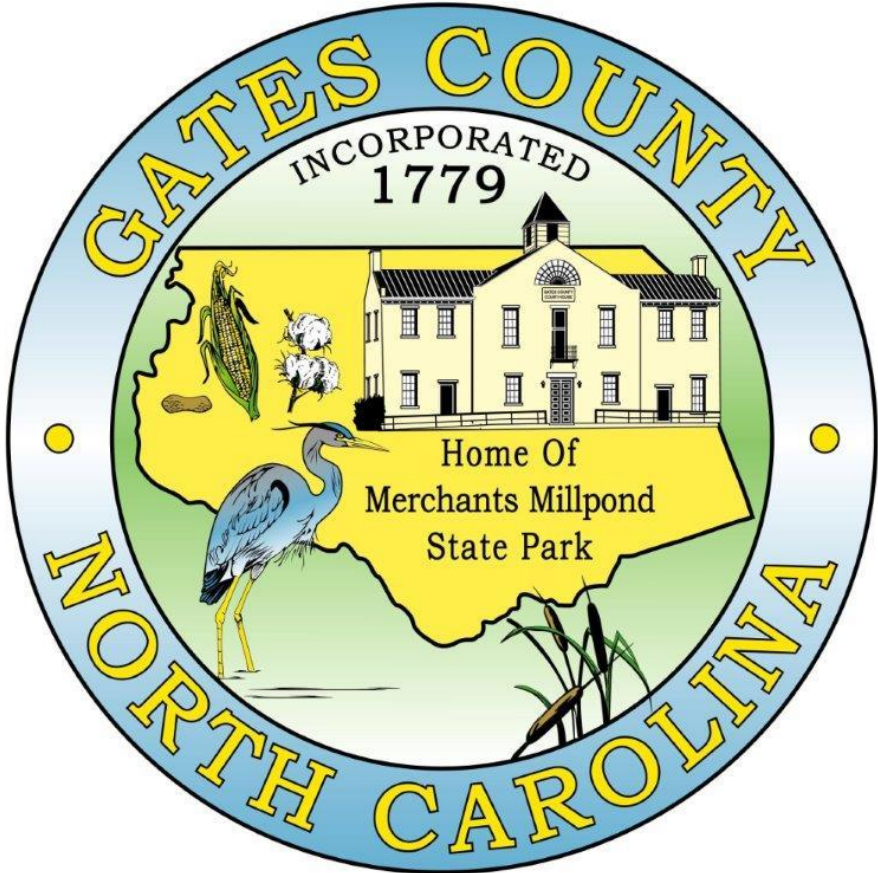


ZONING ORDINANCE

Duly adopted by the Gates County Board of
Commissioners on March 5, 2007
Last Updated November 2016

Gates County
North Carolina



ZONING ORDINANCE
OF THE
COUNTY OF GATES, NORTH CAROLINA

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ARTICLE 1: TITLE, ENACTMENT, AND PURPOSE

SECTION 1.01 - TITLE, ENACTMENT AND PREAMBLE

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY THE NORTH CAROLINA GENERAL STATUTES, ARTICLE 18, CHAPTER 153A-340, FOR THE PURPOSES OF PROMOTING THE PUBLIC HEALTH, SAFETY, MORALS AND GENERAL WELFARE; TO PROVIDE FOR THE ESTABLISHMENT OF ZONING DISTRICTS WITHIN GATES COUNTY, TO REGULATE WITHIN THOSE DISTRICTS THE LOCATION, HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE REQUIRED OPEN SPACE, THE DENSITY OF POPULATION, AND THE USES OF LAND, BUILDINGS, AND OTHER STRUCTURES; TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE; TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF; AND TO SUPERSEDE ANY ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, the Gates County Board of Commissioners (Board of Commissioners) deem it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the County to enact such an Ordinance; and

WHEREAS, the Board of Commissioners have created a Gates County Planning Board (Planning Board) to prepare a proposed zoning ordinance, including both the full text of such ordinance and zoning maps showing proposed district boundaries; and

WHEREAS, The Planning Board has divided the County into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and appropriate land use studies, and designed to lessen congestion, to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and

WHEREAS, the Planning Board has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land through those areas of the County under the jurisdiction of this Ordinance; and

WHEREAS, the Planning Board has certified its proposed zoning ordinance to the Board of Commissioners; and

WHEREAS, the Board of Commissioners have given due public notice of hearings relating to adopting the zoning ordinance in accordance with the requirements of this ordinance and Article 18, Chapter 153A-323 and 343 of the North Carolina General Statutes, and have held such public hearings; and

WHEREAS, all requirements of the General Statutes of North Carolina, with regard to the preparation of the proposed ordinance by the Planning Board in accordance with a comprehensive land use plan, and subsequent action of the Board of Commissioners have been met;

NOW THEREFORE, the Board of Commissioners of the County of Gates, North Carolina, does hereby ordain and enact into law throughout the areas designated on the Official Zoning Map of the County of Gates the following Articles and Sections, this the 5th day of March, 2007.

SECTION 1.02 - SHORT TITLE

This Ordinance shall be known as the **Zoning Ordinance of Gates County, North Carolina**. The zoning map herein referred to, identified by the title **Official Zoning Map of Gates County, North Carolina** shall be known as the **Official Zoning Map**.

SECTION 1.03 - PURPOSE

In accordance with the provisions of Chapter 153A, Article 18, of the General Statutes of North Carolina, and for the purposes more fully set out in that chapter, the Board of Commissioners of the County of Gates, North Carolina, adopts this Ordinance to provide for the orderly growth and development of Gates County.

ARTICLE 2: ESTABLISHMENT OF ZONING DISTRICTS AND PROVISION FOR ZONING MAP**SECTION 2.01 - OFFICIAL ZONING MAP**

For the purpose of this Ordinance, the Gates County zoning jurisdiction is hereby divided into zones or districts as shown on the Official Zoning Map of Gates County, North Carolina, which, together with all explanatory matter thereon is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Commissioners and attested by the County Clerk and bear the seal of the County under the following words:

"This is to certify that this is the Official Zoning Map referred to in Article 2 of the Zoning Ordinance of Gates County, North Carolina together with the date of adoption of this Ordinance."

The Official Zoning Map, which shall be located in the office of Gates County Planning and Development Services and recorded in the Gates County Register of Deeds Office, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the zoning jurisdiction of Gates County.

SECTION 2.02 - ZONING MAP CHANGES

If, in accordance with Article 14 of this Ordinance, changes are made in the zoning district boundaries or other matter shown on the Official Zoning Map, such changes shall be made with an entry on the Official Zoning Map briefly describing the change and the date of the change.

No amendment to this Ordinance which involves a matter portrayed on the Official Zoning Map(s) shall become effective until after such change and entry have been made on the Official Zoning Map. The Board of Commissioners shall give official notice of the zoning change to the Zoning Administrator within one work day, after passage of said change.

SECTION 2.03 - REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret, the Board of Commissioners, may, by ordinance, adopt a new Official Zoning Map which shall be the same in every detail as the map it supersedes. The new Official Zoning Map shall bear the signatures of the Chairman of the Board of Commissioners and the County Clerk and shall bear the seal of the County under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on (date of adoption of map replaced) -- together with the date of the adoption of the new zoning map."

SECTION 2.04 - RESPONSIBILITY FOR MAINTENANCE OF THE OFFICIAL ZONING MAP

The Zoning Administrator shall be responsible for the maintenance of and revision of the Official Zoning Map. Upon notification by the Board of Commissioners that a zoning change has been made, the Zoning Administrator shall make the necessary changes on the Official Zoning Map within one work day following notification.

SECTION 2.05 - RULES FOR INTERPRETATION OF ZONING DISTRICT BOUNDARIES

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

1. Boundaries indicated as approximately following the centerline of streets, highways, alleys, or railroads shall be construed to follow such centerline;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerline;
4. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 3 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map;
5. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in circumstances not covered by Subsections 1 through 4 above, the Board of Adjustment shall interpret the district boundaries;
6. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board of Adjustment may permit, as conditional use, the extension of the regulations for either portion of the lot, not to exceed one hundred fifty (150) feet from the district boundary line. In addition, the remaining parcel shall not be less than the minimum required for the district in which it is located.

ARTICLE 3: EXEMPTIONS

SECTION 3.01 - BONA FIDE FARM OPERATIONS EXEMPT

This Ordinance shall in no way regulate, restrict, or prohibit a bona fide farm and its related uses, but any use of such property for non-farm purposes shall be subject to such regulations.

ARTICLE 4 DEFINITIONS OF TERMS

SECTION 4.01 - GENERAL INTERPRETATION

For the purpose of interpreting this Ordinance, certain words and terms used are defined in this section. Except as defined in this section all other words used in this Ordinance shall have their standard dictionary definition. For general interpretation the following shall apply in all uses and cases in this Ordinance:

1. The present tense includes the future tense, and the future tense includes the present tense.
2. The singular number includes the plural number and the plural number includes the singular number.
3. The word "may" is permissive, and the "shall" is mandatory.
4. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
5. The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied."

SECTION 4.02 - WORD AND TERM DEFINITIONS

1. Accessory Use of Structure: A use or structure on the same lot with, but of a nature customarily incidental and subordinate to, the principal use or structure.
2. Adult Day Care Facility: An Adult Day Care Facility is a center or place operated by a person, corporation, organization or association which receives a payment, fee or grant for the care of more than five (5), but not more than fifty (50), adults eighteen (18) years of age or more for more than four (4) hours per day, but not to exceed twenty-four (24) hours at one time. Services must be provided in a home or facility certified to meet State standards and shall be provided for the following individuals:
 - a. Adults who do not need nursing care but who require complete, full-time daytime supervision;
 - b. Adults who need assistance with activities of daily living in order to maintain themselves in their own homes; and
 - c. Adults who need intervention in the form of enrichment and opportunities for social activities in order to prevent deterioration that would lead to institutionalization.

3. Airport: A tract of land or water with facilities for aircraft landing, take-off, shelter, supply and repair. Often used for receiving and discharging passengers and cargo.
4. Alley: A roadway easement which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.
5. Alter: To make any structural changes in the supporting or load-bearing members of a building, such as walls, columns, beams, girders, or floor joints.
6. Apartment: A room or suite of one or more rooms, each of which have kitchen facilities, and are designed or intended to be used, as an independent unit, on a rental basis.
7. Areas of Environmental Concern (AEC): Areas specifically defined in subchapter 7-H of Chapter 15 of the North Carolina Administrative Code. These defined areas which may be located within the jurisdiction of Gates County include: Coastal Wetlands; Estuarine Waters; Estuarine Shorelines, and Public Trust Areas. If an AEC is involved in any permitted activity covered by this ordinance, then additional permits may be required by the State of North Carolina; the four major AEC are further briefly defined as follows: (See Article 12, Section 12.05).
 - a) Coastal Wetlands: Any salt marsh or other marsh subject to regular or occasional flooding by tides.
 - b) Estuarine Waters: All waters of the Atlantic Ocean, and associated bays, sounds, rivers and tributaries, within the boundaries of North Carolina.
 - c) Estuarine Shoreline: Non-ocean shorelines especially vulnerable to erosion, flooding, or other adverse effects of wind or water, and which are connected to the estuary.
 - d) Public Trust Areas: All public navigable waters, and lands there under subject to measurable lunar tides.
8. Assembly: A joining together of completely fabricated parts to create a finished product.
9. Assisted Living Facility: A facility licensed pursuant to G.S. Ch 131D and as defined by the North Carolina General Assembly to mean any group housing and services program for two or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more licensed home care or hospice agencies. The Department of Human Resources may allow nursing services exceptions on a case – by – case basis. Settings in which services are delivered may include self – contained apartment units or single or shared room units with private or area baths. North Carolina recognizes three types of assisted living residences: adult care homes, group homes for developmentally disabled adults, and multi – unit assisted housing with services.
10. Bed and Breakfast Inn: A form of guest lodging in which bedrooms are rented and breakfast is served, where such accommodations are provided only in buildings used principally as private residences or in accessory structures.
11. Board of Adjustment: A quasi-judicial body composed of representatives from the zoning jurisdiction area which are given certain powers under and relative to this Ordinance.

12. Buffer: A screening device used to moderate the adverse impacts of one land use upon another. Buffers may include walls, hedges, landscaped areas, berms, additional setbacks, or combination of the above. See Section 8.02-4.
13. Building: A structure having a roof supported by column or walls, for the shelter, housing or enclosure of persons, animals or goods.
14. Building, Commercial: Any building used for business purposes.
15. Building, Detached: A building having no party or common wall with another building except an accessory building.
16. Building, Height of: The vertical distance from the average sidewalk or street grade, or finished grade of the building line, whichever is the highest, to the highest point of the building.
17. Building, Principal: A building in which the principle use of the lot on which the building is situated is conducted.
18. Certificate of Occupancy/Compliance: A statement signed by an administrative officer authorized by the Gates County Board of Commissioners, setting forth that the building, structure, or use complies with the Zoning Ordinance, and that the same may be used for the purpose stated herein.
19. Child Day Care Center: A place operated by a person, corporation, organization or association which receives a payment, fee or grant for the care of children; inclusive of kindergarten, a facility for the care and/or education of pre-school children.
20. Club or Lodge, Private: An establishment operated by a corporation or association of persons for recreational or charitable purposes, but which is not operated for profit or to render a service which is customarily conducted as a business.
21. Contractor, General: One who is engaged in all or most aspects of building construction and/or land development through a legally binding agreement.
22. Contractor, Trades: One who accomplishes work or provides facilities under contract with another specifically engages in a special trade such as plumbing, heating, wiring, sheet metal, roofing work, etc.
23. Drive-In (eating or drinking facility): An establishment that provides employee curb service or accommodations through special equipment or facilities for the ordering of food or beverage from a vehicle.
24. Dry Stack Boat Storage: A dry stack boat storage facility associated with commercial marinas.
25. Duplex (Two-Family Dwelling): A building on one lot arranged and designed to be occupied by two families living independently of each other.
26. Dwelling, Single Family: A detached residential dwelling unit, other than a manufactured or mobile home, designed for and occupied by one family only.

27. Dwelling, Single Family (attached): An addition to a single family dwelling for the housing and caring for an immediate family member (mother, father, son, daughter, brother, sister, grandparent, grandchild, nephew or niece) is allowable so long as the same is in compliance with the Gates County Health Department regulations. The addition shall be attached to the principal building and include a doorway which provides access to the addition from within the principal building. The addition shall not consist of a manufactured home, manufactured home, class A, or mobile home as defined within this ordinance.
28. Dwelling, Multiple: A building used for or designed as a residence for more than two families living independently of each other.
29. Dwelling Units: A resident structure or that portion of a residential structure used or designed as a residence for one family.
30. Erect: Build, construct, rebuild, reconstruct as the same are commonly defined.
31. Fabrication: Manufacturing, excluding the refining or other initial processing of basic raw materials such as metal ores, lumber, or rubber. Fabrication relates to stamping, cutting or otherwise shaping the processed materials into useful objects.
32. Family: One or more persons related by blood, adoption or marriage, or a group of not more than five persons not related by blood, adoption or marriage living together as a single housekeeping group in a dwelling unit.
33. Farm: A bona fide farm is defined as a tract of land containing at least three (3) acres which are used for the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and other agricultural products having a domestic or foreign market.
34. Field Office/Storage Unit, Temporary: A building or portion of a building used for the coordination and/or storage for a construction project by the general or subcontractor. Such a temporary field office/storage unit shall be located within the confines of a project site on which the construction is taking place.
35. Frontage: All property abutting on one side of a street measured along the street line.
36. Garage, Private: A building or space used as an accessory to or a part of the main building permitted in any residential district that provides storage space for motor vehicles and in which no business, occupation or service for profit is in any way conducted.
37. Home Care Unit: A facility meeting all the requirements of the State of North Carolina for boarding and care of not more than five persons who are not critically ill and do not need professional medical attention, to include homes for the aged.
38. Home Occupation (rural): Certain occupations customarily conducted for profit within a dwelling and carried on by the occupant thereof, which use is clearly subordinate to the use of the dwelling for residential purposes - limitations are prescribed in this Ordinance to insure against the growth of a home occupation into a commercial enterprise.
39. Improvements: The addition of any building, accessory building, parking area, loading area, fence, wall, hedge, lawn or mass planting (except to prevent soil erosion) to a lot or parcel

of property.

40. Junk: Pre-used or unusable metallic parts or other non-metallic manufactured products that are worn, deteriorated or obsolete making them unusable in their existing condition, but are subject to be dismantled and salvaged.

41. Junk Yard: A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking, structural steel materials and equipment, but not including the purchase or storage of used furniture, used cars in operable condition, used or salvaged materials as part of manufacturing operations.

42. Junked or Wrecked Motor Vehicles: Motor vehicles which do not display a current license plate or a current registration sticker and which do not display a current inspection sticker issued by or in the same state as the license plate or registration sticker and which either:

- a) are partially dismantled or wrecked; or
- b) are more than 5 years old and have a value less than \$100; or
- c) cannot be self-propelled or moved in the manner in which originally intended.

43. Kenel: A place or facility prepared to house, board (for a long or short term period), breed, handle, train or otherwise keep or care for dogs and cats of customers, patrons or others, including lost or strayed animals for compensation or as a humanitarian gesture. Facilities which solely provide dental, medical or surgical care are exempt from this definition.

44. Kenel Run, Outside: A fenced area outdoors for individual animals to get exercise.

45. Lot: A portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development and which is recorded as such in the Gates County Register of Deeds office.

46. Lot, Area Of: The parcel of land enclosed within the boundaries formed by the property lines.

47. Lot, Corner: A lot abutting upon two streets or roads (including platted but unopened streets or roads) thus having two (2) front lines.

48. Lot Depth: The depth of a lot, for the purpose of this Ordinance, is the distance measured in the mean direction of the sidelines of the lot from the mid-point of the front line to the mid-point of the opposite lot line.

49. Lot Line: Any boundary of a parcel of land.

50. Lot Line, Front: Any boundary line of a lot running along a street right-of-way line. If a lot abuts more than one street right-of-way line the front lot line shall be determined at final subdivision plat approval or by the placement of the structure provided appropriate setback requirements are met.

51. Lot Line, Rear: The lot line opposite the front lot line.

52. Lot Line, Side: Any lot line which is not a front or rear lot line.
53. Lot of Record: A lot, or plat or a map which has been recorded in the Office of Gates County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the Gates County Register of Deeds Office.
54. Lot Width: The distance between the side lot lines as measured along the front building lines as specified by the applicable front yard setback in this ordinance.
55. Marina, Commercial: Any dock or basin and associated structures providing permanent or temporary commercial harboring more than 10 commercial and/or pleasure boats and providing services related to the facility including, but not limited to, fuel sales, retail and food sales, dry stack boat storage, and other related services. Pump out facilities are required at commercial marinas.
56. Marina, Residential: A private, non-profit boating facility including, permanent or temporary docks, piers and/or launching ramp planned for the harboring or storing of ten or less boats on property having water frontage, the use of which is intended to serve the residents within an approved subdivision or planned unit development. The right to use such facility shall be conferred by an easement appurtenant to the residential lots it is intended to serve. No commercial activities of any kind shall be allowed within the confines of the facility, including, but not limited to, dry stack boat storage, fuel sales, slip rentals and the like. Pump-out facilities shall be required.
57. Manufactured Home: Manufactured home shall mean a single family dwelling composed of one single section (singlewide) fabricated in an offsite manufacturing facility for installing on the building site bearing a seal certifying that it was built in compliance with the Federal Manufactured Housing and Construction Safety Standards. In addition the Manufactured Home shall meet the following criteria:
- a. Permitted Homes
 1. Manufactured homes presently located within Gates County may be moved from one location to another within Gates County provided it is moved to a properly classified zoning district for the purpose of permanent set-up. To qualify for relocation, the manufactured home must be listed in the Gates County Tax Office as "real property" and a tax/moving permit obtained from the Gates County Tax Office.
 2. Manufactured homes that have an attached HUD label may be brought into Gates County for the purpose of permanent set-up. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.
 - b. Skirting Requirements

The perimeter of the manufactured home, Class A shall, upon installation, have a

continuous, vinyl or permanent masonry curtain wall that is not pierced except for required ventilation and access. The curtain wall shall be installed prior to receiving a Certificate of Occupancy/Compliance.

c. Landing

All exterior doors must be accessed directly by a minimum 4'x4' landing.

