



City of Oxford

Zoning Ordinance

(Adopted October 14, 2003)

Technical assistance provided by:
North Carolina Division of Community Assistance

Table of Contents

ARTICLE 100 - PURPOSE AND AUTHORITY 1-1
Section 101 Title 1-1
Section 102 Purpose..... 1-1
Section 103 Authority 1-1
Section 104 Jurisdiction..... 1-1
Section 105 Effective Date 1-1
Section 106 Rights and Liabilities Under Prior Ordinance 1-1
Section 107 Interpretation, Purpose and Conflict 1-1
Section 108 Severability 1-2
Section 109 Zoning Affects Every Building and Use..... 1-2
Section 110 Official Zoning Map 1-2
Section 111 Interpretation of District Boundaries 1-2
Section 112 Fractional Requirements Under this Ordinance..... 1-3
Section 113 Open Space Not to be Encroached Upon..... 1-3
Section 114 Every Lot Must Abut a Street 1-3
Section 115 One Principal Building Per Lot..... 1-3
Section 116 Required Open Space May Not be Used by Another Building 1-3
Section 117 Locations of Building Lines on Irregularly Shaped Lots..... 1-3
Section 118 Visibility at Intersections 1-3
Section 119 Mixed Uses 1-4
Section 120 Nonconformance May Continue..... 1-3
Section 121 Corner Lots 1-3
Section 122 The Main Entrance of a Residential Structure Must Front a Street..... 1-4
Section 123 Nuisance and Hazard 1-4

ARTICLE 200 – DEFINITIONS 2-1
Section 201 Definitions..... 2-1

ARTICLE 300 - DISTRICT REGULATIONS 3-1
Section 301 District Descriptions 3-1
Section 302 Permitted Uses 3-2
Section 303 Dimensional Requirements..... 3-17

ARTICLE 400 – SIGNS 4-1
Section 401 Applicability 4-1
Section 402 Definitions..... 4-1
Section 403 General Sign Regulations 4-5
Section 404 Computation of Area..... 4-5
Section 405 Signs That Do Not Require A Permit 4-6
Section 406 Prohibited Signs 4-9
Section 407 Permitted Signs 4-9
Section 408 Obsolete Signs 4-11
Section 409 Nonconforming Signs 4-11

Section 410 Master of Common Sign Plan..... 4-11

Section 411 Off-Site Advertising Signs (Billboards) 4-12

ARTICLE 500 - OFF-STREET PARKING AND LOADING 5-1

Section 501 General Provisions 5-1

Section 502 Parking Requirements – All Districts 5-2

Section 503 Table of Off-Street Parking Requirements 5-5

Section 504 Off-Street Loading 5-7

ARTICLE 600 - LANDSCAPING & TREE PRESERVATION REQUIREMENTS 6-1

Section 601 Applicability 6-1

Section 602 Planting Yards..... 6-1

Section 603 Planting Yard Determination 6-2

Section 604 Parking Lot Interior Planting Rate..... 6-4

Section 605 Landscaping Design and Maintenance Standards..... 6-4

Section 606 Procedures..... 6-5

Section 607 Alternate Methods of Compliance 6-6

Section 608 Preservation and Protection of Existing Trees..... 6-7

Section 609 Recommended Planting List 6-9

ARTICLE 700 - DEVELOPMENT STANDARDS 7-1

Section 701 Purpose..... 7-1

Section 702 Accessory Structures..... 7-1

Section 703 Adult Bookstore, Adult Cabaret, Adult Theater 7-1

Section 704 Airports – Community 7-1

Section 705 Animal Services (other), Kennels, and Pet Grooming..... 7-2

Section 706 Athletic Fields..... 7-2

Section 707 Automobile Service Stations (in B-1 zoning district)..... 7-2

Section 708 Bar or Tavern 7-3

Section 709 Batting Cages..... 7-3

Section 710 Bed and Breakfast Inn..... 7-3

Section 711 Billboards..... 7-4

Section 712 Cemeteries..... 7-4

Section 713 Churches, Temples, Clubs, Lodges or Community Buildings..... 7-4

Section 714 Coin Operated Amusements 7-4

Section 715 Communications Tower, including Cellular, Radio & TV 7-4

Section 716 Contractors, with open storage of materials 7-5

Section 717 Country Club with Golf Course, Swim & Tennis Club..... 7-5

Section 718 Day Care Centers (Kindergarten, Preschools or Nurseries) 7-5

Section 719 Drug Stores as a Special Use in O-I, also Gift Shops..... 7-6

Section 720 Dwellings, Conversion of Existing Homes to Multi and Two-Family Dwellings 7-6

Section 721 Dwelling Over or in Commercial Buildings as a Special Use in the B-1 District..... 7-6

Section 722 Extractive Uses 7-6

Section 723 Fences 7-8

Section 724 Golf Courses and Associated Uses 7-9

Section 725 Golf Driving Ranges 7-9

Section 726 Group Care Facility..... 7-10

Section 727 Home Occupation 7-10

Section 728 Hotel or Motel..... 7-11

Section 729 Hospitals 7-11

Section 730 Landfills, Sanitary..... 7-12

Section 731 Law Enforcement Agencies and Fire Station 7-12

Section 732 Manufactured Homes – General Provisions 7-12

Section 733 Manufactured Home Parks 7-12

Section 734 Manufacturer’s Retail Outlet 7-13

Section 735 Multi-family Dwellings as a Special Use in B-1,B-2,B-3 and R-6 7-14

Section 736 Night Club (Public or Private Membership)..... 7-14

Section 737 Nursing Homes, Rest Homes, Homes for the Aged and Similar Establishments..... 7-14

Section 738 Outdoor Theaters 7-14

Section 739 Petroleum Products Storage in Excess of 100,000 Gallons..... 7-15

Section 740 Public Park..... 7-16

Section 741 Recreational Vehicle Park..... 7-16

Section 742 Restaurants, Drive-In as a Special Use in B-1 7-17

Section 743 Retreat Center 7-17

Section 744 Salvage Yards, Auto Wrecking Yards, Junkyards, Used Parts Yards, and Similar Establishments, Salvage Yards for Contractors Offices..... 7-18

Section 745 Satellite Dishes (Except Mini-Dishes Less Than Two (2) Feet In Diameter) 7-18

Section 746 Schools, Public, Parochial and Private Elementary and High Schools, Colleges or Seminaries 7-19

Section 747 Self Service Storage (Mini-warehouse)..... 7-19

Section 748 Shopping Centers 7-20

Section 749 Storage Yards, Outdoor (other), Except Building Material Salvage And Petroleum Storage of More Than 100,000 Gallons 7-20

Section 750 Swim and Tennis Clubs 7-21

Section 751 Swimming Pools 7-21

Section 752 Temporary Events..... 7-21

Section 753 Unified Business Development..... 7-22

Section 754 Unified Housing Development 7-24

Section 755 Utility Substations (including Transformer Stations, Telephone Exchanges, Repeater Stations, Pressure Regulator Stations, Pump & Lift Stations, & Similar Structures)..... 7-25

ARTICLE 800 - NONCONFORMING USES 8-1

Section 801 Purpose and Intent 8-1

Section 802 Nonconforming Lots of Record 8-1

Section 803 Nonconforming Open Uses of Land 8-1

Section 804 Nonconforming Uses of Structures 8-2

Section 805 Nonconforming Structures 8-2

Section 806 Repairs and Maintenance 8-2

Section 807 Nonconformance Created by Changes in Zoning Boundaries or Regulations 8-3

Section 808 Special Uses are Conforming 8-3

ARTICLE 900 - PERMITS AND PROCEDURES 9-1

Section 901 Zoning Permit 9-1

Section 902 Certificate of Occupancy 9-1

Section 903 Zoning Permits Issued Prior to Adoption of this Ordinance 9-1

Section 904 Site and Plot Plan Procedures 9-1

Section 905 Administration of Requirements for Special Use Permits 9-3

Section 906 Changes and Amendments..... 9-5

ARTICLE 1000 - ADMINISTRATION & ENFORCEMENT 10-1

Section 1001 Administration of the Zoning Ordinance..... 10-1

Section 1002 Interpretations, Purpose, and Conflict 10-1

Section 1003 Technical Review Committee 10-1

Section 1004 Board of Adjustment 10-1

Section 1005 Enforcement 10-4

Section 1006 Enforcement Intent..... 10-4

Section 1007 Enforcement Procedures 10-5

Section 1008 Penalties and Remedies..... 10-5

Section 1009 Civil Penalties – Assessment and Procedures..... 10-6

Section 1010 Permit Revocation..... 10-7

Section 1011 Judicial Review 10-8

ARTICLE 1100 - FLOOD DAMAGE PREVENTION 11-1

Section 1101 Finding of Fact; Purpose and Objectives 11-1

Section 1102 Definitions 11-2

Section 1103 General Provisions 11-5

Section 1104 Administration 11-6

Section 1105 Provision for Flood Hazard Reduction 11-11

ARTICLE 1200 - VESTED RIGHTS..... 12-1

Section 1201 Purpose..... 12-1

Section 1202 Definitions..... 12-1

Section 1203 Establishment of a Zoning Vested Right 12-2

Section 1204 Approval Procedures and Approval Authority 12-2

Section 1205 Duration 12-3

Section 1206 Termination..... 12-3

Section 1207 Voluntary Annexation..... 12-4

Section 1208 Limitations 12-4

Section 1209 Repealer 12-4

Section 1210 Effective Date 12-4

ARTICLE 1300 - WATER SHED PROTECTION..... 13-1

Section 1300 Purpose..... 13-1

Section 1301 Authority 13-1

Section 1302 Exceptions to Applicability..... 13-1

Section 1303 Development Regulations..... 13-1

Section 1304 Watershed II – Balance of Watershed 13-2

Section 1305 Buffer Area Required.....	13-3
Section 1306 Existing Development.....	13-4
Section 1307 Public Health Regulations.....	13-4
Section 1308 Administration	13-5
Section 1309 Variances.....	13-5
Section 1310 Definitions.....	13-6
Section 1311 Spill Containment Plan	13-10
Appendix A.....	13-13
Planting Considerations	13-13
Desired Criteria; Filter Strips for Sediment and Related Pollutants	13-14
Vegetative Specifications	13-15
Additional Species	13-16
Appendix B	13-17
Watershed Protection Permit	13-17
Appendix C	13-19
Vegetative Specifications	13-21
Additional Species	13-22
ARTICLE 1400 - PUD ORDINANCE.....	14-1
Section 1401 Purpose and Intent.....	14-1
Section 1402 Districts in Which Allowed	14-1
Section 1403 Allowable Uses	14-1
Section 1404 Minimum Area of Development.....	14-1
Section 1405 Density of Development	14-1
Section 1406 Development Standards and Improvement Requirements.....	14-2
Section 1407 Additional Standards for Planning Unit Developments Containing Both Residential and Non Residential Uses.....	14-2
Section 1408 Recreational and Open Space Requirements	14-2
Section 1409 Landscape and Stream Buffers	14-3
Section 1410 Phasing of Development.....	14-4
Section 1411 Procedures for PUD Application Review and Approval Consideration.....	14-4
Section 1412 Determination of Completeness.....	14-7
Section 1413 Scheduling of Public Hearing	14-7
Section 1414 Planning Board Recommendation	14-7
Section 1415 Action by the Board of Commissioners.....	14-7
Section 1416 Effect of Approval	14-8
Section 1417 Changes to Approved Master Land Use Plans	14-8

CITY OF OXFORD

ZONING ORDINANCE

ARTICLE 100 - PURPOSE AND AUTHORITY

101 Title

This ordinance shall be known and may be cited as the "Oxford Zoning Ordinance", except as referred to herein, where it shall be known as "this Ordinance."

102 Purpose

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

103 Authority

The provisions of this ordinance are adopted under authority granted by the General Assembly of North Carolina in the General Statutes Chapter 160A, Article 19 and by the Charter of the City of Oxford.

104 Jurisdiction

This ordinance shall apply to all territory within the corporate limits of the city of Oxford and to all territory in the extraterritorial jurisdiction of the City of Oxford as shown on the Official Extraterritorial Boundary Map.

105 Effective Date

This Ordinance shall become effective after October 14, 2003.

106 Rights and Liabilities Under Prior Ordinance

This ordinance in part carries forward by enactment some of the provisions of the zoning ordinances of the City of Oxford adopted on August 14th, 1984 as subsequently amended. It is not the intention of the Board of Commissioners, by this ordinance, to repeal the entire prior ordinance as amended, but rather to reenact and continue in force without interruption certain existing provisions, so that all rights and liabilities which have accrued thereunder shall be preserved, and may be enforced. The enacting of this ordinance shall not affect any action, suit, or preceding instituted or pending at this time under the zoning ordinances of 1951, 1969, 1976, or 1984 as amended. All provisions of the Zoning Ordinance of the City of Oxford enacted in 1951, 1969, 1976, and 1984 as amended, which are not enacted herein are hereby repealed.

107 Interpretation, Purpose, and Conflict

In interpreting and applying the provisions of this ordinance, such provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easement, covenants, or other agreements between parties, provided however, that where this ordinance imposes a

greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants, or agreements, the provisions of this ordinance shall govern.

108 Separability

Should any article, section, subsection, paragraph, sentence, clause, phrase, or district boundary of this Ordinance and/or the Zoning Map which is a part of this ordinance herein or hereafter adopted by decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of these regulations and the Zoning Map as a whole or any part thereof other than the part so decided to be unconstitutional or invalid. The Board of Commissioners hereby declares that it would have adopted this Ordinance and Zoning Map, irrespective of the fact that any one or more articles, sections, subsections, paragraphs, sentences, clauses, phrases, or district boundaries be declared unconstitutional or invalid.

109 Zoning Affects Every Building and Use

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

110 Official Zoning Map

The boundaries of each zoning district are hereby established as shown on the map entitled "Official Zoning Map of the City of Oxford, North Carolina, and Vicinity", and as it may hereafter be amended, which accompanies and is hereby declared a part of this ordinance. Unless otherwise specifically shown on said map, the boundaries of the districts are street centerlines or lot lines as they existed at the time of the establishment of the boundary in question.

111 Interpretation of District Boundaries

Where uncertainty exists as to the boundary of any district shown on said map, the following rules shall apply:

- 111.1 Where a district boundary appears to divide a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the map. In the event that a district boundary line on the Zoning Map divides a platted lot held in one ownership on the date of passage of this ordinance, each part of the lot so divided shall be used in conformity with the regulations established by this ordinance for the district in which each part is located.
- 111.2 The Zoning Administrator shall decide the exact location of zoning district boundary lines when a question arises concerning boundary lines shown on zoning maps, subject to administrative review by the Board of Adjustment provided for in Subsection 1004.3.
- 111.3 Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map shall be the final authority as to the current zoning status of land, buildings or other structures in the affected territory as described in section 110 above.

112 Fractional Requirements Under this Ordinance

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

113 Open Space Not to be Encroached Upon

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

114 Every Lot Must Abut a Street

No building, structure, or use of land for other than agricultural purposes, elevated water storage tanks, pumping stations and water and sewer treatment plants shall be established on a lot which does not abut a dedicated and accepted public street; however, no elevated water storage tank, pump station, or water and sewer treatment plant may be established on a lot without a dedicated appurtenant right-of-way.

115 One Principal Building Per Lot

Not more than one principal building shall be constructed on any lot, except under the provisions of Article 700 of this ordinance, and in I-1 Districts.

116 Required Open Space May Not be Used by Another Building

No part of any yard, other open space, or off-street parking or loading space required about or in connection with any building, structure or use by this ordinance shall be considered to be part of a required yard, or other open space, or off-street parking and loading space for any other buildings, structure or use except as provided in Subsection 502.4 (or joint use of off-street parking spaces).

117 Locations of Building Lines on Irregularly Shaped Lots

Locations of front, side and rear building lines on irregularly shaped lots shall be determined by the Zoning Officer of the City of Oxford. Such determinations shall be based on the spirit and intent of the district regulations to achieve spacing and location of buildings or groups of buildings on individual lots.

118 Visibility at Intersections

On a corner lot in all districts except the B-1 Central Business District, nothing shall be erected, planted, or allowed to grow in such a manner as to impede vision within a triangular area measured thirty (30) feet along street right-of-way lines from the point at which they intersect at the corner.

119 Mixed Uses

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

120 Nonconformance May Continue

A single-family dwelling may be built on any lot that was recorded before the enactment of this ordinance even though it may not meet the yard and area requirements established by this ordinance. Any use of a lot or a structure that was lawful before this ordinance was enacted may be continued even though such use would not be permitted under the terms of this ordinance. More specific regulations concerning nonconformances are given in Article 800 of this ordinance.

121 Corner Lots

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

122 The Main Entrance of a Residential Structure Must Front a Street

Each dwelling unit for the full length of its facade and the main entrance to each dwelling unit must abut a public street. The facade of a building is any side which has the main entrance to the living room areas of any dwelling unit. The planning director may allow alternative designs to these requirements if the director finds in writing based on site plan drawings and illustrations of walkways, stairs and architectural features, that the alternative design provides for an orderly, visible, and safe system for access to each dwelling unit by pedestrians and by emergency personnel.

123 Nuisance and Hazard

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

ARTICLE 200 - DEFINITIONS

201 Definitions

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

Words used in the present tense include the future; the words "used for" include the words "intended for"; words used in the singular number include the plural number and words in the plural number include the singular number; the word "lot" includes the word "plot"; the word "structure" includes the word "building" and the word "shall" is mandatory and not directory. The word "person" includes a firm, association, organization, partnership, trust, company, corporation, agency, or individual.

Individual words and terms shall be construed as having the following meanings:

- 201.1 Accessory use, structure, or building: A subordinate use, structure or building, the use of which is incidental to that of a principal use, structure, or building on the same parcel.
- 201.2 Adult Bookstore: An establishment which has as a substantial portion of its stock or trade, and offers for sale or rent, for any form of consideration, any one of the following: books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or anatomical area.
- 201.3 Adult Cabaret: A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by partial or total nudity.
- 201.4 Adult Theater: An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical areas.
- 201.5 Alley: A public or private thoroughfare that affords only a secondary means of access to abutting property.
- 201.6 Automobile Service Station: An area of land, including any structures thereon, used for the retail sale of gasoline oil or other fuels for the propulsion of motor vehicles and incidental services, including facilities for lubrication and hand washing and the furnishing of minor motor vehicle accessories and repairs, but excluding an automobile laundry and a repair garage.
- 201.7 Basement: A story partly underground but having at least sixty (60) percent of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet, if used for business, commercial, industrial or dwelling purposes: use of a basement by a janitor or other servants, and their families shall not constitute a dwelling purpose use.
- 201.8 Bed and Breakfast: A private residence in which temporary accommodations are provided for lodging and may include limited meals for overnight guests.

- 201.9 Boarding House: A building where meals, or lodging and meals are provided for compensation for five (5) or more, but not exceeding eight (8) guests.
- 201.10 Building: A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels, and including tents, lunch wagons, dining cars, trailers, free-standing billboards and signs, fences, and similar structures whether stationary or movable. The term "building" shall be construed as if followed by the words "or parts thereof". Each portion of a building separated by division walls from ground up without openings shall be considered a separate building.
- 201.11 Building, height of: The vertical distance from the mean elevation of the finished grade along the front of the building, or from the established grade where the building is within ten (10) feet of the street line, to the highest point of a flat roof, or to the decline of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
- 201.12 Building Inspector: The officer or other designated authority charged with the administration and enforcement of the Building Code, or his duly authorized representative or agent.
- 201.13 Building Line: A line that establishes the minimum allowable horizontal distance between the lot line and the nearest portion of any structure on the lot.
- 201.14 Business Districts: O-I, B-1, B-2, and B-3 districts shall be considered as business districts.
- 201.15 Caliper inches: Quantity in inches of the diameter of trees measured at six (6) inches above the ground for trees four (4) inches or less in trunk diameter and twelve (12) inches above the ground for trees over four (4) inches in diameter.
- 201.16 Canopy Tree: A species of tree which normally grows to a mature height of forty (40) feet or more with a minimum mature crown of width of thirty (30) feet.
- 201.17 Car Wash: A structure or portion thereof the principal use of which is the washing of automobiles or other motor vehicles with the use of a chain or other conveyor and a blower or steam cleaning device.
- 201.17 Cellar: A story having more than forty (40) percent of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.
- 201.18 Child Care Facility: A building or premises regularly used for recreational or supervisory care of six or more children unrelated to the operator, but not including foster homes.
- 201.19 Collector Street: A minor thoroughfare as identified in the Thoroughfare Plan for the City of Oxford.
- 201.20 Court: An open, unoccupied space, other than a yard on the same lot with a building and which is bounded on two or more sides by such building.
- 201.21 Court, inner: Any court other than an outer court (see definition below).

- 201.22 Court, outer: A court that opens on any yard on the lot or which extends to any street line of the lot.
- 201.23 Critical root zone: The rooting area of a tree established to limit root disturbance, generally defined as a circle with a radius extending from a tree's trunk to the farthest point of the crown dripline.
- 201.24 Domestic Violence Shelter: A building where meals and lodging are provided on a temporary basis, free of charge, to victims and their children, of domestic violence, as defined in the N.C.G.S. 50B-1.
- 201.25 Dripline: A vertical line extending from the outermost portions of a tree's canopy to the ground.
- 201.26 Dwelling: A building designed for, or used by one or more families for residential purposes.
- 201.27 Dwelling, multifamily: A building or portion thereof used or designed as a residence for three or more families living independently of each other and doing their own cooking, therein, including apartments, apartment hotels, and group houses.
- 201.28 Dwelling, single-family: A detached building designed for or occupied exclusively by one family. A "manufactured home" is not included in this definition, regardless of the degree of performance of its attachment to the land.
- 201.29 Dwelling, two-family. A building designed for or occupied exclusively by two families living independently of each other.
- 201.30 Established grade: The elevation of the street grade as fixed by the city.
- 201.31 Dwelling unit: A room or rooms constituting a separate, independent housekeeping establishment in a two-family or multifamily dwelling.
- 201.32 Family: One or more persons occupying a premise and living as a single housekeeping unit. as distinguished from a group occupying a boarding house, lodging house, or hotel.
- 201.33 Fence: A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal or similar material, used as a boundary or means of protection or confinement, but not including a hedge or other vegetation.
- 201.34 Garage, private: A garage used for storage purposes only and having a capacity of not more than four motor vehicles or not more than two motor vehicles per family housed in the building to which such garage is accessory, whichever is the greater, and in which space may be used for not more than one commercial vehicle, and in which space may be rented for not more than three vehicles of others than occupants of the building to which such garage is accessory.
- 201.35 Garage, repair: A garage in which machinery operated by mechanical power is installed which is designed for making major repairs to motor vehicles, or where in making repairs to motor vehicles the mechanical power employed in the operation of any machine or tool exceeds 3-HP or the total mechanical power provided or employed exceeds 15 HP.
- 201.36 Golf Driving Range: A golf practice, learning, and recreation facility.

- 201.37 Gross floor area: The total number of square feet within a building devoted to a particular use, including the space occupied by such supporting facilities as storage areas, work areas, toilets, mechanical equipment and the like.
- 201.38 Heliport: An area of land, water, or structural surface for discharge or pickup of passengers or cargo from or by helicopters, but excluding field service or maintenance.
- 201.39 Helistop: An area of land, water, or structural surface for discharge or pickup of passengers or cargo from or by helicopters, but excluding field service or maintenance.
- 201.40 Home Occupation: An occupation for gain or support conducted by members of a family with no more than one nonfamily employee within a residential building provided that no article or service is sold, offered for sale or performed except by the family or its employee and provided that all articles are produced in the residential building, and provided that no more than ten (10) percent of the floor area of the building shall be used for said occupation, and provided that no display of said articles shall be visible from a main traveled roadway. No commercial delivery during sleeping hours.
- 201.41 Hotel, motel: Any building or group of buildings containing nine (9) or more rental units for transient guests (see definition of rental unit below).
- 201.42 Industrial districts: I-1, 1-2 and 1-3 districts shall be considered as industrial districts.
- 201.43 Least dimensions: The least dimension of a yard is the least of the horizontal dimensions of such yards. If two opposite sides of a yard are not parallel, such least dimension shall be deemed the mean distance between them.
- 201.44 Lot: A parcel or tract of land owned by any one person, partnership, or other individual interest, not divided by streets, occupied or to be occupied by a use, structure or buildings and its accessory buildings, together with such other open spaces as are required under the provisions of law and having its principal frontage on a street or on such other means of access as may be deemed in accordance with the provisions of law to be adequate as a condition of the issuance of a building permit for a building or buildings on such land.
- 201.45 Lot, corner: A lot at the junction of and abutting upon two or more streets.
- 201.46 Lot, depth of: The mean horizontal distance between the front and rear lot lines.
- 201.47 Lot, front of: The front of a lot shall be considered that side of the lot that fronts on a street. In the case of a corner lot, the narrower side fronting on the street shall be considered the front of the lot. In case the corner lot has equal frontage on two or more streets, the lot shall be considered to front on that street on which the greatest number of lots front, or if unplatted, on that street in which the greatest number of buildings have been erected.
- 201.48 Lot, interior: A lot other than a corner lot.
- 201.49 Lot lines: The lines bounding a lot as herein defined.
- 201.50 Lot, through: A lot having a frontage on two parallels or approximately parallel streets.
- 201.51 Main Traveled Roadway: A traveled portion of private or public road, street, or highway right-of-way owned, constructed, or maintained in whole or in part by federal, state,

county, or municipal governments and used for through or service traffic, except that the through traffic roadway on either side of a divided highway is a main traveled roadway and parallel service roads within the same right-of-way are not.

- 201.52 Major Thoroughfares: A major thoroughfare as identified by the Thoroughfare Plan for the City of Oxford.
- 201.53 Manufactured Home Park: Any premises used or intended to be used or occupied by two (2) or more mobile homes, for a period of at least fourteen (14) days, whether the mobile homes are on wheels or anchored in place or supported by a foundation or other stationary supports, together with automobile parking space, utility structures, and other required facilities incidental thereon. This definition shall not include mobile home sales lots on which only unoccupied mobile homes are parked for purposes of inspection or sale.
- 201.54 Manufactured Home Space: A parcel of land in a manufactured home park occupied or intended to be occupied by one and only one mobile home, and for the exclusive use of the occupants of said mobile home.
- 201.55 Mobile Home: A mobile home is a structure, transportable in one or more sections, which is built on a permanent chassis and designed for transportation after fabrication on its own wheels arriving at the site where it is to be occupied as a dwelling unit complete with necessary service connections and ready for occupancy, except for minor incidental unpacking and assembly. Such structure is designated to be used as a dwelling with or without permanent foundation when connected to require utilities and is constructed according to federal standards promulgated by the U.S. Department of Housing and Urban Development. A mobile home is not a modular home.
- 201.56 Modular Home: any manufactured home constructed after July 1, 1976 that meets or exceed the construction standards set forth in the North Carolina State Residential Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home is a structure which is constructed according to NC State Building Code and is any building or closed construction which is made or assembled in manufacturing facilities on or off the building site for installation or assembly on the building site other than mobile homes or recreational vehicles. Off-frame modular homes are permitted in all residential districts.
- 201.57 Night Club (public or private membership): A commercial establishment dispensing alcoholic beverages for consumption on the premises, and in which a dance floor or live entertainment is provided.
- 201.58 Nonconforming use: A building or land occupied by a use that does not conform to the use regulations of the district in which it is situated.
- 201.59 Nonresidential districts: O-I, B-1, B-2, B-3, I-1, I-2, and I-3 districts shall be considered as nonresidential districts.
- 201.60 Parking area, gross: The total area provided for the off-street parking of automobiles, including parking stalls and the necessary driveway access space thereto. Walkways, planting strips, and other landscaped areas shall not be counted as gross parking space.
- 201.61 Parking stall: The standing storage space for one automobile.

- 201.62 Public notice: Public notice of a hearing means notice of the time and place thereof published once a week for two successive calendar weeks in a newspaper of general circulation in the City of Oxford in accordance with the requirements of 6.5. 160A-364.
- 201.63 Premises: A lot and the structure or structures located on it.
- 201.64 Principal building: A building in which is conducted the principal use of the parcel on which it is situated(see definition of "Principal Use" below).
- 201.65 Principal Use: The primary purpose or function that a parcel serves or is intended to serve.
- 201.66 Residential districts: R-A, R-25, R-15, R-8, and R-6 districts shall be considered as residential districts.
- 201.67 Room: Any floor space exceeding forty (40) square feet enclosed by partitions or wall having cased openings or doors, but excluding kitchen and bath facilities.
- 201.68 Rooming house: A building where lodging is provided for compensation for five (5) but not more than eight (8) guests.
- 201.69 Setback line: A line measured across the full width or length of a lot or parcel of land parallel to the center lines or right-of-way lines of abutting main traveled roadways. The perpendicular distance between said setback line and said center or right-of-way lines shall be the "Setback" required by this ordinance.
- 201.70 Shopping Center: Three (3) or more commercial establishments, containing twenty-five thousand (25,000) square feet of gross floor area, planned and constructed as a single unit with off-street parking and loading facilities provided on the property. This definition includes malls, commercial plazas, and community shopping areas.
- 201.71 Sign Definitions: SEE ARTICLE 400
- 201.72 Story: That part of a building comprised between a floor and the floor below, or a floor and the roof next above. A mezzanine shall be considered a story if it exceeds twenty-five (25) percent of the area of the floor immediately below.
- 201.73 Street: A public thoroughfare that affords the principal means of access to abutting property.
- 201.74 Street Proposed: A street that has been dedicated for the public use but not opened.
- 201.75 Street, centerline: Line determined by the City of Oxford Director of Public Works and lying halfway between the two edges of the street right-of-way.
- 201.76 Street Line: The street line is the dividing line between the street and the lot, as established by the City of Oxford.
- 201.77 Street width: The distance between the parallel right-of-way lines of a street (street lines) measured at right angles to such lines.

