated individuals, together with support and supervisory personnel. Family care homes shall not be located less than one-half (1/2) mile from each other. See also definitions in G.S. 168-20.

Farm, Bona-Fide

One used for purposes that include the production and activities relating or incidental to the production of crops, fruits, vegetables, flowering or ornamental plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market.

Freestanding Sign

A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. A sign that stands without supporting elements, such as a "sandwich sign," is a freestanding sign. If the message is moved from the structure that was originally designed and used as a freestanding sign, this structure shall still be considered a sign.

Full-Cutoff Light Fixture: A light fixture that allows no emission of light above a horizontal plane through the fixture.

Gross Floor Area

The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Group Project

Two or more buildings constructed on the same zoning lot of at least two (2) acres not subdivided into the customary streets and lots.

Junkyard

An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for maintenance or operation of a motor vehicle graveyard, and the term shall include garbage dumps and sanitary fills. An establishment or place of business which stores or keeps for a period of fifteen (15)

days or more materials within the meaning of “junk” as defined in NCGS §136-143(3) which has been created as a result of industrial activity shall be deemed to be a junkyard within the meaning of this definition.

Junk

(NCGS §136-143(3)) Shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

Kennel

Any facility used for the purpose of boarding animals, excluding horses, cattle, swine, sheep, goats, geese or peafowl. Kennels may conduct other such incidental activities, such as the sale of animals, treatment of the animals, grooming or cleaning, and the sale of pet supplies.

Large Retail Establishments.

Any single or multi-tenant retail establishment with a gross floor area greater than or equal to 30,000 square feet.

Lot

A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

Lot Area

The total horizontal area within the boundary lines of a lot exclusive of street or highway rights-of-way and easements or access to other property.

Lot, Corner

A lot abutting two (2) or more streets at their intersection, or upon two (2) parts of the same street, forming an interior angle of less than one hundred thirty-five (135) degrees as measured at the centerline of the street. The point of intersection of the street right-of-way lines, or of the street right-of-way lines as extended, is the corner.

Lot Coverage

That portion of the lot area, expressed as a percent, that is covered by impervious surface cover.

Lot Depth

The depth of a lot is the mean distance of the side lines of the lot measured from the mid-point of the front lot line to the midpoint of the rear lot line.

Lot, Interior

A lot other than a corner lot.

Lot Line

A line or series of connected line segments bounding a lot.

Lot Line, Front

The line which separates the lot from a street right-of-way. Corner lots shall have only one front lot line.

Lot Line, Interior

A side lot line that separates the lot from another lot.

Lot Line, Rear

That lot line which is opposite and most distant from the front lot line, except in the case of a triangular lot, a line ten (10) feet in length, entirely within the lot, parallel to, and at the maximum distance from the front lot line, or a chord thereof if the front lot line is curved, shall be considered as the rear lot line for purposes of determining the

required rear yard. In cases where neither of these conditions is applicable, the Zoning Officer shall designate the rear lot line.

Lot Line, Side

A lot line other than a front or rear lot line.

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 of Wilkes County, or a lot described by metes and bounds, the description of which has been so recorded

Lot Width

The horizontal distance between side lines measured along a line that is parallel to the front lot line and located the minimum exterior setback distance from the front line.

Motor Vehicle Graveyard

Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Any establishment or place of business upon which three (3) or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of fifteen (15) days or more shall be deemed to be a "Motor Vehicle Graveyard" within the meaning of this definition (Boats and/or parts of boats are to be included within this definition).

Manufactured Home

A dwelling unit that is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be installed or joined on the building site and which meets or exceeds the United States Housing and Urban Development standards for manufactured homes that went into effect June 15, 1976.

Manufactured Home Park

A contiguous parcel of land under single ownership which has been developed for the placement of manufactured homes for non-transient use. This definition shall not include manufactured home sales lots on which unoccupied manufactured/mobile homes are parking for purposed of inspection and sale.

Manufactured Home Space

The land in a manufactured housing development allotted to or designed for the accommodation of one manufactured home.

Materials.

Finish materials used on publicly visible walls, freestanding signage, and pedestrian walkways.

Nonconformity, Legal

A legal use of a building and/or land that antedates the adoption or future amendments of these regulations and does not conform to the regulations for the district in which it is located.

Nursing Home

A facility for chronic or convalescent patients that is designed to provide long-term care for persons who require medical or nursing care. Nursing homes require skilled nursing personnel and life-support systems and are licensed by the State of North Carolina.

Open Space

The total gross land area on a development site which is not covered by buildings or vehicular use areas.