58. Manufactured Home, Class A: A single family manufactured home consisting of multiple sections (doublewide) fabricated in an offsite manufacturing facility for installing and assembling on the building site bearing a seal certifying that it was built in compliance with the Federal Manufactured Housing and Construction Safety Standards. In addition the Manufactured Home, Class A shall meet the following criteria:

a. Permitted Homes

1. Manufactured Homes, Class A presently located within Gates County may be moved from one location to another within Gates County provided it is moved to a properly classified zoning district for the purpose of permanent set-up. To qualify for relocation, the manufactured home, class A, must be listed in the Gates County Tax Office as "real property" and a tax/moving permit obtained from the Gates County Tax Office.

2. Manufactured Homes, Class A that have an attached HUD label may be brought into Gates County for the purpose of permanent set-up.

a. Exterior Appearance Requirements

The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.

b. Skirting Requirements

The perimeter of the manufactured home, Class A, shall, upon installation, have a continuous, permanent masonry curtain wall that is not pierced except for required ventilation and access. The masonry curtain wall shall be installed prior to receiving a Certificate of Occupancy/Compliance.

c. Landing

All exterior doors must be accessed directly by a minimum 4'x4' landing.

59. Manufactured Commercial Unit: A manufactured building designed to be used as a commercial structure which has been constructed and labeled indicating compliance with the North Carolina State Building Code and shall meet the following additional requirements:

a. A continuous, permanent masonry curtain wall that is not pierced except for required ventilation and access, is installed under the unit after placement on the lot and before occupancy; and

b. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

c. Landing

All exterior doors must be accessed directly by a minimum 4'x4' landing.

60. Mobile Home: Mobile home shall mean a transportable structure designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Standards Act of 1974, which became effective June 15, 1976. In addition the Mobile Home shall meet the following additional criteria:

a. Permitted Homes

Mobile homes presently located within Gates County may be moved from one location to another within Gates County provided it is moved to a properly classified zoning district for the purpose of permanent set-up. To qualify for relocation, the mobile home must be listed in the Gates County Tax Office and a tax/moving permit obtained from the Gates County Tax Office.

b. Skirting Requirements

The perimeter of the manufactured home shall, upon installation, have a continuous, permanent masonry curtain wall that is not pierced except for required ventilation and access. The masonry curtain wall shall be installed prior to receiving a Certificate of Occupancy/Compliance.

c. Landing

All exterior doors must be accessed directly by a minimum 4'x4' landing.

61. Modular Home: A residential dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components (or modules) substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two (2) sections transported to the site in a manner similar to a mobile or manufactured home (except that the modular home meets the North Carolina State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site. In addition the Modular Home shall meet the following criteria:

a. Skirting Requirements

Should the modular home be designed and constructed at the factory so as not to require a permanent foundation, it will be required upon installation on the site to have a continuous, vinyl or permanent masonry curtain wall that is not pierced except for required ventilation and access. The curtain wall shall be installed prior to receiving a Certificate of Occupancy/Compliance.

b. Landing

All exterior doors must be accessed directly by a minimum 4'x4' landing.

62. Nonconforming Use: A use of building or land that does not conform with the regulations of the district in which such building or land is situated but was lawful before adoption of this Ordinance.

63. Nursing Home: A convalescent facility having over five beds meeting all of the requirements of the State of North Carolina for the boarding and care of persons who cannot care for themselves.

64. Nursing and Personal Care Facility: A facility licensed by the appropriate state agency, as a facility for unrelated individuals, excluding supervisory personnel, who are handicapped,

aged or disabled and are undergoing rehabilitation, or extended care, and are provided services to meet their specific needs. This category includes group homes for all ages, halfway houses, foster and boarding homes.

65. Organizations, Fraternal or Social: An establishment operated by a corporation or association of persons for social, fraternal or charitable purposes, but which is not operated for profit or to render a service which is customarily conducted as a business.

66. Permanent Residence: A permanent residence is an address where a person or persons resides for a period exceeding 180 days, not necessarily consecutive, out of any one calendar year.

67. Permitted Structure: A structure meeting all the requirements of this Ordinance for the zone district in which it is located.

68. Permitted Use: A use meeting all the requirements of this Ordinance for the zone district in which it is located.

69. Processing: Any operation changing the nature of material or material's chemical composition or physical properties. Does not include operations described as fabrication.

70. Residential Care Facility: A home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six resident handicapped persons.

71. Residential Support Center: A facility owned or operated by a nonprofit organization intended to be used solely for temporary occupancy by outpatients being treated at a local hospital and family members of patients being treated at a local hospital, with occupancy not to exceed twenty (20) families per acre.

72. Retail: Sale of a commodity to the ultimate consumer and not customarily subject to sale again.

73. Sales Office, Temporary – A building constructed on-site in accordance with the North Carolina State Building Code or a manufactured commercial unit (see definition for “manufactured commercial unit”) and used for the purpose of a temporary sales office solely in connection with the development where such development is located.

74. Salvage Operation: The reclamation, dismantling or storage of pre-used commodities, junk and similar material for the purpose of resale, processing and distribution or deposition.

75. Septage: Shall mean a waste that is a fluid mixture of partially treated sewage solids, liquids and sludge of human or domestic waste origin, pumped from septic tanks, residential grease traps, or privies. Septage shall be considered that waste which has not been treated by a process to significantly reduce pathogens.

76. Service Station: A building or lot where gasoline, oil, grease and automotive accessories are supplied and dispensed to the motor vehicle trade.

77. Setback Line: A line located a minimum horizontal distance from the right-of-way line of any street or road, parallel thereto, between which and the right-of-way line no structure (to include steps, eaves, gutters, and similar fixtures) shall be erected, altered, or maintained except as otherwise provided herein.

Setback lines are also located a minimum horizontal distance from lot boundary lines parallel thereto, between which and the lot boundary line no structure (to include steps, eaves, gutters, and similar fixtures) shall be erected, altered, or maintained except as otherwise provided herein.

78. Sexually Oriented Business: A business which offers its customers or patrons any device, activity or demonstration depicting specified sexual activities, or which is intended to appeal to sexual interests, titillation or arousal of the customer or patron. A sexually oriented business shall include an adult establishment as defined in NCGS 14-202.10(2) and, in addition, without limitation: an adult arcade, adult bookstore or video store, adult cabaret, adult massage parlor, adult motion picture theater, adult theater, nude model studio, sexual encounter studio, or any combination of the foregoing. Any business that is not explicitly listed and defined below is not to be considered for a special use permit by the Board of Adjustment. As used in this ordinance, the following definitions shall apply:

- a. Adult Arcade(also known as ‘peepshow’): Any place to which the public is permitted or invited, wherein coin-operated or token-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed depict or describe specified sexual activities and/or specified anatomical areas. Booths or viewing rooms shall not be completely enclosed to prevent management from viewing clientele.
- b. Adult Bookstore or Adult Video Store: A commercial establishment which:
 1. Receives the majority of its gross income during any calendar month from the sale or rental of any one or more of the following or has a preponderance of its inventory consisting of:
 - i) Books, magazines periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or describe specified sexual activities and/or specified anatomical areas; or
 - ii) Video games or computer programs that depict any sexual activity in a digital or other similar imaging media format; or
 - iii) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

- c. Adult Cabaret: A nightclub, bar restaurant, or other commercial establishment that regularly features, exhibits, or displays as one of its business purposes:
1. Persons who appear nude or semi-nude; or
 2. Live performances which are characterized by the exposure of specified anatomical areas and/or specified sexual activities; or
 3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which depict or describe specified sexual activities and/or specified anatomical areas; or
 4. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
- d. Adult Massage Parlor: A commercial establishment where, for any form of consideration, massage, alcohol rub, fomentation, electrical or magnetic treatment, or similar treatment or manipulation of the human body is administered. This definition does not include the practice of a North Carolina licensed professional nor an athletic club, physical fitness center, school, gymnasium, reducing salon, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
- e. Adult Motion Picture Theater: Commercial establishments where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions that depict or describe specified sexual activities or specified anatomical areas are regularly shown as one of its principal business purposes.
- f. Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment which regularly features exhibits or displays as one of its principal business purposes, persons who appear in a state of nudity or semi-nude, or live performances that expose or depict specified anatomical areas and/or specified sexual activities.
- g. Nude Model Studio: Any place that allows, permits, or makes available a person who appears nude, semi-nude, or who displays specified anatomical areas for the purpose of being observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration. "Nude Model Studio" shall not include a proprietary school licensed by the State of North Carolina or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:
1. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
 2. Where in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
 3. Where no more than one nude or semi-nude model is on the premises at any one time.

- h. Nude or State of Nudity: The showing of human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.
- i. Semi-nude: The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.
- j. Sexual Encounter Center: A business or commercial enterprise that, as one of its business purposes, offers for any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- k. Specified Anatomical Areas: Includes any of the following:
1. Less than completely and opaquely covered:
 - i) Human genitals, pubic region
 - ii) Buttock, or
 - iii) Female breast below a point immediately above the top of the areola.
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- l. Specified Sexual Activities: Includes any of the following:
1. Human genitals in a state of sexual stimulation, arousal, or tumescence; or
 2. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
 3. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
 4. Masturbation, actual or simulated; or
 5. Masochism, erotic or sexually-oriented torture, beating or the infliction of pain; or
 6. Erotic or lewd touching, fondling, or other contact with an animal by a human being; or
 7. Human excretion, urination, menstruation, vaginal or anal irrigation.
79. Sign: Any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, design trade names or trademarks, by which anything is known such as the designation of an individual, firm, association, profession, business commodity or product which are visible from any public way and used to attract attention.
80. Sign, Area of: Sign area shall be computed by the smallest square, triangle, rectangle, circle or combination thereof which encompass the entire sign including lattice work, wall work, frame or supports incidental to its decoration. In computing the area, only one side of a

double-faced sign structure shall be considered.

81. Sign, Outdoor Advertising: Any sign which advertises an establishment, service commodity, good or entertainment sold or offered on premises other than that on which such sign is located.

82. Sign, Temporary: A sign that is not bolted to or otherwise affixed to the ground or a permanent structure in some other substantially permanent way and is not built to state building codes and has not been erected pursuant to a valid building permit.

83. Sludge: Shall mean any solid, semi-solid, or liquid waste generated from a residential, commercial, municipal, or industrial wastewater treatment plant or water supply treatment plants not considered to be hazardous by US Environmental Protection Agency (EPA) or the NC Department of Environment and Natural Resources. Solid and Hazardous Waste Branch. Sludge shall be considered that waste which has been treated by a process to significantly reduce pathogens.

84. Special Use: A use that would not be generally appropriate without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the health, safety, morals, general welfare, order, comfort, conveniences, appearance, or prosperity. Such uses may be permitted in such zoning district as a special use if specific provision for such special use is made in this zoning ordinance.

85. Stables, Commercial: Any structure used for commercial purposes relating to the raising, breeding, or boarding of horses or livestock.

86. Storage: A depository for commodities or items for the purposes of future use or safekeeping when such a depository is not a building or structure, the items or commodities shall be considered outside storage.

87. Street: A public thoroughfare which affords access to abutting property and is recorded as such in the office of Gates County Register of Deeds.

a. Street, Frontage Road: A street that is parallel to a fully or partially access controlled street which functions to provide controlled access to adjacent land.

b. Street, Minor: A street whose primary function is to provide access to abutting properties and is designed to discouraged use by through traffic.

88. Structure: Anything constructed or erected, including but not limited to buildings, which requires location on, above, or below the surface of the land or attachment to something having permanent location on the land.

89. Subdivision: All divisions of a tract or parcel of land (in addition to the undivided remaining portion of the original undivided tract) into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets;

however, the following is not included within this definition and is not subject to any regulations enacted pursuant to this part:

1. The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations:
 2. The division of land into parcels greater than ten acres if no street right-of-way dedication is involved;
 3. The public acquisition by purchase of strips of land for widening or opening streets;
 4. The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision regulations.
 5. The division of property belonging to the heirs of a single individual when such property is divided only for the settlement of the estate, and not for sale as building sites.
 6. Cemeteries.
 7. The division of a single tract in single ownership that is for the sole purpose of a bona-fide farm or agricultural use may be exempt from the subdivision review process if the resultant lots are equal to or exceed the standards of the County as required by this Ordinance. Plats for these divisions shall be labeled, "For Agricultural Use Only."
90. Subdivision, Major: Any subdivision other than that which meets the definition of minor subdivision, i.e. subdivisions with three (3) or more lots.
91. Subdivision, Minor: A subdivision of land that:
1. Involves no more than two (2) lots each of which front on an existing road; and
 2. Includes contiguous land under single ownership; and
 3. Does not involve any new streets or alteration of an existing street, or interfere with prospective access to interior property; and
 4. Does not require the extension of public sewage or water lines; and
 5. Does not require the creation of new drainage easements through lots in order to serve other property; and
 6. Creates no new or residual parcels that do not conform to the requirements of the Subdivision ordinance; and
 7. Does not constitute an enlargement or extension of a previously approved minor subdivision above two (2) lots maximum. The third lot would constitute a major subdivision.
92. Thoroughfare, Major: For the purposes of this Ordinance the term major thoroughfare shall mean the rights-of-way of highways 13, 158, 37, 32, and 137.
93. Trailer, Overnight Camping: For purposes of this Ordinance, the following shall be considered an overnight camping trailer:
- a. Travel Trailer: A vehicular, portable structure built on a chassis (other than a mobile home), designed primarily not for use as a permanent dwelling, but as temporary

living quarters for recreational, camping, travel, or seasonal use.

- b. **Pick-up Coach:** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
- c. **Motor Home:** A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- d. **Camping Trailer:** A canvas, temporary, folding structure, mounted on wheels and designed for travel, recreation and vacation use.

Such structures shall be considered travel trailers regardless of other titles that may also be applicable such as camper, mini, mobile homes, etc.

94. **Use:** The purpose for which land or structures thereon are designed, arranged or intended to be occupied or used; or for which it is occupied, maintained, rented, or leased.

95. **Use, Accessory:** A use incidental to and customarily associated with the Use By Right and located on the same lot with the Use By Right, and operated and maintained under the same ownership with the operation of the Use By Right.

96. **Use By Right:** A use which is listed as an unconditionally permitted activity in this Ordinance.

97. **Use Situation, Nonconforming:** A use of building or land that does not conform with the regulation of the district in which the building or land is situated.

98. **Use, Non-Farm:** Any use of property which is not encompassed by the definition of a farm as so defined in this Ordinance.

99. **Use, Special:** A use permitted in a zone only after specific findings by the Planning Board or Gates County Board of Commissioners.

100. **Variance:** A modification or alteration of any of the requirements of this Ordinance.

101. **Veterinary Clinic:** A place or facility which provides dental, medical or surgical care for dogs, cats and other domesticated animals. Kennels are not included within this definition.

102. **Warehouse:** A building or compartment in a building used and appropriated by the occupant for the deposit and safekeeping or selling of his own goods at wholesale, and/or for the purpose of storing the goods of others placed there in the regular course of commercial dealing and trade to be again removed or reshipped.

103. **Wholesale:** Sale of a commodity for resale to the public for direct consumption.

104. **Yard:** Any open space on the same lot with the building and unoccupied from the ground upward except by trees, shrubbery, or fences.

105. **Yard, Front:** A yard across the full width of the lot, extending from the front line of the building to the front lot line.

- 106. Yard, Rear: A yard located behind the rear line of the main building, if extended, to the perimeter of the lot.
- 107. Yard, Side: A yard between the building and side lot line, extending from the front building line to the rear building line.
- 108. Zoning Certificate: A certificate by the Gates County Board of Commissioners or its authorized agents that a course of action to use or occupy a tract of land or a building; or to erect, install or alter a structure, building or sign situated in the jurisdictional area of the zoning ordinance fully meets the requirements of this Ordinance.

ARTICLE 5 ESTABLISHMENT OF ZONING DISTRICTS

SECTION 5.01 - DISTRICTS ESTABLISHED

For the purpose of this Ordinance, the areas included within the boundaries of the Gates County zoning jurisdiction (Section 2.01), are divided into the following classes of zones:

R-1	Residential District
RMH-1	Residential Manufactured Home District
C-1	Commercial District
I-1	Industrial District
A-1	Agricultural District
O&I	Office and Institutional District
RMF	Multi-Family District

SECTION 5.02 - R-1, RESIDENTIAL DISTRICT

This district is defined as low-density residential areas and additional open areas where similar residential development will be a viable land use. The minimum lot size is one (1) acre. The uses permitted in this district are designed to stabilize and protect the essential character of the area and prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations. Single-family site built homes and modular homes are permitted. Mobile homes, manufactured homes, and manufactured homes Class A are not permitted.

SECTION 5.03 - RMH-1, RESIDENTIAL MANUFACTURED HOME DISTRICT

This district is defined as low-density residential areas and additional open areas where similar residential development will be a viable land use. The minimum lot size is one (1) acre. The uses permitted in this district are designed to stabilize and protect the essential character of the area and prohibit all activities of a commercial nature except when certain home occupations controlled by specific limitations. Mobile homes and manufactured homes on individual lots are permitted. (See Articles 6 through 8 for permitted uses and additional area and yard requirements.)

SECTION 5.04 - C-1, COMMERCIAL DISTRICT

This district is defined as certain areas that are designed to serve both non-residents and residents using the major state and county roads that run through the county. This district is designed to accommodate retail or service establishments customarily patronized by transient traffic as well as non-transient traffic. (See Articles 6 through 8 for permitted uses and area and yard requirements.)

SECTION 5.05 – I-1, INDUSTRIAL DISTRICT

This district is defined as an area where manufacturing establishments may be developed. This may include limited retail outlets for products produced on the premises. The purpose of this district is to permit normal operations of almost all industries except those that would be detrimental to adjoining properties. Excluded from this district are those industries which deal primarily in hazardous products such as explosives. (See Articles 6 through 8 for permitted uses and area and yard requirements.)

SECTION 5.06 - A-1, AGRICULTURAL DISTRICT

This district is defined as large, open land areas. The regulations of this district are designed to retain the open characteristics of the land. For that reason, the permitted uses are limited in number. Residential development shall be allowed only when division of a tract or parcel of land does not constitute a subdivision as defined in the Gates County Subdivision Regulations. (See Articles 6 through 8 for permitted uses and area and yard requirements.)

SECTION 5.07 - O&I, OFFICE AND INSTITUTIONAL DISTRICT

This district provides for the development of offices and community institutions which have similar development characteristics and require locations close to the more intensive commercial districts. (See Articles 6 through 8 for permitted uses and area and yard requirements.)

SECTION 5.08 - RMF, RESIDENTIAL MULTI-FAMILY DISTRICT

This district provides for multifamily residential uses, such as apartments, townhouses, or condominiums, and other limited private and public community uses. Subcategories in this district are RMF-2, RMF-8, RMF-36, and RMF-72. The number included in the abbreviation determines the upper limit of housing units per parcel. (See Articles 6 through 8 for permitted uses and area and yard requirements)

ARTICLE 6 APPLICATION OF GENERAL REGULATIONS

SECTION 6.01 - USE

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or structurally altered except in conformity with the uses and dimensional regulations of this Ordinance, or amendments thereto, for the district in which it is located.

SECTION 6.02 - ONLY ONE PRINCIPAL BUILDING, ONE PRINCIPAL USE ON LOT

1. Principal Building

- **Residential** – No more than one principal building shall be permitted on a lot. This requirement shall not apply to the multi-family zoning district.

- **Non-Residential** – More than one principal building may be located on a lot provided a minimum 20 foot width paved access road is maintained from a public street to each principal building for use by service or emergency vehicles. A 20 foot separation shall be maintained between each principal building.

2. There shall not be more than one principal use (e.g. commercial, industrial or residential) per building and lot. This requirement shall not apply to telecommunication/broadcast towers and ancillary structures or outdoor advertising signs where permitted.

SECTION 6.03 - MINIMUM YARDS

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

SECTION 6.04 - LOT SUBDIVISION

No lot shall hereafter be so reduced in area as to cause any open space required by this Ordinance to be less in any dimension than is herein required by the minimum yard requirement of the zone in which the lot in question is situated.