- 201.78 Structure: Anything constructed or erected, the use of which requires location on the land, or attached to something having a location on the land. The term "structure" shall be construed as if followed by the words "or part thereof".
- 201.79 Temporary Event : SEE ARTICLE 700 Section 752.
- 201.80 Tourist Home: (See Bed and Breakfast)
- 201.81 Travel Trailer: A portable vehicular structure designed for short-term occupancy for travel and recreational purposes.
- 201.82 Understory Tree: A species of tree that normally grows to a mature height of fifteen (15) feet to thirty-five (35) feet in height.
- 201.83 Unified Business Development: A development consisting of one or more principal business structures or buildings and accessory' structures or buildings to be constructed on a lot or plot not subdivided into the customary streets and lots and which will not be so subdivided.
- 201.84 Unified Housing Development: A development consisting of one or more principal residential structures or buildings and accessory structures or buildings to be constructed on a lot or plot not subdivided into the customary streets and lots and which will not be so subdivided.
- 201.85 Yard: An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except by trees, shrubbery, or screen walls or fences or otherwise provided or required in this ordinance. The minimum allowable depth or width of a yard shall be determined by a line parallel to or following the curvature of the property line at a constant distance therefrom. Covered porches, garages and carports, whether enclosed or unenclosed, shall be considered as part of the building and shall not project into a required yard.
- 201.86 Yard, Front: A yard across the full width of the lot, extending from the front line of the nearest building on the lot to the front line of the lot.
- 201.87 Yard, Rear: A rear yard is an open space on the same lot with a main building, unoccupied except as hereinafter permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot, or center line of the alley if there is an alley, and the rear line of the building.
- 201.88 Yard, side: A side yard is an open, unoccupied space on the same lot with a main building situated between the sideline of the building and adjacent sideline of the lot and extending from the rear line of the front yard to the rear yard. If there be no front yard, the front boundary of the side yard shall be the front line of the lot. Any lot line not a rear line or a front line shall be deemed a side lot line.

ARTICLE 300 - DISTRICT REGULATIONS

To provide for the orderly development of property with in the zoning jurisdiction of the City of Oxford, all property is divided into the following districts:

301 District Descriptions

301.1 General Use Districts:

R-A RESIDENTIAL-AGRICULTURAL DISTRICT

The **R-A**, Residential-Agricultural District is primarily intended to accommodate scattered farm and non-farm uses on large tracts of land where public utilities are not generally available.

R-25 SINGLE-FAMILY DISTRICT

The **R-25** Single Family is primarily intended to accommodate low density single-family detached dwellings in urban areas at an average density of 1.7 dwelling units per acre.

R-15 SINGLE-FAMILY DISTRICT

The **R-15** Single Family District is primarily intended to accommodate low to moderate density single-family detached dwellings in urban areas at an average density of 2.7 dwelling units per acre.

R-8 SINGLE-FAMILY AND TWO-FAMILY DISTRICT

The **R-8** Single-Family and Two-Family District is primarily intended to accommodate moderate to high density single-family detached, duplexes, twin homes, and similar residences at an overall gross density of 5 units per acre.

R-6 SINGLE-FAMILY AND TWO-FAMILY DISTRICT

The **R-6** Single-Family and Two-Family District is primarily intended to accommodate high density single-family detached, duplexes and similar residences in urban areas at an overall gross density of 6.7 units per acre.

O-I OFFICE-INSTITUTIONAL DISTRICT

The purpose of the Office-Institutional District is to provide a zone of transition between purely residential and purely business districts and also to provide for the development of major institutional uses.

B-1 CENTRAL BUSINESS DISTRICT

The purpose of the Central Business District is to accommodate, protect and promote rehabilitation of downtown retail and wholesale trades, professional, governmental, financial and business services in an efficiently concentrated area.

B-2 HIGHWAY BUSINESS DISTRICT

The purpose of the Highway Business District is to recognize commercial uses which serve the traveling public and require high visibility and good road access.

B-3 GENERAL BUSINESS DISTRICT

The purpose of the General Business District is to provide for general business uses such as outdoor storage, sales and salvage establishments, outdoor theaters and food establishments, warehouses and other "heavy" commercial uses.

I-1 CORPORATE PARK DISTRICT

The I-1 Corporate Park district is primarily intended to accommodate office, warehouse, research and development and assembly uses on large sites in a planned campus-like setting compatible with adjacent residential uses. The district may also contain retail and service uses which customarily locate within planned employment centers.

I-2 GENERAL INDUSTRIAL DISTRICT

The purpose of the General Industrial District is primarily intended to accommodate light manufacturing, wholesaling, warehousing, research and development and related commercial/service activities.

I-3 HEAVY INDUSTRIAL DISTRICT

The purpose of the Heavy Industrial District is to provide for a wide array of assembly, fabricating and manufacturing uses. The district is intended to accommodate uses which may have significant environmental impacts and require adequate separation from other commercial and residential uses.

301.2 Special Use Districts:

The purpose of these districts is to promote greater land use compatibility by allowing landowners to voluntarily place their property into classifications in which a Special Use Permit is required as a prerequisite to any use or development. More specifically the purpose of these districts is identical to the to that of the corresponding general use districts as indicated below, except that a special use permit is require as a prerequisite to any use or development, as provided in this ordinance.

<u>General District</u>	<u>Corresponding Special Use District</u>
R-A	R-A-SUD
R-25	R-25-SUD
R-15	R-15-SUD
R-8	R-8-SUD
R-6	R-6-SUD
O-I	O-I-SUD
B-1	B-1-SUD
B-2	B-2-SUD
B-3	B-3-SUD
I-1	I-1-SUD
I-2	I-2-SUD
I-3	I-3-SUD

302 PERMITTED USES

302.1 Table of Permitted Uses

- (A) Tabulation of permitted uses. The following uses shall be permitted as indicated herein and shall comply with all regulations of the applicable district. In the appropriate columns of Table 302.1, uses permitted by right are indicated by a letter "P", uses requiring a Special Use Permit are indicated by the letter "S", uses permitted by right, but which require additional development standards are indicated by the letter "D". The column on the far right labeled "LUC" represents the Land Use Classification of the particular

use. This number is to be used to determine the appropriate Planting Yard required for the use under ARTICLE 600 Landscape Regulations.

(B) Formulation of Permitted Use Table.

- (1) The Standard Industrial Classification Manual - 1987 was utilized in the preparation of this table and shall be referred to as a guide for purposes of interpretation by the Zoning Administrator. Entries with 0000 in the Reference SIC column do not correspond to any classification in the SIC manual.
- (2) When a use is not listed in the Permitted Use Table, the Zoning Administrator shall classify it with that use in the table most similar to it. The *SIC Manual* shall serve as a guide in classifying any unlisted use. If the Zoning Administrator should determine that a use is not listed and is not similar to a use in the Permitted Use Table, then said use is prohibited.
- (3) Rental and leasing of any commodity shall be permitted under the same classification and in the same districts as are sales of that commodity, unless rental or leasing of that commodity is listed separately in the Permitted Use Table.
- (4) If an industrial plant or facility involves two (or more) manufacturing activities with different SIC codes on the same zone lot, the industrial plant shall be permitted only in those zoning districts where the more restricted activity is permitted. (For example, an industrial plant preparing canned peanuts and also manufacturing the cans is allowed in those zoning districts permitting can manufacturing.

Section 302.1 - Table of Permitted Uses

Use Type	SIC	I1	I2	I3	B1	B2	B3	OI	RA	R25	R15	R8	R6	LC
AGRICULTURAL														
Crop Production	0100	P	P	P		P	P		P		P	P	P	1
Animal Feed Lot	0200		P						S					4
Animal Services, Other Kennels & Pet Grooming	0752					P	P		S					3
Chicken Hatchery				P										3
Fish Hatchery	0920								S					4
Horticulture	0180					P	P		S					1
Vet. Services-Livestock	0741								S					3
Vet. Services-Other	0742				P	P	P							3
RESIDENTIAL USES														
Bed & Breakfast	7011				P			P				S	S	2
Boarding & Rooming House														2
Congregate Care Facility	0000				S	S	S	S	S				S	2
Domestic Violence Shelter								S	S					
Family Care Facility	0000	P	P		P	P	P	P	P		P	P	P	1
Group Care Facility	0000				S	S	S	S	S					2
Manufactured Home	0000								S					1
Manufactured Home Park	0000						S							2
Multi-Family Dwelling	0000				S	S	S						S	2
Single Family Dwelling	0000				P	P	P	P	P	P	P	P	P	1
Two Family Dwelling	0000							P	P			P	P	1
Conversion of Single to Two-& Multi-Family Dwelling	0000										S	S	S	1
EDUCATIONAL AND INSTITUTIONAL USES														
Cemetery or Mausoleum	0000				S	S	S	S	S		S	S	S	2
Church	8661				P	P	S		S					3
College or University	8220				S		S	S	S		S	S	S	3
Correctional Institution	9223			S										4
Day Care Center, Adult	8322				S	S	S	S			S	S		3

P=Permitted, D=Development Standards, S=Special Use Permit Required

Section 302 - Table of Permitted Uses Cont.

Use Type	SIC	I1	I2	I3	B1	B2	B3	OI	RA	R25	R15	R8	R6	LC
EDUCATIONAL AND INSTITUTIONAL USES (cont.)														
Day Care Center, Child	8351	S	S	S	S	S	S	S			S	S	S	3
Fire Station	9224	P	P	P	P	P	P	P	S	S	S	S	S	3
Government Office	9000	P			P	P	P	P						3
Hospital	8062							S	S					3
Library	8231				P	P	P	P						3
Museum or Art Gallery	8412				P	P	P	P						3
Nursing Home	8050				S	S	S	S	S				S	3
Orphanage	8361							P	P		P	P	P	3
Police Station	9221	P	P	P	P	P	P	P	D		D	D	D	3
Post Office	0000	P	P	P	P	P	P	P						3
Retreat Center	0000	S						S	S					3
School Administration	9411				P			P						3
Schools (elementary or secondary - public)	8211				S		S	S	S		S	S	S	3
Schools (parochial & private)	8211				S		S	S	S		S	S	S	3
Schools (vocational)	8249	P	P	P	P	P		P						3
Specialty Hospital	8069							S	S					3
BUSINESS, PROFESSIONAL AND PERSONAL SERVICES, RECREATIONAL USES														
Accounting, Bookkeeping	8721				P	P	P	P						3
Administrative Services	8740				P	P	P	P						3
Adult Cabaret	0000						S							3
Adult Theater	0000						S							3
Advertising Agency	7310				P	P	P	P						3
Advertising, Outdoor Services	7312			P			P							4
Amusement Parks-Fairgrounds	7996					S	S	S	S					4
Athletic Club	7997				P	P	P							3
Athletic Fields	0000	D	P	P	P	P	D	D	S		S	S	S	1
Auditorium, Stadium	0000		P				P							3
Automobile Parking (Commercial)	7521			P			P							3
Automobile Rental	7510			P	P	P	P							4
Automobile Service Station	5541			P	S	P	P							3
Automobile Repair	0000			P	D	P	P							4
Automotive Towing and Storage	7549			P			P							3

P=Permitted, D=Development Standards, S=Special Use Permit Required

Section 302 - Table of Permitted Uses Cont.

Use Type	SIC	I1	I2	I3	B1	B2	B3	OI	RA	R25	R15	R8	R6	LC
BUSINESS, PROFESSIONAL AND PERSONAL SERVICES, RECREATIONAL USES (cont.)														
Bank, Savings & Loan, Credit Union	6000				P	P	P	P						3
Barber Shop	7241				P	P	P							3
Batting Cages	7999		D	P		D	P							3
Beauty Shop	7431				P	P	P							3
Billiard Parlors	7999				P	P	P							3
Bingo Games	7999				P	P	P							3
Boat Repair	3730			P		P	P							4
Bowling Center	7933				P	P	P							3
Building Maintenance Services	7349		P			P	P							3
Car Wash	7542			P	P	P	P							4
Clothing Alteration or Repair	0000				P	P	P							3
Club or Lodge, not otherwise mentioned (Private)	8640			P	P	P	S	S	S					3
Coin Operated Amusements	7993				D	D	D							3
Computer Repair	7378				P	P	P							3
Computer Services	7370	P			P	P	P	P						3
Country Club with Golf Course	7997		P			P	P	P	S			S	S	1
Dance School	7911				P	P	P							3
Economic, Sociological or Educational Research	8732	P			P	P	P	P						3
Employment Agency	7360				D	P	P	P						3
Engineer, Architect, Surveyor	8710				P	P	P	P	S					3
Equipment Rental (no outside storage)	7350				P	P	P							3
Equipment Rental (with outside storage)	7350			P			P							4
Equipment Repair (heavy)	7690					S	P							4
Equipment Repair (light)	7690					P	P							3
Finance or Loan Office	6100				P	P	P	P					S	3
Funeral Home	7261				P	P	P	P						3
Furniture Repair Shop	7641				P	P	P							3
Go-Cart Raceway	7999					S	S							4

P=Permitted, D=Development Standards, S=Special Use Permit Required

Section 302 - Table of Permitted Uses Cont.

Use Type	SIC	I1	I2	I3	B1	B2	B3	OI	RA	R25	R15	R8	R6	LC
BUSINESS, PROFESSIONAL AND PERSONAL SERVICES, RECREATIONAL USES (cont.)														
Golf Course	7992					P	P		S		S	S	S	1
Golf Course - Miniature	7999				P	P	P							3
Golf Driving Range	7999			P			P							3
Hotel or Motel	7011				S	S	P							3
Insurance Agency (no onsite claims inspections)	6411				P	P	P	P						3
Insurance Agency (onsite claims inspections)	6300					P	P	S						3
Kennels or Pet Grooming	0752			P		P	P		S					3
Landscape or Horticultural Services	0780			P		P	P							4
Laundromat, Coin Operated	7215			P	P	P	P							3
Laundry, Dry Cleaning Plant	7211			P	P	P	P							3
Law Office	8111				P	P	P	P						3
Massage Parlor, Adult	7299													3
Medical, Dental Laboratory	8071	P	P	P	P	P	P							3
Medical, Dental Office	8000				P	P	P	P						3
Night Club (public or private membership)	5813					S	S							3
Non Commercial Research Organization	8733	P			P	P	P	P						3
Office Uses not otherwise classified	0000				P	P	P	P						3
Pest or Termite Control	7342			P		P	P							3
Photocopying-Duplicating	7334				P	P	P	P						3
Photo finishing Laboratory	7384				P	P	P							3
Photography - Commercial	7335				P	P	P	P						3
Physical Fitness Center	7991		P		P	P	P	P						3
Private Recreation Facility (other)	7997			P	P	P	P	S						3
Public Park	7990	P	P	P	P	P	P	P	S		S	S	S	1
Public Recreation facility	7990													1
Real Estate Office	6500				P	P	P	P						3
Recreational Vehicle Park	7033					S								4
Refrigerator or Large Appliance Repair	7623			P		P	P							3

P=Permitted, D=Development Standards, S=Special Use Permit Required

Section 302 - Table of Permitted Uses Cont.

Use Type	SIC	I1	I2	I3	B1	B2	B3	OI	RA	R25	R15	R8	R6	LC
BUSINESS, PROFESSIONAL AND PERSONAL SERVICES, RECREATIONAL USES (cont.)														
Rehabilitation or Counseling	8300				P	P	P	P						3
Research, Development or Testing Services	8730	P			P	P	P	P						3
Septic Tank Services	7699			P			P							4
Shoe Repair	7251				P	P	P							3
Shooting Range, Indoor	7999													3
Shooting Range, Outdoor	7999			P										5
Stock & Commodities Broker	6200				P	P	P	P						3
Swim and Tennis Club	7997		D			D	D	D	S		S	S	S	3
Taxidermist	7699			P			P							3
Television and Electronics Repair	7620				P	P	P							3
Theater (indoor)	7832				P		P							3
Theater (outdoor)	7833			S		S	S							4
Tire Recapping	7534		P	P										4
Travel Agency	4720				P	P	P	P						3
Truck and Utility Trailer Leasing, Heavy	0000			P		P	P							5
Truck and Utility Trailer Leasing, Light	0000			P		P	P							4
Truck Washing	7542			P		P	P							5
Watch or Jewelry Repair	7631				P	P	P	P						3
Retail Trade														
ABC Store	5921				P	P	P							3
Antique Store	5932				P	P	P							3
Appliance Store	5722				P	P	P							3
Arts & Crafts	0000				P	P	P							3
Auto Supply Store	5531				P	P	P							3
Bakery	5461				P	P	P							3
Bar or Tavern	5813					S	S							3
Boat Sales	5551			P		P	P							4
Bookstore, adult	0000					S	S							3

P=Permitted, D=Development Standards, S=Special Use Permit Required

Section 302 - Table of Permitted Uses Cont.

Use Type	SIC	I1	I2	I3	B1	B2	B3	OI	RA	R25	R15	R8	R6	LC
Retail Sales (cont.)														
Bookstore, conventional	5942				P	P	P							3
Building Supply Sales (no storage yard)	5211					P	P							3
Building Supply Sales (with storage yard)	5211		P	P			P							4
Computer Sales	5734				P	P	P							3
Convenience Store (without Gasoline pumps)	5411				P	P	P							3
Convenience Store (with Gasoline Pumps)	5411				P	P	P							4
Dairy Products Store	5451				P	P	P							3
Drugstore	5912				P	P	P	D						3
Fabric or Piece Goods Store	5949				P	P	P							3
Floor Covering, Drapery or Upholstery	5710				P	P	P							3
Florist	5992				P	P	P							3
Food Store	5400				P	P	P							3
Fuel Oil Sales	5980		P	P			P							4
Furniture Sales	5712				P	P	P							3
Garden Center or Retail Nursery	5261			P	P	P	P							3
Gift or Card Shop	5947				P	P	P	D						3
Hardware Store	5251				P	P	P							3
Hobby Shop	5945				P	P	P							3
Home Furnishings, Misc.	5719				P	P	P							3
Jewelry Store	5944				P	P	P							3
Luggage or Leather Goods	5948				P	P	P							3
Manufactured Home Sales	5271					P	P							4
Miscellaneous Retail Sales	5999				P		P							3
Motor Vehicle Sales (new and used)	5511			P	P	P	P							4
Motorcycle Sales	5571			P	P	P	P							4
Musical Instrument Sales	5736				P	P	P							3
Newsstand	5994				P	P	P							3
Office Machine Sales	5999				P	P	P							3

P=Permitted, D=Development Standards, S=Special Use Permit Required

Section 302 - Table of Permitted Uses Cont.

Use Type	SIC	I1	I2	I3	B1	B2	B3	OI	RA	R25	R15	R8	R6	LC
Retail Sales (cont.)														
Optical Goods Sales	5995				P	P	P							3
Paint and Wallpaper Sales	5231				P	P	P							3
Pawn Shop or Used Merchandise	5932				P	P	P							3
Pet Store	5999				P	P	P							3
Record and Tape Store	5735				P	P	P							3
Recreational Vehicle Sales	5561					P	P							4
Restaurant (no drive-thru)	5812				P	P	P							3
Restaurant (with Drive-thru)	5812			P	S	P	P							3
Service Station, Gasoline	5541		P	P	d	P	P							3
Sporting Goods Store	5941				P	P	P							3
Television, Radio or Electronics Sales	5731				P	P	P							3
Tire Sales	5531				P	P	P							3
Tobacco Products	5993				P	P	P							3
Truck Stop	5541			P		P	P							4
Video Tape Rental and Sales	7841				P	P	P							3
WHOLESALE TRADE														
Agricultural Chemicals, Pesticides and Fertilizers	5191		P	P			S							5
Agricultural Products, Other	5159		P	P			P							4
Ammunition	5099		P	P			P							4
Animals and Animal Products, Other	5159		P	P										5
Apparel, Piece Goods	5130	P	P	P			P							4
Beer, Wine or Distilled Alcoholic Beverages	5180	P	P	P			P							4
Books, Periodicals and News Papers	5192	P	P	P			P							4
Chemicals and Allied Products	5169		P	P			S							4
Construction Materials, Other	5030			P			P							4
Drugs and Sundries	5122	P	P				P							4

P=Permitted, D=Development Standards, S=Special Use Permit Required

Section 302 - Table of Permitted Uses Cont.

Use Type	SIC	I1	I2	I3	B1	B2	B3	OI	RA	R25	R15	R8	R6	LC
WHOLESALE TRADE CONT.														
Durable Goods, Other	5099	P	P											4
Electrical Goods	5060	P	P				P							4
Farm Supplies, Other	5191		P	P			P							4
Flowers and Nursery Stock	5193		P	P			P							4
Forest Products	5099			P										5
Furniture and Home Furnishings	5020	P	P			P	P							4
Grain and Field Beans	5153			P		P								5
Groceries and Related Products	5140	P	P											4
Hardware	5072	P	P											4
Livestock	5154		P	P										5
Lumber, Millwork and Veneer	5031		P	P										5
Machinery, Construction and Mining	5082		P	P										5
Machinery, Equipment and Supplies	5080		P	P										5
Machinery, Farm and Garden	5083		P	P										5
Market Showroom	0000	P	P	P										3
Metals	5051		P	P										5
Minerals	5052		P	P										5
Motor Vehicles	5012		P	P										4
Motor Vehicles, Parts and Supplies	5010	P	P	P										4
Motor Vehicle, Tires	5014	P	P	P										4
Paints and Varnishes	5198		P	P										4
Paper and Paper Products	5110	P	P	P										4
Petroleum and Petroleum Products	5170		P	P										5
Plastics	5162	P	P	P										4
Plumbing and Heating Equipment	5070	P	P	P										4
Professional and Commercial Equipment and Supplies	5040	P	P	P										4
Resins	5162		P	P										5
Scrap and Waste Materials	5093		P	P										5

P=Permitted, D=Development Standards, S=Special Use Permit Required

Section 302 - Table of Permitted Uses Cont.

Use Type	SIC	I1	I2	I3	B1	B2	B3	OI	RA	R25	R15	R8	R6	LC
Wholesale TRADE CONT.														
Sporting and Recreational Goods & Supplies	5091	P	P	P			P							4
Tobacco and Tobacco Products	5194	P	P	P			P							4
Toys and Hobby Goods	5092	P	P	P			P							4
TRANSPORTATION, WAREHOUSING AND UTILITIES														
Airport	4500	S	S	S					S					5
Bulk Mail and Packaging	4212	P	P			P	P							4
Bus Terminal	4100				P	P		P						4
Communications or Broadcasting Facility	4800	P	P											3
Courier Service, Central Facility	4215													4
Heliport	4522	S	S	S										5
Moving & Storage Service	4214		P				P							4
Radio, TV, Communications Tower	0000	S	S	S	S	S	S	S	S					3
Railroad Terminal or Yard	4010			S			S							4
Refuse and Raw Material Hauling	4212			P			P							4
Sewage Treatment Plant	4952			S										5
Solid Waste Disposal (non-hazardous)	4953			S										5
Taxi Terminal	4121		P	P			P							4
Tobacco Warehouse and Auction Sales	5159		P	P			P							4
Trucking or Freight Terminal	4213			P			P							4
Utility Company Office	0000				P	P	P	P						4
Utility Equipment Storage Yards	0000			P			P							5
Utility Lines	0000	P	P	P	P	P	P	P	P	P	P	P	P	
Utility Service Facility (no outside storage)	0000	P	P	P	P	P	P	P	P	P	P	P	P	4
Utility Substation	0000	D	D	D	D	D	D	D	D	D	D	D	D	4
Warehouse (general storage, enclosed)	4220	P	P			P	P							4

P=Permitted, D=Development Standards, S=Special Use Permit Required

Section 302 - Table of Permitted Uses Cont.

Use Type	SIC	I1	I2	I3	B1	B2	B3	OI	RA	R25	R15	R8	R6	LC
TRANSPORTATION, WAREHOUSING AND UTILITIES (cont.)														
Warehouse (self-storage)	4225					D	D							4
Water Treatment Plant	0000								S					4
MANUFACTURING AND INDUSTRIAL USES														
Aircraft and Parts	3720	P	P	P										5
Ammunition, Small Arms	3482	P	P	P										5
Animal Feeds (including Dog & Cat)	2048			P										5
Animal Slaughtering or Rendering	0000			P										5
Apparel and Finished Fabric Products	2300	P	P	P										4
Asbestos, Abrasive and Related Products	3290			P										5
Asphalt Plant	2951			P										5
Audio, Video and Communications Equipment	3600	P	P	P										4
Bakery Products	2050	P	P	P										4
Batteries	3691			P										5
Beverage Products (alcoholic)	2080	P	P	P										5
Beverage Products (nonalcoholic)	2086	P	P	P										4
Bicycle Assembly	3751	P	P	P										4
Boat Building	3730	P	P	P										4
Brooms and Brushes	3991	P	P	P										4
Burial Caskets	3995	P	P	P										4
Chemical, Paints and Allied Products	2800	P		P										5
Computer and Office Equipment	3570	P	P	P										4
Concrete, Cut Stone and Clay Products	3200			P										5
Contractors (no outside Storage)	0000		P	P	P	P	P	P						3
Contractors, General Building	1500			S			S							4
Contractors, Heavy Construction	1600			S			S							5

P=Permitted, D=Development Standards, S=Special Use Permit Required

Section 302 - Table of Permitted Uses Cont.

Use Type	SIC	I1	I2	I3	B1	B2	B3	OI	RA	R25	R15	R8	R6	LC
MANUFACTURING AND INDUSTRIAL USES (cont.)														
Contractors, Special Trade	1700			S			S							4
Dairy Products	2020	P	P	P										4
Electrical Industrial Apparatus, Assembly	3620	P	P	P										4
Electrical Industrial Apparatus, Manufacturing	3620	P	P	P										5
Electrical Components	3670	P	P	P										5
Electrical Equipment	3600	P	P	P										5
Explosives	2892			P										5
Extractive Uses				S					S					5
Fabricated Metal Products	3400	P	P	P										5
Fats and Oils, Animal	2077			P										5
Fats and Oils, Plant	2070			P										4
Fish, Canned, Cured, Frozen	2091			P										5
Floor Coverings	3996	P	P	P										5
Food and Related Products, Miscellaneous	2090	P	P	P										4
Furniture and Fixtures, Assembly and Manufacturing	2500	P	P	P										4
Glass	3200	P	P	P										5
Glass Products from Purchased Glass	3231	P	P	P										4
Grain Mill Products	2040	P	P	P										4
Heating, Equipment and Plumbing Fixtures	3430	P	P	P										4
Household Appliances	3630	P	P	P										4
Ice	2097	P	P	P										4
Industrial and Commercial Machinery	3500	P	P	P										4
Jewelry and Silverware (no plating)	3910	P	P	P										4
Leather and Leather Products (no tanning)	3100	P	P	P										4
Leather and Leather Products(tanning)	3100			P										5
Lighting and Wiring Equipment	3640	P	P	P										4

P=Permitted, D=Development Standards, S=Special Use Permit Required

Use Type	SIC	I1	I2	I3	B1	B2	B3	OI	RA	R25	R15	R8	R6	LC
MANUFACTURING AND INDUSTRIAL USES (cont.)														
Manufactured Housing and Wood Buildings	2450	P	P	P										4
Measurement, analysis and Control Instruments	3800	P	P	P										4
Meat and Poultry, Packaging and Processing (no rendering)	2010	P	P	P										5
Medical, Dental and Surgical Equipment	3840	P	P	P										4
Metal Coating and Engraving	3470	P	P	P										5
Metal Fasteners (screws, bolts, etc.)	3450	P	P	P										4
Metal Processing	3350	P	P	P										4
Millwork, Plywood and Veneer	2430	P	P	P										4
Motor Vehicle Assembly	3710	P	P	P										5
Motor Vehicle Parts and Accessories	3714	P	P	P										4
Musical Instruments	3930	P	P	P										4
Paper Products (no coating or laminating)	2670	P	P	P										4
Paper Products (coating and laminating)	2670			P										4
Paperboard Containers and Boxes	2650	P	P	P										4
Pens and Art Supplies	3950	P	P	P										4
Petroleum and Related Products	2900			P										5
Pharmaceutical Preparations	2834	P	P	P										4
Photographic Equipment	3861	P	P	P										4
Photographic Supplies	3861	P	P	P										5
Pottery and Related Products	3260	P	P	P										4
Primary Metals and Foundries	3300			P										5
Printing and Publishing	2700	P	P	P										4
Pulp and Paper Mills	2610			P										5
Rubber and Plastics, Misc.	3000	P		P										4
Rubber and Plastics, Raw	3000			P										5

P=Permitted, D=Development Standards, S=Special Use Permit Required

Section 302 - Table of Permitted Uses Cont.