Outparcel

A freestanding lot developed separately but linked functionally to a shopping center.

Parapet.

A portion of a vertical wall or architectural railing of a building that extends above the roofline.

Personal Services

Establishments primarily engaged in providing services generally to individuals, such as dry-cleaning and laundry pick-up facilities, portrait photographic studios, beauty and barber shops, seamstress shops, shoe repair shops, and clothing rental shops.

Pedestrian Site Plan.

A plan submitted with a large retail establishment (over 30,000 square feet) that denotes the location of certain pedestrian requirements.

Pilaster. A vertical projection from a wall generally used for architectural support, esthetic effect, or ornamental purposes.

Prefabricated Metal Buildings

A building constructed from metal components manufactured and fabricated off site and assembled on the building site.

Projection

A portion of the building that extends or juts out from the main wall to add architectural interest to the façade.

Public Utility Facility

Any structure or facility transmitting a service provided by a government or public utility, including, without limitation, fire stations, emergency medical service centers, telephone and repeater stations, pumping substations, and water towers, but not including telecommunication towers, antennas, and other telecommunication devices.

Rafter

Any of a number of structural components that support a roof (includes roof trusses).

Recession

A depression in a building facade for the purpose of architectural detail or plan functionality.

Recreational Vehicle

A vehicular type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping and travel use, including, but not limited to: travel trailers, truck campers, camping trailers, self-propelled motor homes, personal watercrafts and boats.

Rest Homes

A facility for the care of the aged and infirm whose principal need is a home with such sheltered and custodial care as their age and infirmities require. Medical care is only occasional, such as may be required in the home of any individual. The residents of such homes will not, as a rule, have remedial ailments for which continuing skilled planned medical and nursing care is indicated.

Reveals

The side faces of a window or door opening (often known as side lights and transoms).

Roof Boot

A special piece of flashing designed for installation over a vent protruding through the roof.

Salvage Yard

A non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

Special Use Permit

A special use permit is a document that may be granted by the Wilkesboro Town Council for a specified land use that is permitted in a given zoning district under an ordinance provision that authorizes the use when the Council makes specified findings. The Council is also authorized to attach other reasonable and appropriate conditions to its permission for the protection of both neighboring properties and larger public interests.

Setback

The minimum required horizontal distance between a structure, including any projection thereof, and a lot line or street right-of-way line, the measurement to whichever is less.

Street

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

Street, Arterial

A street used or designed to be used for through traffic, usually on a continuous route, commonly referred to as a thoroughfare.

Street, Collector

A street whose function consists of both carrying traffic from local residential streets to thoroughfares and providing access to abutting properties.

Street, Local

A street used primarily for providing direct access to abutting property.

Street, Private

One that is privately maintained.

Street, Public

One that has been accepted for maintenance by the State of North Carolina or the Town of Wilkesboro.

Structure

Anything constructed or erected above grade, 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 (excluding swimming pools, fences, walkways, and patios).

Textured Concrete Masonry Units. Architectural Concrete Masonry is made up of various face textures known to the industry as Split Face Block, Split Scored, Fluted or Ribbed and Ground Face Masonry Units. These units are manufactured under controlled conditions in a variety of materials, colors and texture combination.

Thoroughfare

See "Street, Arterial"

Townhouse

A single-family dwelling unit on its own lot that is attached to one or more similar units by a party wall. Each unit has its own front and rear access and is not located over another unit.

Traffic Analysis/Plan

A plan that addresses the existing and current traffic problems with a site and provides solutions to address adverse traffic conditions.

Vacated Building(s) or Abandoned Development

A building and/or site vacated for at least six (6) months without an active renovation/rehabilitation building permit for either the site or structures.

Variance

A departure from any provisions of the zoning requirements for a specific parcel, except use, without changing the zoning ordinance or the underlying zoning of the parcel. A variance usually is granted only upon demonstration of hardship based on the peculiarity of the property in relation to other properties in the same zone district.

Veneer.

Various non structural exterior finishes that are attached to the exterior of a building for improved aesthetics.

Yard

An open space, unobstructed from the ground upward, extending fully across the lot while situated between the front lot line, side lot line or rear lot line and the established front building line, side building line or rear building line

Yard, Front

An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street right-of-way line and the front line of the building, projected to the sidelines of the lot.

Yard, Rear

An open, unoccupied space on the same lot with a principal building, 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 sidelines of the lot.

Yard, Side

An open, unoccupied space on the same lot with a principal building, situated between the side line of the building and the side line of the lot, and extending from the rear line of the front yard to the front line of the rear yard.