SECTION 6.05 - CERTIFICATE OF OCCUPANCY/COMPLIANCE

No final Certificate of Occupancy/Compliance will be issued until all required site improvements have been completed

**ARTICLE 7
DISTRICT REGULATIONS**

SECTION 7.01 - TABLE OF PERMITTED USES

Districts in which particular uses or similar uses are permitted as a Use By Right are indicated by "P". Districts in which particular or similar uses are permitted a Use By Right with certain conditions are indicated by "P" with a reference to a footnote to this Table.

Districts in which particular uses or similar uses are permitted as a Special Use upon approval of the Board of Adjustment are indicated by "S". See Table of Permitted Uses, for details of each Special Use.

Districts in which particular uses or similar uses are prohibited are indicated by a blank. Uses not indicated are prohibited.

Table of Permitted Uses	R-1	RMH-1	C-1	I-1	A-1	O&I	RMF
AGRICULTURE, FORESTRY & FISHING:							
Agricultural Uses	P	P	P	P	P	P	P
Seasonal Agricultural Housing					P*		
Veterinaries/PetGrooming/Kennels (see 7.02, note 5)			P	P	P	S	
Wholesale Nurseries & Greenhouses	S	S	P	P	P		
MINING:							
Mining & Quarrying (See Section 9.03-16)				S	S		
CONSTRUCTION:							
General Building Contractor			P	P	P	P*	
General Contractor Other Than Building			P	P	P	P*	
LandscapeContractors			P	P	P	P*	
Special Trade Contractors			P	P	P	P*	
MANUFACTURING (See Section 7.02, Note 4):							
Apparel & Other Finished Products			S	P			
Asphalt Plant				P			
BakeryProducts			S	P			
Beverages			S	P			
Cabinet & Woodworking Shop (See Section 9.03-5)			P	P	S		
Chemicals & Allied Products (See Section 7.02, Note 2)				P			
Concrete Plant				P			
Electric & Electronic Machines, Equipment & Supplies			S	P			
Fabricated Metal Products			S	P			

* Offices are permitted in O&I provided there is no storage.

*The facility shall only be used for any 180 day period in any calendar year. This does not mean continuous days but the total number of days between January 1 and December 31 in any year.

Table of Permitted Uses	R-1	RMH-1	C-1	I-1	A-1	O&I	RMF
Food & Kindred Products			S	P			
Furniture & Fixtures			S	P			
Instruments & Related Products			S	P			
Leather & Leather Products				P			
Leather & Wood Products			S	P	S		
Furniture and Fixtures With No Outside Storage			S	P			
Machinery Except Electrical			S	P			
Paper & Allied Products				P			
Petroleum & Related Products (See Note 7.02, Note 2)				P			
Primary Metal				P			
Printing & Publishing			P	P			
Retail Outlets (See Section 7.02, Note 6)				P			
Rubber & Miscellaneous ducts				P			
Slaughter House				P	S		
Stone, Clay, Glass & Concrete Products				P			
Textile Manufacturing				P			
Tobacco Manufacturing				P			
Transportation Equipment				P			
TRANSPORTATION, COMMUNICATION & UTILITIES:							
Air Transportation			S	P	P	S	
Medical Transport/Ambulance Service	S		P		S	P	
Bus & Taxi Terminals			P	P		P	
Marina, Commercial			P	P			
Marina, Residential (See Section 9.03-19)	S	S					S
Electric/Gas & Sanitary Services (See Section 7.02, Note 2)	P	P	P	P	P	P	P

Table of Permitted Uses	R-1	RMH-1	C-1	I-1	A-1	O&I	RMF
Electrical Sub-Stations (See Section 7.02, Note 8)	P	P	P	P	P	P	P
Junk Yards, Scrap Processing (See Section 9.03-15)				S			
Mini-Warehouses/Recreational Vehicle/Boat Storage			P	P			
Motor Freight Transportation Warehousing			S	P			
Post Offices			P			P	
Railroad Transportation				P			
Solar Farms				P	S		
Telephone & Telegraph Facilities Lighted (See Section 7.02, Note 9)			P	P	S	P	
Telephone & Telegraph Facilities Non-Lighted (See Section 7.02, Note 9)			P	P	P	P	
Telephone Subscriber Line Carrier (See Section 7.02, Note 8)	P	P	P	P	P	P	P
TV, Radio Broadcasting Lighted (See Section 7.02, Note 9)			P	P		P	
TV, Radio Broadcasting Non-lighted (See Section 7.02, Note 9)			P	P	P	P	
Water Transportation Facilities				P			
WHOLESALE TRADE:							
Livestock Sales				P	P		
Warehousing			P	P			
Wholesaling			P	P			

Table of Permitted Uses	R-1	RMH-1	C-1	I-1	A-1	O&I	RMF
RETAIL TRADE:							
Apparel & Accessory Store			P				
Automobile Service Station			P				
Automobile Dealers & Truck Sales			P				
Bars, Cabarets, Discos (See Section 9.03-3)			S				
Boat Dealers			P				
Building Materials & Garden Supplies			P				
Convenience Food Store (See Section 9.03-9)	S	S	P	P	P		S
Drug Store			P				
Farm Implement Sales			P	P	P		
Food Stores			P		P		
Fruit & Vegetable Stands Produced on Same Parcel as offered for sale	P	P	P		P		P
Furniture, Home Furnishings & Equipment			P				
General Merchandise Stores			P		S		
Handcrafting Small Articles			P		P		
Hardware			P				
Landscaping Services			P	P	P		
Miscellaneous Retail			P				
Mobile Home Dealers & Prefabricated Buildings			P	P	P		
Retail Nurseries			P		P		
Restaurant/Catering (See Section 9.03-21)			P		S		
Sexually Oriented Business (See Section 9.03-24)			S				
Shopping Centers			P				
FINANCING, INSURANCE & REAL ESTATE:							
Banks, Credit Agencies, Savings & Loans			P			P	

Table of Permitted Uses	R-1	RMH-1	C-1	I-1	A-1	O&I	RMF
SERVICES:							
Automobile/Boat Repair (See Section 7.02, Note 1) (See Section 9.03-2)			P		S		
Automobile Rentals			P				
Automobile Service Stations			P				
Bed and Breakfast Inn (See Section 9.03-4)	P		P		P		P
Business Services Including Printing			P			P	
Camping, Travel Trailer Parks (See Section 7.02, Note 7) (See Section 9.03-26)		S			S		
Drive-In Theatre			P				
Dry Cleaning/Laundry Plant			P				
Electrical Repair Shops			P	P			
Equipment Rental & Leasing			P	P	P		
Funeral Home			P				
Golf Courses	P	P			P		P
Hotels/Motels			P				
Indoor & Outdoor Recreation Establishments Commercially Operated			P				
Indoor Theatre			P				
Membership Sports & Recreation Clubs			P				
Parks & Recreation Areas	P	P	P	P	P	P	P
Outdoor Shooting Ranges (See Section 9.03-17)					S		
Personal Services			P				
Resort Hotel/Motel			P				
Stables, Commercial			P		P		

Table of Permitted Uses	R-1	RMH-1	C-1	I-1	A-1	O&I	RMF
Septic Tank Vacuum Service				P	S		
Watch, Clock, Jewelry Repair			P				
HEALTH:							
Adult Day Care (See Section 9.03-1)	S	S	S		S	P	S
Assisted Living Facility	S	S	S		S	P	S
Children's Day Care/ Community Center (See Section 9.03-7)	S	S	S	S	P	P	S
Dentist Office			P			P	
Doctor's Office			P			P	
Outpatient Clinics:							
Mental Health Facility			P			P	
Surgical Center			P			P	
Physical Therapy			P			P	
Urgent Care Center			P			P	
General Medical Outpatient			P			P	
Hospitals (See Section 9.03-14)			S		S	P	
Nursing & Personal Care Facilities (See Section 9.03-14)	S	S	S		S	P	S
Residential Care	S	S			S		
Residential Support Center (See Section 9.03-20)			P		S	P	
EDUCATION SERVICES:							
Colleges, Universities, Professional Schools & Technical Institutions (See Section 9.03-8)			P	S	S	P	
Elementary & Secondary Schools	P	P			P	P	
Libraries	P	P	P		P	P	
Museums			P		P	P	
MEMBERSHIP ORGANIZATIONS:							
Churches	P	P	P	P	P	P	
Church Schools and Day Care Facilities	S	S	S	S	S	S	
Labor Organizations			P	P		P	
Fraternal & Social Organizations (See Section 9.03-12)	S	S	P		S		S
Private Club or Lodge (See Section 9.03-18)	S	S	P		S		S

Table of Permitted Uses	R-1	RMH-1	C-1	I-1	A-1	O&I	RMF
OTHER:							
Accessory buildings or Uses clearly incidental to the permitted use or building (See Section 7.02, Note 1)	P	P	P	P	P	P	P
Cemeteries (See Section 9.03-6)	S	S			S	S	S
Circuses, Carnivals, Fairs & Side Shows of no more than 30 days during per year			P	P	P		
Duplexes (See Section 9.03-10)					S		P
Dwelling Unit Contained Within Another Principal Use (See Section 9.03-11)			P		S	S	
Fire Stations, Law Enforcement & Emergency Services	P	P	P	P	P	P	P
Government Offices & Buildings (See Section 9.03-13)			P	S		P	
Home Occupation (See Section 7.02, Note 3)	P	P			P		P
Jails operated by local government			S	S	S		
Mobile Home		P			S		
Manufactured Home (singlewide)		P			S		
Manufactured Home, Class A (doublewide)		P	S	S	S		
Manufactured Commercial Unit			P	P		P	
Manufactured Home Rental Community		P					
Modular Home	P	P	S	S	P	P	
Multiple Dwelling							P
Offices for Private Business & Professional Activities			P			P	
Outdoor Advertising (See Section 8.01, Note 6)			P	P	P		

Table of Permitted Uses	R-1	RMH-1	C-1	I-1	A-1	O&I	RMF
Recycling Collection Center	S	S	P	P	P	S	S
Research & Design Facilities (See Section 7.02-Note 11)			P	P		P	
Residential Private Pier	P	P			P		P
Sanitary Landfill (See Section 9.03-22)				S	S		
Septage Disposal (See Section 9.03-23)				S	S		
Single Family Dwelling	P	P	S	S	P	P	
Single Family Dwelling (attached)	P	P			P		
Sludge Disposal				S	S		
Subdivision, Major	P	P					P
Subdivision, Minor	P	P			P		P
Temporary Field Office/ Storage Unit (See Section 9.03-25)	S	S	P	P		P	P
Temporary Sales Office (See Section 7.02-Note 10)	P						
Temporary Sign	P	P	P	P	P	P	P
Waste Water Treatment Facilities				P	S		
Water Treatment Plant			P	P	P		

SECTION 7.02 - NOTES TO THE TABLE OF PERMITTED USES

NOTE 1. Accessory Buildings or Uses

- a. Mobile homes and manufactured homes shall not be permitted as an accessory building.
- b. Open Storage – In the C-1, Commercial District open storage as an accessory use shall be permitted provided it does not infringe on required parking space requirements. In the I-1, Industrial District open storage as an accessory use shall be permitted provided it is enclosed by a fence not less than six feet in height.
- c. Residential Occupancy – No permanent residential occupancy shall be allowed as an accessory use in C-1, Commercial District or I-1, Industrial District. An accessory use in any R-1 Residential District, RMH-1, Residential Manufactured Home District, A-1, or Agricultural District shall not include the residential occupancy of an accessory building.
- d. Steel containers previously used for the shipping of goods shall be permitted for use as an accessory building in the C-1, Commercial District and I-1, Industrial District provided that such a unit located on the same site for more than six months must be anchored.
- e. Swimming pools as an accessory use in R-1, Residential District, RMH-1, Residential Manufactured Home District, or A-1, Agricultural District shall be enclosed by protective fencing not less than five feet in height.

NOTE 2. Storage of Flammables

The storage of flammables shall not be permitted or considered a Use-By-Right except in the I-1, Industrial District and when such authorization for said use is given by the Gates County Fire Marshall relative to compliance of proposed storage facilities with State and Gates County fire regulations.

NOTE 3. Home Occupation

Home occupations are permitted only as an incidental use and are limited to the following:

- a. The office or studio of a physician, artist (not inclusive of a studio of a commercial photographer), general or trades contractor, musician, insurance agent, lawyer, real estate broker, teacher or other like professional person residing on the premises, provide no chattels or goods, wares or merchandise are commercially created, displayed, exchanged or sold;
- b. Workshops that do not employ individuals outside the immediate household;
- c. Customary home occupations such as millinery, dressmaking, laundering or pressing and tailoring conducted by a person residing on the premises;
- d. Rooming and/or boarding of not more than three persons; for which a rent is charged;
- e. Single operator beauty shop or barber shop;
- f. Bakeries; and

Provided furthermore the home occupations listed above shall be permitted subject to the following limitations:

- Principal residence – shall not exceed 25% of the total floor area of the residence or 500 square feet, whichever is greater;
- No display of products;

- No mechanical equipment shall be installed or used except such that is normally used for domestic or professional purposes and which does not cause noises or interference in radio and television reception;
- Signs – one stand-alone sign identifying the business, not to exceed 3'x 3' (printed area), may be located on the site. Lighting for such signs shall be shielded so as not interfere with adjoining property owners or traffic traveling the public highways.
- Only residents of the dwelling may be engaged in the home occupation except any physician, dentist or other professional licensed by the State of North Carolina. Those persons shall be allowed to have one nurse or assistant who is not a resident of the dwelling.

NOTE 4. Industries

The following industrial uses shall not be allowed:

- a. The manufacturing, processing, fabrication and/or bulk storage of acetylene gas (except for use on premises), ammunition, explosives, fireworks, gunpowder, junk or matches;
- b. The manufacturing, processing fabrication of acids (except non-corrosive acids), ammonia, ammonium nitrate, animal by-products, bleaching powder, cellulose, chlorine, creosote and creosote treatment, detergents, enamels, lacquers, "lime", linoleum, oil cloth, paints, paper pulp, pigments, lime plastic, rubber (except tire re-cappers), soaps, tannery products, turpentine, varnishes, whiting and/or wood fillers. The fabrication of plastic is exempt from this prohibition.

NOTE 5. Kennel Operations

If the rear lot lines or side lot lines of a kennel operation, which is permitted in the C-1, Commercial District directly abuts a R-1, Residential District or a lot used for residential purposes, then such operation shall be completely enclosed within a building except for outside runs. Animals shall not be stored outside overnight.

NOTE 6. Retail Outlets in the I-1, Industrial District

Limited retail outlets may be developed in conjunction with certain industries whereby products sold are limited to those produced on the premises. As a permitted use, such retail space shall be limited to a maximum of 25% of the gross floor space of the principal manufacturing facility.

NOTE 7. Overnight Camping Trailer

The use of an overnight camping trailer as a permanent residence shall be specifically prohibited.

NOTE 8. Screening

Screening shall be provided to buffer utility facilities from surrounding uses. Screening shall be located along the outer perimeter of the lot or parcel or surround the portion of the parcel being utilized for a utility facility with the exception of an entrance with a maximum width of 30 feet.

The site may be serviced by two entrances. Screening shall not impede sight lines at intersections.

Screening shall consist of a densely planted and maintained vegetative buffer. Planted vegetation shall reach a minimum height of eight (8) feet within three years. Vegetation existing on the site at the time of development may be substituted for and satisfy some of these requirements providing that it substantially fulfills the purposes of this section.

All trees, shrubs and other plant materials are to be maintained on a continuing basis. Such maintenance shall include pruning, mowing, weeding, mulching, fertilizing, and watering as required to maintain a good appearance and growing conditions. Diseased plant materials shall be treated or removed immediately. Dead or diseased plant materials which are removed shall be replaced within one (1) growing season.

Note 9. Communication Facilities

Towers and Antennas shall be subject to the following:

- a) Towers and antennas shall be required to maintain a setback from front, side and rear property lines and existing structures a distance equal to the height of the tower and antenna(s) plus 10%. Guy wires, when applicable, shall conform to the setback provisions of Article 8.
- b) All utility buildings and accessory structures towers and antennas shall be architecturally designed to blend in with the surrounding environment.
- c) Performance Security - The applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall, at its cost and expense, be jointly required to execute and file with the County a bond, or other form of security acceptable to the County as to type of security and the form and manner of execution, in an amount set forth in the County's Fee Schedule, and with such sureties as are deemed sufficient by the County to assure the faithful performance of the terms and conditions of this Ordinance. The full amount of the bond or security shall remain in full force and effect until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the original Zoning Permit.
- d) Abandoned or Unused Towers
 1. Abandoned or unused towers and antennas located on land owned or leased by the utility owner shall be removed by the utility owner within 365 days of cessation of operations;
 2. If the tower/antenna is not removed within the required 365 days of cessation of operations, the County will attempt to contact the utility owner and order the removal of the tower/antenna within sixty (60) days of receipt of the notice. If the County is not successful in contacting the utility owner, the County will notify the landowner that the tower/antenna must be removed within sixty (60) days of receipt of the notice; and
 3. Upon successful notification to either the utility owner or the landowner and failure to remove the tower/antenna as ordered, the County may remove the tower/antenna and tax the costs of removal to the landowner or place a lien upon the property for the costs of removal if such cost is above the amount of the performance security.

- e) Towers and antennas proposed for local business internal communication purposes only shall be exempt from the 1 mile search radius required.
- f) Antennas placed on existing structures shall be considered accessory uses that are permitted by right subject to a zoning permit provided they are no higher than 20 feet above the structure to which they are attached and a qualified and licensed professional certifies the existing structure can suitably accept the antenna. No additional setbacks shall be required for antennas placed on existing structures, excluding existing towers. Antennas that are placed on existing towers cannot be placed above that which exists unless required setbacks can be met.
- g) No new or existing tower and antenna service shall interfere with public safety telecommunications. Further, where it can be shown that telecommunication service interferes with reception received by surrounding properties, the permit holder shall be responsible for taking reasonable steps to eliminate that interference in accordance with Federal Communications Commission (FCC) regulations.
- h) Prior to obtaining a building permit, the applicant shall submit proof of compliance with Federal Aviation Administration (FAA) and FCC regulations and any other documentation to demonstrate compliance with North Carolina State Building Codes.
- i) Every tower, affixed to the ground, and guy wires shall be protected to discourage climbing by unauthorized persons. The base of the tower along with any individual guy wires shall be enclosed by a commercial grade chain link fence (or some other fence of equal or greater quality) a minimum of eight (8) feet in height, and in addition to, shall include a minimum of two (2) strands of barbed-wire and/or razor wire affixed to the top of the fence.
- j) The permit, when issued, shall include a condition that the accumulative electromagnetic radiation levels maintain compliance with requirements of the Federal Communications Commission, regarding emission of electromagnetic radiation. The tower or antenna owner shall provide documentation of accumulative emission levels to FCC standards.
- k) Landscaping requirements are as follows:
 - 1. When deemed appropriate to minimize the potential impact on surrounding properties, the Zoning Administrator or his designee may require landscaping around the tower, antenna, guy wires, and associated buildings. In addition, the following shall be required:
 - a. Land form preservation: existing mature tree growth and natural land form on the site shall be preserved to the extent feasible; provided however, that vegetation that causes interference with the antennas or inhibits access to the Equipment Facility may be trimmed or removed;
 - b. Existing vegetation: existing vegetation on a tower or antenna site may be used in lieu of required landscaping when approved by the Zoning Administrator or his designee; and
 - c. Minimum site disturbance: grading for the new tower or antenna shall be minimized and limited only to the area necessary for the new facility.
- l) Aesthetics, placement, materials and colors: All telecommunication facilities and accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and /or to harmonize with the natural surroundings, this shall include the utilization of stealth technology.