Use Type	SIC	I1	I2	I3	B1	B2	B3	OI	RA	R25	R15	R8	R6	LC
MANUFACTURING AND INDUSTRIAL USES CONT.														
Salvage Yards, Auto Parts	5015			P										5
Salvage Yards, Scrap Processing	5903			P										5
Saw Mill or Planing Mill	2420			P										5
Signs	3993	P	P	P										4
Soaps and Cosmetics	2840	P	P	P										4
Sporting Goods and Toys	3940	P	P	P										4
Sugar and Confectionary Products	2060		P	P										4
Surface Active Agents	2843	P	P	P										5
Textile Products (no dyeing and finishing)	2200	P	P	P										4
Textile Products (with dyeing and finishing)	2260		P	P										5
Tires and Inner Tubes	3011		P	P										5
Tobacco Products	2110	P	P	P										5
Wood Containers	2440	P	P	P										4
Wood Products, Miscellaneous	2490	P	P	P										5
OTHER														
Accessory Uses & Structures (customary)	0000	D	D	D	D	D	D	D	D		D	D	D	3
Automobile Parking	0000			P			P							3
Billboards	0000	S	S	S	S	S	S	S						1
Caretaker Dwelling	0000	D	D	D	D	D	D	D						1
Home Occupation	0000								D		D	D	D	1
Manufacturer's Retail Outlet	0000	D	D	D										3
Produce Stand	0000				D	D	D		D					1
Recycling Collection Point	0000	P	P	P	P	P	P	P						4
Satellite Dish	0000	P	P	P	P	P	P	P	D		D	D	D	
Swimming Pool	0000	S	S	S	S	S	S	S	S	S	S	S	S	1
Temporary Construction, Storage or Office; Real Estate Sales Office	0000	S	P	P	P	P	P	P	S		S	S	S	1
Temporary Events	0000				D	D	D	D	D					
Yard Sale	0000								D		D	D	D	

P=Permitted, D=Development Standards, S=Special Use Permit Required

303 DIMENSIONAL REQUIREMENTS

Within the zoning districts as shown on the Official Zoning Map, all the following dimensional requirements shall be complied with.

303.1 Residential Districts:

Table 303.1 - Single & Two Family Residential Districts

	R-A	R-25	R-15	R-8	R-6	O-I
Min. Lot Size (ft ²)	40,000	25,000	15,000	8,000	6,000	6,000 1-family 9,000 2-family
Min. Lot Width (ft)	150* 100	90	85	70	60	60
Min. Street Setbacks (ft.)						
Cul-de-sac	25	25	25	25	25	30
Other Local Street	40	35	30	30	25	30
Minor Thoroughfare	50	40	30	30	25	30
Major Thoroughfare	60	50	30	30	25	30
Side Yard (ft.)	20	20	15	10	8	8
Rear Yard (ft.)						
Principal Structure	40	30	30	20	15	15
Accessory	20	15	15	10	8	8
Height (ft.)	35	35	35	35	35	35

* = Lots over an acre in size

303.2 Multi-family Uses:

Table 303.2 - Multi-family Dimensional Requirements

	O-I	B-1 & R-6
Minimum Lot Size for first 3 DU's (ft ²)	12,000	9,000
Min. lot area per additional unit (ft ²)	3,000	1,500
Min. Lot Width (ft)	80	75
Min. Street Setbacks (ft.)	30	30
Side yard setbacks (ft.)		
up to 35 ft. in height	8	8
over 35 ft. in height	8	8
	increase setback by one ft. for each additional foot in height over 35 ft.	
Minimum Rear Yard (ft.)	15 up to 35 ft. in height.	8 up to 35 ft. in height.
	Over 35 ft. in height: 1 foot for each additional foot in height over 35 ft.	

Maximum Permitted Height	n/a	n/a
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303.3 Non-Residential Districts

(A) Dimensional requirements for non-residential districts: are shown in Table 303.3

Table 303.3 - Non-Residential District Dimensional Requirements

	O-I	B-1	B-2	B-3	I-1	I-2	I-3
Min. Lot Size (ft ²)	6,000	NA	15,000	NA	6 ac.	NA	NA
Min. Lot Width (ft)	NA	NA	100	NA	400	NA	NA
Min. Street Setbacks (ft.)							
Local Street	30	*	50*	30	*	60	60
Minor Thoroughfare	30	*	50*	30	*	40	40
Major Thoroughfare	30	*	50*	30	*	40	40
Min. Interior Setbacks							
Side Yard adjacent to Non-Residential (ft.)	8*	*	10*	NA	*	NA	NA
Side Yard Adjacent to Residential (ft.)	*	*	*	20	*	50	50
Rear Yard adjacent to Non-Residential Zoning (ft.)	15*	*	*	NA	*	NA	NA
Rear Yard Adjacent to Residential Zoning (ft.)	*	*	20	20	*	50	50
Height (ft.)	NA	*	35*	*	*	*	*
Max. Building Coverage (% of Lot)	NA	NA	NA	NA	25	NA	NA

Notes:

* = Additional Requirements for Non-Residential Uses Below

NA = Not applicable

(B) Additional Requirements for Non-Residential Uses

(1) Office-Institutional (O-I)

- a) Side Yards. For structures up to thirty-Five (35) feet in height, a minimum of eight (8) feet shall be required. For structures exceeding thirty-Five (35) feet in height, the required minimum yards shall be increased by one (1) foot for each additional foot of height of the structure which exceeds thirty-five (35) feet.
- b) Rear Yards. For structures up to thirty-Five (35) feet in height, a minimum of eight (8) feet shall be required. For structures exceeding thirty-Five (35) feet in height, the required minimum yards shall be increased by one (1) foot for each additional foot of height of the structure which exceeds thirty-five (35) feet.

(2) Central Business (B-1)

- a) Street Setbacks. A thirty (30) foot setback shall be required for lots located less than two hundred (200) feet from any lot in a residential district and on the same side of the street as the residentially zoned property.
- b) Side Yards. Either ten (10) feet, or a wall with no openings shall be required when a lot in the B-1 district abuts a residentially zoned lot. When any side yard is provided adjacent to a residential lot it shall be a minimum of ten (10) feet wide. No structure shall be located in this yard.
- c) Rear Yard. A twenty (20) foot setback shall be required for lots adjacent to residentially zoned property. No structures may be placed in this required yard.
- d) No commercial entrance doors shall contain rollback style doors at any time.

(3) Highway Commercial (B-2)

- a) Maximum height is 35 feet. Maximum height may be increased by ten (10) feet for each additional 5 feet of total yard depth, front, side, and rear in excess of minimum required for district.
- b) No parking lot display or service area may be located within fifteen (15) feet of the right-of-way of any dedicated public street, or sixty-five (65) feet to the center line of said street, which ever is closer.
- c) All storage shall be screened from view from any road designated as a major thoroughfare or collector on the Oxford Thoroughfare Plan, either by enclosing stored materials within buildings or by walls and fencing in accordance with Article 600 and Section 723.
- d) A maximum of two (2) means of ingress or egress, each not to exceed thirty (30) feet in width shall be permitted within any two hundred fifty (250) feet of lot frontage on any major thoroughfare.

(4) General Business District (B-3)

- a) Screening. All outdoor parking, loading, and storage shall be effectively screened from adjacent residential properties by a wall, fence or landscaped area in accordance with Article 600, Landscaping requirements and Section 723, requirements for fences. All outdoor storage shall be effectively screened from any dedicated public street or highway.
- b) Height. No limit except where abutting residentially zoned property maximum allowed height shall be 35 feet.

(5) Corporate Park District (I-1)

- a) Required yards. A yard shall be required adjacent to each existing or proposed street which bounds an individual tract (not including interior

circulation roads or drives within the tract). Required yards shall have a minimum depth of one hundred (100) feet plus an additional one (1) foot for each acre included in the tract, up to a maximum of two hundred and fifty (250) feet.

- b) Any portion of a tract within the right-of-way of any street or proposed street shall not be included in calculating the total acreage of the tract for purposes of determining required yard size.

(6) General Industrial (I-2)

- a) Maximum permitted height. No limit provided that any structure located on any I-2 district lot which abuts any portion of any lot in a residential district shall have a maximum height in excess of thirty-five (35) feet.
- b) Screening. All outdoor parking, loading and storage shall be screened from adjacent residential properties by a wall, fence, or hedge in accordance with Article 600 Landscaping Requirements and Section 723, Fencing Requirements.
- c) Location of Accessory Uses.

(7) Heavy Industrial (I-3)

- a) Height. No limit except where abutting residentially zoned property maximum allowed height shall be 35 feet.
- b) Screening. All outdoor parking, loading and storage shall be screened from adjacent residential properties by a wall, fence, or hedge in accordance with Article 600 Landscaping Requirements and Section 723, Fencing Requirements.
- c) Location of Accessory Uses.

ARTICLE 400 - SIGNS

The purpose of these sign regulations are: to encourage the effective use of signs as a means of communication in the city; to maintain and enhance the aesthetic environment; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations.

401 Applicability

No sign or sign structure may be erected, posted hung, painted, rehung, repainted, repaired, replaced, changed, or maintained in any district except in compliance with this Article.

401.1 All signs, either attached or free standing, shall require a sign permit obtained from the Zoning Administrator in conformance with Section 409, except where specifically exempted by Section 404 of this ordinance.

402 Definitions

Unless the context clearly indicates otherwise, the terms and defined in this Section shall have the meanings indicated when used throughout Article 400.

402.1 Sign

Any words, lettering, numerals, parts of letter or numerals, figures, phrases, sentences, emblems, devices, designs, or trade names or trademarks by which anything is known (including any surface, fabric or other material or structure designed to carry such devices such as are used to designate or attract attention to an individual, firm, an association, a corporation, a profession, a business, or a commodity or product) which are exposed to public view and used to attract attention.

402.2 Advertising Sign (Billboard)

A sign which directs attention to a business, industry, commodity, service, or entertainment not conducted, sold or offered on the premises where the sign is located.

402.3 After School Program Child Care Facility

An After School Program Child Care Facility is hereby defined as child care facility in which the operator provides child care on a regular basis, but for no more than four (4) hours per day, for more than five but less than twenty-five (25) children who are enrolled in and regularly attend preschool, primary, elementary and high school provided that two child care providers must be present if more than fifteen (15) children are being care for. Churches, schools and like institutions are specifically excluded from this category.

After the effective date, After School Program Child Care Facilities are permitted by special use permit only with the exception of those facilities in existence prior to the effective date and which are in compliance with Section 603. An After School Program Child Care Facility is a special use in the following zoning districts: R-A, R-6, R-8, R-15, O-1, B-2, I-1, I-2, and B-3.

402.4 Animated Sign

Any sign which flashes, rotates, revolves or swings by mechanical means, or which uses a change in lighting to depict action, or to create a special effect or scene.

402.5 Banner

A temporary sign of light weight fabric or similar material which is rigidly mounted to a pole or a building by a rigid frame at two or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

402.6 Bar

A restaurant or tavern where food and drinks are consumed on premises, taken out, or delivered to customers' location. Some establishments in this group may provide these food services in combination with the selling of alcoholic beverages. Example: pizza shops, family restaurants, fast food restaurants.

402.7 Building Marker

A sign indicating the name of a building and date and incidental information about its construction, which is cut into a masonry surface, or made of bronze or other permanent material.

402.8 Canopy Sign

Any sign which is a part of or attached to an awning, canopy or other fabric-like or plastic protective structure which is extended over a door, window, or entranceway. A marquee is not a canopy.

402.9 Child Care Center In A Residence

A Child Care Center In A Residence is hereby defined as a single family home or single family detached apartment building in which a resident of that home or detached apartment building provides full-time child care services for nine (9) to fifteen (15) children. A Child Care Center In A Residence is a special use in the following zoning districts: R-A, R-6, R-8, R-15, O-1, B-2, I-1, I-2, and B-3.

402.10 Child Care Facilities

Effective May 1, 2003, the Board of Adjustment shall be empowered to authorize issuance of a special use permit based upon the requirements hereinafter set forth for the following types of child care facilities: a) Family Child Care In A Residence; b) Child Care Center In A Residence; c) Commercial Child Care Facility; d) After School Program Child Care Facility. Any such facility that is in existence at the time of the adoption of this amendment is hereby deemed to be a permitted and authorized use provided that said facility operator obtains the privilege license as is hereinafter described on or before the effective date and further provided that said facility operator meets and maintains any and all requirements as may be established by the State of North Carolina or any other regulatory agency. Said privilege license is issued on a per individual and per address basis and must be renewed annually on or before the date of initial issuance. Said license is non-transferable to any subsequent resident, owner, or operator of any of the above-described facilities.

402.11 Commercial Child Care Facility

A Commercial Child Care Facility is hereby defined as a non-residential structure in which the child care operator provides full-time or seasonal childcare services for six (6) or more children. Childcare services for less than six (6) children in a non-residential structure is not permitted unless otherwise governed pursuant to the laws of the State of North Carolina. A Commercial Child Care Facility is a special use in the following zoning districts: R-A, O-1, B-2, B-3, I-1, and I-2.

402.12 Commercial Message

Any sign, wording, logo or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity. This definition does not include company nameplates or logos or instructional signs.

402.13 Electronically Controlled Message Sign

A sign on which the copy changes automatically on a lamp bank, such that the message or display does not run continuously in the travel mode, and any message or display remains stationary for a minimum of one (1) second on streets where the speed limit is fifty-five (55) miles per hour or greater, or two (2) seconds on streets where the speed limit is less than fifty-five (55) miles per hour. Any sign on which the message or display runs continuously in the travel mode and/or on which any or display does not remain stationary for a minimum of one(1) second on streets where the speed limit is fifty-five (55) miles per hour or greater, or two (2) seconds on streets where the speed limit is less than fifty-five (55) miles per hour, shall be considered a flashing sign.

402.14 Family Child Care In A Residence

Family Child Care In A Residence is hereby defined as a single family home or single family detached apartment building in which a resident of that home or detached apartment building provides full-time or seasonal child care services for up to five (5) pre-school children and/or up to three (3) school age children with no more than eight (8) children under care at any time. Family Child Care In A Residence is a special use in the following zoning districts: R-A, R-6, R-8, R-15, O-1, B-2, I-1, I-2, and B-3.

402.15 Flashing Sign

A type of animated sign which contains a intermittent, blinking, scintillating, or flashing light source, or which includes the illusion of intermittent or flashing light, or an externally mounted intermittent light source. An electronic changeable copy sign is not a flashing sign.

402.16 Freestanding Sign

Any sign which is supported by structures or supports which are placed on, or anchored in the ground, and which structures or supports are independent from any building or other structure.

402.17 Governmental Sign

Any sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.

402.18 Identification Sign

Any sign used to display: the name, address, logo, or other identifying symbol of the individual, family, business, institution, service, or organization occupying the premises; the profession of the occupant; the name of the building on which the sign is attached; or directory information in group developments or buildings with multiple tenants.

402.19 Information Board

Signs which display message in which the copy maybe arranged or rearranged by hand.

402.20 Instructional Sign

Any sign with no commercial message that provides assistance with respect to the premises on which it is maintained, or for the instruction, safety, or convenience of the public such as “entrance”, “exit”, “one way”, “telephone”, “parking” and similar information.

402.21 Marquee

Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

402.22 Menu Sign

A permanent on-premises sign located at businesses which provide drive-up or drive-through services such as fast food restaurants, banks, laundries, etc. Menu signs shall be located so as not to create vehicle stacking problems which will interfere with the flow of traffic.

402.23 Marquee Sign

Any sign attached to, in any manner, or made a part of a marquee.

402.24 Multi-tenant Building

A building that is used for two or more occupancies, provided each occupancy is separated by construction having fire-resistive ratings in compliance with the NC Building Code.

402.25 Nonconforming Sign

Any sign which does not conform to size, height, location, design, construction, or other requirements of this ordinance or any subsequent amendment.

402.26 Pennant

Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

402.27 Playbill

Any sign announcing entertainment offered, or to be offered, at a business location on the site where the sign is displayed.

402.28 Portable Sign

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to signs: designed to be transported by means of wheels; converted to A- or T- Frames; menu and sandwich board signs; gas or hot-air filled balloons; umbrellas used for advertising; signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day to day operation of the business.

402.29 Projecting Sign

Any sign which is end mounted or otherwise attached to an exterior wall of a building which forms an angle with said wall.

402.30 Roof Sign

Any sign erected and constructed wholly on and over the roof on a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

402.31 Sign

Any object, device, display or structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including but not limited to words, letters, pennants, banners, emblems, trademarks, trade names, insignias, numerals, figures, design, symbols, fixtures, colors, illumination or projected images, or any other attention directing device.

402.32 Sign Owner

Any person holding legal title or legal right to occupy or carry on business in a structure or any facility, and shall include each and every person who shall have title to or benefit of a sign, or for whose benefit any type sign is erected or maintained, Where there is more than one (1) owner, as defined, their duties and obligations under this chapter are joint and several, and shall include the responsibility for such sign.

402.33 Special Promotion

An advertising activity or circumstance of a business which is not part of its daily activities or normal routine, and in which the display or sale of merchandise, wares, or other tangible items is the sole purpose for the promotion. Special promotions include grand openings or closeout sales, but do not include reoccurring sales advertisements of other similar publicity.

402.34 Suspended Sign

A sign which is suspended from the underside of a horizontal plane surface and is supported by such surface.

402.35 Temporary Sign

Any sign that is displayed for a limited period of time and is not permanently mounted.

402.36 Temporary Event

An activity sponsored by a governmental, charitable, civic, educational, religious, business, or trade organization which is infrequent in occurrence and limited in duration. Examples include arts and crafts shows, athletic events, community festivals, carnivals, fairs, circuses, concerts, conventions, exhibitions, trade shows, outdoor religious events and other similar activities.

402.37 Vehicle Sign

Any sign on a vehicle which is parked in a location which is visible to the public, and for a period of time which indicates that the principal use of the vehicle is for advertising rather than transport.

402.38 Wall Sign

Any sign attached parallel to, painted on the wall surface of, or erected and confined within the limits of the outside wall, mansard roof structure, penthouse, or parapet of any building or structure, which is supported by such wall, building, or structure, but does not extend vertically above the highest portion of the roof, and which displays only one sign surface.

402.39 Warning Sign

Any sign with no commercial message that displays information pertinent to the safety or legal responsibilities of the public such as signs warning of high voltage, "no trespassing," and similar directives.

402.40 Window Sign

Any sign, pictures, symbols, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, placed inside a window or upon the windowpanes or glass and which is visible from the exterior of the window.

403 General Sign Regulations

403.1 No sign or sign structure shall be erected or constructed to interfere with required vehicle sight easement setbacks.

403.2 No freestanding sign structure may be placed in the right-of-way.

403.3 Individual stores in a shopping center may not have separate freestanding sign structures. The shopping center as a whole may display signs in accordance with this section.

403.4 Signs and sign structures shall meet all requirements of the North Carolina State Building Code.

403.5 All signs shall be located in such a way that they maintain vertical and horizontal clearance from all electrical power lines and communication lines. All signs must also be located so as to avoid obstruction of pedestrian and vehicular traffic.

403.6 Signs and sign structures shall be maintained at all times in a state of proper repair, with all braces, bolts, clips, guys, anchors, supporting frames, and fastenings free from dete-

rioration, insect infestation, rot, rust, or loosening. All signs shall be kept neatly finished, with lettering intact, and if of a type which requires painting, free from visible peeling or chipping.

- 403.7 All illuminated and spotlighted signs shall be placed so as to prevent the light rays, illumination, or glare from being cast directly on any building or on traffic.
- 403.8 Strings of light bulbs used in connection with commercial premises for commercial purposes shall be limited to white, yellow, or bug repellent bulbs and shall not cause glare on traffic or adjoining premises.

404 Computation of Area

- 404.1 Area: The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof which will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall.
- 404.2 Area for Multi-faced Signs: For multi-faced signs, the sign area shall be computed by including all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (52) inches apart, the sign area shall be computed by the measurement of one of the faces.
- 404.3 Height: Sign height shall be computed from 1) the distance from the base of the sign at finished lot grade or 2) from the nearest adjacent street grade on which the lot has frontage, to the highest component of the sign, whichever is higher. Finished grade shall be the grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
- 404.4 Lots with Multi-frontage: Lots fronting on two or more streets are allowed the permitted sign area for each street frontage, however no one lot frontage may exceed the maximum permitted sign area allowed for any particular lot front.

405 Signs That Do Not Require A Permit

The following signs are permitted in all zoning districts and may be erected without a permit provided they conform to the specifications outlined in Table 404.

- 405.1 Directional, instructional or warning signs provided that such signs contain no commercial messages other than a business logo and name.
- 405.2 Flags, emblems or insignias of political, professional, fraternal, civic, religious, or educational organizations.
- 405.3 Certain types of temporary signs conforming to the specifications of Table 404 including:
 - (A) Temporary Real Estate and Construction signs which are removed within seven (7) days of sale or completion of job.
 - (B) Temporary Yard Sale Signs, which are posted for no more than three (3) days per sale.

- (C) Temporary Political Signs located on private property which are removed seven (7) days after an election.
- 405.4 Historical or memorial plaques or markers.
- 405.5 Identification signs including:
- (A) Name and address plates, including home occupations.
 - (B) Directory signs in multi-tenant buildings.
 - (C) Building name and address signs for multi-building complexes.
 - (D) Signs painted or attached to vending machines, gas pumps, or similar devices which indicate content, or machine prices and logo of supplier.
- 405.6 Government Signs.
- 405.7 Works of art with no commercial message.
- 405.8 Signs located on the interior of buildings, courts, stadiums or other structures which are not intended to be seen from the outside.

Table 405
Specifications for Signs Not Requiring a Permit

Type	Number Permitted	Area (sq. ft.)	Setback (ft)	Height (ft.)	Lighting ^b
Directional Signs (all districts)	NA	4	ROW ^a	6	indirect
Instructional and Warning (all districts)	NA	6	NA	8	direct
Window Signs (non-residential districts)	maximum 25% of window area	NA	NA	NA	direct
Historical and Memorial Markers (all districts)	1 per lot	4	ROW ^a	6	indirect
Flags, Emblems, and insignia (all districts)	1 per lot frontage	60	ROW ^a	40	indirect
Temporary Real Estate (single-family), Yard Sale and Construction Signs (all districts)	1 per lot frontage	6	ROW ^a	6	none
Temporary Real Estate (Multi-Family and Major Subdivision)	1 per lot frontage	100	ROW ^a	12	none
Temporary Political Signs (all districts)	NA	6	ROW ^a	6	none
Identification Signs	1 per Building	4 per unit	ROW ^a	6	indirect
Vending Machine Signs	NA	18	NA	6	direct

- Notes: a. Signs must be located outside public Right-Of-Way (ROW) and outside any sight distance easement area.
b. Electrical permit required if sign is illuminated.

406 Prohibited Signs. The following types of signs are expressly prohibited:

- 406.1 Portable signs, including any signs mounted or painted on a non-operating vehicle or a trailer or trailer type device.
- 406.2 Signs with moving, revolving, or rotating parts, shall be prohibited in all districts.
- 406.3 Signs with lights or illumination which flash, move, rotate blink, flicker, vary in intensity or color, or use intermittent electrical pulsations, except for time and temperature.
- 406.4 Signs which obstruct the view of, or could be confused with any authorize traffic sign, signal, or devise, or make use of the words "stop", "look", "danger", or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.
- 406.5 Signs which obstruct openings required to be left uncovered or unobstructed by building codes, the housing code, or other laws relating to buildings.
- 406.6 No offensive signs or flags shall be placed on public property.

407 Permitted Signs. Signs shall be permitted in accordance with specifications of Table 407.

**Table 407.1
Table of Permitted Signs**

Sign Type	District Permitted								
	RA	Residential (except RA)	O-I	B-1	B-2	B-3	I-1	I-2	I-3
Advertising (Billboard)					X ¹				
Freestanding			X	X	X	X	X	X	X
Wall Sign			X	X	X	X	X	X	X
Menu			X	X	X	X	X	X	X
Temporary Construction	X	X	X	X	X	X	X	X	X
Temporary Real Estate	X	X	X	X	X	X	X	X	X
Exempt	X	X	X	X	X	X	X	X	X

Notes:

1 Requires Special Use Permit

**Table 407.2
Freestanding Signs Requiring a Permit**

Zoning District & Type	Number Permitted	Area (sq. Ft.)		Max. Height (ft)	Set-back (ft)	Area Computation
		Max.	Min. ^a			
B-1 - Central Business District	1 per lot frontage	100	50	15	ROW ^c	1 sq. ft. per lf of lot frontage
B-2, B-3, I-2, I-3	1 per lot frontage	200 300 ^b	75	15 50 ^b	ROW ^c	1.0 sq. ft. per lf. of frontage
O-I	1 per lot frontage	200	50	15	ROW ^c	50 sq. ft. of area per acre
I-1	1 per lot frontage	200	50	15	Row ^c	50 sq. ft. of area per acre
Residential Development Entrance-All Zones	1 pair per entrance	50 per sign	NA	6	ROW ^c	NA
Unified Development Development ID sign	1 per street frontage	300	200	15	ROW ^c	number of businesses 4-15 = 200 16+ = 300
Out-parcel sign	1 per parcel	50	NA	6	ROW ^c	NA
Menu Sign	1 per business	45	NA	8	10	NA
Information Boards (all districts)	1 per building	50	15	8	ROW ^c	NA

- Notes:
- a) "Minimum" refers to the sign area allowed by right regardless of the amount resulting from computation.
 - b) Within 400 feet of a Federal Interstate Highway the Maximum Height may be increased to 50 feet and the maximum allowable size to 300 square feet.
 - c) Signs must be located outside public right-of-way (ROW) and outside any sight distance easement area.
 - d) One changeable copy sign shall be permitted for drive-thru restaurants, provided it is used to display only items sold on-premise and is not directed at passing motorists.

**Table 407.3
Attached Signs Requiring a Permit**

Zoning District & Type	Number Permitted	Area (sq. Ft.)		Height (ft.)	Area Computation
		Max.	Min. ^a		
B-1, B-2, B-3, I-2 I-3	NA	NA	50	Top of Wall	10% of Wall Area of principal street frontage ^c
O-I, I-1	NA	NA	50	Top of Wall	7.5% of Wall Area ^c
Awning, Canopy and Marquee Signs (all non-residential. districts)	1 per face	NA	NA	Top of Canopy b	25% of the Canopy, Awning or Marquee Face
Suspended Signs (all non-res. districts)	1 per entrance	6	NA	b	NA

Notes:

- a) "minimum" size refers to the sign area allowed by right regardless of the size allowed by computation.
- b) Minimum height is nine (9) feet to clear pedestrian walkways or 15 feet to clear vehicle drives. Marquee signs must extend out from a building no more than ten (10) feet.
- c) In multi-tenant buildings, the area computation is based on the wall area of each separate company.

408 Obsolete signs and their supporting structures shall be removed within ninety (90) days after they have been made obsolete by reason of the activity, business, product, or usage which the sign identifies or advertises being abandoned at the location to which the sign refers. This provision does not refer to billboards, until the commercial use of the billboard for rent has ceased. An extension of the ninety (90) day time limit for removal may be granted by the zoning administrator for reasonable cause.

409 Nonconforming Signs

Nonconforming signs, when removed for other than normal maintenance, may not be erected again, nor may any such sign be replaced with another nonconforming sign.

410 Master or Common Sign Plan

After the effective date of this ordinance, no permit shall be issued for an individual sign requiring a permit unless and until a Master or Common Signage Plan for the lot on which the sign will be erected has been approved. A Master Sign Plan shall be prepared for developments containing a single principal building on a single lot, while a common sign plan shall be prepared for developments containing more than one principal building or more than one lot.

410.1 Information required for both a Master and Common Signage Plan:

- (A) A site layout plan in conformance with Section 904.

- (B) Graphic description of each sign in sufficient detail to determine compliance with height and area requirements.
- (C) Accurate location on plan for each existing and proposed sign.

410.2 Other Provisions:

- (A) A Master or Common Signage Plan shall be included with any site plan, Unified Development Plan, or other plan required for development and may be processed simultaneously with such plan(s) and shall be approved prior to the issuance of any sign permits.
- (B) A Master or Common Signage Plan may be amended by filing a new plan which conforms to all of the requirements of this ordinance. Minor changes may be approved by the Zoning Administrator on the existing plan.
- (C) After approval of a Master or Common Signage Plan, no sign shall be erected, placed, painted, or maintained except in conformance with the approved plan. The approved plan may be enforced in the same manner as any other provision of this ordinance.
- (D) An additional freestanding sign in addition to the number permitted in Table 406.1 will be approved provided:
 - 1) The lot frontage exceeds two hundred, fifty (250) feet.
 - 2) There is sufficient excess frontage to support the request for an additional sign based on the computations of Table 406.1. If more than one sign is requested, there is no minimum area allowed by right, and then maximum area for a sign shall not exceed two hundred (200) square feet.
 - 3) Each sign shall be a maximum of 100 feet from any other free standing sign on the same zone lot, and 100 feet from any other freestanding sign on an adjacent zone lot which contains more than one (1) freestanding sign.