- m) **Lighting:** The following lighting requirements shall apply to all towers and antenna installations. Towers and antennas shall not be artificially illuminated, directly or indirectly, except for:
1. Security and safety lighting of equipment buildings if such lighting is appropriately down shielded to keep light within the boundaries of the site;
 2. Such illumination of the towers and antenna as may be required by the FAA or other applicable authority installed in a manner to minimize impacts on adjacent residences; and
 3. Unless otherwise required by the FAA or other applicable authority, the required light shall be red and a type of lens used to reduce ground lighting when the site is within 100 feet of a residential dwelling.
- n) **Signage:** Towers and antennas shall not display any signage, logos, decals, symbols or any messages of a commercial or noncommercial nature, except for a small message containing provider identification and emergency telephone numbers and such other information as may be required by local, state or Federal regulations governing tower and antenna facilities.
- o) **Sound:** No unusual sound emissions such as alarms, bells, buzzers or the like are permitted.
- p) **Shared Facilities and Collocation:**
1. **Collocation:** All new tower and antenna facilities (other than those proposed for local business utilization) shall be engineered, designed and constructed to be capable of sharing the facility with other applicants, to collocate with other existing tower and antenna facilities and to accommodate the future collocation of other tower and antenna facilities. A zoning permit for a tower shall not be issued until the applicant proposing a new tower and antenna facility shall demonstrate that it has made a reasonable good faith attempt to locate its antenna facility on an existing structure. Competitive conflict and financial burden alone are not deemed to be adequate reasons against collocation.
 2. All towers and antenna facilities (other than those proposed for local business utilization) with a support structure up to a height of 150 feet shall be engineered and constructed to accommodate at least 3 antenna arrays. All towers and antenna facilities with support structures 150 feet or greater in height shall be engineered and constructed to accommodate at least 4 antenna arrays.
 3. **Collocation Agreements.** All applicants for towers and antenna facilities (other than those proposed for local business utilization) are required to submit a statement with the application for a zoning permit agreeing to allow and reasonably market collocation opportunities to other tower and antenna facility users. The statement shall include the applicant's policy regarding collocation of other providers and the methodology to be used by the applicant in determining reasonable rates to be charged other providers.
- q) **Wireless Communication Facility Development Standards:**
1. In addition to all general standards as noted above, the following definitions and development standards for Wireless Communication Facilities within the zoning jurisdiction of Gates County shall apply to the installation, construction, attachment, removal, and alteration of facilities to accommodate wireless communication facilities.

2. Purposes

- a. Gates County desires to encourage the orderly development of wireless communication technologies for the benefit of the County and its citizens. The County also recognizes the character of the communities of the County;
- b. As a matter of public policy the County aims to encourage the delivery of new wireless technologies throughout the County 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 Gates County;
- c. Specifically, the Wireless Communication Facility Development Standards are designed to achieve the following:
 - (1) Provide a range of locations for wireless communication facilities throughout the County;
 - (2) Encourage the location of wireless communication facilities onto existing structures to reduce the number of new communication towers needed within Gates County;
 - (3) Encourage collocation and site sharing of new and existing wireless communication facilities;
 - (4) Establish adequate development and design criteria to enhance the ability of providers of telecommunications services to provide service to the community quickly, effectively, and efficiently;
 - (5) Protect residential, historic preservation areas, and scenic corridors from the uncontrolled development of wireless communications facilities by requiring reasonable site conditions;
 - (6) Promote the use of suitable lands for the location of wireless antennae, towers, and/or wireless communication facilities;
 - (7) Ensure the harmonious, orderly and efficient growth and development of wireless communication facilities within the County;
 - (8) Provide standards for the development of wireless communication facilities which are consistent with the requirements of the Federal Telecommunications Act of 1996 and the best interest of the future of Gates County; and
 - (9) Provide clear performance standards addressing the siting of wireless communication standards.

3. Definitions

Antenna Array is one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure.

Attached Wireless Communication Facility is an Antenna Array that is attached to an existing building or structure (Attachment Structure), which structures shall include but not be limited to utility poles, signs, water towers, rooftops, towers with any accompanying pole or device (Attachment Device) which attaches the Antenna Array to the existing building or structure and associated connection cables, and an Equipment Facility which may be located either inside or outside of the Attachment Structure.

Collocation/Site Sharing shall mean use of a common Wireless Communication Facility or common site by more than one wireless communication license holder or by one

wireless license holder for more than one type of communications technology and/or placement of an Antenna Array on a structure owned or operated by a utility or other public entity.

Equipment Facility is any structure used to contain ancillary equipment for a Wireless Communication Facility, which includes cabinets, shelters, a build out of an existing structure, pedestals, and other similar structures.

FAA Federal Aviation Administration.

FCC Federal Communications Commission.

FTA Federal Telecommunications Act of 1996.

Height when referring to a wireless communication facility, height shall mean the vertical distance measured from the base of the tower to the highest point on the wireless communication facility, including the antenna array and other attachments.

Setback shall mean the required distance from the property line of the parcel on which the wireless communication facility is located to the base of the support structure and equipment shelter or cabinet and guy anchors.

Stealth Technology shall mean minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless communication facility by using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

Support Structure is a structure designed and constructed specifically to support an antenna array, and may include a monopole, self-supporting (lattice) tower, guy-wire-support tower and other similar structures. Any device (Attachment Device), which is used to attach an attached wireless communication facility to an existing building or structure (Attachment Structure) shall be excluded from the definition of and regulations applicable to Support Structure.

Temporary Wireless Communication Facility shall mean a Wireless Communication Facility to be placed in use for ninety (90) or fewer days.

Wireless Communications shall mean any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.

Wireless Communication Facility is any un-staffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure to achieve the necessary elevation.

4. Preferred Locations for Wireless Communication Facilities and Applicability

a. The following wireless communication facilities may be allowed within Gates County:

- (1) Antenna Attachments: Antenna attachments onto existing Support Structure(s), including but not limited to water tanks, utility poles/structures, buildings, etc. or onto an Attached Wireless Communication Facility shall be permitted subject to Development Standards identified in number 5 below.
- b. A proposal for a new wireless communication facility shall not be approved unless the equipment planned for the proposed tower cannot be accommodated on existing or approved towers, buildings or alternative structures within a one (1) mile search radius of the proposed wireless communications facility due to one or more of the following reasons:
 - (1) The planned equipment would exceed the structural capacity of the existing or approved tower, building or structures, as documented by a qualified and licensed North Carolina professional engineer, and the existing or approved tower, building or structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - (2) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower, building or other structure as documented by a qualified and licensed North Carolina professional engineer and the interference cannot be prevented at a reasonable cost.
 - (3) Existing or approved towers, buildings or other structures within the search radius, or combinations thereof, cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed North Carolina professional engineer.
 - (4) Other unforeseen reasons that make it infeasible to locate the planned telecommunication equipment upon an existing or approved tower, building or other structure.

5. Development Standards:

- a. Development standards for Wireless Communication Facilities, in addition to the general standards as noted in this ordinance, will include the following:
 - (1) Spacing requirements:
 - (a) Wireless Communication Facilities shall be spaced a minimum of one half (1/2) mile apart unless an existing tower is full and another tower is erected on the same property.
 - (2) Height standards:
 - (a) Attached Wireless Communication Facilities shall not add more than twenty (20) feet to the height of the existing building or structure to which it is attached (Attachment Structure). However, antenna attachments to existing communication towers shall not increase the height of tower above the maximum original permitted height of that tower.

r) Liability Insurance

- 1) The permit holder for Wireless Telecommunications Facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, until the tower is removed from the site, in amounts as set forth below:
 - a) Commercial General Liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
 - b) Automobile Coverage: \$1,000,000 per occurrence/ \$2,000,000 aggregate;

- c) Workers Compensation and Disability: Statutory amounts.
- 2) The Commercial General Liability insurance policy shall specifically include the County and its officers, boards, employees, committee members, attorneys, agents and consultants as an additional named insured.
 - 3) The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.
 - 4) The insurance policies shall contain an endorsement obligating the insurance company to furnish the County with at least thirty-(30) days prior written notice in advance of the cancellation of the insurance.
 - 5) Renewal or replacement policies or certificates shall be delivered to the County at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.
 - 6) Before construction of a permitted Wireless Telecommunications Facilities is initiated, but in no case later than fifteen (15) days after issuance of the Zoning Permit, the permit holder shall deliver to the County a copy of each of the policies or certificates representing the insurance in the required amounts.
- s) Retention of Expert Assistance and Reimbursement by Applicant.
1. The County may hire any consultant and/or expert necessary to assist the County in reviewing and evaluating the Application, including the construction and modification of the site.
 2. An Applicant shall deposit with the County funds sufficient to reimburse the County for all reasonable costs of consultant and expert evaluation and consultation to the County in connection with the review of any Application including the construction and modification of the site, once permitted. The initial deposit shall be in the amount set forth in the Commissioners Fee Schedule and shall be paid at the time the application is submitted. The County will maintain a separate escrow account for all such funds. The County's consultants/experts shall invoice the County for its services in reviewing the Application, including the construction and modification of the site, once permitted. If at any time during the process this escrow account has a balance less than an amount set forth in the Commissioners Fee Schedule, the Applicant shall immediately, upon notification by the County, replenish said escrow account so that it has a balance in the amount as set forth in the Commissioners Fee Schedule. Such additional escrow funds shall be deposited with the County before any further action or consideration is taken on the Application. In the event that the amount held in escrow by the County is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the Applicant.
 3. The total amount of the funds needed as set forth in subsection (2) of this section may vary with the scope and complexity of the project, the completeness of the Application and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

NOTE 10. Temporary Sales Office

- a. Structure shall meet setback requirements applicable to permanent buildings within the zoning district where such temporary sales office is located.
- b. Structure shall not be used for residential purposes. No sleeping quarters shall be provided.
- c. Lighting shall be shielded so as not interfere with adjoining property owners or traffic traveling the public highways.
- d. Signs identifying the business may be attached to the structure. In addition, one stand- alone sign not to exceed 3'x 3' (printed area) may be located on the site.
- e. Parking requirements shall be met in accordance with Article 10 – “Off-Street Parking and Off-Street Loading Requirements”.
- f. Landscaping shall consist of trees or shrubbery in front of the temporary sales office with grass established throughout the lot boundaries. A landscape plan shall be submitted in conjunction with the building permit application. Landscaping shall be established prior to a certificate of occupancy/compliance being issued by the Building Inspector. If weather conditions are not prudent for planting landscaping the zoning enforcement officer may provide additional time for planting.
- g. Zoning permits issued by the zoning administrator or his designee for the temporary sales office shall be valid for twelve (12) months and may be renewed for additional twelve (12) month increments providing the building and grounds are being maintained and used in conformity with this section.
- h. The temporary sales office shall be removed from the site upon the sale and transfer of 95% of the lots within the development unless the temporary sales office is on-site construction and a building permit is obtained to convert the structure to a residence meeting North Carolina State Building Codes.
- i. Failure to maintain compliance with these regulations will result in a notice by the zoning enforcement officer to correct violations within 30 days. Failure to correct violations will result in an order to remove the temporary sales office within fifteen (15) days.

NOTE 11. Research & Design Facilities

- a. No outdoor storage of raw materials will be permitted. Raw materials shall be contained and covered (ex. silos, receiving hopper, etc.).
- b. Outdoor storage of finished test products prior to shipment is permitted on a temporary basis provided it is in an enclosed fenced area.
- c. All equipment shall be stored internally.
- d. Finished products may be located outside for the purpose of testing (ex. exposure and ultraviolet light impact). Product shall be located in an area enclosed by fence.
- e. No product emissions will be permitted.

NOTE 12. Solar Farms

(A) Definitions.

- 1) Abandonment – if a Solar Farm generates no electricity for a continuous six (6) month period, or if any Solar Energy System falls into a state of disrepair for such period, then in either event, such Solar Farm shall be deemed abandoned.
- 2) Solar Collector – any component, device, structure or any portions thereof for which the primary purpose is the transformation of solar radiant energy into thermal, mechanical, chemical or electrical energy.
- 3) Solar Energy System – the Solar Collector components and all subsystems thereof including without limitation all equipment, conduits, and all accessory supporting structures or buildings required to convert solar radiant energy into thermal, mechanical, chemical, or electrical energy.
- 4) Solar Farm – any use of land where a series of one or more Solar Energy Systems or Solar Collectors are placed in an area on a parcel of land for the purpose of generating photovoltaic power, and collectively has a generation capacity of at least fifteen (15) kilowatts (kW) direct current (DC) or more when operating at maximum efficiency. The term Solar Farm is also sometimes referred to as a solar power plant or solar photovoltaic farm.

(B) General Regulations.

- 1) Solar Farms are allowed as a use by right in the I – 1 (Industrial) zoning district and by Special Use Permit approval in the A – 1 (Agricultural) zoning district (see the Chart of Permitted Uses).
- 2) Any Special Use Permit approved is supplemental to, and shall not supersede any other applicable local, state, or federal rules, regulations, or laws, including any more restrictive provisions related to Special Use Permits or to Solar Farms.
- 3) A valid Special Use Permit, if applicable, Technical Review approval, Building Permit, Electrical Permit, U. S. Army Corp of Engineers approval, any other state or federal permit, and any ongoing compliance with this Ordinance is a mandatory requirement for all Solar Farms.

(C) Permit Requirements and Procedures

- 1) Any Solar Farm wishing to locate in the A -1 zoning district of Gates County must apply for and obtain a Special Use Permit from the Gates County Board of Adjustment.
- 2) Once a Special Use Permit is obtained, the applicant is required to gain Technical Review Committee approval before applying for any additional Building Permits. This process is subject to Emergency Management, Soil and Water Review, U. S. Army Corp of Engineers, and any other additional reviews the department feel appropriate.

- 3) Solar panel material and UL listed are required as part of the Building Permit and/or Electrical Permit application. Documentation of compliance shall be provided with the seal and signature of a design professional licensed in North Carolina.

(D) Special Use Application Requirements

- 1) All applications and plans shall include the following:

- A. Name of the project, names and addresses of the owners(s), and the engineers and surveyors.

- B. Date, scale and accurate North arrow.

- C. Boundaries and actual dimensions and shape of parcel, including total acreage, with bearings and distances from any proposed solar farm facility or structure to the surrounding property lines.

- D. Site plan showing streets, circulations, driveways, service buildings, easements, arrangement of solar panels and streets; also fencing, gates and vegetative buffers.

- E. Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of solar panels and system on the property.

- F. Copy of deed, land purchase agreement, and/or land lease agreement.

- G. Vicinity map showing the location and surrounding land use.

- H. Other features and designs as deemed reasonably necessary from time to time by the Gates County Board of Adjustment and/or the Gates County Technical Review Committee.

- I. A Decommissioning Plan that is in compliance with or exceeds this section.

- J. Performance Guarantee:

- a. A surety or performance bond that renews automatically, includes a minimum sixty (60) day notice to the county prior to cancellation, is approved by the Planning Director, and is from a company on the U.S. Department of Treasury's Listing of Certified Companies. A bond certificate must be submitted to the planning department each year verifying the bond has been properly renewed.

- b. The amount of the guarantee shall be one and a quarter times the estimated decommissioning cost, or \$50,000.00, whichever is greater. The guarantee shall not be reduced by the salvage value. A review will be done each year and adjusted based upon the Consumer Price Index (CPI). In the event the CPI has a negative value during the annual adjustment, the decommissioning fund shall not be adjusted downward.

- c. Estimates for decommissioning the site shall be determined by a North Carolina licensed engineer or a licensed contractor. It is the responsibility of

the applicant to provide the county with the certified cost estimate by an independent engineer or contractor.

d. A certified check deposited with the county finance director, as escrow agent, who will deposit the check in an interest – bearing account of the county, with all interest accruing to the applicant. Funds deposited with the county finance director will be returned when the solar farm is decommissioned and any necessary site restoration is completed.

e. The full amount of the bond or certified check must remain in full effect until the solar farm is decommissioned and any necessary site restoration is complete.

(E) Technical Review Application Review

- A. All information stated above plus the below additional information:
- B. Elevation certificate, if necessary.
- C. Land contours.
- D. Other State and/or Federal Permits.

(F) Lot Size and Setbacks

- 1) The minimum lot size for a Solar Farm locating in Gates County shall be ten (10) or more acres.
- 2) A minimum setback distance of one hundred (100) feet from all property boundary lines shall be required on all solar collector in any zoning district.

The fence, which encloses all solar panels and is required by electrical code, shall meet the minimum setback distance of two hundred (200) feet from all property boundary lines in any zoning district.

- 3) If wetlands are found on any proposed Solar Farm property, a buffer of one hundred fifty feet (150') shall be required in all directions from the closest point of the designated wetland on the proposed site.
- 4) In addition, if a Solar Farm is locating on a property adjacent to a property that identifies at the time or during review as having wetlands, then a buffer of one hundred fifty feet (150') shall be required at the closest point to the wetlands.
- 5) Solar Farms located within a projected future transportation corridor shall reserve right – of – way for said corridor as deemed appropriate by the North Carolina Department of Transportation.
- 6) Power inverters and other sound producing equipment shall not be sited less than one hundred and fifty (150) feet from any dwelling unit at the time of construction/installation.

(G) Screening

- 1) A fence constructed of chain link no less than six (6) feet in height shall enclose the entire area of solar collectors and shall be required of any Solar Farm, such fence shall have a locked gate, be posted with both “No Trespassing” and “High Voltage” signs located every one hundred (100) feet along all fence sides, include the name, contact information, and emergency contact information of the operating entity in charge of the site affixed to the fence at the entrance to the site.
- 2) The entire area of the solar farm, outside the fence area, shall be enclosed with an evergreen vegetative planting strip whenever natural forest vegetation does not otherwise continuously obscure the perimeters from adjacent parcels or public road.
 - A) Unless buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements, and having a substantially similar obscuring effect of a vegetative buffer, a continuous evergreen vegetative buffer shall be installed and maintained. Failure to continually maintain screening shall constitute a violation for which the Special Use Permit may be revoked.
 - B) The evergreen vegetative buffer shall be composed of evergreen trees or shrubs of a type which at planting shall be a minimum of four (4) feet in height. The evergreen trees or shrubs shall be spaced no more than ten (10) feet apart, from the base of the plant to the base of the next plant. A minimum of six (6) feet distance shall be maintained between the planting strip and the fence line. At maturity, required vegetative screening shall be no less than fifteen (15) feet tall and touching, regardless of line – of – sight.

(H) Technical Review Committee Submittal

- 1) All Solar Farms regardless of zoning district are required to submit a Development Plan to the Planning and Zoning Department for Technical Review Committee review.
- 2) A Special Use Permit Solar Farm Development shall comply with this ordinance and any additional conditions identified during the application process.
- 3) No development or land clearing shall occur until the project receives all state and/or federal permits and has full Technical Review Committee approval.
- 4) No Building Permit or Electrical Permit shall be issued until the project receives full Technical Review Committee approval.

(I) Decommissioning, Abandonment, Hazard Abatement

- 1) A signed and notarized Decommissioning Plan shall be submitted to the Planning Department as part of every Special Use Permit application and shall be in a form suitable to be recorded with the Register of Deeds. The Decommissioning Plan shall include at a minimum all the following provisions and requirements:

- A. Following a six month period in which no electricity is generated, the permit holder will have six (6) months to complete decommissioning of the solar farm.

Decommissioning includes removal of solar panels, support columns, buildings, cabling, electrical components, and any other associated facilities down to seventy-two (72) inches below grade;

B. Any additional conditions which may be defined or established by the Gates County Planning Department upon which decommissioning will be initiated (i.e., end of lease, condition of a potential public safety hazard, etc.);

C. Disturbed earth shall be graded and reseeded, unless the landowner request in writing that access roads or other land surface areas are not to be restored;

D. Removal or repair of any structures that become of ill repair whether due to neglect, man – made or natural causes;

E. The timeframe for completion of removal and decommissioning activities shall be from one hundred eighty (180) days to twelve (12) months unless otherwise extended by the Gates County Board of Adjustment after an extension application is received; and,

F. A signed statement from the party responsible for completing the Decommissioning Plan acknowledging such responsibility.

(J) Transfer of Ownership.

- 1) Any solar farm permitted under the rules and regulations identified in this section that is sold or transferred to another entity is still bound to the rules and regulations as stated in this section, any state and federal regulations, as well as any additional regulations imposed during the Special Use Permit process, Technical Review Committee process, or the Building Permit process.

Section 8.01

ARTICLE 8**TABLE OF AREA, YARD AND HEIGHT REQUIREMENTS**

MINIMUM YARD REGULATIONS OF STRUCTURE (See Notes 1, 2, 3, 4, 6 and 7)

DISTRICT	MINIMUM LOT SIZE Minimum Area in Square Feet	Lot Width at Front Setback Line	Front Yard Setback in Feet	Side Yard Setback in Feet	Rear Yard Setback in Feet	MAXIMUM HEIGHT In Feet (See Note 5)
A-1 Agricultural	As required by the Gates Health Department but not less than one (1) acre	175	40	20	20	35
R-1 Residential	One (1) acre or larger as required by Gates County Health Department	175	40	20	20	35
RMH-1 Residential	One (1) acre or as required by Gates County Health Department	175	40	20	20	35
C-1 Commercial	One (1) acre or as required by Gates County Health Department	175	30	20	20	35
I-1 Industrial	One (1) acre or as required by Gates County Health Department	175	40	20	20	56
O&I Office & Institutional	One (1) acre or as required by Gates County Health Department	175	30	20	20	35
RMF Multifamily	One (1) acre or as required by Gates County Health Department	175	40	20	20	35

SECTION 8.02 - NOTES TO THE TABLE OF AREA, YARD AND HEIGHT REQUIREMENTS**NOTE 1. Special Use Requirements Take Precedence**

Area, yard and height requirements as specified in the issuance of a Special Use Permit shall take precedence over area, yard and height requirements as set forth in the Table of Area, Yard, and Height Requirements.

NOTE 2. Variance for Prior Lots of Record

Notwithstanding the other setback provisions of this Ordinance a building or structure may be constructed and occupied by one-family on any lot recorded prior to adoption of this Ordinance and meeting all of the requirements of the Gates County Health Department and maintaining minimum side yard, front yard, and rear yard setbacks in effect at the time of recordation a plat of subdivision including said lot as determined by the Gates County Planning Director.

NOTE 3.**a. Corner Lots**

A minimum setback of 20 feet shall be maintained between any principal building and the side street. This requirement shall not be applied so as to reduce the building width of a residentially zoned corner lot of record at the time of passage of this Ordinance to less than 40 feet, nor to prohibit the erection of any accessory building where this requirement cannot reasonably be complied with as determined by the Board of Adjustment.

b. Retaining Walls

The setback and yard requirements of this Ordinance shall not apply to a retaining wall not more than five feet high, as measured from the lowest ground elevation to the top of the wall. The Board of Adjustment may permit a retaining wall greater than five foot height where it finds that due to the topography of the lot such a wall is necessary.

c. Fences and Walls and Plantings

In residential zones, fences and walls not over four feet high may project into or may enclose any front yard. Side and rear yards may be enclosed by fences or walls up to six feet high. In the I-1, Industrial District and the C-1, Commercial District, a solid or open fence or wall may be erected to a maximum height of ten feet. However, no fence, wall, or plantings may be established on or in a public street right-of-way or within deeded drainage/utility easements as required by the Gates County Health Department and Gates County. Fences shall be opaque and fashioned of materials designed to withstand exposure to the elements for at least ten (10) years.

d. Open Storage

Any open storage not enclosed within the confines of a building, such as boxes, crates, trash-piles, machinery and merchandise with open display that results from the commercial operation it is part of shall be enclosed or hidden from view along any property lines adjacent to or in a residential zone by a wall, fence and/or screening. This provision shall apply in any commercial or industrial use abutting or within R-1, Residential District.

e. Accessory Structures

Accessory structures (detached garages, storage buildings, swimming pools, etc.) to residential uses may be constructed provided:

- It shall not be located closer than 20 feet to any adjoining lot line,
- It shall not be located within a deeded drainage/utility easement as required by Gates County Health Department or Gates County,
- On a corner lot it shall not be located closer to the street side yard property line than one-half of the required front yard setback, and
- A minimum distance of ten (10) feet shall be maintained between the residential structure and the accessory building. Carports and swimming pools are excluded from this requirement.

NOTE 4. Buffer Requirements

Where the rear lot lines or side lot lines of industrial property abuts a residential district, a minimum side yard and rear yard of 75 feet shall be required. Additionally, a densely planted and maintained vegetative buffer shall be required. Such buffer shall reach a minimum height of eight (8) feet within three years. No such buffer shall, however, extend nearer a street right-of-way line than the established building line of the adjoining residential lot.

NOTE 5. Structures Excluded from Height Limitations

Chimneys, flag poles, steeples, water towers, observation towers, electrical transmission towers, communication towers, silos, and roof structures for housing stairways, heating and air conditioning equipment, ventilating fans or similar equipment may be erected without regard to the maximum height limitation. No structure may be constructed above the height limit herein specified for purposes of providing for human occupancy.

NOTE 6. Exclusions from Setback Requirements

- a. Signs
- b. Underground utilities (water, sewer, electrical, cable TV, etc)
- c. Underground drain tile systems and sewerage drainage systems approved by Gates County Health Department.

ARTICLE 9 PROVISIONS FOR USES ALLOWED AS SPECIAL USES

SECTION 9.01 - Objectives and Purposes of Special Use Permits

Special Use Permits add flexibility to the Zoning Ordinance. Subject to high standards of planning and design, certain property uses may be allowed in the several districts where these uses would not otherwise be acceptable. By means of controls exercised through the Special Use Permit procedures, property uses which would otherwise be undesirable in certain districts can be developed to minimize any negative effects they might have on surrounding properties.

SECTION 9.02 - Special Use Permits Issued by the Board of Adjustment

General Requirements

9.02-1 Special Use Permits may be issued by the Board of Adjustment for the establishment of uses listed as special uses in Article 7 after a public hearing.

9.02-2 The owner or owners, or their duly authorized agent, of the property included in the petition for a Special Use Permit shall submit an application to Gates County Planning and Development Services at least thirty (30) days prior to the date of review by the Board of Adjustment. An application fee established by the Board of Commissioners shall be paid to the County of Gates, North Carolina to cover necessary administrative costs and advertising expenses. Such application shall include all of the requirements pertaining to it in this Article.

9.02-3 Upon receiving the petition for a Special Use Permit and holding a hearing, the Board of Adjustment may grant or deny the Special Use Permit requested. The Special Use Permit, if granted shall include such approved plans as may be required.

In granting the Special Use Permit the Board of Adjustment shall find:

- a) that the use will not materially endanger the public health or safety if located where proposed and approved;
- b) that the use meets all required conditions and specifications;
- c) that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- d) that the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development for Gates County.

9.02-4 In granting the permit the Board of Adjustment may designate such conditions in addition and in connection therewith, as will in its opinion, assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located and with the spirit of this Ordinance. All such additional conditions shall be entered in the minutes of the meeting at which the permit is granted and also on the certificate of the Special Use Permit or on the plans submitted therewith. All specific conditions shall run with the land and shall be binding on the original applicants for the Special Use Permit, their heirs, successors and

assigns. A Special Use Permit, issued by the Board of Adjustment shall become null and void if construction or occupancy of the proposed use as specified on the Special Use Permit is not commenced within twelve (12) months of the date of issuance. Time extensions for the Special Use Permit may be granted by the Board of Adjustment provided applications for extensions are submitted in writing to Gates County Planning and Development Services prior to expiration. Although the Board of Adjustment may grant more than one extension of a permit, no single extension shall exceed a period of six months unless otherwise stated. A Board of Adjustment decision on an extension may be appealed in conformity with the requirements of Section 9.02-6 of this Ordinance.

9.02-5 If the Board of Adjustment denies the Permit, the Board shall enter the reasons for its action in the minutes of the meeting at which the action is taken.

9.02-6 Every decision by the Board of Adjustment issuing or denying a Special Use Permit shall be subject to review by the Superior Court by proceeding in the nature of certiorari. Any petition for review by the Superior Court shall be filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board is filed in the Office of the Clerk to the Board of Commissioners or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Clerk or Chairman of the Board of Adjustment at the time of the hearing of the case, whichever is later.

9.02-7 In addition to the specific conditions imposed by the regulations of this Ordinance and whatever additional conditions the Board deems reasonable and appropriate, special uses shall comply with the height, yard, area, parking, sign, and all other pertinent regulations for the use district in which they are permitted unless otherwise specified.

9.02-8 In the event of failure to comply with the plans approved by the Board of Adjustment or with any other conditions imposed upon the Special Use Permit, the Permit shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this Special Use Permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of Article 7 of this Ordinance provided, however, that Gates County shall not be prevented from thereafter rezoning said property for its most appropriate use.

9.2.9 The original applicant(s), their successors or their assignee may make minor changes in the location and/or size of the structure provided the necessity for these changes is clearly demonstrated. Minor changes shall be reviewed by Gates County Planning and Development Services. Upon approval of the previously mentioned departments, the Building Inspector may approve the requested minor changes. Such approval shall not be granted should the proposed revisions cause or contribute to:

- a. A change in the character of the development,
- b. A change of design for, or an increase in the hazards to pedestrian and vehicle traffic circulation, or
- c. A reduction in the originally approved setbacks from roads and/or property lines.

SECTION 9.03 - Additional Restrictions Imposed on Certain Special Uses

The Board of Adjustment may grant permission for the establishment of the following uses, subject to any specific conditions either set forth below or which the Board may deem necessary to satisfy the conditions set forth in Section 9.02 of this Article.

9.03-1 Adult Day Care Center - An adult day care facility may be permitted in districts designated in the Table of Permitted Uses, subject to the dimensional requirements of the district and provided:

- a. Off-street parking meets the requirements of Article 10 of this Ordinance;
- b. If five or more patients are served by the facility, a paved driveway, with ingress and egress directly onto a public street, must be constructed in such a manner as to provide entrance to and exit from the property without backing onto the street right-of-way;
- c. No outside sign in excess of four (4) square feet in area shall be permitted; and
- d. The construction and operation of such facilities shall comply with the provisions of the General Statutes of the State of North Carolina and any other applicable Federal, State, or local codes.

9.03-2 Assisted Living Facility – Facility must be licensed by the state pursuant to G.S. Ch. 131D.

- a. A site plan with the number of residential units must be submitted with the Special Use Permit application.
- b. Projected number of residents and support staff.

9.3 -3 Automobile/Boat Repair - Automobile/Boat Repair may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of the district and provided:

- a. All new sites shall be no less than one (1) acre in size;
- b. Structures shall have minimum side and rear yards of thirty (30) feet and a minimum front yard of fifty (50) feet; and
- c. A buffer may be required along all property lines as determined by the Planning Board. The Board shall consider among other things:
 1. Aesthetics;
 2. Compatibility with surrounding land uses; and
 3. Parcel size and location of garage and parking.

9.03-4 Bars, Cabarets, and Discos – may be permitted in districts designated in the Table of Permitted Uses, provided:

- a. Bars, Cabarets, and Discos which, because of their very nature, are recognized as having potential objectionable operational characteristics, particularly when located near a residential area, church, child nursery, school, college or university. Therefore, a minimum separation of fifteen hundred (1,500) feet from the nearest property line of any residential zoning district, residential use property, church, child nursery, school, college or university shall be required for purposes of such establishments.

9.03-5 Bed and Breakfast Inn - Bed and breakfast inns may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of those districts, and where the building are principally used as private residences, or in accessory structures as defined in Sections 4.02(1) and 8.02(e) of this Ordinance. Such accommodations are intended to offer temporary lodging in a private home which usually has architectural and/or historical interest, rather than the provision of food service or the offering of facilities for long-term occupancy, such as provided by boarding houses, inns, and similar guest lodging.

9.03-6 Cabinet and Woodworking Shop – A cabinet and woodworking shop may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of the district and provided:

- a. No other principle use exists on the property;
- b. Maximum lot size of 2 acres;
- c. No more than 25% lot coverage including structure and impervious surfaces;
- d. Must be screened from adjacent residential uses by a vegetative buffer ten (10) feet in width and which reaches a minimum of six (6) feet in height within a three (3) year time period; and
- e. A maximum of ten (10) employees.

9.03-7 Cemetery - A cemetery may be permitted in districts designated in the Table of Permitted Uses, provided it shall meet the minimum requirements of the State of North Carolina.

9.03-8 Child Day Care Center - A child day care center may be permitted in districts designated in the Table of Permitted Uses, subject to the dimensional requirements of the district and provided:

- a. Off-street parking meets the requirements of Article 10 of this Ordinance;
- b. A paved or otherwise improved driveway, with ingress and egress directly onto a public street, is constructed in such a manner as to provide entrance to and exit from the property without backing onto the street right-of-way;
- c. The entire play area is enclosed with a fence having a minimum height of four (4) feet and constructed in such a manner that maximum safety is ensured.
- d. No outside sign in excess of two (2) square feet in area shall be permitted in residential districts; and
- e. The construction and operation of such facilities shall comply with the provisions of the General Statutes of the State of North Carolina and any other applicable Federal, State, or local codes.

9.03-9 Colleges, Universities, Professional Schools, and Technical Institutions - Such appropriate educational facilities may be developed in districts designated in the Table of Permitted Uses, subject to the requirements of those districts and a case by case review by Gates County Planning and Development Services concerning:

- a. Appropriateness and feasibility, including parking, ingress and egress;
- b. Aesthetics; and
- c. Compatibility with surrounding land uses.

9.03-10 Convenience Food Store - A convenience food store may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of the district in which it is to be located and provided that:

- a. The total amount of land devoted to such use shall not exceed one (1) acre.
- b. The gross square footage of the structure shall not exceed three thousand (3,000) square feet.
- c. The use shall be limited to providing convenience food sales and gasoline sales to the surrounding residential area, provided that vehicular services such as, but not limited to, auto repair, sale of auto accessories, washing, etc. shall not be permitted.
- d. A convenience food store shall not be permitted within the interior of a subdivision.
- e. Specifications for a proposed principal use sign shall be submitted with the application for the Special Use Permit.
- f. Off-street parking shall meet the requirements outlined in Article 10 for retail use.
- g. Fuel sales may be approved provided each pump island is located a minimum distance of thirty (30) feet from any street right-of-way and forty (40) feet from any side or rear lot line.
- h. Where the rear lot lines or side lot line of commercial property abuts a residential district, a minimum side yard and rear yard of 75 feet shall be required. Additionally, a densely planted and maintained vegetative buffer shall be required. Such buffer shall reach a minimum height of eight (8) feet within three years. No such buffer shall, however, extend nearer a street right-of-way line than established building line of the adjoining residential district.

9.03-11 Duplexes - Duplexes may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of the district and that the proposed development is in keeping with the rural, low-density requirements of the district.

9.03-12 Dwelling unit incidental to and contained in the same buildings as the principal use provided that:

- a. The purpose of this provision is to allow close physical proximity required by the owner-operator or a full-time employee to efficiently transact a small business and yet maintain economically and safely a family dwelling unit within the same structure;
- b. The dwelling unit shall be occupied solely by the person engaged in the principal use, a full time employee, or their family members residing with them;
- c. The building shall meet the minimum side and rear yard requirements of the R-1 (single family) district in all cases. The front yard shall conform to the requirements of the appropriate C-1 or O&I district;
- d. The site shall provide an area of open space, unobstructed by any buildings, parking or structures, equal to the total floor space of the dwelling unit;
- e. The amount of floor area for the dwelling unit shall not be more than fifty percent (50%) of the total floor area of the principal use;
- f. The dwelling unit shall be located totally above the ground floor or totally to the rear of the principal use so as not to interrupt the commercial frontage;
- g. In addition to the required off-street parking for the principal use, two (2) off-street parking spaces shall be provided for the dwelling unit; and

- h. A site plan and a building layout plan shall be presented with any Special Use Permit application; and
- i. A manufactured/mobile home may not be used as a separate and unattached residential structure under this provision.

9.03-13 Fraternal and Social Organizations - Fraternal and social organizations may be allowed in the districts designated in the Table of Permitted Uses, subject to the requirements of the district where located and provided that:

- a. The lot size shall be no less than one (1) acre for new construction and no less than one (1) acre for the conversion of existing buildings;
- b. The usable floor space shall be no less than two hundred and fifty (250) square feet per resident;
- c. Off-street parking shall meet the requirements outlined in Article 10 of this Ordinance; and
- d. The parking lot shall be provided with a continuous visual buffer with a minimum height of six (6) feet. The buffer shall be a combined fence and evergreen hedge or shrubbery screen.

9.03-14 Government Offices and Buildings - Appropriate state, local, and federal offices and buildings may be permitted in districts designated in the Table of Permitted Uses, (especially those of a regulatory nature) subject to the requirements of the district and review by the Gates County Planning Department.

9.03-15 Hospital or Nursing and Personal Care Facilities - A hospital or nursing and personal care facility may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of the districts and provided that:

- a. The lot size shall be no less than two (2) acres; and
- b. The structure shall have minimum side and rear yards of fifty (50) feet and a front yard of at least twenty-five (25) feet greater than that required of single family residences within the district in which located.

9.03-16 Junkyards, Scrap Processing - A junkyard or scrap processor may be permitted in districts designated in the Table of Permitted Uses, subject both to the requirements of that district, and to the requirements of the "Ordinance to Regulate Junk Yards and Junked or Abandoned Motor Vehicles in Gates County" (July 10, 2003, and any subsequent amendments), the latter having certain restrictions regarding fencing and proximity to residential areas.

9.03-17 Mining and Quarrying – Mining and quarrying may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of the I-1 and A-1 districts with a special use permit except as provided below. The special use permit may be issued only if the applicant has received the State of North Carolina mining permit and complies with the general standards and following specific standards:

- a. Any mine or quarry activity affecting more than one (1) acre (including excavation, area where overburden is placed, area used for processing or treatment and settling ponds, access roads, etc.) shall be subject to these regulations and require a special use permit. In the event that one (1) acre or less is disturbed, excluding haul roads, such use shall be permitted by right with a zoning permit in all zoning districts

- subject to a minimum one hundred (100) foot excavation area setback from all property lines, a maximum 3 to 1 slope above the water, a maximum 2 to 1 slope in the water, an average minimum depth of four (4) feet, and a \$1,000 bond posted with the Gates County Planning and Development Services Department to ensure proper reclamation of the mine.
- b. If at any time a state agency suspends or revokes any permits it has issued for the mining and quarrying operation, the revocation or suspension shall cause the special use permit to become void;
 - c. No more than 30% of the total site shall be excavated;
 - d. All state permits and applications for state permits associated with the mining and quarrying activity, including permit modifications, shall be filed within ten (10) working days of issuance or submittal in the Gates County Planning and Development Services Department by the applicant;
 - e. The special use permit shall be valid for a period of ten (10) years from the date it is granted. In the event the property owner desires to continue the mining and quarrying operation thereafter, he shall again petition the Board of Adjustment for a new permit;
 - f. The hours of operation of all mining and quarrying related facilities and activities on the mining or quarrying site shall be established by the Board of Adjustment to minimize: (1) traffic delays and interruptions on public roads; and (2) noise levels and sound disturbances to adjoining property owners and the community at large;
 - g. Appropriate buffers and screens for mining and quarrying activities shall be determined by the Board of Adjustment in order to minimize the negative impacts on adjoining properties and street right-of-ways. The use of earth berms for visual screening shall be encouraged where appropriate;
 - h. No activities associated with the mine or quarry, including but not limited to excavation activities, vehicular access (except for driveways providing access to the site) and detention ponds, shall be located within one hundred (100) feet of any property line and fifteen hundred (1500) feet of any school, church, hospital; within five hundred (500) feet of any residence, commercial or industrial building, public road, or cemetery. Setbacks will be reduced by 50% when there is a visual screen of at least six (6) feet in height between the mining or quarrying activity and the adjoining use. Further, the Board of Adjustment may reduce non-modified setbacks by 50% when the mining or quarrying activity adjoins a vacant parcel or farmland. Where mining or quarrying activities remove four (4) feet or less of soil and maintain at least one (1) foot above the seasonal high water table, the mining or quarrying activity setback shall not be less than twenty-five (25) feet from any property line or use;
 - i. When shared with other uses, roads entering mining or quarrying areas shall be properly graded and drained in order to minimize potholes and standing water;
 - j. Where two or more accesses to the mining or quarrying operation exist, traffic shall be routed to the access having the least negative impact on adjoining properties;
 - k. All trucks hauling mined or quarried materials (i.e., sand, clay, topsoil) shall be covered with a tarpaulin when materials extend above the raised board of the truck;

- l. Overburdened to be used for future reclamation shall be placed where it will not be disturbed by normal mining or quarrying activities and shall be stabilized to reduce wind and water erosion. Use of overburden for earth berms is encouraged to reduce the impact of the mining or quarrying operation on adjoining properties;
- m. No bulk waste, hazardous waste, commercial waste, garbage, construction or demolition waste shall be placed on site;
- n. Discharging of water from the mine or quarry site shall be permitted subject to obtaining a state permit. The County may take random samples and have the results tested for settleable solids, turbidity, and pH at the operator's expense. Such testing shall not exceed six (6) tests per year. Discharging without proper state permits will result in initiating procedures to revoke the special use permit.
- o. No trespassing signs shall be posted around the site being mined or quarried at a maximum distance of 250 feet apart indicating that a mining or quarrying operation is being conducted on the property;
- p. Reclamation shall be conducted simultaneously with mining and quarrying operations. Annual reclamation reports shall be submitted to the Planning and Development Services Department within ten (10) days of being filed with the state;
- q. Drainage patterns shall not be altered so as to cause flooding off-site while the permit is valid and after reclamation;
- r. All provisions of state and local permits issued for the operation shall be met; and
- s. Application/Mapping Requirements. In addition to all other application submittal requirements established in this Ordinance, the applicant shall provide the following:
 1. Name of mine/quarry;
 2. Mine/quarry manager, address and phone number;
 3. Mining/quarrying methods;
 4. Steps taken to maintain haul roads when appropriate;
 5. Description of day to day operations;
 6. Statement of timing of reclamation;
 7. Description of project stages at beginning, halfway through, and reclamation (size, timing, status of site);
 8. Description of sedimentation control measures and drainage patterns;
 9. All state permits issued and all materials turned in to obtain such permits;
 10. Proposed use after mining/quarrying along with site plans and a description of how sewage will be handled;
 11. Boundaries of pit(s);
 12. Location of haul roads; and
 13. Buffers, existing vegetation on site and berms.