411 Off-Site Advertising Signs (Billboards)

Off-Site advertising signs (billboards) shall be permitted only as a special use in the B-2, B-3 and I-2, I-3 districts. A special Use Permit shall be granted provided the following conditions are met:

- 411.1 The property on which the sign is to be located must be adjacent to an interstate or federal aid primary highway.
- 411.2 The sign must be located within six hundred, sixty (660) feet of the edge of the right-of-way of such highway.
- 411.3 The sign shall comply with all regulations of the North Carolina Department of Transportation and with the North Carolina General Statutes.
- 411.4 No two (2) such structures shall be placed less than five hundred (500) feet apart as measured along the same street frontage.
- 411.5 The sign shall not exceed thirty (30) feet in height.

411.6 The sign will be compatible with the general neighborhood in which it is located and will not have a detrimental effect on adjoining properties.

ARTICLE 500 - OFF-STREET PARKING AND LOADING

501 General Provisions

All uses of land and buildings within the territory affected by this ordinance shall be provided with adequate off-street parking and loading space. In no case shall parking or loading space be provided which does not meet the minimum standards contained in this ordinance.

501.1 Scope of Regulations: The off-street parking and loading provisions of this Ordinance shall apply as follows:

- 501.1.1 For all buildings and structures erected and all uses of land established after the effective date of this Ordinance, accessory parking and loading facilities shall be provided as required by the regulations of the districts in which such buildings or uses are located and in accordance with the amounts specified in Section 503, Off-Street Parking Space and Section 504, Off-Street Loading. However, where a building permit has been issued prior to the effective date of this Ordinance, and provided that construction is begun within thirty (30) days from such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for issuance of said building permit may be provided in lieu of any different amounts required by this Ordinance.
- 501.1.2 When the intensity of use of any building, structure, or premises shall be increased through addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for the computation of required parking and loading facilities. parking and loading facilities as required herein shall be provided for such increase in intensity of use. However, no building or structure lawfully erected for a use lawfully established prior to the effective date of this Ordinance shall be required to provide such additional parking or loading facilities unless and until the aggregate increase in unit of measurement shall equal not less than fifteen (15) percent of the units of measurement existing upon the effective date of this Ordinance; in which event, parking or loading facilities as required herein shall be provided for the total increase, provided, however, that in the case of the expansion or alteration of residential building. required parking or loading facilities shall be provided on the basis of the total required units of measurement for the entire capacity of the building.
- 501.1.3 Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking and loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date of this Ordinance. additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use shall exceed those for the existing use if the latter were subject to the parking and loading provisions of this Ordinance. The Board of Adjustment shall be empowered to exempt said new uses from all or part of the requirements of paragraph 501.1.3 of this ordinance only when it shall find that all or part of said requirements cannot be met either on the site or within four hundred (400) feet there from. If at any time following the granting of such exemption the Board of Adjustment shall find that all or part of the exempted requirement is reasonably available to the new use then the Board shall resolve all or part of the exemption, as the Board shall deem reasonable.

- 501.2 Existing Parking Facilities: Accessory off-street parking facilities in existence on the effective date of this Ordinance and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new building or use under the provisions of this Ordinance.
- 501.3 Permissive Parking and Loading Facilities: Nothing in this Ordinance shall prohibit the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.
- 501.4 Damage or Destruction: For any conforming or legally nonconforming building or use in existence on the effective date of this Ordinance, which is later damaged or destroyed by fire, explosion, or other cause, and which is reconstructed, re-established, or repaired, off-street parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Ordinance for equivalent new uses or construction.
- 501.5 Control of Off-Site Parking Facilities: In cases where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot either by deed or long-term lease - the term of such lease shall be determined by the Board of Adjustment. The owner of the land on which the parking facilities are to be located shall be bound by a covenant filed and recorded in the office of the Register of Deeds requiring such owner, his or her heirs, or assigns to maintain the required number of parking facilities for the duration of the use.
- 501.6 Submission of Plot Plan: Any application for a building permit or for a certificate of occupancy where no building permit is required shall include therewith a plot plan - drawn to scale and fully dimensioned - showing any parking or loading facilities to be provided in compliance with this Ordinance.

502 Parking Requirements - All Districts

Off-street parking facilities accessory to uses allowed in all districts shall be provided in accordance with the regulations set forth hereinafter, as well as in Section 501, 503, and 504.

- 502.1 Utilization: Except as may otherwise be provided for the parking of trucks in the granting of special use permits, required accessory off-street parking facilities provided for uses listed herein shall be solely for the parking of passenger automobiles of patrons, occupants, or employees of such uses. However, the parking of trucks accessory to a permitted nonresidential use, if limited to one and one-half (1 1/2) ton capacity and in an enclosed structure, is permitted.
- 502.2 Exemption: On lots of record as of the effective date of this Ordinance which are thirty-three (33) feet or less in width, which are to be improved with a single-family dwelling, and for which no alley has been dedicated to the rear, accessory' parking facilities shall not be required.
- 502.3 Computation: When determination of the number of off-street parking spaces required by this Ordinance results in a requirement of a fractional space, any fraction of one-half (1/2) or less may be disregarded, while a fraction in excess of one-half (1/2) shall be counted as one parking space.

- 502.4 Collective provision: Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Board of Adjustment in accordance with Article 800.
- 502.5 Size: A required off-street parking space shall be at least eight (8) feet six (6) inches in width and at least twenty (20) feet in length exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have a vertical clearance of at least six (6) feet, six (6) inches and shall be measured at right angles to the axis of the vehicle. Aisles shall be not less than twenty (20) feet wide for ninety (90) degree parking, eighteen (18) feet wide for sixty (60) degree parking, twelve (12) feet wide for forty-five (46) degree parking (angle shall be measured between centerline of parking space and centerline of aisle) and twelve (12) feet wide for parallel parking. For parallel marking, the length of the parking space shall be increased to twenty-three (23) feet.
- 502.6 Access: Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. No driveway across public property shall exceed a width of twenty-five (25) feet, not including curb cuts.
- 502.7 Design and Maintenance:
- 502.7.1 Plan: As approved by the Building Inspector
- 502.7.2 Character: Accessory parking spaces may be open to sky or enclosed in a building.
- 502.7.3 Surfacing: All open off-street parking areas, drives and vehicle maneuvering spaces, except parking spaces accessory to a single-family dwelling, shall be surfaced with a stabilized all-weather material, capable of carrying without damage, the heaviest vehicle loads that can reasonably be regularly anticipated on such surface (asphalt).
- 502.7.4 Lighting: Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to exceed three (3) foot candles measured at the lot line.
- 502.7.5 Signs: Not more than three (3) incidental or identification signs each not exceeding one and one-third (1 1/3) square feet in area shall be permitted on parking areas.
- 502.7.6 Repair and Service: No motor vehicle repair work or service of any kind shall be permitted in conjunction with parking facilities provided in residential districts of any kind except washing of vehicles by resident owner and emergency repair service required to start vehicle.
- 502.7.7 Maximum number of spaces: The total number of accessory parking spaces provided for a single-family, two-family, or multiple family dwelling including spaces in a private garage

shall not exceed that required by this Ordinance for such use or for an equivalent new use by more than fifty (50) percent or four (4) spaces, whichever number is greater.

502.7.8 Location: All parking spaces required for uses which are established after the effective date of this Ordinance shall be located on the same lot as the building or use served except in conformance with Section 501.5. Uses which are in existence on the effective date of this Ordinance and which are subsequently altered or so enlarged as to require the provision of parking Spaces under this Ordinance, may be served by parking facilities located on land other than the lot on which the building or use served is located provided that such facilities are located in a district other than R-6, R-8, R-15, or R-A and provided further that they are located with 300 feet walking distance of a main entrance to the use served.

503 Table of Off-Street Parking Requirements

Off-Street parking space shall be provided for all uses listed below in the amounts specified.

USE	Minimum Number of Required Off-Street Parking Spaces
Agencies	1 per 300 sq. ft of gross floor area
Art Galleries	1 per 200 sq. ft of gross floor area
Auditoriums, Theaters	1 per 300 sq. ft of gross floor area
Auto Repair Shops	1 per service bay
Banks & Financial Institutions	1 per 200 sq. ft. of gross floor area plus stacking for four vehicles per drive-thru or Auto Teller Machine
Bed & Breakfast - Tourist Home	1 per bedroom, plus two for innkeeper
Car Wash, Automatic	2 per 3 employees on largest shift plus 10 per approach lane
Car Wash, Self Service	3 stacking spaces per approach lane plus three drying spaces
Churches, Synagogues, Etc.	1 per 4 seats in main assembly hall
Clubs and Lodges	1 per 200 sq. ft. of gross floor area
Colleges & Vocational Schools	7 per classroom, plus 1 per 250 sq. ft. of general office.
Commercial Amusements	1 per 4 persons in designed capacity
Contractor's Yard, Material Storage	2 spaces per three employees on largest shift
Day Care, Adult & Child	1 per employee plus 1 per 10 children with parking located on site
Dormitory, Fraternity, Sorority House	1 space per 5 beds
Dwellings, Single & Two Family	2 spaces per dwelling unit
Dwellings, Multi-Family	2 spaces per dwelling unit
Fairgrounds & Amusement Parks	1 per 600 square feet gross area
Funeral Homes	1 per 4 seats in chapel
Government buildings	1 per 200 sq. ft. gross area used by public, 1 per 600 sq. ft gross area not used by public

503 Table of Off-Street Parking Requirements, Continued

USE	Minimum Number of Required Off-Street Parking Spaces
Hospitals	1 per 4 patient beds plus 2 per 3 employees on largest shift, plus 1 per staff doctor
Hotels & Motels	1 per rental unit
Junk Yards	2 per 3 workers on largest shift
Laboratories, Medical Research	2 per 3 workers on largest shift
Laundries	1 per 200 square feet
Libraries, Museums & Galleries	1 per 300 sq. feet gross floor area
Manufacturing and Industrial Uses	2 per 3 employees on largest shift
Medical, Dental or related offices	4 per doctor or practitioner
Night Clubs	1 per 4 seats
Offices (not otherwise classified)	1 per 200 square ft. gross area
Nursing, Convalescent Homes	1 per 4 beds, 1 per doctor and nurse plus 1 per 4 additional employees
Photographic Studios	1 per 300 sq. ft. gross floor area
Radio, TV, Recording Studio	1 per 2 employees
Restaurants, Dine-In	1 per 4 seats
Restaurants with Drive-Thru	1 per 4 seats, plus 2 per 3 employees, plus 11 stacking spaces
Retail Sales (not otherwise classified)	1 per 200 square feet gross floor area.
Schools, Elementary	1 per adult employee
Schools, Secondary	7 per classroom, plus 3 per administrative office
Services, Business & Professional Not Otherwise Classified	1 per 250 sq. feet, plus 1 per service vehicle
Stables, Commercial	1 per 2 stalls
Transportation Terminals	2 per 3 employees on largest shift
Veterinary Clinics	4 per doctor
Warehouses, General	2 per 3 employees on largest shift
Warehouses, Tobacco	1 per 5,000 sq. ft. of gross floor area
Wholesale Establishments	1 per 900 sq. ft. gross floor area

504 Off-Street Loading

Off-street loading spaces accessory to uses permitted in all business, Office-Institutional, and Industrial Districts shall be provided in accordance with the regulations set forth hereinafter.

- 504.1 Location: All required loading spaces shall be located on the same zoning lot as the use served. All motor vehicle loading spaces abutting any residential district shall be completely screened from by building walls, or by a uniformly painted solid fence, wall, or door, or any combination thereof, not less than eight (8) feet in height. No permitted or required loading spaces shall be located within thirty (30) feet of the nearest point of intersection of any dedicated public streets. No loading space shall be located in a required front or side yard, and any loading space located in a required rear yard shall be open to the sky.
- 504.2 Size: Unless otherwise specified, a required off-street loading space shall be at least ten (10) feet in width by at least fifty (50) feet in length exclusive of aisles and maneuvering space, and shall have a vertical clearance of at least fifteen (15) feet.
- 504.3 Access: Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
- 504.4 Surfacing: All open off-street loading space shall be surfaced with a dust free all-weather material capable of carrying a wheel load of sixteen thousand (16,000) pounds.
- 504.5 Repair and Service: No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any district, except emergency repair service necessary to start a vehicle.
- 504.6 Utilization: Space allocated to any off-street loading space shall not, while so allocated, be used to satisfy the space requirements for any off-street parking spaces or access drives or aisles.
- 504.7 Similar Uses Applicable: On receiving an application for a zoning permit for a use not specifically listed in this section, the Building Inspector shall apply the off-street loading requirements specified herein for a use which is listed and which is similar to the use for which said permit is requested.
- 504.8 Ingress and Egress: Each required off-street loading space shall be provided with a means of unobstructed ingress and egress to a public street or alley. Where such ingress and egress is made into a public street, it shall be through driveways or openings which comply with the driveway requirements of the City of Oxford. Permanent type wheel stops or masonry or similar type material curbing shall be provided to prevent any vehicle using the loading area from encroaching either on the required front yards, side yards, public right-of-way or adjacent property.
- 504.9 Off-Street Loading Requirements:
- 504.9.1 Uses Handling Goods in Quantity: Uses which normally handle large quantities of goods, including but not limited to industrial plants, wholesale establishments, storage warehouses, freight terminals, hospitals or sanitariums, and retail sales establishments, shall provide off-street loading facilities in the following amounts:

Gross Floor Area of Establishment	Required Number and Size of
-----------------------------------	-----------------------------

in Thousands of Square Feet	Loading Spaces
2.5 to 40	1 - (10 ft. x 25 ft.)
40 to 100	3 - (10 ft. x 50 ft. each)

For each additional 200,000 square feet of gross floor area, or a fraction thereof over 200,000 square feet of gross floor area, one additional loading space shall be provided. Such loading spaces shall be at least ten (10) feet in width by fifty (50) feet in length.

504.9.2 Uses Not Handling Goods in Quantity: Commercial establishments which do not handle large quantities of goods, including but not limited to office buildings, restaurants, auditoriums, convention halls, coliseums, exhibition halls, funeral homes, hotels, and motels, shall provide off-street loading in the following amounts:

Gross Floor Area of Establishment in Thousands of Square Feet	Required Number and Size of Loading Spaces
5 to 80	1 - (10 ft. x 25 ft.)
80 to 200	2 - (10 ft. x 50 ft.)

For each additional 200,000 square feet of gross floor area, or fraction thereof over 200,000 square feet of gross floor area, one additional loading space shall be provided. Such loading spaces shall be at least ten (10) feet in width by fifty (50) feet in length.

504.9.3 Multiple Family Dwellings: In all districts where multiple family dwellings are permitted, off-street loading space shall be provided as follows:

Multiple family dwellings for building containing 10,000 to 200,000 square feet of gross floor area, one off-street loading space shall be provided, plus one additional loading space for each additional 200,000 square feet of gross area or fraction thereof.

504.10 Off-Street Maneuvering and Storage Space: On every lot on which is conducted any use requiring the use of delivery or transport trucks or vehicles as an indicated part of such use, such as ice plants, wholesale food or leverage establishments, trucking terminals, delivery services and the like, there shall be provided sufficient space for such loading and maneuvering and storage of such vehicles when not so engaged entirely on said premises.

504.11 Certificate of Occupancy: The certificate of occupancy as required by Section 903 for any building or land where off-street parking, loading, or storage space is required shall be withheld by the Building Inspector until those requirements are met.

ARTICLE 600
LANDSCAPING & TREE PRESERVATION REQUIREMENTS

601 Applicability

601.1 Exemptions. These requirements shall not apply to:

- A) Single family detached dwellings on their own lot;
- B) Property lines abutting railroad rights-of-way and utility easements in excess of sixty (60) feet in width; and
- C) Property lines abutting dedicated street right-of-way which has remained unopened for a period of at least fifteen (15) years.

601.2 Properties Located in the B-1 Central Business Zone:

- A) Due to the higher densities and limited setbacks of properties located in the Central Business District, all lots located in the B-1 Zone shall comply with the requirements of Section 607, Alternate methods of Compliance.

601.3 Application. These requirements shall apply to the following:

- A) New Principal Building or Use: Principal buildings or open uses of land constructed or established after the adoption of this Ordinance.
- B) Changes in Use: Changes in use which result in an increase of two (2) or more in the Land Use Classification number. The requirements of this Section shall be applicable to the entire zone lot.
- C) Expansions or Reconstruction: Expansions which will result in a parking or building square footage increases of more than three thousand (3,000) square feet for developments existing on the effective date of this Ordinance. In such cases, the landscaping requirements shall apply only to the expansion.

601.4 Reduction in Parking Requirements for Pre-Existing Developments. To allow compliance with the landscaping regulations, the number of required off-street parking spaces may be reduced by the Zoning Officer up to ten (10%) percent.

602 Planting Yards

602.1 Required Planting Areas. The following areas are required to be landscaped:

- A) Street planting yards;
- B) Parking lots (excluding vehicle loading, storage, and display areas): and
- C) Planting yards.

602.2 Planting Area descriptions.

- A) Street Planting Yard: A planting area parallel to a public street designed to provide continuity of vegetation along the right-of-way and a pleasing view from the road. No more than fifteen (15%) percent of the street planting yard may be

used for walkways or signs. Parking, merchandise display and off-street loading are prohibited in the street planting yard.

- B) Parking Lot Plantings: Planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement.
- C) Type A Planting Yard: A high density screen intended to substantially block visual contact between adjacent uses and create spatial separation. A Type A yard reduces lighting and noise which would otherwise intrude upon adjacent uses.
- D) Type B Planting Yard: A medium density screen intended to partially block visual contact between uses and create spatial separation.
- E) Type C Planting Yard: A low density screen intended to partially block visual contact between uses and create spatial separation.
- F) Type D Planting Yard: A peripheral planting strip intended to separate uses, provide vegetation in densely-developed areas and enhance the appearance of individual properties.

603 Planting Yard Determination

To determine the planting yards required by this Ordinance, the following steps shall be taken:

- 603.1 Identify the classification of the proposed or expanded land use and of any existing or proposed adjacent land use(s) by using the Permitted Use Table, Section 302 (Permitted Use Table). A land use becomes existing on an adjacent property when a building permit is issued. If a zone lot contains uses with different land use classifications, select the higher numbered classification, then
- 603.2 Use the Planting Yard Chart, Table 603.1, to determine the appropriate letter designation for each planting yard, then
- 603.3 Match the letter designation obtained from the Planting Yard Chart with the Planting Rate Chart, Table 603.2, to determine the types and numbers of shrubs and trees required.

**Table 603.1
Planting Yard Chart**

Proposed Land Use Code	Existing Adjacent Land Use Code					
	1	2	3	4	5	Undeveloped
1	*	*	*	*	*	*
2	C	D	D	D	D	D
3	B	B	D	D	D	D
4	A	A	C	D	D	D
5	A	A	B	C	D	D

* = No Planting Yard Required

**TABLE 603.2
PLANTING YARD RATE CHART**

Planting Yard Rates						
Yard Type	Minimum Width	Minimum Average Width	Maximum Width	Canopy Tree Rate	Understory Tree Rate	Shrub Rate
Street	8	8	25	2/100 lf	NA	17/100 lf
A	40	50	75	4/100 lf	10/100 lf	33/100 lf
B	25	30	50	3/100 lf	5/100 lf	25/100 lf
C	15	20	40	2/100 lf	3/100 lf	17/100 lf
D	5	5	10	-	2/100 lf	18/100 lf

Notes:

lf= linear feet

1. Walls a minimum of five (5) feet in height, constructed of masonry, stone, or pressure treated lumber or an opaque fence, a minimum of five feet in height may be used to reduce the widths of Type A, B and C planting yards by ten (10) feet.
2. In street, Type C and Type D yards, understory trees may be substituted for canopy trees at the rate of (2) understory trees for each required canopy tree.

604 Parking Lot Interior Planting Rate

- 604.1 In addition to all other planting yard requirements, parking lots shall be landscaped at the rate of one (1) canopy tree per twelve (12) parking spaces. Understory trees may be substituted for canopy trees at the rate of two (2) understory trees per each required canopy tree.

605 Landscaping Design and Maintenance Standards

- 605.1 Calculation of Street Planting Yards: Street planting yard rate and width calculations shall exclude access drives.
- 605.2 Plant Species: Species used in required street planting yards, parking lots and planting yards shall be of a locally adapted nature. Refer to the recommended plant species list. Other species may be approved by the Zoning Officer.
- 605.3 Dimension of Planting Areas: Each planting area containing trees, including those located in parking lots, shall have a minimum inside dimension of seven (7) feet and be at least two hundred (200) square feet in area.
- 605.4 Grouping: For the Type B, C, and D planting yards, shrubs and trees may be grouped or clustered; however, not more than fifty (50) percent of each required plant material may be grouped or clustered. The remainder of the materials shall be distributed throughout the planting yard. There shall be at least one row of evergreen shrubs or evergreen understory trees in all Type A planting yards.
- 605.5 Parking Lot Spacing: Required canopy tree areas shall be distributed throughout parking lots and shall be located within or adjacent to parking lots as tree islands, at the end of parking bays, medians, or between rows of parking spaces.
- 605.6 Canopy Tree Size: Canopy trees must be a minimum of eight (8) feet high and two (2) inches in caliper, measured six (6) inches above grade, when planted. When mature, a canopy tree should be at least forty (40) feet high and have a crown width of thirty (30) feet or greater.
- 605.7 Understory Tree Size: Understory trees must be a minimum of four (4) feet high and one (1) inch in caliper, measured six (6) inches above grade, when planted.
- 605.8 Shrub Size: All shrubs must be a minimum three gallon container size at planting and eighteen inches in height.
- 605.9 Berm Size: Any berm shall have a minimum height of three (3) feet, a minimum crown width of three (3) feet and a side slope no greater than 3:1.
- 605.10 Wall Planters: Wall planters shall be constructed of masonry, stone, or pressure treated lumber stamped for ground contact (AWPB LP-221980 or equivalent). The minimum height of the wall planter shall be thirty (30) inches. The effective planting width of the wall planter shall be four (4) feet. If the wall planter is to contain trees, the effective planting width shall be seven (7) feet.
- 605.11 Encroachments Permitted in Required Planting Yards: The following are permitted in required planting yards provided there is no interference with any sight area:

- A) Landscaping features, including but not limited to ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths.
- B) Pet shelters, at-grade patios, play equipment, outdoor furniture, ornamental entry columns and gates, flag Poles, lamp Posts, area lighting, address posts, HVAC equipment, mailboxes, outdoor fire places, public utility wires and poles, pumps, signs in accordance with Article 400, wells, fences, retaining walls, or similar structures.
- C) Cornices, steps, canopies, overhanging eaves and gutters, window sills, bay windows or similar architectural features, chimneys and fireplaces, fire escapes, fire balconies and fire towers may project not more than two and one-half (2 1/2) feet into any required planting yard, but in no case closer than three (3) feet to any property line.

605.12 Setback Less than Planting Yard: If the required building setback is less than the required planting yard, the building setback shall control reducing the required planting yard width only alongside the building. The planting rate of the required planting yard shall still apply.

605.13 Location of Planting Material Outside Shade of Building: Where a building is located less than ten (10) feet from a property line, and the planting yard would be heavily shaded by buildings on both sides line, the required trees and shrubs may be planted outside the shaded area to improve survivability.

605.14 Obstructions: Landscaping shall not obstruct the view of motorists using any street, driveway or parking aisle.

605.15 Location: Required trees and shrubs shall not be installed in street rights-of-way. Required trees and shrubs may be planted in electric utility easements below overhead lines and in drainage maintenance and utility easements by approval of the Zoning Officer in consultation with the electric power utility.

605.16 Plant Protection: Whenever planting areas are adjacent to parking lots or drives, the planting areas shall be protected from damage by vehicles, lubricants or fuels.

605.17 Maintenance: The owner is responsible for maintaining all required plant materials and planting areas in good health and appearance. Any dead, unhealthy, or missing plants must be replaced within one hundred and eighty (180) days with vegetation which conforms to the initial planting rates and standards. The required replanting period may be extended by the Zoning Officer if it is determined that the plant material has been severely damaged due to catastrophic events or other extremely severe weather conditions.

606 Procedures

606.1 Landscaping Plan Required: Prior to obtaining a building permit, an applicant must receive approval of a landscaping plan from the Zoning Officer.

- A) Landscaping plans shall show:
 - 1) Location, dimension and square footage of required planting yards, street yards, and parking lot planting areas. Plan shall specify individual species and number of trees and shrubs required and provided.

- 2) Details of required or provided landscape elements including fencing and berms. A timeline for the installation of required landscaping shall also be provided.
- 3) The location and species of all existing trees to be retained as required by section 608 and/or trees to be used for credit toward planting yard requirements.

606.2 Installation of Plant Materials:

- A) Installation of plant material shall occur prior to the issuance of a Certificate of Occupancy.
- B) If at the time of a request for a Certificate of Occupancy, the required planting areas are not complete and it can be determined that:
 - 1) plant materials are unavailable,
 - 2) completion of the planting areas would jeopardize the health of the plant materials, or
 - 3) weather conditions prohibit completion of the planting areas, then the installation of plant materials may be deferred by the enforcement Officer. The developer shall submit a copy of a signed contract for installation of the required planting areas and may be required to post a surety equal to the amount of the contract. In no instance shall the surety be for a period greater than one hundred and eighty (180) days. The Zoning Officer may issue a Temporary Certificate of Occupancy, but shall not issue a Certificate of Occupancy until the planting areas have been completed and approved.

607 Alternate Methods of Compliance

607.1 General Provisions:

- A) Alternate landscaping plans, plant materials or planting methods may be used in the B-1 Central Business District, or where unreasonable or impractical situations would result from strict application of landscaping requirements. Such situations may result from utility easements, streams, natural rock formations, topography, lot configuration, or other existing physical conditions. Certain site conditions such as a unified development design may also warrant use of an alternative landscaping plan.
- B) The Zoning Officer may approve an alternate plan which proposes different plant materials, planting yard widths, or methods provided that quality, effectiveness, durability, and performance are equivalent to that required by this Ordinance.
- C) The performance of alternate landscaping plans must be reviewed by the Zoning Officer and the Oxford Appearance Commission to determine if the alternate plan meets the intent and purpose of this Ordinance. This determination shall take into account the land use classification of adjacent property, number of plantings, species, arrangement and coverage, location of plantings on the lot,

and the level of screening, height, spread, and canopy of the plantings at maturity.

- D) Decisions of the Zoning Officer and Oxford Appearance Commission regarding alternate methods of compliance may be appealed to the Zoning Board of Adjustment.

607.2 Lot of Record Provisions: For non-conforming zone lots less than one hundred (100) feet in width the following provisions may be applied:

- A) For zone lots less than one hundred (100) feet in width and greater than eighty (80) in width where Type D Planting yards are required, one (1) Type D planting yards may be eliminated from the landscaping plan if the Zoning Officer finds that strict application of the requirements of this Section prevents reasonable use of the property. However, the plantings required for this yard shall be installed in remaining planting yards.
- B) For zone lots less than eighty (80) feet in width where Type D planting yards are required, two (2) Type D planting yards may be eliminated from the landscaping plan if the Zoning Officer finds that strict application of the requirements of this Section prevents reasonable use of the property. All required plants for these yards shall be installed in remaining planting yards.

608 Preservation and Protection of Existing Trees

608.1 Retention and Protection of Large Trees: Every development shall retain all trees at least twelve inches in diameter, and all trees of any diameter listed in the North Carolina Natural Heritage Program as being significantly rare, of special concern, threatened or endangered. When a development would be unreasonably burdened by the retention of all such trees, the following criteria shall be used in considering which trees may be removed or retained. Decisions as to which trees may be removed under this section shall be made by the Zoning Official in consultation with the Oxford Appearance Commission and any landscape or forestry professional the Appearance Commission may retain:

- A) The rareness of the tree species, both relative to the species representation on the site and relative the species representation within the region and the state;
- B) The tree's relative size and age. Larger older trees shall be considered more valuable than younger trees of the same species;
- C) The tree's relative expected longevity, including health at the time of the evaluation and the hardiness of the species with respect to climate, resistance to disease and insects, and high winds;
- D) The tree's relative aesthetic value and potential to provide shade.

608.2 Credit for Preservation of Existing Trees: Any existing tree or group of trees which stands within or near a required planting area and meets or exceeds the standards of this Ordinance may be used to satisfy the tree requirements of the planting area. The protection of tree stands, rather than individual trees, is strongly encouraged.

- 608.3 Protection of Existing Trees: To comply with Section 608.1 or to receive credit, trees must be protected from direct and indirect root damage and trunk and crown disturbance. The following standards shall apply:
- A) The protected area around trees shall include all land within the canopy drip line.
 - B) Construction site and soil disturbing activities such as, but not limited to parking, material storage, soil stock piling and concrete washout shall not be permitted within tree protection areas.
 - C) Protective fencing shall be installed around tree protection areas prior to any land disturbance. Such fences shall be at least four (4) feet high and may consist of snow fence or polyethylene safety fencing. Fencing shall remain in place until construction is complete and other landscaping has been installed.
- 608.4 Dead or Unhealthy Trees: No credit will be allowed for any dead tree, any tree in poor health or any tree subjected to grade alterations. The death of any tree used for preservation credit shall require the owner to plant new trees equal to the number of credited trees.
- 608.5 Rate of Credit: Credits shall be allowed at the rate of one canopy tree for every three (3) inches of circumference measured at four and one-half (4.5) feet above grade. Credits shall be subtracted from the total number of canopy and understory trees required in the same planting yard where the tree is located. In every case, however, there shall be at least one canopy tree for every fifty (50) linear feet of street planting yard, existing or planted.

ARTICLE 609 – RECOMMENDED PLANTING LIST

609.1 Small Trees For Partial Screening

- | | |
|-------------------------|------------------------------|
| (1) River Birch | 9) Sourwood |
| (2) American Hornbeam | (10) Carolina Cherry Laurel |
| (3) Eastern Redbud | (11) Callery Pear |
| (4) Flowering Dogwood | (12) Foster Holly |
| (5) Russian Olive | (13) Nellie R. Stevens Holly |
| (6) Mountain Silverbell | (14) Devilwood |
| (7) American Holly | |
| (8) Crape Myrtle | |

609.2 Large Trees For Evergreen Screening

- | | |
|-----------------------|---------------------|
| (1) Deodar Cedar | (4) Leyland Cypress |
| (2) Southern Magnolia | (5) White Pine |
| (3) Canadian Hemlock | |

609.3 Large Trees For Shading

- | | |
|--------------------------------|------------------------|
| (1) Sugar Maple | (7) Eastern Red Oak |
| (2) Red Maple | (8) Willow Oak |
| (3) Ginkgo (Male) | (9) Scarlet Oak |
| (4) Honeylocust
(Thornless) | (10) Laurel Oak |
| (5) Sweet Gum
(Seedless) | (11) Littleleaf Linden |
| (6) London Plane-Tree | (12) Bald Cypress |
| | (13) Japanese Zelkova |

609.4 Small Shrubs For Evergreen Screening

- | | |
|--|--------------------------------------|
| (1) Glossy Abelia | (9) Dwarf Buford Holly |
| (2) Warty Barberry | (10) Helleri Holly |
| (3) Wintergreen
Barberry | (11) Dwarf Nandina |
| (4) Dwarf Horned Holly | (12) Narrow-leaved English
Laurel |
| (5) Littleleaf Japanese
Holly | (13) Schipka Laurel |
| (6) Convexa Japanese
Holly | (14) Zabel Laurel |
| (7) India Hawthorn | (15) Dwarf Yaupon Holly |
| (8) Azaleas and Rhododendrons (Full Shade) | |

609.5 Large Shrubs For Evergreen Screening

- | | |
|-------------------------------------|--------------------------------|
| (1) Thorny Elaeagnus | (8) Laurestinus Viburnum |
| (2) Burford Holly | (9) Hedge Bamboo |
| (3) Yaupon Holly | (10) Wax Myrtle |
| (4) Laurel or Sweet
Bay Magnolia | (11) Cleyera |
| (5) Japanese Privet | (12) Longstalk Holly |
| (6) Fortune Tea Olive | (13) Variegated Chinese Privet |

(7) Red Photinia

609.6 Shrubs For Broken Screens Assorted

- | | |
|------------------------|--------------------------|
| (1) Japanese Barberry | (7) Drooping Leucothoe |
| (2) Fringetree | (8) Winter Honeysuckle |
| (3) Border Forsythia | (9) Star Magnolia |
| (4) Vernal Witch-Hazel | (10) Northern Bayberry |
| (5) Common Witch-Hazel | (11) Judd Viburnum |
| (6) Pfitzer Juniper | (12) Doublefile Viburnum |

ARTICLE 700 - DEVELOPMENT STANDARDS

701 - Purpose

Article 300 sets forth the uses that may be established as a matter of right in each of the districts, and specifies various lot dimensions and space requirements that must accompany each established use. Some land uses, however, have a particular impact on the surrounding area that cannot be adequately controlled by general regulations. To insure that these uses, in their proposed locations, will be compatible with surrounding development, their establishment shall not be as a matter of right but only after review and approval as hereafter provided.

The uses listed below are classified in Article 302 as either Permitted with Development Standards, or as Special Uses. Uses classified as Special Uses in Article 302, may be established after a public hearing held in accordance with provisions of Article 900, for hearings by the Board of Adjustment and after Board of Adjustment approval of the special use permit. In granting such approval, the Board of Adjustment may impose such reasonable terms and conditions as it may deem necessary for protection of health, the general welfare, and the public interest, including the requirement that detailed plans for each special use proposal be submitted as part of the application for a special use permit.

Whenever the Board of Adjustment shall determine that any of the terms, conditions, safeguards and requirements for the issuance of a Special Use permit have been violated, after notice of such violation has been given the permit holder by the Zoning Officer, the Board of Adjustment may revoke said permit. In every case of revocation the use for which the permit was issued shall automatically be in violation of this ordinance.

702 - Accessory Structures

Accessory Buildings, structures, and uses may be erected in any required side or rear yards, provided no separate accessory building shall be erected within ten (10) feet of any other building or within eight (8) feet from any lot lines, and that the requirements for percent of lot coverage are not exceeded. No accessory building shall be located in a side or rear yard of a corner lot closer to the right-of-way than the required side yard. Shrubbery, walks, retaining walls, fences, curbs, and ornamental objects shall not be construed as encroachments on yards and need not meet the requirements for accessory buildings and structures. However, all fences and retaining walls shall meet the requirements of section 723.

703 - Adult Bookstore, Adult Cabaret, Adult Theater

No adult bookstore, adult cabaret, or adult theater may be located within 1,000 feet of any other adult bookstore, adult cabaret, adult theater, or adult bookstore. Use must maintain as least 1,000 feet separation from any School, Church, or Residentially Zoned Property.

704 - Airports - Community

- 704.1 Minimum lot side shall not be less than twenty-eight (28) acres.
- 704.2 That a buffer strip shall be provided of not less than one hundred (100) feet, measured from all exterior property lines and main traveled roadway right-of-way lines, within which no structure shall be erected nor taxiing or other aircraft movement, storage or repair shall be permitted.
- 704.3 All automobile and other non-aircraft parking shall be provided within the buffer strip.
- 704.4 No signs shall be permitted except identification, occupancy, and real estate.
- 704.5 That there shall be outdoor and/or indoor storage for not more than ten (10) aircraft, including temporary or overnight storage.

704.6 That there shall be only one runway.

704.7 That the runway shall be no less than two-thousand (2,000) feet.

705 - Animal Services (other), Kennels, and Pet Grooming

705.1 Pens and runs located outdoors are prohibited in R-A district.

706 Athletic Fields

706.1 Where required. RA and all residential districts.

706.2 Access. All athletic fields shall have access to collector or higher capacity road.

707 Automobile Service Stations (in B-1 zoning district)

707.1 Permitted activities shall be limited to gasoline, oil, tires, and other minor accessories only, and the lubrication and washing of automobiles where no repair work is done except minor repairs made by the attendant.

707.2 The building shall be limited in size to two single-car service bays plus office, sales room, restrooms and storage.

707.3 No outdoor display or storage of merchandise, materials or rubbish shall be permitted.

707.4 No flags, banners, pennants, or other devices which flutter or revolve and which are designed and used solely to attract attention shall be permitted.

707.5 All flood lights shall be turned off at the close of business or at 11:00 p.m., whichever is earlier.

707.6 No lights shall be so arranged as to direct or reflect into the windows of any residence.

707.7 No more than two curb cuts shall be permitted on each abutting street. No curb shall be wider than twenty-five (25) feet. No curb cut shall be less than thirty (30) feet from the intersection of any two street curb lines, or in the case of a rounded street corner, from the intersection of the street curb lines extended.

707.8 If property adjoins a residential district, the following requirements shall be met:

- (A) A durable wall, fence or evergreen hedge or other evergreen planting of substantial opacity shall be provided along the side or rear lot lines where the property adjoins a lot in a residential district. Such fence, wall, or hedgerow shall be at least six (6) feet in height, measured vertically from the ground along the common lot line of the adjoining lot in the residential district. Hedges or comparable natural plantings shall be planted at an initial height of at least three (3) feet, and shall be of such variety that an average height of six (6) feet could be expected during normal growth within no later than four (4) years from the time of planting. Where Such planting is used, it shall be well maintained and replaced as the Zoning Administrator shall deem necessary.
- (B) Side yards adjoining a residential district shall be at least twenty (20) feet in width.
- (C) Rear yards adjoining a residential district shall at least thirty (30) feet in depth.

707.9 The proposed site shall be on a major thoroughfare as shown by the Thoroughfare Plan of the City of Oxford.

707.10 There shall be no curb cuts or other points of vehicular ingress or egress from the proposed automobile service station within five hundred (500) feet of any points of ingress or egress of any other automobile service station.

708 - Bar or Tavern

708.1 Property Separation. No such establishment shall be located within five-hundred (500) feet of a church, elementary school, public park or residentially zoned property.

708.2 Frontage. The main entrance of the building shall be toward a street zoned predominantly for non-residential purposes.

709 - Batting Cages

709.1 Security Fencing. Fencing, netting, or other control measures shall be provided around the perimeter of the batting area to prevent balls from leaving the designated area.

710 - Bed and Breakfast Inn

710.1 The Inn shall accommodate ten or less persons per night, with a maximum of (5) five guest rooms.

710.2 The Inn is located in a dwelling structure which was originally constructed as a single family dwelling;

710.3 There is no exterior advertising except a small, unlighted announcement sign not to exceed two (2) Square feet in area.

710.4 There is no rooming house, tourist home, boarding house or bed and breakfast inn located within four hundred (400) feet (determined by a straight line and not street distance of the facility).

710.5 The owner of the inn is domiciled on the premise.

710.6 Breakfasts served on the premise are only for guests of the inn, and no other meals are provided on the premise.

710.7 The structure is either listed on the National Register of Historic Places or is at least a structure of historical features and significance.

710.8 Any interior modification shall be described in the application and shall not be injurious to the historic character of the structure, woodwork, stairways, fireplaces, windows and door, cornices, festoons, moldings, chair rails, or light fixtures.

710.9 There is no enlargement to exterior of the structure;

710.10 Plans for any changes to the exterior of the structure shall be submitted and specifically approved by the Board of Adjustment, after a public hearing and a recommendation on them by the Oxford Community Appearance Commission.

710.11 Must be in accordance with local health and fire codes.

710.12 Special Use Permits shall be issued for three (3) year periods, and may be renewed upon application as provided herein.

710.13 The inn shall be required to keep a permanent registry for periodic inspection by Zoning Administrator.

711 - Billboards - See Article 400

712 - Cemeteries

712.1 The proposed site shall not conflict with the adopted thoroughfare plan.

713 - Churches, Temples, Clubs, Lodges or Community Buildings

713.1 The proposed site shall be within three hundred (300) feet of a major thoroughfare as shown on the adopted thoroughfare plan.

714 - Coin Operated Amusements

714.1 No use may be established within 200 feet from any church, elementary or secondary school.

715 - Communications Tower, including Cellular, Radio & TV

715.1 If compliance with the height limit requirements of any zoning district result in the facility not being able to serve the geographic or market area the facility is designed to serve, an exception to the height limit may be granted.

715.2 All facilities must be surrounded by a fence at least eight (8) feet tall. In addition to the fence, in situations where the landscaping yards in Article 600 of the zoning ordinance do not apply, the Board shall consider whether a plant screen is needed and impose such screening as an additional condition if appropriate.

715.3 The base of the tower shall be set back from all lots lines a distance equal to the height of the tower. No part of the tower including guy wires or supports shall extend into any required yard as set forth in the dimensional requirements for the district in which the property is located.

715.4 The tower shall meet all applicable building code requirements and all other applicable Federal, State and local standards.

715.5 Lighting shall be in accordance with any applicable FAA requirements and directed where possible so as not to shine on adjacent residential property.

715.6 EMF radiation shall be in accordance with applicable Federal standards, or where no Federal standards apply or preempt, shall be in accordance with ANSI standards.

715.7 If the tower is between one hundred (100) feet and one hundred eighty (180) feet in height, then the tower shall be engineered and constructed to accommodate a minimum of one (1) additional telecommunications user. If the tower exceeds a height of one hundred eighty (180) feet, the tower shall be engineered and constructed to accommodate a minimum of two

(2) additional telecommunications users. Evidence shall be provided that reasonable effort has been made by applicant to lease space on any existing tower that would technically satisfy applicant's needs.

715.8 Towers up to thirty (30) feet in height from the bottom of the base to the top of the tower may be placed on existing buildings without meeting yard and fencing requirements. Review will take place on a case-by-case basis and additional conditions may be imposed.

715.9 In the B-1 district, towers shall be limited to those thirty (30) feet or less in height from the ground to the top of the tower or those placed on existing buildings.

716 - Contractors, with open storage of materials

716.1 All work shall be conducted entirely within enclosed structures; and

716.2 All outside storage of materials must be screened with a type B buffer in accordance with Article 600 herein.

716.3 A paved or otherwise improved driveway shall be provided with access onto a main street or highway.

717 - Country Club with Golf Course, Swim & Tennis Club

717.1 Minimum Area: The minimum area shall be 2 acres in addition to the golf course(s). The minimum shall be one (1) acre if located on common area within a development.

717.2 Use Separation: Fifty (50) foot minimum distance between clubhouse, swimming pool, lighted tennis court, or athletic field and any adjacent residentially zoned-property.

717.3 Security Fencing: Outdoor swimming pools shall be protected by a fence, or equal enclosure, a minimum four (4) feet in height and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking.

718 - Child Care

718.1. Family Child Care In A Residence: In addition to any requirements that may be mandated by the Board of Adjustment for issuance of the special use permit, the following requirements are mandatory for issuance of the special use permit:

1. The single family home or single-family detached apartment building must be the primary residence of the child care provider.
2. The child care provider must meet or exceed any and all regulations (if any) required by the State of North Carolina or any other regulatory agency.
3. The child care provider must obtain a privilege license from the City of Oxford at an annual cost of \$25.00. Said license must be prominently displayed by the child care provider. Said privilege license is non-transferable and must be renewed annually.
4. The special use permit must be renewed every five (5) years and may be renewed upon application as provided for herein. Failure to comply with the terms and conditions of the Special Use Permit shall result in revocation of the Special Use Permit.

718.2. Child Care Center In A Residence: In addition to any requirements that may be mandated by the Board of Adjustment, the following requirements are mandatory for issuance of the special use permit:

1. There must be one hundred (100) square feet of outside play space per child.
2. There must be paved off-street parking in accordance with parking requirements as established by the City of Oxford.
3. The outside play space must be fenced and screened with shrubbery or other foliage so as to avoid a nuisance to any adjoining property owners.
4. The minimum lot size shall no less than the same as that of a single-family residence within said zoning district.
5. The single-family residence or single-family detached apartment building must be inspected and approved for habitation by the Granville County Building Inspections Department prior to issuance of a special use permit. Any inspection fee shall be paid by the child care provider.
6. The special use permit must be renewed every five (5) years and may be renewed upon application as provided for herein.
7. The child care provider shall maintain liability insurance in a minimum amount of \$100,000 per occurrence. A copy of said certificate of insurance shall be filed with the City of Oxford and shall be prominently displayed by the child care provider. Lapse or cancellation of said insurance policy shall result in revocation of the privilege license and special use permit.
8. The child care provider must meet or exceed any and all regulations (if any) required by the State of North Carolina or any other regulatory agency.
9. Failure to comply with the terms of the special use permit or any of the terms set forth herein shall result in a revocation of the special use permit.
10. The child care provider must obtain a privilege license from the City of Oxford at an annual cost of \$25.00. Said license must be prominently displayed by the child care provider. Said privilege license is non-transferable and must be renewed annually.

718.3. Commercial Child Care Facility: In addition to any requirements that may be mandated by the Board of Adjustment, the following requirements are mandatory for issuance of the special use permit:

1. At least 200 square feet of outside play space per child shall be provided. Such play space shall be on the same lot as the principal building and shall be completely fenced and suitably screened to protect the children and to avoid any nuisance to adjoining properties. Outside play space shall not include driveways, parking areas, land unsuited by other usage, or natural features for children's play space.
2. If such institution is operated in a building which is not of fireproof or semi-fireproof construction, the following restrictions shall apply:
 - a. The instruction or care of children shall be restricted to the ground floor only. There shall be at least two (2) exits from said ground floor leading directly to a street or to any open space that connects with a street.
 - b. Not more than 25 children shall attend the institution.

3. Paved off-street parking shall be provided in accordance with parking requirements as established by the City of Oxford.
4. The child care provider shall maintain liability insurance in a minimum amount of \$100,000 per occurrence. A copy of said certificate of insurance shall be filed with the City of Oxford and shall be prominently displayed by the child care provider. Lapse or cancellation of said insurance policy shall result in revocation of the privilege license and special use permit.
5. The special use permit must be renewed every five (5) years and may be renewed upon application as provided for herein.
6. The child care provider must obtain a privilege license from the City of Oxford at an annual cost of \$25.00. Said license must be prominently displayed by the child care provider. Said privilege license is non-transferable and must be renewed annually.
7. The child care provider must meet or exceed any and all regulations required by the State of North Carolina or any other regulatory agency.

718.4. After School Program Child Care Facility: In addition to any requirements that may be mandated by the Board of Adjustment for issuance of the special use permit, the following requirements are mandatory for issuance of the special use permit:

1. There must be one hundred (100) square feet of outside play space per child.
2. There must be paved off-street parking in accordance with the parking requirements as established by the City of Oxford.
3. The outside play space must be fenced and screened with shrubbery or other foliage so as to avoid a nuisance to any adjoining property owners.
4. The special use permit must be renewed every five (5) years and may be renewed upon application as provided for herein.
5. The child care provider shall maintain liability insurance in a minimum amount of \$100,000 per occurrence. A copy of said certificate of insurance shall be filed with the City of Oxford and shall be prominently displayed by the child care provider. Lapse or cancellation of said insurance policy shall result in revocation of the privilege license and special use permit.
6. The special use permit must be renewed every five (5) years and may be renewed upon application as provided for herein.
7. The child care provider must obtain a privilege license from the City of Oxford at an annual cost of \$25.00. Said license must be prominently displayed by the child care provider. Said privilege license is non-transferable and must be renewed annually.
8. The child care provider must meet or exceed any and all regulations (if any) required by the State of North Carolina or any other regulatory agency.

719 - Drug Stores as a Special Use in O-I, also Gift Shops

- 719.1 The drug store shall be located within a building in which more than fifty (50) percent of the gross floor area is occupied by the offices of medical doctors, dentists, ophthalmologists, osteopaths, and chiropractors.
- 719.2 The drug store may occupy no more than twenty-five (25) percent of the floor area of the building.

- 719.3 Adequate off-street parking and loading is provided in accordance with Sections 500 through 504 in addition to that required for the medical offices.

720 - Dwellings, Conversion of Existing Homes to Two-Family Dwellings

- 720.1 The home must be at least forty (40) years old.
- 720.2 No more than two dwelling units shall be permitted in the R-6 residential district.
- 720.3 No more than two dwelling units shall be permitted in the R-8 and R-15 residential districts.
- 720.4 At least seven hundred (700) square feet of floor area shall be contained in each dwelling unit.
- 720.5 No enlargement shall be permitted to the exterior of the Structure.
- 720.6 The conversion will be in accordance with all other applicable codes and ordinances.
- 720.7 All plans for any exterior changes to the structure shall be submitted to the Board of Adjustment for approval. Before rendering a decision, the Board of Adjustment shall receive a recommendation by the Oxford Community Appearance Commission.

721 - Dwellings Over or in Commercial Buildings as a Special Use in the B- I District

- 721.1 At least seven hundred (700) square feet of floor area per dwelling unit shall be provided.
- 721.2 Use must comply with off-street parking in accordance with Article 500.
- 721.3 The dwelling will be located in an area which will not create undue nuisances or safety hazards for the residents of the dwelling.
- 721.4 Allowing the dwelling or dwellings will not encourage destruction of historically significant buildings.

722 - Extractive Uses

- 722.1 Applicability: Board of Adjustment shall be empowered to approve the issuance of Special Use Permits for extractive uses including quarrying, the removal of sand, gravel, minerals, clay soil, topsoil, and similar operations for nonagricultural purposes in permitted districts provided that:
- 722.2 Buffer Strip: No excavating, storage, processing, or truck loading shall be conducted within 100 feet of any property line of abutting properties not in extractive use or highway right-of-way line.
- 722.3 Blasting: All blasting operations shall be conducted between the hours of 8 a.m. and 5 p.m.
- 722.4 Nuisance or Hazard: All blasting, drilling, and other sources of noise, vibration, flying debris and dust shall be conducted in such a way as to cause no nuisance or hazard to adjacent or neighboring properties.
- 722.5 Stream Pollution: At no time shall extractive or processing operations result in an effluent or discharge which discolors, "muddies up", or otherwise pollutes any stream or watercourse.
- 722.6 Stream Flow: No extractive use or processing shall impede the normal flow of any stream or Watercourse.

- 722.7 Flooding: No extractive use or processing shall be conducted in such a way as to produce a flooding hazard to adjacent or neighboring properties at any time. Dikes, dams, or other barriers necessary to prevent such flooding shall be erected before beginning said operations or as necessary during the course of such operations. The barriers shall afford the same protection as if no excavation or processing had been made.
- 722.8 Public Road or Bridge: No extractive use shall be conducted in a manner which may undermine a public road or bridge.
- 722.9 Fencing: Areas being excavated shall be enclosed with a cyclone-type fence no less than six feet in height, or wire mesh, located no less than 10 feet from the excavation edge, wherever in the determination of the Zoning Administrator it shall be necessary for safety.
- 722.10 Rehabilitation Plan. A rehabilitation plan for each extractive use site shall be approved by the Board of Adjustment prior to the issuance of a Special Use Permit. The rehabilitation plan shall include but not be limited to the following elements:
- (A) Plans for the continual transformation of extractive areas to gently rolling surface topography as each portion of the extractive site is "mined out" and operations are moved to new portions of the extractive site. Slopes in Such areas of discontinued operations shall not exceed fifteen percent (15) in grade except in areas where rock or other conditions would cause the creation of such slopes to be an extreme burden and hardship. In no case shall any surface slope have a grade in excess of fifty percent (50) when extractive or processing operations have been terminated.
 - (B) All buildings, structures, equipment and stockpiles shall be removed from areas of discontinued extractive operations.
 - (C) All areas of discontinued extractive operations shall be covered with soil of a type which will support the growth of vegetation, and shall be planted with grasses, legumes, trees, or other planting in such way as to minimize wind and water erosion in such areas where the Board of Adjustment shall determine such covering to be practical.
 - (D) All extractive uses existing on the effective date of this ordinance, whether actually in operation on said date or not, shall within ninety (90) days of said effective date or ninety (90) days of resuming operations, whichever is greater, present a rehabilitation plan to the Planning Board for its consideration.
 - (E) Said rehabilitation plan shall include estimates of any and all costs necessary to carry it out. Said cost estimates including those covering modifications of the rehabilitation plan which the Board of Adjustment may require, shall be certified by a civil engineer licensed to practice in the State of North Carolina, or other authority acceptable to the Board of Adjustment.
 - (F) A performance bond in the amount of said estimated costs shall be posted with City Manager to ensure the making of improvements called for in said rehabilitation plan. Portions of said bond may be released by the City Manager upon satisfactory evidence by the Zoning Administrator that portions of the work called for in the plan have been completed. All portions of said bond shall be released by the City Manager within fifteen (15) days after presentation of satisfactory evidence that the work called for in the rehabilitation plan has been completed in all particulars.

723 - Fences

- 723.1 Applicability. Fences and walls are permitted in required setbacks provided the requirements of this section are met.
- 723.2 Permitted Fence types. The following types are permitted in all zoning districts:
- (A) Masonry or stone walls;
 - (B) Ornamental iron;
 - (C) Chain-link or chicken wire;
 - (D) Wood or similar material.
- 723.3 Prohibited fence types. The following fence types are prohibited:
- (A) Fences constructed of barbed or razor wire, or carrying an electrical current, except for the purpose of enclosing detention centers and livestock in agricultural districts;
 - (B) Fences constructed in whole or in part of readily flammable material such as paper, cloth or canvas;
 - (C) Coiled wire or barbed wire
- 723.4 Maintenance Required. Any fence which, through neglect, lack of repair, type, or manner of construction, method of placement or otherwise, constitutes a hazard or endangers any person, animal, or property is hereby deemed a nuisance. If such conditions exist, the Zoning Administrator shall require the owner or occupant of the property upon which the fence is located to repair, replace, or demolish the fence causing the nuisance.
- 723.5 Height.
- (A) *Residential Uses.*
 - 1) Before Front Setback. No solid fence shall exceed four (4) feet in height within the required front yard.
 - 2) Behind Front Setback. No solid fence shall exceed six (6) feet in height behind the front yard setback line.
 - 3) Exceptions. No fence shall exceed four (4) feet in height in any yard adjacent to any public or private street right-of-way in a unified housing development unless the sole purpose is to enclose a patio; patio enclosure shall not exceed seven (7) feet in height.
 - (B) *Recreational Uses.* No fence shall exceed twelve (12) feet in height if the fence is within a required yard. Otherwise no fence shall exceed eight (8) feet in height.
 - (C) *Commercial, industrial, office institutional, or office uses.* No fence shall exceed eight (8) feet in height.
- 723.6 Measurement.
- (A) Fence height shall be measured in the same manner as buildings. However, where fences are located on retaining walls or man-made berms, the height of the retaining wall or berm shall be considered as part of the overall height of the fence.

- (B) Fence height limitations do not apply to fences built in conjunction with electrical or gas substations, utility facilities, sewer plants or facilities, radio and television masts, towers and similar structures, municipal water storage facilities, public correctional and mental institutions, or military facilities, or hazardous or radioactive waste, storage or disposal facilities.

723.7 Temporary Fences. Nothing in this section shall preclude the installation of temporary fences around construction works, erected or maintained pursuant to the NC State Building Code or the Soil and Sedimentation Control regulations.

723.8 General Fence Requirements.

- (A) *Obstruction of View.* No fence shall be placed or retained in such a manner as to obstruct vision at any intersection of public or private streets.
- (B) *Obstruction of Drainageway.* Fence construction shall not alter or impede the natural flow of water in any stream, creek, drainage swale or ditch.
- (C) *Obstruction of Access.* No fence shall block access from doors or windows. Fences must have a clearance at least two (2) ft. from building walls, except where fences project from or to a building wall.
- (D) *Setback from Side or Rear Property Line.* All fences shall be setback at least three (3) inches from any side or rear property line to allow for maintenance.
- (E) *Orientation of Barbed Wire.* On fences topped with barbed wire, the bottom strand must be at least six (6) feet above grade with the vertical supports slanting inward away from the property line.
- (F) *Equally Finished, Both Sides.* The side of any fence facing an abutting property, including properties across an alley or street, shall be no less finished in appearance from the side of the fence facing the interior of the property.

724 - Golf Courses and Associated Uses

724.1 Use Separation: Fifty (50) foot minimum distance between clubhouse or other principal building(s) and any adjacent residentially zoned property.

725– Golf Driving Range

- 725.1 The depth of a driving range along the driving axis shall not be less than 250 yards measured from the location of the tees and the width not less than 100 yards.
- 725.2 Lighting, if any, shall be designed and installed so that it is directed away from the roadway and adjacent residentially zoned or used properties and does not interfere with the safe use of public right-of-ways.
- 725.3 Adequate assurance shall be provided, by means of separation, fencing or other means, that the operation of such facility shall not constitute a danger to any person or property.
- 725.4 Total signage on the property shall not exceed 32 sq. ft. One free standing sign may be installed provided it does not exceed eight- (8) ft. in height. Signs shall not be illuminated except by means of one light bulb not exceeding 150 watts.

- 725.5 Provide one (1) parking space per tee plus one (1) space per 200-sq. ft. in building gross floor area.

726 - Group Care Facility

- 726.1 Property Separation: No such facility shall be located within one-half mile of an existing group care facility.
- 726.2 Operation: The facility shall be limited to no more than thirty (30) persons.

727 - Home Occupations

Home Occupations are permitted in all residential districts except R-15 and R-25 only as an incidental use and shall comply with the requirements of this section.