9.03-18 Outdoor Shooting Ranges - Outdoor Shooting Ranges may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of the district and provided that:

- a. All shooting areas shall be setback a minimum distance of one hundred (100) feet from any street right-of-way;
- b. The firing range shall have a natural earth embankment a minimum of fifteen (15) feet high placed behind all targets within the shooting area;
- c. The firing range shall be posted "No Trespassing - Danger - Shooting Range" at one hundred (100) foot intervals around the perimeter;
- d. At least one qualified individual in the sponsoring club or organization shall be certified for shooting range supervision. Each facility shall adopt safety rules and regulations as determined by the sponsoring club or organization.

9.03-19 Private Club or Lodge - A private club or lodge may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of the district and provided that:

- a. All new sites shall be no less than two (2) acres in size;
- b. Structures shall have minimum side and rear yards of fifty (50) feet and a front yard of at least twenty-five (25) feet greater than that required for single family residences within the district located; and
- c. Provisions for food, refreshment, and entertainment for club members and their guests may be allowed in conjunction with such use if the Board of Adjustment determines that said provisions will not constitute a nuisance.
- d. Off-street parking shall meet the requirements outlined in Article 10 of this Ordinance; and
- e. The parking lot shall be provided with a continuous visual buffer with a minimum height of six (6) feet. The buffer shall be a combined fence and evergreen hedge or shrubbery screen.

9.03-20 Residential Marina - This type of use may be permitted in districts designated in the Table of Permitted Uses, provided:

- a. A buffer shall be provided along all property lines abutting residential property;
- b. Night lighting by design and construction shall be contained on the site; and
- c. A site plan shall be submitted for review and approval.

9.03-21 Residential Support Center - A residential support center may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of the districts and provided that:

- a. The structure shall have a minimum side yard of twenty (20) feet and front yard of fifty (50) feet, and;
- b. A paved driveway, with ingress and egress directly onto a public street, is constructed in such a manner as to provide entrance to exit from the property without backing onto the street right-of-way.

9.03-22 Restaurant/Catering – Restaurant/Catering may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of the district and provided:

- a. Off-street parking shall meet the requirements outlined in Article 10 for restaurants and other eating places.
- b. A paved driveway, with ingress and egress directly onto a public street, is constructed in such manner as to provide entrance to and exit from the property without backing onto the street right-of-way.
- c. Setback Requirements – In addition to minimum setback dimensions specified in Article 8, Table of Area, Yard and Height Requirements, there shall be no structure or parking within 25 feet of side or rear lot boundary lines.
- d. Night lighting by design and construction shall be contained on site.
- e. Proposed restaurant/catering structures located within 100 feet of a parcel used for residential purposes as its principal use or located within 100 feet of an adjacent residential zoning district shall provide a vegetated buffer to screen the commercial activity from the residential use.

9.03-23 Sanitary Landfill - A sanitary landfill may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of the district and provided that:

- a. No refuse shall be deposited within one hundred (100) feet of the nearest property line; and
- b. The operation of said fill shall be carried out in accordance with the requirements of the North Carolina Department of Environment and Natural Resources.

9.03-24 Septage Disposal - Septage disposal may be permitted in districts designated in the Table of Permitted Uses subject to the requirements of the district and provided:

- a. The operation and responsibility of said use shall be carried out in accordance with all standards and rules prescribed by the NC Department of Environment and Natural Resources and the Gates County Health Department.

9.03-25 Sexually Oriented Business – A sexually oriented business may be permitted on parcels accessed by highways 13,158,37,32, and 137(either by direct access, frontage road, or minor street) in districts designated in the Table of Permitted Uses, subject to the requirements of the districts and provided that:

- a. Structures in which sexually oriented businesses are located shall not be:
 1. Located within 2,500 feet of any building that occupies an existing sensitive use such as churches or other religious uses, educational facilities, child or adult daycare facilities, health care facilities, library, and recreational facilities. This is not intended to be an all inclusive list.
 2. Located within 2,500 feet of a residential zoning district.
 3. Located within 2,500 feet of an existing structure used for residential purposes.
 4. Located within 2,500 feet of an existing structure in which a sexually oriented business is located.
 5. Located within 2,500 feet of an existing structure in which a restaurant is the principal business.

- b. Measurements shall be made along the street right-of-way beginning at a point perpendicular to the nearest portion of the building or structure where a sexually oriented business is conducted or is proposed to be conducted to a point that is perpendicular to the nearest portion of an existing building or structure occupying a use listed in subsection (a) or to a residential zoning district.
- c. Signs – One sign is permitted per sexually oriented business establishment and said sign shall conform to the following:
 - 1. Maximum size shall be 4' x 4'.
 - 2. Shall depict name of business and business hours only.
 - 3. No photographs, silhouettes, drawings or pictorial representations.
 - 4. No neon, flashing or obtrusive lights.
- d. Sleeping Quarters – No sexually-oriented business shall have sleeping quarters.
- e. Prohibition Against Youth – No person under the age of 18 years shall be permitted on the premises.
- f. Hours of Operation – Except for adult motels, sexually oriented businesses shall be permitted to operate daily only between the hours of 11:00 AM through 2:00 A.M. Monday through Saturday.
- g. Setback Requirements – In addition to the minimum setback dimensions specified in Article 8, Table of Area, Yard, and Height Requirements, there shall be no structure or parking located within 25 feet of side yard lot boundary lines and within 30 feet of rear yard lot boundary lines.
- h. All parking areas and exterior entrance/exits shall be fully illuminated with night-lighting to deter criminal activities. Lighting shall be shielded so as not interfere with adjoining property owners or traffic traveling the public highways.
- i. Special Use Permit Required
 - 1. It shall be unlawful for any person to operate a sexually oriented business without a special use permit issued by the Board of Adjustment.
 - 2. Application for a special use permit shall be submitted to the Zoning Administrator. Information shall be submitted to clearly indicate that items in subsections (a) through (h) listed above are being properly addressed. Specific information to be submitted shall include:
 - a) A map certified by a registered land surveyor in the State of North Carolina indicating sufficient information to verify that the proposed location for the sexually oriented business meets minimum requirements of item (a) listed above.
 - b) A site plan accurately drawn to a scale no larger than 1"=100' for the proposed location for the sexually oriented business shall be submitted to indicate that minimum building setbacks defined in Article 8 and item (g) above and parking requirements defined in Article 10.
 - c) A scaled drawing of the sign that will be used for identifying the sexually oriented business.
 - d) A statement defining the type of sexually oriented business for which the special use permit application is submitted. The statement shall include a description of the product and/or services to be provided.

9.03-26 Temporary Field Office/Storage Unit – A temporary field office/storage unit may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of the district and provided:

- a. Residential subdivision must consist of a minimum 10 lots;
- b. No more than one unit per 10 lots will be permitted;
- c. Location for each unit(s) shall be located within the subdivision so that it is aesthetically pleasing for both the development and all lots within the subdivision and the adjoining properties. Unit(s) shall not be located on residential lots that adjoin a state maintained road;
- d. Duration for special use permit will be six (6) months. The applicant may reapply for the special use permit to be extended in increments of no more than six (6) months. Applications for extensions must be submitted prior to expiration date of the special use permit; and
- e. Unit(s) must be anchored in accordance with the manufacturer's specifications and inspected by the Gates County Building Inspector. Henceforth, a building permit must be obtained for each unit before it is placed onsite.

9.03-27 Travel Trailer Park - A travel trailer park may be permitted in districts designated in the Table of Permitted Uses (see Manufactured Home Rental Community), subject to the requirements of the district to be located and the requirements of the Gates County Manufactured Home and Manufactured Home Park Ordinance (effective November 1, 1999, and any subsequent amendments).

ARTICLE 10

OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

SECTION 10.01 General Regulations

1. If structures or uses are enlarged, expanded or changed, there shall be provided off-street parking for the enlargement or expansion in accordance with the ratios contained herein. If existing land uses are converted to another type of land use or re-classified by the Ordinance, then the off-street ratios as contained herein must be complied with.
2. Off-street parking space (either garage or properly graded open space) shall be provided in accordance with the requirements set forth below in all classes of districts. In cases where different parking and/or loading requirements are specified in Section 9.0, Provisions for Special Uses, those ratios shall have precedence over the parking requirements specified in this section.
3. Each applicant for a Certificate of Occupancy/Compliance submitted to the Gates County Building Inspector as provided for in Section 12.02 shall include information as to:
 - a. Location and dimensions of off-street parking and loading space;
 - b. Distance between that parking/loading space and the street or alley; and
 - c. Ingress and egress of the property.

This information shall be in sufficient detail to enable the Planning Board or its authorized agents to determine whether or not the requirements of this Ordinance are met.
4. The Certificate of Occupancy/Compliance for the use of any building, structure or land where off-street parking or loading space is required shall be withheld by the Gates County Building Inspector until provisions of this section are fully met. If at any time such compliance ceases, any Certificate of Occupancy/ Compliance which shall have been issued for the use of the property shall immediately become void and of no effect.
5. Where parking or loading areas are provided adjacent to a public street, ingress or egress thereto shall be made only through driveways or openings not exceeding twenty-five (25) feet in width at the curb line of said street, except where the Planning Board or its authorized agent finds that a greater width is necessary to accommodate the vehicles customarily using the driveway.
6. No part of an off-street area required for any building or use for the purpose of complying with the provisions of off-street parking requirements in this Ordinance shall be included as part of any off-street parking area similarly required for another building or use unless the times of usage of such buildings or uses will not be simultaneous.
7. Off-street parking space shall be located on the same lot as the use for which provided or on a separate lot within two hundred (200) feet of any entrance to the building, provided that such parking space land is owned by the owner of the building or leases for the same period of time as the building.
8. The off-street parking requirements for two (2) or more uses on the same lot may be combined and used jointly, provided that the parking space shall be adequate in area to provide the same total off-street parking requirements with all such uses.
9. In the C-1 and I-1 districts, no parking shall be provided that would necessitate an automobile backing onto any street right-of-way. Sufficient maneuvering space shall be provided on the lot to enable the motorist to enter all street rights-of-ways in a forward direction.
10. The minimum parking space dimension shall be 10' x 20'.

SECTION 10.02 - Minimum Parking Requirements

Uses	Parking Requirements
Assisted Living Facility	.90 spaces per bed and 1 space per every 2 employees on the largest shift
Auditoriums, Stadiums, and Theatres	1 space for every 5 seats
Churches	1 space for every 8 seats in principal auditorium
Community or Private Swimming Clubs	1 space for every 5 memberships
Day Care Center	1 space for each adult attendant and 1 space for every 6 children or fraction thereof
Dwelling unit having home beauty or barber shop	2 additional spaces
Entertainment Establishments, Bars, Cabarets, Discos	1 space for each 2 seats
Industries	1 space for every 1.5 employees during maximum employment and 1 space for every truck to be stored or stopped simultaneously.
Institutions and Clubs	1 space for every 5 seats in principal assembly room
Marinas	1 space each per boat slip and 1 space for every 2 dry storage berth's (commercial)
Medical Clinics	1 space for every 250 square feet of gross floor area
Motels, Tourist Homes, and Boarding Houses	1 space for every rental room
Offices	1 space for every 250 square feet of gross floor area
Retail business	1 space for every 200 square feet up to 5,000 square feet of gross floor area and 1 space per 400 square feet above 5,000 square feet of gross floor area; 1 space minimum
Residences, single-family	2 spaces
Residence, duplex	4 spaces
Residential Support Center	1.2 spaces for each bedroom and 1 space for each employee on duty
Restaurants and other eating places	1 space for each 4 seats
Wholesale establishments, warehouses, and other businesses not catering to retail or package trade	1 space for every 3 employees during maximum employment and 1 space for every truck to be stored or stopped simultaneously

Special situations which are not covered by the above shall be handled by the Board of Adjustment. The Board shall make the final determination as to the number of spaces to be required, but shall in all cases give due consideration to the needs.

ARTICLE 11 NONCONFORMING SITUATIONS

SECTION 11.01 - Definitions

Unless the context clearly indicates otherwise, the terms defined below are used in this section in the following manner:

1. **Nonconforming Situation**: A situation that occurs when, on the effective date of this Ordinance or any amendment to it, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a non-conforming situation may arise because a lot does not meet minimum acreage requirements, because structures do not satisfy maximum height or minimum floor-space limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this Ordinance, or because land or buildings are used for purposes made unlawful by this Ordinance.
2. **Nonconforming Use**: A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a nonconforming use.)
3. **Dimensional Nonconformity**: A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.
4. **Nonconforming Lot**: A lot existing at the effective date of this Ordinance or any amendment to it (and not created for the purpose of evading the restrictions of this Ordinance) that cannot meet the minimum area or lot-width requirements of the district in which the lot is located.
5. **Ordinance**: This Ordinance, including any amendments. Whenever the effective date of this Ordinance is referred to, the reference includes the effective date of any amendment to it.
6. **Nonconforming Project**: Any structure, development, or undertaking that is incomplete at the effective date of this Ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.
7. **Expenditure**: A sum of money paid out in return for some benefit or to fulfill some obligation. Whenever the term is used hereafter, it also includes binding, contractual commitments to make further expenditures, as well as any other substantial changes in position.

SECTION 11.02 - Continuation of Nonconforming Situations and Completion of Nonconforming Projects

1. Nonconforming situations that were otherwise lawful on the effective date of this Ordinance may be continued, subject to the restrictions and qualifications set forth in Sections 11.03 through 11.08 of this Article.
2. Nonconforming projects may be completed only in accordance with the provisions of Section 11.08 of this Article.

SECTION 11.03 - Nonconforming Lots

1. When a nonconforming lot can be used in conformity with all of the regulations (other than the area or width requirements) applicable to the district in which the lot is located, such a use may be made as of right. Otherwise, the nonconforming lot may be used only in accordance with a special use permit issued by the Board of Adjustment. The Board shall issue such a permit if it finds that (1) the proposed use is one permitted by the regulations applicable to the district in which the property is located, and (2) the property can be developed as proposed without any significant negative impact on the surrounding property or the public health, safety, or welfare. In issuing the permit authorized by this paragraph, the Board may allow deviations from applicable dimensional requirements (such as setback lines and yard size minimums) if it finds that no reasonable use of the property can be made without such deviations.
2. Whenever this Ordinance creates a nonconforming lot and the owner of the nonconforming lot also owns land adjacent to it, and a portion of this other land can be combined with the nonconforming lot to create a conforming lot (without hereby creating other non-conformities), the owner of the nonconforming lot, or his successor in interest, may not take advantage of the provisions of paragraph 1 of this Section.

SECTION 11.04 - Extension or Enlargement of Nonconforming Situations

1. Except as specifically provided in this subsection, it shall be unlawful for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation.
2. Subject to paragraph 4 of this subsection, a nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this Ordinance, was manifestly designed or arranged to accommodate such use. However, subject to Section 11.08 of this Article (authorizing the completion on nonconforming projects in certain circumstances), a nonconforming use may not be extended to additional buildings or to land outside the original building.
3. Subject to Section 11.08 of this Ordinance (authorizing the completion of nonconforming projects in certain circumstances), a nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming.
4. The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to

changes in the degree of activity rather than changes in kind of activity and no violations of other paragraphs of this section occur.

5. Physical alteration of structures or the placement of new structures on open land is unlawful if they result in:
 - a. An increase in the total amount of space devoted to a nonconforming use;
 - b. Greater nonconformity with respect to dimensional restrictions such as yard requirements, height limitations, or density requirements; or
 - c. The enclosure of previously unenclosed area, even though those areas were previously used in connection with the nonconforming activity. An area is unenclosed unless at least 75% of the perimeter of the area is marked by a permanently constructed wall or fence.
6. Minor repairs to and routine maintenance of property where nonconforming situations exist is permitted and encouraged. Major renovations -- i.e., work estimated to cost more than 10% of the appraised value of the structure to be renovated (and not required by the partial or total destruction of a structure [*see paragraph 8*]) -- may be done pursuant to a special use permit issued by the Board of Adjustment. The Board shall issue such a permit if it finds that the work will not result in a violation of any other paragraphs of this Section (particularly paragraph 3) or make the property more incompatible with the surrounding neighborhood.
7. Notwithstanding paragraph 5, any structure used for single-family residential purposes and maintained as a nonconforming use may be replaced with a similar structure, manufactured home or modular home, so long as the replacement does not create new nonconformities with respect to yard size and setback requirements. The governing use shall be the last structure on the site regardless of time lapse of removal of the structure, as confirmed by the Gates County Tax Department. The replacement of the structure or manufactured home may be ascending or descending in square footage. This paragraph is subject to the limitations stated in Section 11.06 on abandonment and discontinuance of nonconforming situations. (*Amended October 6, 2010*).
8. A structure that is nonconforming in any respect or a structure that is used in a nonconforming manner may be reconstructed or replaced if partially or totally destroyed, subject to the following restrictions:
 - a. The total amount of space devoted to a nonconforming use may not be increased, except that a larger, single-family residential structure may be constructed in place of a smaller one and a larger manufactured/mobile home intended for residential use may replace a smaller one;
 - b. The reconstructed building may not be more nonconforming with respect to dimensional restrictions such as yard requirements, height limitations, or density requirements, and such dimensional nonconformities must be eliminated if they can reasonably be accomplished without unduly burdening the reconstruction process or limiting the right to continue the nonconforming use of such building;
 - c. The reconstructed building may not enclose areas that were previously unenclosed, even though those areas were used in connection with the nonconforming activity. An area is unenclosed unless at least 75% or more of the perimeter of the area is marked by a permanently constructed wall or fence.
 - d. Except for single-family residential structures (including mobile homes), if the estimated cost of the reconstruction work exceeds 10% of the appraised value of the structure, the work may be done only after issuance of a special use permit by

the Board of Adjustment. The Board shall issue the permit if it finds that the work will be done in accordance with this paragraph and that the reconstructed building will not make the property more incompatible with the surrounding property than it was before the destruction occurred.

SECTION 11.05 - Change in Kind of Nonconforming Use

1. A nonconforming use may be changed to a conforming use. Thereafter, the property may not revert to a nonconforming use.
2. A nonconforming use may be changed to another nonconforming use only in accordance with a special use permit issued by the Board of Adjustment. The Board shall issue such a permit if it finds that the proposed use will be more compatible with the surrounding neighborhood than the use in operation at the time the application is made for the permit. If a nonconforming use is changed to any use other than a conforming use without obtaining a special use permit pursuant to this paragraph that change shall constitute a discontinuance of the nonconforming use, with consequences as stated in Section 12.06 of this Article.
3. If a nonconforming use and a conforming use, or any combination of conforming and nonconforming uses, or any combination of nonconforming uses exist on one lot, the use made of the property may be changed substantially (except to a conforming use), only in accordance with a special use permit issued by the Board of Adjustment. The Board shall issue such a permit if it finds that the proposed use will be more compatible with the surrounding neighborhood than the use or combination of uses in operation at the time the permit is applied for.