- 727.1 No person other than a resident of the dwelling shall be engaged in such occupation.
- 727.2 No more than three (3) customers, clients, or patrons shall come to the dwelling at any one (1) time nor more than ten (10) in any one (1) day.
- 727.3 No more than two (2) vehicles may be used in the conduct of the home occupation. Any such vehicle shall be parked off the street. The parking of any such vehicles on the property, other than an automobile, van, or pick-up shall be in an enclosed building as described in Section 727.4 below, or shall be a conditional use subject to approval by the Board of Adjustment.
- 727.4 No more than twenty-five percent (25%) of the total actual floor area of the dwelling or five hundred (500) square feet, whichever is less, shall be used in the conduct of the home occupation. In addition, one (1) accessory building not exceeding one thousand (1000) square feet, shall be a conditional use in connection with the home occupation, to house commercial vehicles and/or for storage of materials used in connection with the home occupation and/or for use as an administrative office for the home occupation. The accessory building may not be used for manufacturing, processing, instruction, sales, service, or other work in connection with the home occupation. All lot coverage, dimensional, and other requirements of this ordinance must be met by such accessory building. A sketch of the proposed building and list of the materials to be used on the outside must be submitted with the application for a Conditional Use Permit.
- 727.5 Notwithstanding the provisions of Subsection 727.4, a home greenhouse shall be permitted provided that such greenhouse meets the requirements of Section 727.4, (Accessory Uses) and that any sales in connection with such greenhouse meet the requirements of this Section (Section 727.10).
- 727.6 No outdoor sales or storage shall be permitted in connection with the home occupation. This provision shall not prohibit the outdoor on-premises sale of the products of home gardens, or yard sales if otherwise in accordance with town ordinances.
- 727.7 The exterior appearance of the dwelling shall not be altered in such a manner nor shall the occupation in the residence be conducted in such a way as to cause the premises to differ from its residential character in exterior appearance.
- 727.8 The use may not emit smoke beyond that which normally occurs in the applicable zoning district, nor shall it emit dust, vibration, odor, smoke, fumes, glare, radiation, electrical interference, interference to radio and television reception or other nuisance and shall not be volatile or present a fire hazard, nor may the occupation discharge into any waterway, stream, lake, or into the ground or a septic tank any waste which will be dangerous or a nuisance to persons or animals, or which will damage plants or crops.

- 727.9 No home occupation shall involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the home occupation is conducted.
- 727.10 There shall be no more than two (2) deliveries per day to the premises of materials to be used in conjunction with the home occupation and these shall take place between the hours of seven (7:00) AM and nine (9:00) PM.
- 727.11 No customers, clients, patrons, or employees other than the residents' household may be on the premises in connection with the home occupation before seven (7:00) AM or after nine (9:00) PM.
- 727.12 The following are strictly prohibited as home occupations: car washes, commercial automotive repair garages, truck terminals, slaughterhouses, paint, petroleum and chemical plants, any occupation which involves the bulk storage of liquid petroleum, gasoline, kerosene, or other flammable liquids, funeral homes and mortuaries, massage parlors, sale of reading or viewing material of a pornographic nature, movie theaters, animal hospitals and kennels, and bottled gas sales.
- 727.13 Any home occupation not complying with these regulations shall be a special use.

728 - Hotel or Motel

- 728.1 Accessory Uses: Hotels or Motels shall be allowed to conduct the following accessory activities and businesses and to lease rooms or facilities for the same.
- (A) Small gift and convenience sundry shops including: jewelry and items customarily bought and sold in jewelry and watch repair shops, purchase and sale of gold and silver, purchase and retail sales of newspapers, books, magazines..
 - (B) Display of sample merchandise and sale thereof with deliveries to be made off the site.
 - (C) Photographic studios,
 - (D) Barber and beauty shops.
 - (E) Candy and ice cream stores.
 - (F) Dry cleaning and laundry services.
 - (G) Tobacco shops.

729 - Hospitals

- 729.1 Such institutions shall abut a major thoroughfare or a collector street and shall have direct access thereto.
- 729.2 Points of ingress and regress shall consist of a driveway or roadway at least twenty feet in width and no wider than twenty-five (25) feet, and shall be located a sufficient distance from highway intersections to minimize traffic hazards, inconvenience and congestion.
- 729.3 The number, width and location of curb cuts shall be such as to minimize traffic hazards, inconvenience and congestion.

- 729.4 The parking areas shall have a paved surface as approved by the Director of Public Works, and all parking areas and traffic lanes shall be clearly marked.
- 729.5 Adequate screening, in accordance with Article 600 shall be required.
- 729.6 Off-street parking and loading shall be provided in accordance with Article 500.

730 - Landfills, Sanitary

The Board of Adjustment may approve the issuance of Special Use Permits only for municipal, or county owned sanitary landfills in permitted districts only when it shall find that the proposed site for such facilities is so located, screened, and otherwise designed to have minimum adverse effect upon neighboring properties.

731 - Law Enforcement Agencies and Fire Stations

- 730.1 The proposed site must abut a major thoroughfare as shown on the Thoroughfare Plan of the City of Oxford.
- 730.2 The proposed development of the site includes effective screening in accordance with Article 600.

732 - Manufactured Homes - General Provisions

- 732.1 Purpose. The purpose of this section is to allow placement of manufactured homes within the corporate limits and extra-territorial jurisdiction, provided that such homes meet appearance and dimensional criteria appropriate for their location.
- 732.2 Definitions.
- (A) **“Manufactured Home”** means a dwelling unit that is (i) not constructed in accordance with the standards set forth in the North Carolina State Building Code, and (ii) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (iii) exceeds forty (40) feet in length and eight (8) feet in width.
- (B) **“Modular Home”** means a manufactured home constructed after July 1, 1976 that meets or exceed the construction standards set forth in the North Carolina State Residential Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Only off-frame modular homes are allowed in any residential zoning district.

733 - Manufactured Home Parks

- 733.1 The minimum lot size for a manufactured home park is at least six (6) acres. All areas to be included in said lot shall be clearly shown on the plans required in Section 904.2.
- 733.2 Each manufactured home in a manufactured home park occupies a designated space of at least 6000 square feet, with a width of at least fifty (50) feet, exclusive of interior streets.
- 733.3 Each manufactured home space abuts an interior street within the park

- 733.4 Interior streets shall be paved under state (NCDOT) standards for secondary roads to a continuous width of 20 ft., exclusive of required parking spaces.
- 733.5 Parking spaces located in manufactured home parks shall be surfaced with not less than four inches of blacktop.
- 733.6 At least two hundred (200) square feet of recreation space for each manufactured home space shall be reserved within each manufactured home park, as common recreation space for the residents of the park.
- 733.7 All central facilities such as laundry rooms shall be made accessible to each manufactured home space by means of a walkway at least 3 ft. wide and surfaced with blacktop.
- 733.8 The developer/owner shall provide underground wiring.
- 733.9 No manufactured homes or other structures within a manufactured home park be closer together than thirty (30) feet, except that storage or other auxiliary structures may not be so located as to interfere with removal of the manufactured home in the event of fire or other eminent disaster.
- 733.10 Manufactured home parks must connect to city water and sewer if available.
- 733.11 No manufactured home or accessory thereto, nor any other structure or use provided for by Section 610 shall be located within thirty (30) feet of any abutting street or highway right-of-way line or property line, and said thirty (30) feet shall be planted as a greenbelt strip around said manufactured home park.
- 733.12 Plans clearly indicating compliance with the provisions of this section shall be approved in writing by the Board of Adjustment in advance of permit issuance. In granting such approval, the Board of Adjustment shall have the authority to impose such reasonable conditions and safeguards as it may deem necessary for the protection of adjoining properties and the public interest. The plans shall show the topography of the site at contour intervals no greater than five (5) feet; location and approximate size of all existing and proposed buildings and structures within the site and existing buildings within five hundred (500) feet adjacent thereto; proposed points of ingress and egress together with the proposed pattern of internal circulation; location and dimensions of individual manufactured home spaces; location and types of planting to be provided in the greenbelt; and the location and site of open play space and all other accessory features customarily incident to the operation of a manufactured home park.
- 733.13 A Certificate of occupancy, as provided by section 902 shall be required for each manufactured home installed or other-wise located in any manufactured home park on or after the effective date of this ordinance. The Building Inspector shall not issue a Certificate of Occupancy for any manufactured home which does not comply with the provisions of Section 731.2 through 732.12.

734 - Manufacturer's Retail Outlet

- 734.1 A manufacturer's retail outlet shall be permitted in the I-1, I-2 and I-3 zoning districts subject to the limitation that only products manufactured by the particular industry located on the site, or manufactured by the particular industry's parent company or subsidiaries at other locations, may be sold at retail through the manufacturer's outlet. All retail outlet uses must be accessory to the primary manufacturing use.
- 734.2 Location of outlet uses. In I-1 an accessory building may be used for retail outlet uses subject to yard requirements of Article 300 and parking requirements of Article 500. In I-2 and I-3 all retail outlet uses must be contained within an existing manufacturing building, with adequate parking provided in accordance with Article 500.

735 - Multi-family Dwellings as a Special Use in B-1, B-2, B-3 and R-6

- 735.1 In R-6 district, the dimensional requirements for multifamily dwellings listed in Section 303.2 for the O-I district shall be met.
- 735.2 In the B-1, B-2 and B-3 districts, the dimensional requirements for multifamily dwellings listed in Section 307 for the B-1 district shall be met.
- 735.3 In the B-2 and B-3 districts, screening, buffering and fencing shall be provided by the multi-family dwelling in accordance with Article 600 to protect the residents from adverse effects of commercial uses and adjacent thoroughfares.
- 735.4 Multifamily dwellings which are constructed in complexes of more than one building per lot shall meet the requirements of this ordinance for Unified Housing Developments.

736 - Night Club (Public or Private Membership)

Use must maintain at least 1,000 foot of separation from any School, Church, or Residentially Zoned property.

737 - Nursing Homes, Rest Homes, Homes for the Aged and Similar Establishments

- 737.1 The minimum lot area shall be six thousand (6000) Square feet, plus an additional one thousand (1000) Square feet per each patient bed.
- 737.2 The Building may be occupied only by patients, staff members, and the family of the owner or of one staff member.
- 737.3 Any building to be used for convalescent or nursing home purposes shall be of safe construction. Required fire escapes if any, shall be located only on side or rear yards.
- 737.4 Two principal buildings may be constructed upon a single lot if the following requirements are met:
 - a) The lot must be a minimum of 9,000 sq. ft.; plus an additional 1,000 sq. ft. per each patient bed totaled for the two buildings.
 - b) Both buildings must be constructed of a similar design and of similar materials.
 - c) Both buildings shall comply with all applicable zoning setback requirements.
 - d) There shall exist at least 30 ft. of open space between the two principal buildings.
 - e) Effective screening from adjacent residential properties to the extent that such screening is necessary or feasible shall be installed.
 - f) The two principal buildings shall be considered as separate and individual structures for any and all other requirements and conditions contained in this ordinance including, but not limited to any and all off street parking, loading, and paving requirements.

738 - Outdoor Theaters

- 738.1 The property shall consist of not less than twenty (20) acres of land in a single tract or parcel not divided by any street, right-of-way, or by property belonging to any other owner.
- 738.2 The nearest points of the theater screen and projection booth shall be at least four hundred (400) feet from the boundary of a district zoned for residential use.

- 738.3 Adequate acceleration and deceleration lanes shall be provided along the street or highway adjacent to the entrance and exits of the theater. Car standing space for patrons awaiting admission shall be provided on the site in an amount equal to not less than ten (10) percent of the vehicular capacity of the theater.
- 738.4 In general, vehicular circulation shall be so designed and constructed as to permit only one-way traffic within the boundaries of the tract on which the theater is located.
- 738.5 The screen shall be faced away from or obscured from adjacent street or highways, and said screen shall be set back not less than seventy-five (75) feet from the established right-of-way of any major thoroughfare as shown in the Thoroughfare Plan of the City of Oxford.
- 738.6 Any lights used to illuminate the theater site shall be so arranged as to reflect the light away from adjoining property and streets. No unshaded light sources shall be permitted. Necessary safety lighting or roads and buildings, and other lighting required by governmental regulations, shall be permitted.
- 738.7 The theater site shall be graded, stabilized, drained and suitably maintained to the extent necessary to avoid nuisances of dust, erosion, or excessive water flow across the public ways or adjacent lands.
- 738.8 A landscaped buffer strip, in accordance with Article 600 shall be provided around all sides of the theater site, and shall consist, primarily of planting of the evergreen variety. Said planting shall be sufficient to screen all of the theater site, with the exception of the screen, from surrounding properties and to prevent the emission of light from the site. Appropriate fencing may be substituted for the required landscaping to an extent to be determined by the Board of Adjustment.
- 738.9 No central loudspeaker system shall be permitted as part of the theater operation. Sound shall be transmitted only by means of individual speakers mounted adjacent to the automobile parking stalls.
- 738.10 All signage must conform to the provisions of Article 400. In addition, the primary freestanding identification sign shall be set back from any public right-of-way at least fifty (50) feet; shall be at least fifty (50) feet from the boundary of any district zoned for residential use, and shall be limited in size to two hundred fifty (250) square feet. Such sign shall not be used to announce the sale of goods on the premises, nor shall any billboard or other advertising signs of any type be permitted on the theater site.

739 - Petroleum Products Storage in Excess of 100,000 Gallons

- 739.1 The requirements of the Fire Prevention Code of the National Board of Fire Underwriters shall be met.
- 739.2 All storage tanks and loading facilities shall be located at least fifty (50) feet from any exterior property line.
- 739.3 All storage tanks and loading facilities shall be located at least one hundred (100) feet from any exterior property line bordering a Residential District.
- 739.4 All vehicular access to the storage facility must be provided from major thoroughfares and not require the use of residential streets for access.
- 739.5 Off-street parking and loading shall be provided in accordance with Article 500.

740 - Public Park

- 740.1 **Parking.** Overflow parking (in addition to required parking) must be designated in the site plan and be kept available to handle all traffic from special events such as softball tournaments and outdoor concerts.
- 740.2 **Access.** All parks greater than ten (10) acres shall have primary access to a collector or higher capacity street.

741 - Recreational Vehicle Park

- 741.1 Minimum space requirements.
- (A) Each recreational vehicle space shall consist of a minimum of two thousand (2,000) square feet.
 - (B) Each recreational vehicle space shall be designated on the ground by permanent markers or monuments.
- 741.2 Setbacks. All structures, buildings, and sewage facilities shall meet the setbacks requirement for the district in which they are located.
- 741.3 Roads and Drives.
- (A) The Recreational Vehicle Park shall have all-weather roads and driveways that directly abut all spaces.
 - (B) Entrance and circulation drives must meet the minimum design standards of the City of Oxford Subdivision Ordinance.
- 741.4 Parking. Parking space sufficient to accommodate at least one (1) automobile and camping vehicle shall be contained within each space and shall be paved.
- 741.5 Installation, Alteration, and Use of Utilities.
- (A) The installation, alteration, or use of all utilities including, but not limited to, electrical service, plumbing fixtures, and sewage disposal systems shall conform with all applicable codes.
 - (B) **Water Supply.**
 - 1) A safe, adequate, and conveniently located water supply must be provided for each park in compliance with all applicable regulations.
 - 2) Areas around faucets or drinking fountains shall be properly drained.
 - (C) **Sanitary Facilities.**
 - 1) Each park shall have a central structure or structures that will provide separate toilet and bathing facilities for both sexes
 - 2) The minimum number of facilities per sex to be provided shall follow the schedule below:

Toilets | 1 per 15 spaces

Urinals	1 per 30 spaces (male facilities only)
Lavatories	1 per 15 spaces
Showers	1 per 15 spaces

- 3) All toilet, shower, lavatory, and laundry facilities shall be provided and maintained in a clean, sanitary condition and kept in good repair at all times. They shall be safely and adequately lighted. Facilities shall be easily accessible to all persons and conveniently located.

(D) Sewage Disposal.

Each park shall provide a sewage dumping station. In accordance with Granville County Health Department regulations, all sewage wastes from the park' including waste from toilets, showers, bathtubs, lavatories, wash basins, refrigerator drains, sinks, faucets, and water-using appliances not herein mentioned, shall be piped into the park's sewage disposal system approved by the Granville County Health Department.

- 741.6 Insect and Rodent Control Measures. Insect and rodent control measures to safeguard the public health and comfort shall be practiced for all uses, structures, etc. used in the Park.
- 741.7 Retail Sales. The recreational vehicle park may contain a retail sales counter and/or coin operated machines for the park residents' use only, provided they are completely enclosed within a structure and there is no exterior advertising.
- 741.8 Permanent Sleeping Quarters. Permanent sleeping quarters shall not be permitted within the park for guests.
- 741.9 Manufactured Dwellings in Recreational Vehicle Parks. It shall be unlawful for a person to park or store a manufactured dwelling in a recreational vehicle Park, except that one (1) manufactured dwelling may be located within the park for exclusive use as the dwelling quarters for the park manager or operator. Such a manufactured dwelling shall be located in an area designated on the site plan, and approved by the Zoning Administrator.

742 - Restaurants, Drive-In as a Special Use in B-1

- 742.1 No more than one drive-through window is permitted.
- 742.2 Access. Adequate provision shall be made for ingress to and egress from the drive-through window to provide for safety within the site and the restaurant will not cause traffic problems or congestion on neighboring streets.
- 742.3 Screening. The site shall include effective screening from adjacent residential property to the extent practical in accordance with Article 600.

743 - Retreat Center

- 743.1 Hours of operation allowed shall be compatible with adjacent land uses.
- 743.2 The Board of Adjustment shall not grant the Special Use Permit unless it finds that the parking for the use is adequate to accommodate all events without undue disruption or interference with normal traffic flow.
- 743.3 Location. Principal access must be from a collector or higher capacity road.

743.4 Screening. All parking shall be screened in accordance with Article 600.

744 - Salvage Yards, Auto Wrecking Yards, Junk Yards, Used Parts Yards, and Similar Establishments, Salvage Yards for Contractors Offices

- 744.1 Suitable landscaping, screening and fencing can be adequately provided for the protection of neighboring properties, and view from the public right-of-way, in such landscaping, Screening, and fencing shall be provided.
- 744.2 No such activity shall be permitted within five hundred (500) feet of any residential district.
- 744.3 Conformance to any standard for storage of combustible materials recommended by the Fire Department may be required. In no case shall the storage of any combustible materials be permitted within twenty-five (25) feet of property line.
- 744.4 The Board of Adjustment may require the submission of plans showing the location of existing and proposed structures within the site and existing structures within five hundred (500) feet adjacent thereto; topography; fencing and screening; and such other information as may be necessary to judge the probable effect of the proposed activity on neighboring properties, and to carry out the intent of this ordinance.

745 - Satellite Dishes (Except Mini-Dishes Less Than Two (2) Feet in Diameter)

745.1 General Requirements

- (A) A building permit is required when installing, moving, or substantially constructing or reconstructing a dish antenna.
- (B) A dish antenna must be installed in compliance with the manufacturer's specifications at a minimum.
- (C) In all residential districts, dish antennas must be permanently installed on the ground and shall not exceed twelve (12) feet in diameter.
- (D) In commercial and industrial districts, dish antennas may either be installed on the ground or on the roof of the building. If installed on the roof, the dish shall not be larger than twelve (12) feet in diameter, shall not project higher than the limitations set forth in 745.2.2 below, shall be set back from the front and sides of the building at least eighteen (18) feet, and shall not be used for any advertising purposes. A dish antenna may be installed on the top of another part of the building which is lower than the roof, such as a balcony or parking deck, only if such location is at the rear or side of the building and all other requirements are met.
- (E) If a dish is repainted, the only permissible colors are the original color used by the manufacturer, off-white, pastel beige, gray, or pastel gray-green or black. The paint must have a dull (non-glossy) finish, and no patterns, lettering, or numerals shall be permitted on either side of the dish surface.
- (F) No dish antenna shall be installed in any public right-of-way or in any drainage or utility easement.

745.2 Location in Yards

- (A) A dish antenna shall be installed in the rear yard only, in all districts except as provided for in 745.2(B). The Zoning Administrator may allow placement in a front yard in situations where reception would be severely degraded by placement in a rear yard.
- (B) In commercial and industrial districts only, a dealer selling dish antennas may have a maximum of one (1) such antenna installed in the front or side yard for display purposes providing all other requirements are met. If a dealer displays a dish antenna in the front or side yard, his permissible sign area shall be reduced by one-half (1/2).

745.3 Setback Requirements

- (A) The minimum required setback for dish antennas, from the side lot line, shall be the same as for the principal building except on corner lots; on the side abutting the street, the minimum required setback shall be the same as the required front yard setback along that street.
- (B) The minimum required setback for dish antennas from the rear lot line shall be six (6) feet or the same as accessory buildings, whichever is greater, but in no case shall any part of the antenna come closer than three (3) feet to the property line.
- (C) In districts where there are no side or rear yard requirements, a minimum setback of six (6) feet from the side or rear lot lines shall be required for dish antennas, but in no case shall any part of the dish antenna come closer than three (3) feet to the property line.
- (D) In all cases, no dish antenna shall be located within fifteen (15) feet of the right-of-way.

746 - Schools, Public, Parochial and Private Elementary and High Schools, Colleges or Seminaries

- 746.1 The site for any public, parochial or private elementary school shall have an area of at least five (5) acres, plus one (1) acre for each 100 pupils, or major portion thereof, in excess of 300 pupils. Such site shall have a frontage of at least two hundred (200) feet on a suitably improved public street.
- 746.2 The site for any college or Seminary shall have an area of at least 100 acres, plus 5 acres for each 100 students. Such a site shall have a frontage of at least 500 feet on a suitably improved public street.
- 746.3 All buildings shall be located at least 100 feet from street lines and at least 50 feet from all other property lines. Grandstands, gymnasiums, central heating plants, and similar buildings shall be set back at least 100 feet from all property lines. Dormitories and single-family dwellings shall be permitted as accessory buildings. Use of such dormitories or dwelling shall be limited exclusively to students, teachers, or other members of the staff of the school or college, and a dormitory or dwelling shall not subsequently be sold or rented as a private residence, or for any other legal use, unless the building and any required lot surrounding it shall meet all regulations of the district in which it is located.
- 746.4 Off-street parking and loading shall be provided in accordance with Article 500.

747 - Self Service Storage (Mini-warehouses)

- 747.1 Minimum size : The minimum lot area shall be 2 acres.
- 747.2 Lot Coverage: The total ground area covered by building(s) shall not exceed fifty (50) percent of the site.

- 747.3 Maximum height: Maximum height of building(s) shall not exceed twenty (20) feet.
- 747.4 Storage:
- (A) No outside storage shall be permitted.
 - (B) There shall be no storage of flammable or hazardous materials.
 - (C) No business activity other than the rental of storage units shall be conducted on the premises.
- 747.5 Lighting: All outdoor lighting shall be installed so as not to exceed ten (10) feet in height and not shine directly onto surrounding properties.
- 747.6 Living Unit: One residential dwelling unit shall be allowed on the same lot for use as a caretaker dwelling.

748 - Shopping Centers

- 748.1 Minimum Lot area shall be 2 acres.
- 748.2 Site must be immediately adjacent to a major thoroughfare as shown on the adopted Oxford Thoroughfare Plan.
- 748.3 Total site area occupied by all structures shall not exceed forty (40) percent of the gross land area.
- 748.4 Uses shall be permitted in accordance with the underlying zoning district.
- 748.5 Accessory Outdoor Sales Area: All merchandise for sale or rent shall be contained within the building envelope or under cover of attached canopies except:
- (A) Sidewalk sales or other organized temporary promotional events not to exceed one (1) event per month.
 - (B) Lawn and Garden Centers, Home Improvement or Department Stores may permanently display plant materials, lawn and garden supplies, outdoor furniture or similar merchandise. All sales areas shall be contained within a designated area immediately adjacent to the primary retail building. Any permanent sales areas shall be designated on the required site plan. Sales areas shall not encroach upon required parking areas and must be designed so as not to impede the passage of vehicles within required parking areas. All tents or detached canopies must be securely tied down and maintained to prevent a hazardous condition.

749 - Storage Yards, Outdoor (other). Except Building Material Salvage and Petroleum Storage of More Than 100,000 Gallons

The Board of Adjustment shall be empowered to approve the issuance of Special Use Permits for lumber yards, coal yards, wood yards, salvage and gravel yards, and storage of building materials such as pipe, bricks, concrete products and similar outdoor storage only in I-3 Heavy Industrial Districts, and only provided that:

- 749.1 Suitable landscaping, screening and fencing, can be adequately provided for the protection of neighboring properties, and view from the public right-of-way in which case such landscaping, screening, and fencing shall be provided.

- 749.2 The property adjoins a residential district, the Board of Adjustment shall be empowered to approve the issuance of a Special Use Permit only if topographic and other site conditions permit effective screening as follows, in which case the following requirements shall be met:
- (A) A durable wall, fence or hedge or other natural planting of comparable opacity shall be provided along the side or rear lines where the property adjoins a lot in a residential district. Such fence, wall or hedge shall be at least five (5) feet in height but not greater than seven feet in height, measured from the ground along the common lot line of the adjoining lot in the residential district. Hedges or comparable natural plantings shall be planted at an initial height of at least three (3) feet, and shall be of such variety that an average height of six (6) feet could be expected by normal growth within no later than four (4) years from the time of planting.
 - (B) Where practical, storage shall be located within buildings or open sheds.
- 749.3 The Board of Adjustment may require the submission of plans showing the location of existing and proposed structures within the site and existing structures within five hundred (500) feet adjacent thereto: topography, fencing and screening, and such other information as may be necessary to judge the probable effect of the proposed activity on neighboring properties and to carry out the intent of this ordinance.
- 749.4 Off-street parking and loading shall be provided in accordance with Article 500.

750 - Swim and Tennis Clubs

- 750.1 Minimum Area. The minimum area shall be two (2) acres
- 750.2 Use Separation. There shall be a fifty (50) foot distance between clubhouses, swimming pools, and lighted tennis courts and any adjacent residentially used or zoned property.
- 750.3 Screening. The use shall be screened with a landscaped yard in accordance with Article 600.

751 - Swimming Pools

- 751.1 Use Separation.
- (A) Pools shall be located so as to comply with the minimum setback requirements for accessory structures in the district in which it is located.
 - (B) Pools which are not an integral part of the building shall be located a minimum of ten (10) feet from the principal building.
- 751.2 Security Fencing: Swimming pools located outdoors shall be protected by a fence, or equal enclosure four (4) feet in height and equipped with a self-closing, self-latching gate or other security provided with hardware for locking.

752 - Temporary Events

- 752.1 A Special Event Permit may be issued by the Zoning Administrator for certain civic and private special events. Events which meet the definition and requirements of this section shall not be required to obtain a Special Use Permit from the City Board of Commissioners. Events which do not qualify as Special Events under this section are classified as Temporary Uses and shall follow the procedures for obtaining a Special Use permit under Article 900.

- 752.2 Special Event. A land use lasting not more than three days, which does not involve the construction of any permanent structures, and whose primary purpose is the cultural, spiritual, or recreational enjoyment of its participants. Such uses shall include, but not be limited to: art fairs, carnivals, circuses, historical reenactments, music festivals/concerts, outdoor religious events and parades. Limited retail sales shall be permitted only as an accessory use to the event and shall be restricted to food concessions and souvenirs sold for purposes of sponsoring the event.
- 752.3 Application for permit. All applicants for permits shall be in the form prescribed by the Zoning Administrator and shall not be issued unless the following required information is provided:
- (A) Ample off street parking is provided for the event in addition to required parking for the use or uses located at the event site;
 - (B) The owner of the property where the event is to be held, or his agent, shall provide to the Zoning Administrator written authorization that the event may take place on the property;
 - (C) An outdoor event held within five hundred (500) feet of any residence shall cease operation by 10:00 p.m.:
 - (D) Noise shall be controlled so that neighbors are not unduly bothered by the event;
 - (E) Any permits and licenses required by other agencies shall be obtained before issuance of the Special Event permit;
 - (F) For events taking place on municipal property the applicant shall furnish:
 1. Proof of liability insurance.
 2. Plan for trash removal.
 - (G) No more than three (3) permits may be issued for the same piece of property in any one calendar year. Municipal streets and property shall be exempt from this restriction.
- 752.4 All permit applications must be submitted to the Zoning Administrator at least one week prior to the start of the event. No event may be held until a valid Temporary Event Permit has been issued by the Zoning Administrator.
- 752.5 Upon submission of the application, the applicant shall pay a Temporary Event Fee in an amount established by the fee schedule of the City of Oxford. The Special Event Fee shall not be applicable to official events sponsored by the City of Oxford.

753 - Unified Business Development

The Board of Adjustment shall be empowered to approve the issuance of Special Use Permits in permitted districts for unified business developments consisting of one or more principal structures or buildings and accessory structures or buildings to be constructed on a lot or plot not subdivided into the customary streets and lots and which will not be so subdivided in any district except R-8 and R-15 Single Family Residential Districts subject to the following regulations:

- 753.1 No unified business development shall contain less than five (5) acres.
- 753.2 Such developments shall abut a major or minor thoroughfare as shown on the Thoroughfare Plan of the City of Oxford and shall have direct access thereto.

- 753.3 Points of access and egress shall consist of a driveway or roadway at least twenty (20) feet in width and no wider than twenty-five (25) feet shall be located a sufficient distance from highway intersections to minimize traffic hazard, inconvenience and congestion.
- 753.4 The number, width and location of curb cuts shall be such as to minimize traffic hazards, inconvenience and congestion.
- 753.5 Parking areas shall have a paved surface as approved by the Director of Public Works, and all parking areas and traffic lanes shall be clearly marked.
- 753.6 Storm and sanitary sewerage shall be provided, as approved by the Director of Public Works.
- 753.7 If the property adjoins a residential district, the following requirements shall be met:
- (A) A durable wall, fence or hedge or other natural planting of comparable opacity shall be provided along the side or rear lines where the property adjoins a lot in a residential district. Such fence, wall or hedge shall be at least five (5) feet in height but not greater than ten (10) feet in height, measured from the ground along the common lot line of the adjoining lot in the residential district. Hedges or comparable natural evergreen plantings shall be planted at an initial height of at least three (3) feet, and shall be of such variety that an average height of six (6) feet could be expected by normal growth within no later than four (4) years from the time of planting.
- 753.8 Plans shall be submitted, showing:
- (B) Topography of the Site, at contour intervals no greater than five (5) feet.
 - (C) Location and approximate size of all existing and proposed buildings and structures within the site, and location and ownership of existing buildings and structures within five hundred (500) feet adjacent thereto.
 - (D) Proposed points of access and egress together with the proposed pattern of internal circulation.
 - (E) Proposed parking areas.
 - (F) Proposed provision for storm and sanitary sewerage, including both natural and man-made features, and the proposed treatment of ground cover, slopes, banks and ditches.
- 753.9 If the proposed development will be located in a residential district or an O-I district, uses shall be limited to the following:
- (A) Any nonresidential use permitted by right in such districts.
 - (B) Art supply and school supply stores.
 - (C) Bakeries, retail, including manufacturing of goods for sale on the premises only.
 - (D) Banks
 - (E) Barber shop and beauty shops
 - (F) Candy and ice cream stores
 - (G) Drug stores
 - (H) Dry goods stores
 - (I) Flower, shrubbery and trees; display and sales
 - (J) Food stores, grocery stores, meat markets, and delicatessens, provided that all goods produced on the premises shall be sold only at retail and only on the premises where produced.
 - (K) Frozen food stores, including locker rental

- (L) Garden supply and seed stores
- (M) Hardware stores
- (N) Hobby shops
- (O) Laundries and dry cleaning establishments operated in conjunction With customer service counters, provided that laundering and dry cleaning performed on the premises shall be limited to articles delivered to the premises by customers. Self-service "Laundromats" are permitted.
- (P) Locksmiths and gunsmiths
- (Q) Paint and wallpaper stores
- (R) Pet shops and pet supply stores
- (S) Photographic studios, including the developing of film and pictures when conducted as incidental to the studio.
- (T) Radio, television and appliance sale, repair and rental.
- (U) shoe repair shops
- (V) Tailor shops
- (W) Tobacco shops
- (X) Toy shops

753.10 Off -street parking and loading shall be provided in accordance with Article 500.

754 Unified Housing Development

The Board of Adjustment shall be empowered to approve the issuance of Special Use Permits in permitted districts for unified housing developments consisting of one or more principal structures or buildings and accessory structures or buildings to be constructed on a lot or plot not subdivided into the customary streets and lots and which will not be so subdivided, provided that:

- 754.1 The yard regulations and height regulations set forth in this ordinance may be modified for a unified housing development, provided that, for such development as a whole, excluding driveways and streets but including parks and other permanent open spaces, densities shall not be greater than ten (10) dwelling units per acre of the site on which such development is located. No Unified housing development shall contain less than two (2) acres.
- 754.2 The use regulations in Article 300 may be modified to permit uses which are necessary and incidental to the operation of the development, such as maintenance buildings and management offices. Such structures shall be in appropriate harmony and character with surrounding property.
- 754.3 Points of access and egress shall Consist of a driveway or roadway at least twenty (20) feet in width and no wider than twenty-five (25) feet, and shall be located a sufficient distance from highway intersections to minimize traffic hazards, inconvenience and congestion.
- 754.4 The number, width and location of curb cuts shall he such as to minimize traffic hazards, inconvenience and congestion.
- 754.5 Parking areas shall have a stabilized surface as approved by the Director of Public Works, and all parking areas and traffic lanes shall be clearly marked.
- 754.6 Storm and sanitary sewerage shall be provided, as approved by the Director of Public Works.
- 754.7 Adequate screening, by means of planting or fencing, may be required as needed to protect adjacent property.
- 754.8 Plans shall be submitted showing:
 - (A) Topography of the site, at contour intervals no greater than five (5) feet.

- (B) Location and approximate size of all existing and proposed buildings and structures within the site and existing buildings and structures within five hundred (500) feet adjacent thereto.
- (C) Proposed points of access and egress together with the proposed pattern of internal circulation.
- (D) Proposed parking areas.
- (E) Proposed provision for storm and sanitary sewerage, including both natural and man-made features, and the proposed treatment of ground cover, slopes, banks and ditches.

754.9 Off-street parking and loading shall be provided in accordance with Article 500.

755 - Utility Substations (including Transformer Stations, Telephone exchanges, Repeater Stations, Pressure Regulator Stations, Pump & lift stations, & Similar Structures)

755.1 Dimensional Requirements: All buildings shall be considered accessory buildings or structures.

755.2 Noise: Equipment producing noise or sound in excess of seventy (70) decibels shall be located no closer than one hundred (100) feet to the nearest residence.

755.3 Security Fencing: Security fencing a minimum of six (6) feet in height, shall be provided around the entire site.

755.4 No nuisance from smoke, noise, gas, odor, heat, vibration, Or other causes can reasonably be expected from the use as permitted, and that the existence of such a nuisance, as determined by the Building Inspector, shall constitute a violation of this ordinance.

755.5 Provisions for suitable off-street parking space for maintenance, service, or other vehicles have been made.

ARTICLE 800 - NONCONFORMING USES

801 Purpose and Intent

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

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

802 Nonconforming Lots of Record

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

If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership, are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet at least eighty percent (80%) of the required lot width and area of the district in which they are located, the land involved shall be considered to be an undivided parcel for purposes of this ordinance, and no portion of said parcel shall be used or sold which does not meet width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

803 Nonconforming Open Uses of Land

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

- 803.1 When a nonconforming open use of land has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
- 803.2 Nonconforming open uses of land shall not be changed to any but conforming uses.
- 803.3 A nonconforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became non-conforming.
- 803.4 When any nonconforming open use of land is discontinued for a period in excess of ninety (90) days, any future use of the land shall be limited to those uses permitted in that district under the provisions of this ordinance. Vacancy and/or nonuse of the land,

regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

804 Nonconforming Uses of Structures

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

- 804.1 A nonconforming use of a structure may be changed to a conforming use.
- 804.2 A nonconforming use of a structure shall not be changed to another nonconforming use.
- 804.3 When a nonconforming use of a structure has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
- 804.4 A nonconforming use of a structure shall not be extended or enlarged except into portions of the structure, which at the time the use became nonconforming, were already erected and arranged or designed for such nonconforming use. No structural alterations shall be made in any structure occupied by a nonconforming use, except those required by law or ordinance or ordered by the Building Inspector to secure the safety of the structure.
- 804.5 When any nonconforming use of a structure is discontinued for a period in excess of one hundred twenty (120) calendar days, any future use of the structure shall be limited to those uses permitted in that district under the provisions of the ordinance. Vacancy and/or nonuse of the building for a period of one hundred twenty (120) calendar days, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

805 Nonconforming Structures

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

- 805.1 No such structure may be enlarged or altered in a way which increases its nonconformity.
- 805.2 Should such a structure be moved for any reason for any distance whatsoever, it shall hereafter conform to the regulations for the district in which it is located after it is moved.

806 Repairs and Maintenance

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

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

807 Nonconformance Created by Changes in Zoning Boundaries or Regulations

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

808 Special Uses are Conforming

Any use for which a Special Use Permit had been issued before the adoption of this ordinance, shall without further action be deemed a conforming use unless otherwise provided in this ordinance. Any extension by or addition to such use shall meet all requirements of this ordinance.

ARTICLE 900 - PERMITS AND PROCEDURES

901 Zoning Permit

901.1 Before commencing the construction, erection, repair, alteration, addition to, removal, moving or demolishing of any building, structure or part thereof, or before commencing any excavation for such building or structure, or before erecting, repairing or repainting any sign (except where specifically authorized by this ordinance), a zoning permit for the same shall be secured from the Zoning Administrator. The Granville County Building Inspector shall not issue a building permit until the applicant has obtained a valid zoning permit from the Zoning Administrator.

901.2 The Zoning Administrator shall not issue a zoning permit unless the plans, specifications, and intended use of such building, structure, land or part thereof conform in all respects to the provisions of this ordinance. The application for a zoning permit shall be accompanied by either a site or plot plan according to Section 904.2, the appropriate fee as determined by the City of Oxford Fee Schedule, and any such additional information as the Zoning Administrator shall require to enable him or her to act upon such application. In cases where an appeal is filed by the applicant, or where he or she applies for a variance, the Zoning Administrator shall forthwith transmit all the papers pertaining to the application to the Board of Adjustment for its action.

902 Certificate of Occupancy

After the effective date of this ordinance it shall be unlawful to change or commence the use of any building or land, except the use of land for agricultural purposes, until a Certificate of Occupancy has been issued by the Zoning Administrator or upon his or her approval, the County Building Inspector, stating that the proposed use complies with this ordinance.

903 Zoning Permits Issued Prior to Adoption of this Ordinance

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit or zoning permit had been granted by the Zoning Administrator before the time of passage of this ordinance; provided, however, that where construction is not begun under such outstanding permit within a period of Sixty (60) days subsequent to passage of this ordinance or where it has not been prosecuted to completion within eighteen (18) months subsequent to passage of this ordinance, any further construction or use shall be in conformity with the provisions of this ordinance.

904 Site and Plot Plan Procedures

904.1 Applicability:

- A) No zoning permit for a single-family or two-family dwelling shall be issued until a plot plan prepared in accordance with Section 904.2 has been approved.
- B) No other zoning permits shall be issued on a lot until, a site plan prepared in accordance with Section 904.2 has been approved. This requirement may be waived by the Zoning Administrator if an adequate site plan is already on file and no change in parking or the building footprint is proposed.

904.2 Map Standards:

The following information shall be provided on all site and plot plans:

- (A) The names, addresses, and telephone number of owners, mortgagees, registered surveyors, and planners, architects, landscape architects, and professional engineers responsible for the development.
- (B) Deed reference for the lot as recorded with the Granville County Register of Deeds.
- (C) The actual shape and dimensions of the lot to be built upon or used and the total acreage in the lot..
- (D) Zoning district labeled and all required setback lines shown.
- (E) The exact location and size of existing structures and uses.
- (F) The location of the proposed structure or use on the lot.
- (G) Date of plan preparation.

The following information shall be provided on site plans for residential structures in excess of two dwelling units and all commercial or industrial uses:

- (H) A vicinity map showing the relationship of the proposed development to the surrounding area.
- (I) North arrow and declination.
- (J) The height and number of stories of the structure(s).
- (K) The number of dwelling units the building is designed to accommodate.
- (L) The location of any off street parking and/or loading.
- (M) The location and dimension of driveways. Driveway approval procedures of the Oxford Public Works Department and/or the NC Department of Transportation shall be initiated.
- (N) Detailed layouts of all utilities, rights-of-way, roads, and other improvements.
- (O) The location and dimensions of all signs. A sample graphic of all free standing and wall signs shall be provided.
- (P) Landscaping plan prepared in accordance with Article 700.
- (Q) Approved state soil and erosion control plan if applicable.

904.3 Site and Plot Plan Review Procedure:

- (A) Plot Plans:

The applicant shall submit Three (3) copies of the Plot plan for review by the Zoning Administrator. Upon approval, one copy shall be retained by the Zoning Administrator, one copy returned to the applicant and one copy delivered to the Granville County Building Inspector.

(B) Site Plans:

1. Applicants shall submit Five (5) sets of drawings to the Zoning Administrator for review.
2. The Zoning Administrator shall route plans to the Technical Review Committee (TRC) for review and comment. The TRC shall consist of the following departments and agencies: Public Works, City Engineer, Assistant City Manager, Police, Fire, and Sanitation. For projects in excess of 15,000 square feet, landscaping plans shall be reviewed by the Oxford Appearance Commission. Comments of reviewing agencies and departments must be satisfied before final approval can be issued.
3. Minor Site Plans. Site plans submitted for projects involving new development or additions to existing structures under fifteen thousand (15,000) square feet in area, or open uses of land involving uses under forty thousand (40,000) square feet, shall be classified as minor site plans. The Zoning Administrator shall have approval authority for minor site plans.
4. Major Site Plans. Site plans submitted for projects involving new development or additions over fifteen thousand (15,000) square feet in area, or open uses of land involving uses forty thousand (40,000) square feet and above, shall be classified as major site plans. Major site plans shall be submitted to the Planning Board after review by the Technical Review Committee and the Oxford Appearance Commission.

904.4 Action Upon Review:

- (A) Major Site Plans: The Planning board, shall have forty-five (45) days to submit a recommendation to the Board of County Commissioners. The Planning Board may submit the site plan either of the following three recommendations:
- 1) Approval as submitted;
 - 2) Conditional approval subject to specified modifications;
 - 3) Denial.

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

905 Administration of Requirements for Special Use Permits

- 905.1 Special Use Permits may be approved by the Board of Adjustment for the uses enumerated in this article after a duly advertised hearing.
- 905.2 The owner or owners of all property included in the petition for a Special Use Permit shall submit an application to the Zoning Administrator. Such application shall include all of the requirements pertaining to it in this Section. Upon receiving such application, the Zoning Administrator shall give notice of a public hearing on the application, in the same manner as is required for a public hearing on an amendment to this ordinance.

The Oxford Community Appearance Commission shall be given an opportunity to make a recommendation.

The Zoning Administrator shall transmit the application plans to the Secretary of the Appearance Commission. Appearance Commission shall be given sixty (60) days after the receipt of the plans to make such recommendation the public hearing shall not be held until a recommendation has been received or sixty (60) days have elapsed.

If a recommendation has not been received after sixty days (60)days, the Board of Adjustment may hold the public hearing and decide the issue, or the Board of Adjustment may grant the Appearance Commission a thirty (30) day extension upon request of the Appearance Commission.

- 905.3 At the public hearing, all interested persons shall be permitted to testify within reasonable limits of time. Equal time shall be provided for opponents and proponents of the application.
- 905.4 The Board of Adjustment may grant or deny the Special Use Permit requested. The Special Use Permit, if granted, shall include as a condition of said granting the exact implementation of such approved plans as may be required. In granting the permit, the Board of Adjustment shall find that the permit the Board of Adjustment shall find that the applicant has fully demonstrated:
- (A) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
 - (B) That the use meets all required conditions and specifications of this ordinance.
 - (C) That the use will not substantially injure tile value of adjoining or abutting property, or that the use of 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 of the City of Oxford and its environs.
- 905.5 In granting the permit the Board of Adjustment may designate such conditions, in addition and in Connection therewith, as will, in its opinions, 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.
- 905.6 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.
- 905.7 In addition to the specific Conditions imposed by the regulations In this article and whatever additional conditions the Board of Adjustment deems reasonable and appropriate, special uses shall comply with the height, yard, area and parking regulations for the use district in which they are permitted unless otherwise specified.
- 905.8 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 ten (10) days after the permit holder shall have been notified of said failure.

- 905.9 Where plans are required to be submitted and approved as part of the application for a Special Use Permit, modifications of the original plans may be authorized by the Board of Adjustment after duly advertised public hearing.

906 Changes and Amendments

The Board of Commissioners may, on their own motion or upon petition, after public notice and hearing, amend, supplement, change, modify or repeal the regulations or maps herein or subsequently established, subject to the rules and procedures established by law and more specifically established in the following subsections:

- 906.1 No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which time parties and interested citizens shall have an opportunity to be heard. A notice of such public hearing shall be given to comply with G.S. 160A-364. Such public hearing may be adjourned from time to time or from place to place as the Board of Commissioners may deem desirable.
- 906.2 The Board of Commissioners shall not take action on a proposal to amend the ordinance until a recommendation has been received from the Planning Board, provided that, if the Planning Board does not submit a recommendation within sixty (60) days from the date the proposed amendment is first considered by the Planning Board, the Board of Commissioners may take action. The Board of Commissioners shall state its reasons for any action taken and shall maintain a permanent record of all such actions.
- 906.3 In case however, of a protest against such proposal, duly signed by the owners of twenty percent (20%) or more of the area of the lots included in such proposed change, or of those immediately adjacent thereto either in the rear thereof or on either side thereof, extending one hundred (100) feet therefrom or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such amendments shall not become effective except by favorable vote of three-fourths of all the members of the Board of Commissioners.
- 906.4 All applications for amending the zoning ordinance or map shall be submitted in duplicate to the Zoning Administrator on forms supplied by the Planning Department, and such forms shall be completed to the satisfaction of the Zoning Administrator.
- 906.5 There shall be a fee payable to the City of Oxford for each application for rezoning. The amount of said fee shall be fixed by the Board of Commissioners, and shall be sufficient to defray all administrative costs incurred in processing the application, notifying adjacent property owners, obtaining technical assistance and publishing the notice of public hearing.
- 906.6 No such proposed change in the zoning ordinance or map if denied by action of the Board of Commissioners may be resubmitted within a period of one year from the date of such denial by the Board of Commissioners, unless the Board of Commissioners shall unanimously find that changing conditions in the area or new information concerning the property proposed for rezoning warrant a resubmission for change in the zoning ordinance or map.

ARTICLE 1000 - ADMINISTRATION & ENFORCEMENT

1001 Administration of the Zoning Ordinance

The Planning Director of the City of Oxford is hereby appointed to serve as Zoning Administrator and it shall be his or her duty, to administer and enforce the provisions of this ordinance. Appeal from a decision by the Zoning Officer may be made to the Board of Adjustment as provided in Article 1004.2 (E).

1002 Interpretation, Purpose, and Conflict

In interpreting and applying the provisions of this ordinance such provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easement, covenants, or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants, or agreements, the provisions of this ordinance shall govern.

1003 Technical Review Committee

1003.1 Creation

There is hereby created a Technical Review Committee (TRC) whose purpose shall be to review major & minor site plans associated with Special Use permits for technical compliance with Ordinance provisions.

1003.2 Members

The TRC shall consist of: the Planning Director who shall serve as chairperson of the committee, the City Engineer, Public Works Director and Fire Marshal.

1003.3 The TRC shall have the following powers and duties:

- A) To review and comment on the technical aspects of all applications for approval of subdivision plats, major & minor site plans, Unified Housing Development and Unified Business Development applications.
- B) To perform any other duties that this ordinance may authorize or that the Board of Commissioners may direct.

1004 Board Of Adjustment

1004.1 Creation of the Board

A Board of Adjustment is hereby created. The Board of Adjustment shall consist of ten (10) members and four (4) alternate members, appointed as follows:

- A) Five (5) members and two (2) alternate members shall be residents of the City of Oxford. Three (3) members and two (2) alternate members shall be appointed by the Oxford Board of Commissioners. The Mayor Pro Tem and the Vice Chairman of the Planning Board shall serve as ex-officio members of the Board of Adjustment with full voting and other rights and privileges of such membership, to complete the five-member representation of the City of Oxford on said Board.

- B) Five (5) members and two (2) alternate members shall be residents of the extraterritorial area of the City of Oxford, and shall be appointed by the Board of County Commissioners of Granville County. In accordance with Section 160A-362 of the General Statutes of North Carolina, if the Board of County Commissioners fails to make the appointments within ninety (90) days after receipt of a resolution requesting that such appointments be made, the City of Oxford Board of Commissioners may make such appointments.
- C) The term of office of all appointed members shall be for three (3) years, except that the original Board of Adjustment shall be appointed as follows: Two (2) members three (3) years, four (4) members two (2) years, and four (4) members one (1) year each.
- D) Alternate members shall vote only in the absence of regular members and shall serve in rotation. The terms of office of all alternate members shall be three (3) years.
- E) Vacancies shall be filled as they occur, and to serve for the remaining unexpired term.
- F) Members of the Board of Adjustment shall receive no compensation for their services, but shall be reimbursed for all reasonable expenses incurred as a necessary part of carrying out their duties.
- G) All meetings of the Board of Adjustment shall be held in a regular place, and shall be open to the public.

1004.2 Rules of Procedure

The Board of Adjustment is a quasi-judicial administrative body whose decisions affect private property rights to the same extent as court decisions. For that reason it shall promptly adopt rules of procedure which must be regular and properly judicial, and its decisions must be in accordance with the recognized body of law in its field and its rules of procedure. To comply with statutory and case law, at least the following provisions must be included:

- A) The Board shall fix the time within which notices of appeals from decisions of the Zoning Administrator must be filed by the property owner.
- B) The Board shall make provisions for the giving of notice prior to hearing the appeal.
- C) The Board shall fix a reasonable time within which the appeal must be heard.
- D) The quorum for the purpose of hearing case shall be not less than eight (8) members.
- E) The concurring vote of not less than eight (8) members shall be necessary to:
 1. Reverse any order, requirement, decision or determination of the Zoning Administrator.
 2. Approve any special use permit authorized by this ordinance.
 3. Grant a variance from the literal terms of this ordinance.
- F) The Board shall fix a reasonable time within which said reversals, special uses and variances must be decided.

- G) The Board shall deny any application for a rehearing if there is no substantial change in facts, evidence, or conditions.
- H) The Board shall keep a complete set of minutes and records showing the evidence presented, and the Board's findings of fact, and the Board's decision on each case heard by the Board.
- I) The Board shall in all particulars comply with the formal requirements set forth in its rules.

1004.3 Powers and Duties

- A) General: The Board of adjustment is not a legislative body. It shall enforce the meaning and spirit of this ordinance as enacted by the Board of Commissioners of the City of Oxford. Where systematic injustice appears to result the provisions of this ordinance, it shall be the duty of the Board of Adjustment to recommend to the Board of Commissioners of the City of Oxford that the ordinance be amended. The Board of Adjustment shall make no decisions which will have the cumulative effect of amending this ordinance. The Board of Adjustment shall have the following powers and duties:
 - B) Interpretation: The Board of Adjustment shall have the power to hear appeals from the Zoning Administrator's decisions in matters of the interpretation of the zoning ordinance. The Board's power of interpretation shall consist of determining the true facts in a case and applying to these acts what the Board considers to be the meaning of the ordinance. In the exercise of this power the Board must apply, not vary, the terms of this ordinance, and no showing of hardship is required. Any variation must meet the requirements for a Variance as set forth in Section 803.3 of this ordinance.
 - C) Variances: The Board is empowered to make decisions regarding the granting of "variances" from the literal terms of the ordinance in hardship cases where such variance will not subvert the meaning and spirit of this ordinance. The Board of Adjustment shall not grant a variance from the literal terms of this ordinance except in cases where each and all of the following shall be determined:
 1. There are practical difficulties or unnecessary hardships in the way of carrying out the ordinance, where the property owner shall prove (a) that if he complies with the provisions of the ordinance, he can secure no reasonable return from, or make no reasonable use of his property; (b) that the hardship results from the application of the ordinance; (c) that the hardship is suffered directly by the property in question, and is not merely a general need such as a lack of desirable developments or arrangements in the surrounding area; (d) that the hardship is peculiar to the applicant's property; (e) that the hardship is not the result of the applicant's own actions.
 2. The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit. The Board shall grant no variance which would permit any use of land or buildings prohibited by any other section of this ordinance. Only variances in setback, lot area, yard and other dimensional requirements are permitted.
 3. In the granting of the variance the public safety and welfare are assured, substantial justice is done both to the applicant property owner and the owners of adjacent properties, and the best interest of the public as a whole are preserved
 - D) Exceptional Uses: Where a district boundary line divides a lot or property in single ownership at the time said boundary line is determined, the Board shall have the power to

permit a use authorized on either portion of said lot or property to extend not more than 150 feet from said district boundary line. In the exercise of this power the Board shall follow the language of the ordinance exactly.

- E) Special Use Permits: The Board of Adjustment shall be empowered to approve issuance of any temporary or other special permit required or authorized by this ordinance as specifically authorized by this ordinance. In the exercise of this power the Board shall follow the language of the ordinance exactly.
- F) Conditions: In approving the issuance of a permit for a variance, exceptional or special use the Board shall have the power to impose any reasonable conditions on the permit which will minimize the impact of the proposed use of the property upon its neighbors and to preserve the best interests of the public as a whole.
- G) The Board shall give a written copy of its decisions to aggrieved parties who have filed a written request in accordance with G.S. 160A-388(e).

1005 Enforcement

Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Article and by state law.

1005.1 Development Without Permit

A “development without a permit” violation means to engage in any development, use, construction, remodeling or other activities of any nature upon the land or improvements thereon subject to the jurisdiction of this Ordinance without required permits, certificates or other forms of authorization as set forth in this Ordinance.

1005.2 Development Inconsistent With Permit

A “development inconsistent with a permit” violation means to engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity.

1005.3 Violation by Act or Omission

A “violation by act or omission” means to violate, by act or omission, any term, variance or waiver, condition, or qualification placed by the Board of Commissioners or its authorized boards upon any required permit, certificate or other form of authorization for the use, development or other activity upon land or improvements thereon.

1005.4 Use in Violation

A “use in violation” means to erect, construct, reconstruct, alter, repair, convert, maintain or use any building or structure or to use any land in violation or contravention of this Ordinance, or any other regulation made under the authority conferred thereby.

1005.5 Continue a Violation

Each day's violation of any provision of this Ordinance is a separate and distinct offense.

1006 Enforcement Intent

It is the intention of this Ordinance, unless otherwise provided, that all questions arising in connection with the enforcement of this Ordinance shall be presented first to the Zoning Administrator and that such questions shall be presented to the Board of Adjustment only on appeal from the Zoning Administrator's decision. An appeal from the decision of the Board of Adjustment shall be by proceedings in the nature of certiorari to the Superior Court as provided by law and must be filed with the Granville County Clerk of Court within the 30-day appeal period described in Section 1011.2. It is further the intention of this Ordinance that the duties of the Board of Commissioners in connection with this Ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof.

1007 Enforcement Procedures

When the Zoning Administrator or his or her agent finds a violation of this Ordinance or receives a complaint alleging a violation of this Ordinance, it shall be his or her duty to notify the owner or occupant of the land, building, structure, sign, or use of the violation. The owner or occupant shall immediately remedy the violation.

1007.1 Notice of Violation

If the owner or occupant of the land, building, sign, structure, or use in violation fails to take prompt corrective action, the Zoning Administrator shall give the owner or occupant written notice, by certified or registered mail, to the last known address or by personal service or by posting notice of the violation conspicuously on the property:

- (A) that the land, building, sign, structure, or use is in violation of this Ordinance;
- (B) the nature of the violation, and citation of the Section of this Ordinance violated; and
- (C) the measures necessary to remedy the violation.

1007.2 Appeal

Any owner or occupant who has received a Notice of Violation may appeal in writing the decision of the Zoning Administrator to the Board of Adjustment, in accordance with the provisions of 1004.2(E), within thirty days following the date of the Notice of Violation. The Board of Adjustment shall hear an appeal within a reasonable time, and it may affirm, modify, or revoke the Notice of Violation. In the absence of an appeal, the remedies and penalties sought by the Zoning Administrator in the Notice of Violation shall be final.

1007.3 Order of Corrective Action

If upon a hearing held pursuant to an appeal as prescribed above, the Board of Adjustment shall find that the owner or occupant is in violation of this Ordinance, the Board of Adjustment shall make an order in writing to the owner or occupant affirming the violation and ordering compliance.

1007.4 Failure to Comply with an Order

If the owner or occupant of a property fails to comply with a Notice of Violation from which no appeal has been taken, or an Order of Corrective Action following an appeal, the owner or occupant shall be subject to such remedies and penalties as may be provided for by state law and Section 1007.2. If the owner or occupant fails to comply with the remedies and penalties prescribed, enforcement shall be sought through an order of a court of competent jurisdiction.

1008 Penalties and Remedies

Any one or all of the following procedures may be used to enforce the provisions of this Ordinance.

1008.1 Injunction

Any violation of this Ordinance or of any condition, order, or requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to state law.

1008.2 Civil Penalties

Any person who violates any provisions of this Ordinance shall be subject to the assessment of a civil penalty under the procedures provided in Section 1009.1.

1008.3 Denial of Permit or Certificate

The Zoning Administrator may withhold or deny any permit, certificate, occupancy or other form of authorization on any land, building, sign, structure or use in which there is an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit, certificate or other authorization previously granted.

1008.4 Conditional Permit

The Zoning Administrator may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a compliance security approved by the city attorney.

1008.5 Revocation of Permits

In accordance with Section 1005.2, permits shall be revoked for any substantial departure from the approved applications, plans, or specifications; refusal or failure to comply with the requirements of state or local laws, or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.

1008.6 Criminal Penalties

Any violation of this Ordinance shall be a misdemeanor or infraction as provided by NCGS 14-4.

1008.7 State and Common Law Remedies

In addition to other enforcement provisions contained in this Article, the Board of Commissioners may exercise any and all enforcement powers granted to it by state law or common law.

1009 Civil Penalties - Assessment and Procedures

1009.1 Penalties

Any person who violates any provisions of this Ordinance shall be subject to assessment of the maximum civil penalty allowed by law.