SECTION 11.06 - Abandonment or Discontinuance of Nonconforming Situations

1. When a nonconforming use is (a) discontinued for a consecutive period of one-hundred twenty (120) days, or (b) discontinued for any period of time without a present intention to reinstate the nonconforming use, the property involved may thereafter be used only for conforming purposes, except as provided in paragraph 2 of this Section. Present intention to reinstate the use shall not be considered if the abandoned property lacks maintenance or continuity of public services such as water, electricity, and trash removal.
2. The Board of Adjustment may issue a special use permit to allow a nonconforming use that has been discontinued for more than one-hundred twenty (120) consecutive days to be reinstated if it finds that (a) the nonconforming use has been discontinued for less than one year, and (b) the discontinuance resulted from factors that, for all practical purposes, were beyond the control of the person maintaining the nonconforming use.
3. If the principle activity on property where a nonconforming situation other than a nonconforming use exists is (a) discontinued for a consecutive period of one-hundred twenty (120) days, or (b) discontinued for any period of time without a present intention of resuming that activity, then that property may thereafter be used only in conformity with all of the regulations applicable to the district in which the property is located, unless the Board of Adjustment issues a special use permit to allow the property to be used (for a nonconforming purpose) without correcting the nonconforming situation. The Board shall issue such a permit if it finds that (a) the nonconforming situation cannot be corrected without undue hardship or expense, and (b) the nonconforming situation is of a minor nature

that does not adversely affect the surrounding property or the general public to any significant extent.

4. For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this section, all of the buildings, activities, and operations maintained on a lot are generally considered as a whole. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter.
5. When a structure or operation made nonconforming by this Ordinance is vacant or discontinued at the effective date of this Ordinance, the one-hundred twenty (120) day period for purposes of this Section begins to run at the effective date of the Ordinance.

SECTION 11.07 - Termination of Nonconforming Situations

Subject to all other terms and conditions of Article 11 of this Ordinance, nonconforming situations shall not be subject to specific time limitations for permanent discontinuation.

SECTION 11.08 - Completion of Nonconforming Projects

1. All work on any nonconforming project for which a permit has not been issued shall cease on the effective date of this Ordinance. Thereafter, work on nonconforming projects may begin, or may continue, only pursuant to a special use permit issued by the Board of Adjustment (except as provided in paragraph (b) of this section). The Board shall issue such a permit if it finds that the applicant has in good faith made substantial expenditures or incurred substantial binding obligations or otherwise changed his position in some substantial way in reasonable reliance on the land-use law as it existed before the effective date of this Ordinance and thereby would be unreasonably prejudiced if not allowed to complete his project as proposed. In considering whether these findings may be made, the Board shall be guided by the following:
 - a. To the extent that expenditures are recoverable with a reasonable effort, a party shall not be considered prejudiced by having made those expenditures. For example, a party shall not be considered prejudiced by having made expenditure to acquire a potential development site if the property obtained is just as valuable under the new classification as it was under the old, for the expenditure can be recovered by resale of the property.
 - b. An expenditure shall be considered substantial if it is significant both in dollar amount and in terms of (a) the total estimated cost of the proposed project, and (b) the ordinary business practices of the developer.
 - c. A person shall be considered to have acted in good faith if actual knowledge of a proposed adoption of land-use law affecting the proposed development site could not be attributed to him.
 - d. Even though a person had actual knowledge of a proposed adoption of land-use law affecting a development site, the Board of Adjustment may still find that he acted in good faith if he did not proceed with his plans in a deliberate attempt to circumvent the effects of the proposed Ordinance. The Board may find that the developer did not proceed in an attempt to undermine the proposed Ordinance if it determines that (1) at the time the expenditures were made, either there was considerable doubt about whether any Ordinance would ultimately be passed, or it

was not clear that the proposed Ordinance would prohibit the intended development; and (2) the developer had legitimate business reasons for making expenditures.

2. The requirements of paragraph 1 of this Section shall not apply to a nonconforming project if the zoning enforcement officer certifies that actual construction of that project began at least 180 days before the effective date of this Ordinance and that the work is at least 75% complete at the effective date of this Ordinance.
3. The Board of Adjustment shall not consider any application for the special use permit authorized by paragraph (1-a) of this section that is submitted more than 90 days after the effective date of this Ordinance, unless it waives this requirement for good cause shown.
4. If the Board of Adjustment issues a special use permit pursuant to paragraph 1 of this section, it may attach such reasonable conditions to the permit as it finds necessary to reduce the extent to which the nonconforming project is incompatible with the surrounding neighborhood. In particular, the Board may require that work on the nonconforming project be continuously maintained, if possible, and that the project be completed as expeditiously as possible.
5. When it appears from the developer's plans or otherwise that the nonconforming project was intended to be or reasonably could be completed in stages, segments, or other discrete units, the Board of Adjustment shall not allow the nonconforming project to be constructed or completed in a fashion that is larger or more extensive than is necessary to allow the developer to recoup and obtain a reasonable rate of return on the expenditures he has made in connection with that nonconforming project.

ARTICLE 12 ADMINISTRATION AND ENFORCEMENT

SECTION 12.01 - Administration and Enforcement

The Planning Director shall administer this Ordinance and serve as Enforcement Officer and Zoning Administrator.

The Planning Director shall enforce this Ordinance. The Planning Director may be provided with assistance of such other persons as the Board of Commissioners may direct.

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

On any property where a zoning violation exists, the property owner shall be deemed responsible for the violation. This provision shall apply to properties that are leased or otherwise occupied by someone who is not the legal owner of the property in question.

SECTION 12.02 – Technical Review Committee

- 1 A Technical Review Committee (TRC) shall be established to assist the staff, Planning Board and the Board of Commissioners in the review of site development plans. The purpose of the TRC is to review, comment and make recommendations regarding the technical aspects of all major site plans and subdivision plats.
2. Membership of the TRC shall be composed of, but not limited to, representatives from the Planning and Development Services, Water Department, Fire Marshal's office, CAMA, NC-DOT, Gates County School System, Sheriff's Department, Environmental Health Department, Emergency Medical Services, Soil and Water Conservation, and area utility providers.
3. The Planning Director, or his designated representative, shall serve as chair of the TRC. The Chair shall be responsible for all proceedings and decisions made by the TRC.
4. The TRC shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conforming with the review procedures delineated in this Ordinance.

SECTION 12.03 – Site Plan Approval

1. No Zoning Certificate or Building Permit shall be issued until a site plan has been approved for the development. A site plan shall not be required if an adequate site plan is already on file, there is no change in the parking requirements, or there is no increase in impervious surface area.
2. Additions to existing buildings that exceed 50% of the gross floor area of the building or require an additional five (5) or more parking spaces shall be approved by the Zoning Administrator upon recommendation of the Technical Review Committee (TRC).
3. Site plans that require approval from the TRC, must be submitted at least twenty-one (21) days prior to the regular TRC meeting.
4. If a site plan is granted conditional approval by the TRC, the applicant shall revise and resubmit the site plan. The Zoning Administrator shall review the revised site plan and, if it meets all the approval conditions and is otherwise substantially unaltered, shall signify on the plan the approval. If the site plan is not revised within sixty days to meet the approval conditions, or the applicant notifies the Zoning Administrator that he is unwilling to revise the site plan, it shall be deemed denied.
5. Copies of all required state permits must be submitted to the Zoning Administrator prior to the approval of a site plan.

SECTION 12.04 - Zoning Certificate

1. No building or structure or any part thereof designed or intended to be used for other than bona fide farm or agricultural purposes shall be erected or repaired until a Zoning Certificate therefore has been issued by the Enforcement Officer.
2. Each application for a Zoning Certificate shall be accompanied by a plat, showing accurate dimensions of the lot to be built upon, accurate dimension of the building to be erected, its location on the lot, and such other information as may be necessary to provide for the enforcement of this Ordinance such as evidence of the County Sanitarian's approval of the sewage disposal system. A careful record of such applications and plats, together with a record of the action taken thereon shall be kept in Gates County Planning and Development Services' office. An application fee established by the Board of Commissioners shall be paid to the County of Gates, North Carolina to cover necessary administrative costs.
3. No permit for excavation for or erection of any building or part of a building, or for repairs to or alteration of a building, or the relocation of a building from the lot on which it is situated shall be issued until after a statement of its intended use has been filed by the applicant.

SECTION 12.05 - Building Permits

After the adoption of this Ordinance no new uses other than bona fide farms shall be established unless a building permit is applied for and issued by the Building Inspector. No permit shall be issued except in conformity with the provisions of this Ordinance, except after written order from the Board of Adjustment.

SECTION 12.06 - Certificate of Occupancy/Compliance

No land shall be used or occupied, except for bona fide farm purposes, and no building or structure erected, altered, used or changed in use for other than farm purposes until a Certificate of Occupancy/Compliance shall have been issued by the Enforcement Officer stating that the building and/or the proposed use has been determined to be in compliance with the

provisions of this Ordinance. A like certificate shall be issued for the purpose of changing any existing use, as well as for maintaining, renewing, changing, or extending any nonconforming use. A certificate of Occupancy/Compliance for the whole or part of a building, shall be applied for prior to occupancy and shall be issued within five (5) days after the erection of alterations of such building or part shall have been found in compliance with the provisions of this Ordinance and other applicable codes and ordinances. A record of all such certificates shall be kept on file in Gates County Planning and Development Services and shall be furnished on request, to any person having a proprietary or tenancy interest in the building or land.

SECTION 12.07 - Compliance with State Guidelines for Areas of Environmental Concern

Prior to issuance of any initial zoning permit, zoning change permit, or special use permit, the zoning enforcement officer and local AEC Permit Officer in consultation with the State AEC Field Consultant, shall determine whether the proposed use or structure is located within an Area of Environmental Concern. This determination shall result from an on-site investigation. If the proposed use or structure is located in an Area of Environmental Concern, the zoning enforcement officer and local AEC Permit Officer shall certify that the proposed use or structure complies with development standards of the State Guidelines for Areas of Environmental Concern prior to issuing any zoning permit.

SECTION 12.08 - Penalties for Violation

1. Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or special use permits, shall constitute a misdemeanor, punishable by a maximum fine in the amount of seventy-five dollars (\$75.00) or a maximum thirty (30) days imprisonment as provided by G.S. 14-4.
2. Any act constituting a violation of this ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special use permits, shall subject the offender to a civil penalty of fifty dollars (\$50.00) for each day the violation continues. If the offender fails to pay this penalty within fifteen (15) days after being cited for a violation, the penalty may be recovered by the county in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with Section 12.01 and did not take an appeal to the Board of Adjustment within the prescribed time stated in Section 13.05.
3. This Ordinance may also be enforced by any appropriate equitable action.
4. Each day that any violation continues after notification by the Enforcement Officer that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
5. Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

ARTICLE 13 BOARD OF ADJUSTMENT & PLANNING BOARD

SECTION 13.01 - Creating the Board of Adjustment

The Gates County Board of Commissioners shall provide for the appointment of the Gates County Board of Adjustment. The Board of Adjustment shall consist of five active members and two alternate members. An alternate member or members will be called upon to hear appeals in cases where the issue to be decided upon involves a personal conflict of interest with one or more regular Board of Adjustment members. The members shall be appointed by the Gates County Board of Commissioners. All five members of the Board of Adjustment shall have the same and equal powers and duties. In the event that less than the entire County is zoned, at least one (1) resident of each area which is zoned shall be appointed to the Board. Insofar as possible, initial appointment to the Board shall be as follows:

- two-fifths (2/5) for a term of three (3) years;
- two-fifths (2/5) for a term of two (2) years;
- and one-fifth (1/5) for a term of one (1) year.

The two (2) alternate members may be appointed for a term of three (3) years to serve in the absence of regular members. The successor to the regular and the alternate members shall be appointed for three (3) year terms. Vacancies shall be filled for the unexpired term only. Members of the Board of Adjustment may be removed for cause by the Board of Commissioners upon written charges and after public hearing.

13.02 AUTHORITY

A Board of Adjustment is hereby established pursuant to NCGS 160A – 388 or 153 A – 345.1.

13.03 MEMBERSHIP

- (K) Number of Members. The Board of Adjustment shall consist of five (5) active members and two (2) alternate members.
- (L) County Resident. For the purposes of this ordinance, a county resident is defined as an individual: 1) who is a legal US citizen; 2) who owns real property in the unincorporated areas of Gates County; 3) who has been a resident of Gates County for six (6) months or longer and; 4) who does not have any current tax delinquencies.
- (M) Appointment and Terms. Board of Adjustment active members and alternates shall be appointed to three (3) year terms by the Board of County Commissioners. An active member shall be limited to serve two (2) consecutive terms on the board before becoming ineligible to serve. A former member may be eligible for reappointment after not serving on the Board of Adjustment for a one (1) year period.

When an active member or alternate vacates an appointment prior to the completion of the term, a successor shall be appointed by the Board of County Commissioners to complete the remainder of the term. After completing the term, the successor will be eligible for appointment to the board for a regular term. He/she will be eligible to two (2) full term reappointments to the board.

- (N) Removal of Member(s). A member of the Board of Adjustment may be removed for cause by the Board of Commissioner upon written charges and after a public hearing.

Absences from three (3) consecutive regularly scheduled meetings or more than fifty (50%) during one (1) calendar year shall be considered cause for a recommendation of dismissal from the Board of Adjustment. Upon approval of a majority of Board of Adjustment members, a recommendation can be submitted to the Board of County Commissioners calling for the dismissal of the member.

13.04 RULES of PROCEEDINGS for the BOARD of ADJUSTMENT

- (A) The Board shall elect a Chairman and Vice – Chairman annually at the June meeting.
- (B) The Gates County Planning Director or his/her designee shall serve as the Secretary to the Board. The Secretary shall keep minutes of the proceedings. The minutes shall contain relevant facts and testimony of each petition, the vote of each member on each petition, abstention from voting and attendance.
- (C) The Secretary to the Board or the Chairman of the Board or any member temporarily acting as Chairman, shall administer oaths to witnesses on any matter coming before the Board. Any person swearing falsely and giving false testimony under oath is guilty of a Class 1 Misdemeanor.
- (D) The Board shall not be required to hear an appeal to an administrative decision if it finds that there has been no substantial change in conditions or circumstances bearing on the appeal.
- (E) The Board shall not be required to hear an application submitted for a parcel of land that was previously denied if it finds there has been no substantial change in conditions, circumstances, or in the request presented.
- (F) An application and applicable fee shall be required for any request filed for Board of Adjustment consideration.
- (G) Meeting
- 1) Regular Meetings – Regular meetings of the Board of Adjustment shall be held on the third Tuesday of each month. Unless special notice is given, meetings will begin at 1:00pm in the Gates County Courthouse.
 - 2) Special Meetings – Special meetings of the Board of Adjustment may be called at any time by the Board of County Commissioners or by the Administrator of this ordinance if special circumstances present. Members of the Board of Adjustment and the general public will be provided with a one (1) week notice.
 - 3) Conduct of Meetings – All meetings shall be open to the public. The order of business at regular meetings shall be set by agenda by the Secretary to the Board. Only items properly filed with the Secretary to the Board will be placed on the agenda. The public and specific interests may appear for comment or input on any matter not on the agenda at any meeting, regular or special, but no formal action will be taken on non – agenda items.

(H) Notice of Hearing

- 1) Notice of hearings shall be mailed to:
 - a) the person or entity whose appeal, application, or request is the subject of the hearing;
 - b) the property owner, if different from the applicant;
 - c) all adjacent property owners to the request located two (2) deep to the subject parcel (Section 13 – 01.09); and
 - d) any known person entitled to receive notice.
- 2) Notices must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing.
- 3) A notice of the hearing shall also be prominently posted on the site at least 10 days, but not more than 25 days, of the hearing or on an adjacent street or highway right – of – way.
- 4) Official county website.
- 5) An advertisement for Public Hearing shall be placed in a newspaper of general circulation in Gates County, but will not delay the hearing of the case if all conditions stated above are not met.

(I) Powers and Duties.

Powers:

All five (5) members of the Board of Adjustment shall have the same and equal powers and duties. An alternate member(s) will be called upon to hear and vote on cases where the issue to be decided upon involves a personal or business conflict of interest with one or more regular Board of Adjustment member(s). An alternate may also be called upon to hear and vote on cases when there is less than a quorum of regular active members in attendance. When called upon, the alternate member shall have all the same and equal powers and duties as a regular active member.

Duties:

- 1) To hear and decide appeals from and review any order, requirement, decision, determination, or interpretation made by an administrative official charged with enforcing the Zoning Ordinance;
- 2) To hear and decide any exceptions which are specifically delegated to it by the Zoning Ordinance;

- 3) To hear and decide appeals for variances from the zoning provisions of the Zoning Ordinance in cases where special conditions would make strict and literal interpretation and enforcement of the zoning provisions of the Zoning Ordinance result in a loss of privileges shared by other properties within the same zoning districts; and
- 4) To hear and decide all matters referred to it or upon which it is required to pass under the Zoning Ordinance.

(J) Voting

- 1) A four – fifths (4/5) vote of voting members shall be required for the Board to grant a Variance from the provisions of the Zoning Ordinance.
- 2) A simple majority of voting members shall be required to:
 - a) Affirm or reverse any order, wholly or partly; modify a requirement, decision, determination or interpretation of an administrative officer charged with enforcing the Zoning Ordinance.
 - b) Decide a Special Use Permit.
- 3) The Board chairman shall vote as any other Board member.
- 4) The Board may, in its discretion, direct that its decision be delayed to a date or time subsequent to the Board's vote on a petition.

(K) Decision

- 1) A decision rendered by the Board of Adjustment becomes effective upon the filing of the written decision with the Secretary to the Board.
- 2) Decisions shall be signed by the Chair to the Board or any other duly authorized member of the Board.
- 3) The decision shall be delivered by personal delivery, email, or first class mail prior to the date the decision becomes effective. The decision shall be delivered to the applicant, property owner, and any other person who has submitted a written request for a copy.

13.05 REVIEW of ADMINISTRATIVE DECISION

Any citizen or entity aggrieved by a decision, determination or interpretation by an administrative officer(s) charged with enforcement of the Zoning Ordinance may appeal to the Board of Adjustment. The Board of Adjustment shall have the power to hear and decide any appeal taken from the order, decision or requirements of the administrative officer(s).

(A) Appeal Process

- 1) An appeal is taken by filing a notice of appeal with the Clerk to the Board of County Commissioners. The notice of appeal shall state the grounds for the appeal.
- 2) The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different. The notice shall be delivered by personal delivery, electronic mail, or by first – class mail.
- 3) The official shall transmit to the board all documents and exhibits constituting the record upon which the action appealed from is taken. A copy of the record shall also be provided to the applicant and the property owner, if different.
- 4) The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision or determination that ought to be made.

Per GS 160A – 388 (b1)

13.06 VARIANCE

(A) A variance may be granted to authorize, upon appeal in specific cases, exceptions from the terms of the Zoning Ordinance as will not be contrary to the public interest where owing to special conditions as literal enforcement of the provisions of the Zoning Ordinance will result in undue hardship, and so that the spirit of the Zoning Ordinance shall be observed and substantial justice done. In consideration all proposed variances to the Zoning Ordinance, the Board shall, before making any finding in a specified case, first determine that the proposed variances will not constitute any change in the district boundaries shown on the Zoning Map and will not impair any adequate supply of light and air to adjacent property, or adversely affect the use or physical attributes of property within the surrounding area, or in any other respect impair the public health, safety, and general welfare.

(B) In granting a variance the Board of Adjustment may impose thereto such conditions regarding the location, character, and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of the Zoning Ordinance.

- (C) Before a variance is granted, the Board of Adjustment shall make the following findings:
- 1) Unnecessary hardship would result from the strict application of the Zoning Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - 2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
 - 3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self – created hardship.
 - 4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
- (D) The Board of Adjustment may grant a variance in the dimensional yard requirements of the Zoning Ordinance only where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property which was a lot of record as of the effective date of the Zoning Ordinance, or where due to the topographical conditions of the Zoning Ordinance would result in practical difficulties or undue hardship of such nature as described in the preceding paragraph.
- (E) The Board shall not, under any circumstances, grant a variance to permit a use or density not otherwise permitted by the Zoning Ordinance in the zoning district involved.
- (F) The fact that property may be utilized more profitably will not be considered as a justification for granting a variance by the Board of Adjustment.
- (G) Any variance granted is unique in nature and does not give the applicant or the property a blanket exception to the Zoning Ordinance.

13.07 SPECIAL USE PERMIT

- (A) Special Use Permits may be issued by the Board of Adjustment for uses listed as special uses in Article 7 after a public hearing.
- (B) Upon receiving the petition for a Special Use Permit and holding a hearing, the Board of Adjustment may grant or deny the request.

In granting the Special Use Permit the Board of Adjustment shall find:

- 1) that the use will not materially endanger the public health or safety if located where proposed and approved;

- 2) that the use meets all required conditions and specifications;
- 3) that the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- 4) that the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development for Gates County.

(C) In granting the permit the Board of Adjustment may designate conditions to the use above conditions listed in Section 9.03 of the Zoning Ordinance. All such conditions shall be entered in the minutes of the meeting, shall be listed on the Special Use Permit, and on any plans submitted for the development.

All specific conditions shall run with the land and shall be binding on the original applicant(s) for the Special Use Permit, their heirs, and any successive property owner.

(D) A Special Use Permit shall become null and void if construction or occupancy of the proposed use is not commenced within twelve (12) months of the date of issuance. Time extensions for the Special Use Permit may be granted by the Board of Adjustment provided applications for extensions are submitted in writing to the Gates County Planning and Zoning Department prior to expiration. The Board of Adjustment may grant more than one (1) extension of a permit, but no extension shall exceed a period of six (6) months unless otherwise stated. A Board of Adjustment extension may be appealed in conformity with the requirements of Section 13 – 05(6) of the Zoning Ordinance.

(E) If the Board of Adjustment denies the permit, the Board shall enter the reasons for its action in the minutes at the meeting at which the action is taken.

(F) Every decision of the Board of Adjustment issuing or denying a Special Use Permit shall be subject to review by the Superior Court and shall follow the appeal process identified in Section 13 – 09.

(G) In addition to the specific conditions imposed by the regulations of the Zoning Ordinance and whatever additional conditions the Board deems reasonable, special uses shall comply with the height, yard, area, parking, sign, and all other pertinent regulations for the use in which they are permitted unless otherwise specified.

(H) In the event of failure to comply with the plans approved by the Board of Adjustment or with any other conditions imposed upon the Special Use Permit, the Permit shall immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this Special Use Permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of Article 11 of the Zoning Ordinance.

(I) Minor changes in the location and/or size of the structure may be made provided the necessity for these changes is clearly demonstrated. Minor changes shall be submitted to the Planning and Zoning Department. A review by the Technical Review Committee shall be required for approval of the changes.

(J) Major changes to an approved Special Use Permit shall cause the permit to be resubmitted to the Board of Adjustment for additional consideration.

(K) Changes cannot be granted to a revision that would cause or contribute to:

- 1) A change in the character of the development,
- 2) A change of design for, or an increase in the hazards to pedestrian and vehicle traffic circulation,
- 3) A reduction in the original approved setbacks from roads and/or property lines,
- 4) A change in a condition previously approved by the Board of Adjustment.

13.08. ADDITIONAL POWER

The Board of Adjustment shall have the authority to make the following exception to the general provisions of this Ordinance:

Where a use district boundary line crosses a lot, the Board of Adjustment, after a public hearing in which it has determined that the spirit and intent of this Ordinance has been carried out, may permit a use of either classification on the whole lot, but not to exceed a distance of one hundred and fifty (150) feet from the boundary line. In addition, the remaining parcel shall not be less than the minimum required for the district in which it is located.

13.09. RECOMMENDATIONS to PLANNING BOARD and BOARD of COMMISSIONERS

The Board of Adjustment shall make recommendations to the Planning Board and Board of County Commissioners for any changes in this Ordinance that are in the best interest of the County and the general public.

13.10. APPLICATION PROCESS

(A) The owner or owners, or a duly authorized agent, of the property included in the petition shall submit an application to the Gates County Planning and Zoning Department at least thirty (30) days prior to the date of review by the Board of Adjustment.

An application fee established by the Board of Commissioners shall be paid to the County of Gates, North Carolina.

(B) Due notice shall be given to all parties having interest in a petition; specifically planning staff shall furnish the first and second abutting owner in all directions from the affected parcel with written notice of the hearing. Said notice shall be deposited in the mail at least ten (10) days prior to the date of the hearing. Notice of Public Hearing shall be posted on the Gates County website at a minimum of two (2) weeks prior to the meeting as well as at the Gates County Public Library and Gates County Courthouse. Public Notice shall also be posted on the property concerned indicating the purposes change and date of public hearing.

For purposes of this section the term “first abutting owner” shall mean all parcels joined at the border or boundary of the affected parcel and those directly across a street right – of – way. For purposes of this section the term “second abutting property owner” shall mean all parcels joined at the border or boundary of the first abutting property owners surrounding the affected parcel.

(C) Any interested party may appear in person, by agent, or by Attorney to offer evidence and testimony relative to an appeal.

(D) Fees for filing appeals to the Board of Adjustment shall be established by the Gates County Board of County Commissioners, in order to cover necessary administrative costs and advertising expense. Applications to the Board of Adjustment may be withdrawn at any time. Application fees are nonrefundable.

An application may be postponed by the Planning Department up to one (1) meeting date provided the first advertisement has not taken place and/or the request is received fifteen (15) business days prior to the meeting date.. If the first advertisement has run, then the Board of Adjustment shall vote at the scheduled meeting date whether to accept the postponement or proceed with the case as scheduled. If a postponement is granted, then the applicant has a limit of two (2) meeting dates before the application must be heard. The two (2) meeting dates shall consist of the initially scheduled date and the next consecutively scheduled meeting date.

In the event an application has to be postponed due to an event that is not caused by the applicant; i.e. lack of a quorum, inclement weather, etc., then the Board of Adjustment shall meet to decide to arrange a special meeting for the earliest possible time.

(E) Submittals for review by the Board of Adjustment shall be presented to the appropriate County Officials thirty (30) days prior to the regularly scheduled Board of Adjustment meeting.

13.11. APPEAL to a DECISION of the BOARD of ADJUSTMENT

(A) Appeal to Superior Court. Each decision of the Board shall be subject to Superior Court review by proceedings in the nature of certiorari.

(B) Timing of Appeal

1) Any petition for review by the Superior Court shall be filed with the Clerk of Superior court within thirty (30) days after the decision of the Board is filed in the Planning & Zoning Department.

2) After a written copy thereof is delivered to ever aggrieved party who has filed a written request for such copy with the Secretary to the Board at the time of its hearing of the case, whichever is later.

13.12. RECORDS

(A) Public Records. All records of the Board of Adjustment shall be made available to the public in accordance with State statutes.

(B) Retention. The Secretary to the Board of Adjustment shall be charged with the maintenance of Board of Adjustment records including reports, recommendations, minutes, and correspondences of the Board of Adjustment. The file shall be maintained in the Planning & Zoning Department. Requests for copies shall be forwarded to or addressed to the Secretary to the Board of Adjustment.

SECTION 13.13 - Jurisdiction of Board of Adjustment

The Board of Adjustment shall have authority on any appeal relative to the provisions of this Ordinance originating from within the area encompassed by the legal description of the jurisdiction of this Ordinance as described in Section 2.01.

13.14. PLANNING BOARD AUTHORITY

A Planning Board hereby established pursuant to NCGS 160A – 361 or 153 A – 344.

13.15. MEMBERSHIP

(O) Number of Members: The Planning Board shall consist of seven (7) active members.

(P) County Resident. For the purposes of this ordinance, a county resident is defined as an individual: 1) who is a legal US citizen; 2) who owns real property in the unincorporated areas of Gates County; 3) who has been a resident of Gates County for six (6) months or longer and; 4) who does not have any current tax delinquencies.

(Q) Appointment and Terms. The Planning Board active members shall be appointed to three (3) year terms by the Board of County Commissioners. An active member shall be limited to serve two (2) consecutive terms on the board before becoming ineligible to serve. A former member may be eligible for reappointment after not serving on the Planning Board for a one (1) year period.

When an active member vacates an appointment prior to the completion of the term, a successor shall be appointed by the Board of County Commissioners to complete the remainder of the term. After completing the term, the successor will be eligible for appointment to the board for a regular term. He/she will be eligible to two (2) full term reappointments to the board.

(R) Removal of member(s). A member of the Planning Board may be removed for cause by the Board of Commissioners upon written charges as described below-

Absence from three (3) consecutive regularly scheduled meetings or more than fifty (50%) of scheduled meetings during any one (1) calendar year shall be considered cause for a recommendation of dismissal from the Board. Upon approval of a majority of members, a recommendation can be submitted to the Board of County Commissioners calling for the dismissal of the member.

13.16. RULES OF PROCEEDINGS FOR THE PLANNING BOARD

(A) The Board shall elect a Chairman and Vice – Chairman annually at the June meeting.

(B) The Gates County Planning Director or his/her designee shall serve as the Secretary to the Board. The Secretary shall keep minutes of the proceedings. The minutes shall contain relevant facts and testimony of each petition, the vote of each member on each petition, abstention from voting and attendance.

(C) The Board shall not be required to hear an application previously denied if it finds that there has been no substantial change in conditions or circumstances bearing on the appeal or application.

(D) Meeting

4) Regular Meetings – Regular meetings of the Planning Board shall be held on the third Tuesday of each month. Unless special notice is given, meetings will begin at 3:00pm in the Gates County Courthouse.

5) Special Meetings – Special meetings of the Planning Board may be called at any time by the Board of County Commissioners or by the Administrator of this ordinance if special circumstances present. Members of the Planning Board and the general public will be provided with a one (1) week notice.

6) Conduct of Meetings – All meetings shall be open to the public. The order of business at regular meetings shall be set by agenda by the Secretary to the Board. Only items properly filed with the Secretary to the Board will be placed on the agenda. The public and specific interests may appear for comment or input on any matter not on the agenda at any meeting, regular or special, but no formal action will be taken on non – agenda items.

(E) Notice of Meeting

6) Notice of meetings shall be mailed to:

- e) the person or entity whose application or request is the subject of the hearing;
- f) the property owner, if different from the applicant;
- g) all adjacent property owners to the request located two (2) deep to the subject parcel. For purposes of this section the term “first abutting owner” shall mean all parcels joined at the border or boundary of the affected parcel and those directly across a street right – of – way. For purposes of this section the term “second

abutting property owner” shall mean all parcels joined at the border or boundary of the first abutting property owners surrounding the affected parcel;

- h) any other person entitled to receive notice; and,
 - i) official county website.
- 7) Notices shall be mailed to the above identified recipients prior to the Planning Board meeting at least 10 days, but not more than 25 days, prior to the date of the hearing.
 - 8) Notices will again be mailed to the above identified recipients prior to the Public Hearing conducted by the Board of County Commissioners. Notices must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the public hearing. GS 153A – 323
 - 9) A notice of the Public Hearing shall also be prominently posted on the site or on an adjacent street or highway right – of – way at least 10 days, but not more than 25 days before the scheduled Board of County Commissioners meeting.
 - 10) A notice for the Public Hearing may be placed in the local newspaper. Missed publication in the local newspaper will not delay the Public Hearing as long as all of the criteria listed above are completed.

(F) Powers and Duties.

Powers:

All seven (7) members of the Planning Board shall have the same and equal powers and duties.

Duties:

- 5) To hear and make recommendations to the Board of County Commissioners regarding zoning map amendments in accordance with the terms of this Ordinance;
- 6) To hear and make recommendations to the Board of County Commissioners regarding text amendments to any adopted County Ordinance;
- 7) To hear and make recommendations to the Board of County Commissioners regarding Major Subdivisions;
- 8) To assist with the development and make recommendation to the Board of County Commissioners regarding any Comprehensive or Long Range Planning efforts.

(F) Voting

- 5) A quorum shall consist of four (4) members. When there are unfilled Planning Board vacancies a quorum shall consist of fifty percent (50%) of the remaining membership of the Planning Board plus one member.

- 6) The Planning Board shall render a decision on any properly filed application within thirty (30) days after its initial reading. The Board shall transmit its recommendation to the County Commissioners and send a copy of the recommendation to the applicant and/or the property owner, if different. An application may be continued until the next meeting if the Board finds that additional information is needed in order to render a recommendation
- 7) A simple majority of voting members shall be required to:
 - c) Send a favorable or negative recommendation to the Board of County Commissioners.
- 8) The Board chairman shall vote as any other Board member.
- 9) No Board member shall participate in the decision of, or vote upon, any case in which there is a personal and/or financial interest, directly or indirectly.

13.17. ZONING MAP AMENDMENT

(A) Filing

- 1) A pre – filing conference is recommended for anyone planning to file an application. This should be scheduled in the weeks prior to the submission deadline.
- 2) Filing for an application for map amendment requires:
 - a) a completed and signed Application Package;
 - b) application fee;
 - c) a sketch plan of the property; and,
 - d) a copy of the deed.
- 3) These items must be submitted by noon on the submittal deadline date established by the Planning and Zoning Department.

(B) Continuance

- 1) The Planning Board may continue a map amendment request for up to thirty (30) days provided the reason for said continuance is stated in the motion to continue. Upon failure of the Planning Board to act on a request, the item will be forwarded to the Board of County Commissioners with no recommendation from the Planning Board.

(C) Consistency Statement

A consistency statement is required when the Planning Board makes a final decision.

13.18. TEXT AMENDMENTS

- (A) The Planning Board shall review and make recommendation on amendments to any ordinance administered by the Planning and Zoning Department.
- (B) Applications for text amendments shall be processed, considered, and a recommendation submitted prior to the amendment going to the Board of County Commissioners.
- (C) The Planning Board may continue a text amendment request for up to thirty (30) days provided the reason for said continuance is stated in the motion to continue. Upon failure of the Planning Board to act on a request, the item will be forwarded to the Board of County Commissioners with no recommendation from the Planning Board.
- (D) The Board of County Commissioners shall approve, disapprove, or revise the text amendment after receipt of the text amendment request.

13.19. MAJOR SUBDIVISIONS

- (A) The Planning Board shall review and make recommendations to the Board of County Commissioners regarding any Major Subdivision submitted to the Planning and Zoning Department. (See The Gates County Subdivision Ordinance for details.)

13.20. RECORDS

- (A) Public Records. All records of the Planning Board shall be made available to the public in accordance with State statutes.
- (B) Retention. The Secretary to the Planning Board shall be charged with the maintenance of Planning Board records including reports, recommendations, minutes, and correspondences of the Planning Board. The file shall be maintained in the Planning & Zoning Department. Requests for copies shall be forwarded to or addressed to the Secretary to the Planning Board.

13.21. RECOMMENDATIONS to the BOARD of COUNTY COMMISSIONERS

- (A) All recommendations made by the Planning Board shall be forwarded to the Board of County Commissioners for final disposition.
- (B) If the Planning Board is unable to render a decision by first meeting after the meeting with the initial reading of an item, the item shall be forwarded to the Board of County Commissioners without a recommendation.
- (C) The Planning Board may petition the Board of County Commissioners for an extension to 13 – 02.08(B). The extension time limit to be granted at the discretion of the Board of County Commissioners.
- (D)

ARTICLE 14 ADOPTION AND AMENDMENT PROCEDURES

SECTION 14.01 - Purpose and Scope

The Board of Commissioners, in accordance with the procedures set forth in this Article, may adopt a zoning ordinance and zone property, and may amend this Ordinance, which means amending the text of this Ordinance and rezoning property (that is, amending the classifications of property appearing on the Official Zoning Map). Re-zonings may require a comprehensive land use plan amendment. The term amendment shall include amendments, supplements, changes and modifications to, and repeals of, this Ordinance.

To adopt a zoning ordinance and zone property, the Board of Commissioners shall follow the same procedures as are specified for amending this Ordinance, except that Section 14.02 shall not apply. Instead, the Board of Commissioners shall hold the public hearing and take other action to adopt a zoning ordinance and zone property only after receiving a certified ordinance from the Planning Board.

SECTION 14.02 - Planning Board Review

Before an amendment to this Ordinance may be adopted, it must be presented or referred to the Gates County Planning Board for the Planning Board's recommendation. The Planning Board shall be given at least thirty (30) days in which to make a recommendation. Whenever territory is added to an existing designated zoning area, it shall be treated as an amendment to this Ordinance for that area.

SECTION 14.03 - Initiation of Amendments

An amendment may be initiated by the Board of Commissioners, the Planning Board, the Board of Adjustment, or by the petition of any owner of a legal or equitable interest in land located in Gates County.

SECTION 14.04 - Amendment by Petition *(removed June 4, 2007)*

SECTION 14.05 - Public Hearing

Before amending this Ordinance, the Board of Commissioners shall hold a public hearing on the amendment, at which parties interested in the proposed amendment shall have an opportunity to be heard. Notice of the hearing shall be provided and the public hearing shall be conducted in accordance with this Article. Upon receiving a recommendation from the Planning Board, the Administrator shall coordinate with the County Manager's Office the scheduling of a public hearing and publication of a notice of the public hearing for any amendment to this ordinance.

SECTION 14.06 - Notice Requirements

1. Content of Notices. All notices for public hearings shall identify the date, time, and place of the public hearing and the nature and character of the proposed action.

2. **Published Notice.** For any public hearing, the Gates County Zoning Administrator shall cause a notice to be published in a newspaper having general circulation in Gates County. The notice shall be published once a week for two successive calendar weeks, and shall be published for the first time not less than ten (10) days nor more than twenty-five (25) days before the scheduled hearing date. In computing such period, the day of publication shall not be counted, but the day of the hearing shall be counted.
3. **Mailed Notice.** Whenever there is a zoning classification action involving a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the first and second abutting property owners in all directions from the affected parcel as shown on the county tax listing, shall be mailed a notice of the proposed classification by first class mail at the last address listed for such owners on the county tax abstracts. In the case of a total rezoning of all property within the boundaries of the county, however, this requirement shall apply only to those properties which will be rezoned to classifications which are less intense or “lower” than their current classification or “down zoned”. The 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. The person or persons mailing such notices shall certify the fact that the notices were duly mailed, and the date of mailing, to the Board of Commissioners.
4. **Television Notice.** For any public hearing, the Zoning Administrator shall cause a notice to be advertised on the local cable TV channel sponsored by the North Carolina Cooperative Extension Service if available in Gates County at least ten (10) days before the scheduled date of the public hearing.

**ARTICLE 15
LEGAL STATUS PROVISIONS**

SECTION 15.01 - Validity

If any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this Ordinance. The Gates County Board of Commissioners hereby declares that it would have passed this Ordinance and each section, clause and phrase thereof, irrespective of the fact that any one or more sections, sentences or clauses be declared invalid.

SECTION 15.02 - Severability

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

SECTION 15.03 – Effect on Other Ordinances

This ordinance is intended to work in concert with other applicable County ordinances and regulations such as the Subdivision Ordinance, Development Ordinance, Manufactured Home and Manufactured Home Park Ordinance, Junk Yards and Junked or Abandoned Motor Vehicles Ordinance, which remain in effect and in force (as amended).

SECTION 15.04 - Effective Date

This Ordinance shall be in full force and effective henceforth from March 5, 2007. This Ordinance was duly adopted by the Gates County Board of Commissioners on March 5, 2007, with an effective date of March 5, 2007.



Chairman, Gates County Board of Commissioners

GATES COUNTY ZONING ORDINANCE
TABLE OF AMENDMENTS

NUMBER	DATE	ARTICLE/SECTION
1	6/4/2007	14.04 - REMOVED
2	6/4/2007	14.06 (2) – final sentence removed
3	11/5/2007	Table of Permitted Uses amended (allows minor subdivision within A-1 districts)
4	04/07/2008	12.03 – changed 10% to 50%
5	11/17/2008	Travel Trailer re-defined & health care uses added to table of permitted uses
6	01/12/2009	Fire Stations and Law Enforcement added as permitted use in ALL districts
7	10/03/2010	Removal of 120 day time limit, Section 11.04, Subsection 7
8	11/03/2010	Addition of Subsection F to Section 7.02, Note 3 : Home Occupations
9	08/20/2013	Addition of Telephone and Telegraph Facilities Lighted by Special Use Permit indicated by an “S” in the A – 1 zoning district
10	08/20/2013	Addition of Solar Farms into Section 7.01 and 7.02
11	06/16/2014	Addition of Seasonal Agricultural Housing as a permitted use in the A -1 District.
12	01/07/2015	Addition of Assisted Living Facility into Section 4.02, Article 7, Section 9.03, and Section 10.02
13	05/04/2016	Amendment to Article 13 Board of Adjustment & Planning Board
15	11/01/2016	Note 12 Solar Farms