1009.2 Notice

No civil penalty shall be assessed until the person alleged to be in violation has been notified of the violation in accordance with Section 1007.1. If after receiving a notice of violation under Section 1007.4, the owner or other violator fails to take corrective action, a civil penalty may be imposed under this Section in the form of a citation. The citation shall be served in the manner of a Notice of Violation. The citation shall state the nature of the violation, the civil penalty to be imposed upon the violator and shall direct the violator to pay the civil penalty within fifteen days of the date of the notice.

1009.3 Responsible Parties

The owner or occupant of any land, building, structure, sign, or use of land or part thereof and any architect, builder, contractor, agent or any other person who participates or acts in concert, assists, directs, creates, or maintains any condition that is in violation of the requirements of this Ordinance may be held responsible for the violation and subject to the civil penalties and remedies herein provided.

1009.4 Continuing Violation

For each day the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty.

1009.5 Demand for Payment

The Zoning Administrator shall make written demand for payment upon the property owner or the person in violation, and shall set forth in detail a description of the violation for which the civil penalty has been imposed.

1009.6 Nonpayment

if payment is not received or equitable settlement reached within thirty days; after demand for payment is made, the matter shall be referred to legal counsel for institution of a civil action in the appropriate division of the General Courts of Justice for recovery of the civil penalty. Provided however, if the civil penalty is not paid within the time prescribed, the Zoning Administrator may have a criminal summons or warrant issued against the violator. Upon conviction, the violator shall be subject to any criminal penalty the court may impose pursuant to NCGS 14-4.

1010 Permit Revocation

1010.1 General

A zoning, sign, or special use permit may be revoked by the permit-issuing authority (in accordance with the provisions of this Section) if the permit recipient fails to develop or maintain the property in accordance with the approved plans, the requirements of the Ordinance, or any additional requirements lawfully imposed by the permit-issuing board.

No person may continue to make use of land or buildings in the manner authorized by any zoning, sign, special use, or conditional use permit after such permit has been revoked in accordance with this Section.

1010.2 Special Use Permit Revocation

Before a special use permit may be revoked, all of the notice and hearing requirements of Section 1007.1 shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.

1010.3 Zoning or Sign Permit Revocation

Before a zoning or sign permit may be revoked, the Zoning Administrator shall give the permit recipient ten days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the permit is revoked, the Zoning Administrator shall provide to the permittee a written statement of the decision and the reasons therefor.

1011 Judicial Review

1011.1 Appeal to Superior Court

Every decision of the Zoning Board of Adjustment granting or denying a special use permit and every final decision of the Board of Adjustment shall be subject to review by the Superior Court of Granville County by proceedings in the nature of certiorari.

1011.2 Timing of Appeal

The petition for the writ of certiorari must be filed with the Granville County Clerk of Court within 30 days after the later of the following occurrences:

- (A) A written copy of the Zoning Board of Adjustment' or Board of Adjustment's decision has been filed in the office of the Zoning Administrator.
- (B) A written copy of the Board of Adjustment's decision has been delivered, by personal service or certified mail, return receipt requested, to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.

A copy of the writ of certiorari shall be served upon the County of Granville.

ARTICLE 1100 – FLOOD DAMAGE PREVENTION

1100 Statutory Authorization

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3,5, and 8 of Article 19 of Chapter 160A and Article 8 of Chapter 160A of the N.C. General Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Commissioners of the City of Oxford, North Carolina does ordain as follows:

1101 Finding of Fact, Purpose and Objectives

1101.1 Findings of Fact

1101.1.1 The flood hazard areas of the City of Oxford are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

1101.1.2 These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

1101.2 Statement of Purpose

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

1101.2.1 To protect human life and health;

1101.2.2 To minimize expenditure of public money for costly flood control projects;

1101.2.3 To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

1101.2.4 To minimize prolonged business interruptions;

1101.2.5 To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, and streets and bridges located in areas of special flood hazard.

1101.2.6 To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.

1101.2.7 To insure that potential buyers are notified that property is in an area of special flood hazard; and,

1101.2.8 To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1101.3 Objectives: In order to accomplish its purposes, this article includes methods and provisions for:

1101.3.1 Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

1101.3.2 Requiring that uses vulnerable to floods, including facilities which serve such uses, to be protected against flood damage at time of initial construction;

1101.3.3 Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

1101.3.4 Controlling filling, grading, dredging, and other development which may increase flood damage; and

1101.3.5 Preventing or regulating the construction of flood barrier which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

1102 Definitions

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

- A) “Addition (to an existing building)” means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.
- B) “Appeal” means a request for a review of the local administrator’s interpretation of any provision of this ordinance.
- C) “Area of shallow flooding” means a designated AO or VO Zone on a community’s Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
- D) “Area of special flood hazard” means the land, in the flood plain within a community subject to a one- percent or greater chance of flooding in any given year.
- E) “Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year.
- F) “Basement” means that lowest level or story which has its floor sub-grade on all sides.
- G) “Breakaway wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system. A breakaway wall shall have a design safe loading resistance of not less than 10 and no

- more than 20 pounds per square foot. A wall with loading resistance of more than 20 pounds per square foot requires an architect or professional engineer's certificate.
- H) "Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.
- I) "Development" means any man-made change to improved or improved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations located within the area of special flood hazard.
- J) "Elevated Building" means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundations perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.
- K) "Existing manufactured home park or manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.
- L) "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
- 1) The overflow of inland or tidal waters; and/or
 - 2) The unusual and rapid accumulation or runoff of surface waters from any source.
- M) "Flood Hazard Boundary Map" (FHBM) means the official map issued by the Federal Insurance Administration where the areas of special flood hazard have been designated Zone A.
- N) "Flood Insurance Rate Map" (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
- O) "Flood Insurance Study" is the official report provided by the Federal Emergency Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.
- P) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- Q) "Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction.
- R) "Functionally dependent facility" means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

- S) “Habitable Floor” means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a “habitable floor”.
- T) “Highest Adjacent Grade” means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.
- U) “Levee” means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
- V) “Lowest Floor” means the lowest floor of the lowest enclosed areas (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
- W) “Manufactured (Mobile) Home” means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to required utilities. It does not include recreational vehicles or travel trailers unless placed on a site for 180 consecutive days or longer and intended to be improved property.
- X) “Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- Y) “Mean Sea Level” means the average height of the sea for all stages of the tide. It is used as reference for establishing various elevations within the flood plain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).
- Z) “National Geodetic Vertical Datum (NGVD)” as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.
- AA) “New construction” means structures for which the “start of construction” commenced on or after the effective date of this ordinance.
- BB) “Nonconforming building or use” means any legally existing building or use which fails to comply with the provisions of the ordinance.
- CC) “Remedy a Violation” means to bring the structure or other development into compliance with state or local flood plain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.
- DD) “Start of construction” (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on

a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

- EE) “Structure” means a walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground, or other manmade facilities or infrastructures.
- FF) “Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:
- 1) Before the improvement or repair is started, or
 - 2) If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- 3) Any project for improvement or structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
 - 4) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- GG) “Variance” is a grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.
- HH) “Violation” means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 1104 and 1105 is presumed to be in violation until such time as that documentation is provided.

1103 General Provisions

1103.1 Lands to which this Article Applies: This article shall apply to all areas of special flood hazards within the City of Oxford and its extraterritorial zoning jurisdiction.

1103.2 Basis for Establishing Areas of Special Flood Hazard: The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Rate Maps, dated September 28, 1990, with accompanying maps and other supporting data, and any revision thereto are adopted by reference and declared to be a part of this ordinance. Zones A, AE, A-1, A-30, AH, AO A99, V, VE and VI-V30.

- 1103.3 Establishments of Developments Permit: A Development Permit shall be required in conformance with the provisions of this ordinance before the commencement of any development activities.
- 1103.4 Penalties for Noncompliance: No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this article and other applicable regulations. Violation of the provisions of this article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor, punishable as provided in G.S. 14-4. The city may seek to enforce this article through any appropriate equitable action. This article may be enforced by injunction and order of abatement. Each day that a violation continues after the offender has been notified of a violation, shall constitute a separate offense. The town may seek to enforce this article by using any one or any combination of the foregoing remedies.
- 1103.5 Abrogation and Greater Restrictions: This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another article, ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- 1103.6 Interpretation: In the interpretation and application of this article, all provisions shall be:
- A) Considered as minimum requirements;
 - B) Liberally construed in favor of the governing body; and
 - C) Deemed neither to limit nor repeal any other powers granted under the State statutes.
- 1003.7 Warning and Disclaimer of Liability: The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted with such areas will be free from flooding or flood damages. This article shall not create liability on the part of the City of Oxford, Granville County, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

1104 Administration

- 1104.1 Establishment of Development Permit: A development permit shall be obtained before construction or development begins within any area of special flood hazard established in section 1103.2. Application for a development permit shall be made on forms furnished by the City of Oxford Building Inspector and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

- A) Where base flood elevation date is provided in accordance with section 1104.3(10), the application for a development permit within the Zone A on the Flood Insurance Rate Map shall show:

- 1) the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and
 - 2) if the structure has been flood-proofed in accordance with section 1105, the elevation (in relation to mean sea level) to which the structure was flood-proofed.
- B) Where the base flood elevation date is not provided, the application for a development permit must show construction of the lowest floor at least 2 feet above the highest adjacent grade.
 - C) Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include: a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation.
 - D) When a structure is flood-proofed, the applicant shall provide a certificate from a registered professional engineer or architect that the non-residential flood-proofed structure meets the flood-proofing criteria in section 1105.
 - E) A floor elevation or flood-proofing certification is required after the lowest floor is completed. Within twenty-one (21) calendar days of establishment of the lowest floor elevation, or flood-proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local administrator a certification of the elevation of the lowest floor, or flood-proofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When flood proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by the same. Any work done within the twenty-one (21) day calendar period and before submission of the certification shall be at the permit holder's risk. The local administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and before further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

1104.2 Designation of the Building Inspector: The City of Oxford Building Inspector is hereby appointed to administer the implement this article by granting or denying development permit applications in accordance with its provisions.

1104.3 Duties and Responsibilities of the Building Inspector: Duties of the Building Inspector shall include but not be limited to:

- A) Review all development permits to determine that the permit requirements of this article have been satisfied.
- B) Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.

- C) Notify adjacent communities and the N.C. Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program before any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- D) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- E) Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of section 1005 are met.
- F) Obtain actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with section 1104.1(5).
- G) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with section 1104.1(5).
- H) When flood proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with section 1105.2(2).
- I) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- J) When base flood elevation data or floodway data has not been provided in accordance with section 1103.2 obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, including data developed pursuant to section 1105.4(4), in order to administer the provisions of this ordinance.
- K) Make on-site inspections of projects in accordance with section 1104.4.
- L) Serve notices of violations, issue stop orders, revoke permits, and take corrective actions in accordance with section 1104.4.
- M) Maintain all records pertaining to the administration of this ordinance and make these records available for public inspection.

1104.4 Administrative Procedures

- A) **Inspection of Work in Progress:** As the work pursuant to a permit progresses, the local administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial

jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

- B) **Stop Orders:** Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of this ordinance, the administrator may order the work to be immediately stopped. The stop order shall be in writing directed to the person doing the work. The stop order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop order constitutes a misdemeanor.
- C) **Revocation of Permits:** The local administrator may revoke and require the return of the development permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, for specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements for misrepresentations made in securing the permit. Any permit mistakenly issued in violation of any applicable state or local law may also be revoked.
- D) **Periodic Inspections:** The local administrator and each member of his inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- E) **Violations to be Corrected:** When the local administrator finds violations of applicable state and local laws, it shall be his duty to notify the owner or occupant of the building of the violation. The owner or occupant shall each immediately remedy the violations of law in the property that he owns.
- F) **Actions in Event of Failure to take Corrective Action:** If the owner of a building or property shall fail to take prompt corrective action, the administrator shall give him written notice, by certified or registered mail to his last known address or by personal service,
 - 1) That the building or property is in violation of the Food Damage Prevention Ordinance;
 - 2) That a hearing will be heard before the local administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
 - 3) That following the hearing, the local administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
- G) **Order to take Corrective Action:** If, upon a hearing held pursuant to the notice prescribed above, the administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he shall make an order in writing to the owner, requiring the owner to remedy the violation, within such period, not less than 60 days, the administrator may prescribe; provided, that where the administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

- H) Appeal: Any owner who has received an order to take corrective action may appeal from the order to the Board of Adjustment by giving notice of appeal in writing to the administrator and the clerk within 10 days following issuance of the final orders. In the absence of an appeal, the order of the administrator shall be final. The Board of Adjustment shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- I) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

1104.5 Variance Procedures

- A) The Board of Adjustment as established by the City of Oxford shall hear and decide requests for variances from the requirements of this ordinance.
- B) Any person aggrieved by the decision of the appeal board or any taxpayer may appeal such decision to the Court, as provided in Chapter 7A of the N.C. General Statutes.
- C) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.
- D) In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - 1) the danger that materials may be swept onto other lands to the injury of others;
 - 2) the danger to life and property due to flooding or erosion damage;
 - 3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 4) the importance of the services provided by the proposed facility to the community;
 - 5) the necessity to the facility of a waterfront location, where applicable;
 - 6) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - 7) the compatibility of the proposed use with existing and anticipated development;
 - 8) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - 9) the safety of access to the property in times of flood for ordinary and emergency vehicles;

- 10) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - 11) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- E) Upon consideration of the factors listed above and the purposes of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- F) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- G) Conditions for Variances:
- 1) Variances may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
 - 2) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - 3) Variances shall only be issued upon (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship, and; (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - 4) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.
 - 5) The local administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

1105 Provision for Flood Hazard Reduction

1105.1 General Standards: In all areas of special flood hazards, the following standards are required:

- (A) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (B) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

- (1) Over-the-top ties provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side;
 - (2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side;
 - (3) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 - (4) Any additions to the mobile home be similarly anchored.
- (C) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (D) An alteration, repair, reconstruction or improvements to a structure which complies with the provisions of this ordinance, shall meet the requirements of “new construction” as contained in this ordinance.
- (E) Non-conforming buildings or uses. Non-conforming buildings or uses may not be enlarged, replace or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the Floodway Zone, provided that the bulk of the building or structure below base flood elevation in the Floodway Zone is not increased and provided that such repair, reconstruction or replacement meets all of the other requirements of this ordinance.

1105.2 Specific Standards: In all areas of special flood hazards where base flood elevation data has been provided (as set forth in section 1104.3.2, Use of Other Base Flood Data), the following standards are required:

- (A) Residential Construction. New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than 2 feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided.
- (B) Non-Residential Construction. New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated no lower than 2 feet above the level of the base flood elevation. Structures located in a-zones may be flood-proofed in lieu of elevation if all areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in 1104.1(5).

- (C) Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit for floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
- (1) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (a) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (b) The bottom of all openings shall be no higher than one foot above grade; and
 - (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - (2) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
 - (3) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.
- (D) Floodways. Located within areas of special flood hazard established in section 1103.2, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:
- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
 - (2) If (D)(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section 1105.
 - (3) No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of section 1105.1(2) and the elevation standards of section 1105.2(2) are met.

Located within the areas of special flood hazard established in section 1103.2, are small streams where no base flood data has been provided or where no floodways have been identified. The following provisions apply within such areas:

- (A) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of the stream bank equal to 5 times the width of the stream at the top of bank or twenty feet each side from top of bank, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (B) If section 1105.3(1) is satisfied and base flood elevation that is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of section 1105 and shall be elevated or flood-proofed in accordance with elevations established in accordance with section 1104.3(10). When base flood elevation data is not available from a federal, state, or other source, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.

1105.4 Standards for Areas of Shallow Flooding (AO Zones)

Located within the areas of special flood hazard established in section 1103.2, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions shall apply within such areas:

- (A) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.
- (B) All new construction and substantial improvements of nonresidential structures shall:
 - (1) have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the adjacent grade; or,
 - (2) be completely flood-proofed together with attendant utility and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

ARTICLE 1200 – VESTED RIGHTS

WHEREAS, the North Carolina General Assembly ratified Senate Bill 766 on July 20, 1190 as Chapter 996 of the 1989 Session Laws (1990 Regular Session), effective October 1, 1991; and

WHEREAS, Chapter 996 has been codified as G.S. 160A-385.1; and

WHEREAS, G.S. 160A-385.1 provides for the establishment of a statutory “vested right” upon approval of a “site specific development plan”; and

WHEREAS, the City of Oxford is authorized and required to identify the specific types of zoning or land use approvals that constitute a “site specific development plan” within the meaning of G.S. 160A-385.1;

NOW, THEREFORE, BE IT ORDAINED and enacted into law the following sections by the Board of Commissioners of the City of Oxford, North Carolina;

1201 Purpose

The purpose of this chapter is to implement the provisions of G.S. 160A-385.1 pursuant to which a statutory zoning vested right is established upon the approval of a site specific development plan.

1202 Definitions

As used in this chapter, the following terms shall have the meaning indicated:

Approval Authority: The appropriate approval authority for vested rights status for a proposed use or development project shall be that same approval authority as is designated to approve the applicable land use permit application for the stated use or development.

Site Specific Development Plan: A plan of land development submitted to the Zoning Board of Adjustment for purposes of obtaining land use permits that shall establish a statutory vested right pursuant to G.S. 160A-385.1 under section 4, Approval Procedures and Approval Authority of this ordinance for such permits. Such plan shall be in the form of the following plans or approvals: A planned unit development plan, a subdivision plat, or a special use permit. Unless otherwise expressly provided by the City, such a plan shall include the approximate boundaries of the site; significant topographical and other natural features effecting development of the site; and approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways.

Notwithstanding the foregoing, neither a variance, a sketch plan nor any other document that fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall constitute a site specific development plan.

Zoning Vested Right: A right pursuant to G.S. 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.

1203 Establishment of a Zoning Vested Right

- (A) Vested right status for the proposed use or development project may be granted only after a public hearing is conducted by the appropriate approval authority. Such public hearing may be conducted in conjunction with the public hearing on the land use permit application, if such public hearing is required, or at the time application for a vested right is submitted. Notification and advertisement of such public hearing shall occur in the same manner as is designated for the respective applicable land use permit applications excepting that notification and advertisement for proposed uses or development projects which require land use zoning permits shall occur in the same manner as is designated for a zoning change in this ordinance.
- (B) The Approval Authority may approve a site specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare.
- (C) Notwithstanding subsections (a) and (b), approval of a site specific development plan with the condition that a variance to be obtained shall not confer a zoning vested right unless and until the necessary variance is obtained.
- (D) A site specific development plan shall be deemed approved upon the effective date of the action relating thereto.
- (E) The establishment of a zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land use regulation by the city, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise, applicable new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this chapter.
- (F) A zoning vested right is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

1204 Approval Procedures and Approval Authority

- (A) Site Specific Development Plan: The Proper Approval Authority shall be empowered to approve issuance of any Site Specific Development Plan required or authorized by this ordinance as specifically authorized by this ordinance. In the exercise of this power, the Board shall follow the language of the ordinance exactly.
- (B) Land Use Permit: Before commencing the construction, erection, repair, alteration, additional to, removal, or moving or demolishing of any building or structure or part thereof, or before commencing any land disturbing activity, grading, drainage, installation of streets, utilities, or the recording and development of Real Estate, the applicant must request in writing on land use permit that a zoning vested rights is being considered and acted on by the Approval Authority following notice and a public hearing as provided in G.S. 160A-364.
- (C) Each map, plat, site plan or other document evidencing a site specific development plan shall contain the following notation: "Approval of this establishes a zoning vested right under G.S. 160A-385.1. Unless terminated at an earlier date, the zoning vested right shall be valid until (date)".

- (D) Following approval or conditional approval of a site specific development plan, nothing in this chapter shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.
- (E) Nothing in this chapter shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or the zoning ordinance.

1205 Duration

- (A) A zoning right that has been vested as provided in this chapter shall remain vested for a period of two years unless specifically and unambiguously provided otherwise pursuant to subsection (b). This vesting shall not be extended by any amendments or modifications to a site specific development plan unless expressly provided by the approval authority at the time the amendment or modification is approved.
- (B) Upon issuance of a building permit, the expiration provisions of G.S. 160A-418 and the revocation provisions of G.S. 160A-422 shall apply, except that a building permit shall not expire or be revoked because of the running of time while a zoning vested right under this section is outstanding.

1206 Termination

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

- (A) at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit application have been filed;
- (B) with the written consent of the affected landowner;
- (C) upon findings by the Approval Authority, by ordinance after notice and public hearing, that natural or manmade hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan;
- (D) upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the city, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action;
- (E) upon findings by the Approval Authority, by ordinance after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approval authority of the site specific development plan; or
- (F) upon the enactment or promulgation of a state or federal law or regulation that precludes development as contemplated in the site specific development plan, in which case the approval

authority may modify the affected provisions, upon a find that the change in state or federal law has a fundamental effect on the plan, by ordinance after notice and a hearing.

1207 Voluntary Annexation

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

1208 Limitations

Nothing in this chapter is intended or shall be deemed to create any vested right other than those established pursuant to G.S. 160A-385.1.

1209 Repealer

In the event that G.S. 160A-385.1 is repealed, this ordinance shall be deemed repealed and the provisions hereof no longer effective.

1210 Effective Date

This chapter shall be effective January 20, 1992 and shall only apply to site specific development plans approved on or after January 20, 1992. Adopted this the 14th day of January 1992.

LAND USE PERMIT

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

As applicant for a Land Use Permit, I hereby certify that I am also seeking to acquire a vested right pursuant to G.S. 160A-385.1 and Chapter _____ of the City Code.

Date

Applicant

ARTICLE 1300 – WATERSHED PROTECTION ORDINANCE

1300 Purpose

The purpose of this section of the ordinance is to provide a safe drinking water supply and to regulate the land use which will limit exposure of pollution to the City of Oxford's Lake Devin Watershed (classified as WS-II).

1301 Authority

- (A) The legislature of the State of North Carolina has, in chapter 160A, Article 8, Section 174 and Chapter 143, Article 21, delegated the responsibility of local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizens.

1302 Exceptions to Applicability

- (A) Existing development, as defined in this ordinance, is not subject to the requirements of this ordinance. Expansions to the structure classified as existing development must meet the requirements of this ordinance; however, the built-upon area of the existing development is not required to be included in the density calculations.
- (B) A pre-existing lot owned by an individual prior to the effective date of this ordinance, regardless of whether or not a vested right has been established, may be developed for single family residential purposes without being subject to the restrictions of this section.
- (C) If a use or class of use is not specifically indicated as being allowed in the watershed protection districts, such use or class of use is prohibited.
- (D) If the requirements of this section conflict with other portions of this ordinance, the more restrictive of each particular item shall apply.

1303 Development Regulations

The following regulations shall apply within the WS-II Critical Area.

1303.1 Allowed Uses:

- (A) Agriculture:
 - (1) The Granville Soil and Water Conservation District Office shall be designated management and enforcement agency responsible for implementing the agricultural activity rules described in the Watershed Protection Rules, Chapter 143, Article 21. Agricultural activities shall be subject to the provisions of the Flood Security Act of 1985 and the Food, Agriculture, Conservation, and Trade Act of 1990.
 - (2) Agricultural activities shall maintain a minimum of a twenty (20) foot buffer, vegetable buffer, or equivalent control as determined by the District Office, along all perennial waters as indicated on most versions

of the United States Geological Survey (U.S.G.S.) 1:24000 (7.5 minute) scale topographic map.

- (3) Animal operations greater than 100 animal units shall employ Best Management Practices (Utilization of Structure and/or non-structural management-based practices) to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.
- (B) Silviculture:
- (1) The Granville County Forest Service Office of the North Carolina Division of Forest Resources shall be designated management and enforcement agency responsible for implementing the silviculture rules described in the Watershed Protection Rules, Chapter 143, Article 21.
 - (2) Silviculture activities shall be subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15A N.C.A.C. 11.0101-.0209).
- (C) Residential Development.
- (D) Non-residential Development is allowed excluding:
- (1) Storage of toxic and hazardous materials unless a Spilled Containment Plan is implemented;
 - (2) landfills; and
 - (3) sites for land application of sludge/residuals or petroleum contaminated soils.
- (E) Density and Built-Upon Limits:
- (1) Single family residential – the minimum lot size shall be 80,000 square feet.
 - (2) All other residential and non-residential development – shall not exceed six percent (6%) built-upon area on a project-by-project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

1304 Watershed II – Balance of Watershed

1304.1

Allowed Uses:

(A) Agriculture:

- (1) The Granville Soil and Water Conservation District Office shall be the designated management and enforcement agency responsible for implementing the agricultural activity rules described in the Watershed Protection Rules, Chapter 143, Article 21. Agricultural activities shall be

subject to the provisions of the Food Security Action of 1985 and the Food, Agriculture, Conservation, and Trade Act of 1990.

- (2) Agricultural activities shall maintain a minimum of a twenty (20) foot buffer, vegetable buffer, or equivalent control as determined by the District Office, along all perennial waters as indicated on Survey (U.S.G.S.) 1:24000 (7.5 minute) scale topographic map.
 - (3) Animal operations greater than 100 animal units shall employ Best Management Practices (Utilization of structure and/or non-structural management-based practices) to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.
- (B) Silviculture:
- (1) The Granville County Forest Service Office of the North Carolina Division of Forest Resources shall be the designated management and enforcement agency responsible for implementing the silviculture rules described in the Watershed Protection Rules, Chapter 143, Article 21.
 - (2) Silviculture activities shall be subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15A N.C.A.C. 11.0101-.0209).
- (C) Residential Development.
- (D) Non-residential development excluding discharging landfills and the storage of toxic and hazardous materials unless a spill containment plan is implemented.
- (E) Sludge Application Sites.
- (F) Density and Built-Upon Limits:
- (1) Single Family Residential – the minimum lot size shall be 80,000 square feet.
 - (2) Non-residential – development shall not exceed twelve percent (12%) built-upon area or a project-by-project basis. For the purpose calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

1305 Buffer Area Required

- (1) A minimum of thirty (30) feet wide vegetative buffer is required for all new development along all perennial waters indicated on the most recent version of U.S.G.S., 1:24000 (7.5 minutes) scale topographical maps or as determined by local government studies desirable artificial streamtrade or shoreline stabilization is permitted.
- (2) No new development is allowed in the buffer except for water dependent structures and public projects such as road crossings and greenways where no practical alternative exists. These

activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater best management practices. (See Appendix A)

1306 Existing Development

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

1306.1 Vacant and Occupied Single Family Residential Lots

This category consists of vacant and occupied single family residential lots for which plats for deeds have been recorded in the office of the Granville County Register of Deeds (lots of record), and on which an activity structure or land use may or may not have been established by legal means. These vacant and occupied lots may be used for single family residential and accessory uses in the designated watershed area of this ordinance, provided that the watershed administrator issues a watershed protection permit for development on such lots:

- (A) Where the lot area is below the minimum specified in this ordinance, the zoning administrator is authorized to issue a certificate of zoning compliance if all other zoning requirements are met.
- (B) Uses of land: Uses existing at the time of the effective date of this section, but which would not be permitted to be established hereafter in the watershed protection district in which they are located, uses may continue except as follows:
 - (1) When such use of land has been changed to an allowed use, it shall not thereafter revert to any prohibited use.
 - (2) Such use of land shall be changed only to allowed use.
 - (3) When such use ceases for a period of at least one-year, it shall not be reestablished.
- (C) Reconstruction of building or built-upon areas: Any existing building or built-upon area not in conformance with the restrictions of this ordinance that has been damaged or removed may be repaired and/or reconstructed, except that there are not restrictions on single family residential development, provided repair or reconstruction is initiated within twelve (12) months and completed with two (2) years of such damage.

1307 Public Health Regulations

1307.1 Public health in General:

No activity, situation, structure, or land use shall be allowed within the watershed which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment

plan for toxic and hazardous materials; the improper management of stormwater runoff; or any other situation found to pose a treat to water quality.

- (1) Abatement:
 - (A) The watershed administrator shall monitor land use activities within the watershed protection districts to identify situations that may pose a threat to water quality.
 - (B) The watershed administrator may consult with any public agency or official and request recommendations.
 - (C) Where the watershed administrator finds threat to water quality and the public health, safety, and welfare, the zoning administrator shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation.

1308 Administration

- (1) The watershed administrator shall keep records of all amendments to the water supply watershed regulations and shall provide copies of all amendments upon adoption to the supervisor of the Classifications and Standards Group, Water Quality Section, Division of Environmental Management.
- (2) The City of Oxford Governing Board may, on its own motion or on petition, after public notice and hearing, amend, supplement, change, or modify the Watershed regulations and restrictions as described herein.
- (3) No action shall be taken until the proposal has been submitted to the Planning Board for review and recommendations. If no recommendation has been received from the Planing Board within forty-five (45) days after submission of the p proposal to the Chairman of the planning board, the City of Oxford Governing Board may proceed as though a favorable report had been received.
- (4) The watershed administrator or his or her duly authorized representative may enter any building, structure, or premises as provided by law, to perform any duty imposed upon him or her by this ordinance.
- (5) The watershed administrator shall keep a record of variances to this section. The record shall be submitted to the supervisor of the Classification and Standards Group, Water Quality Section, Division of Environmental Management on an annual basis and shall provide a description of each project receiving a variance and the reasons for granting a variance. (See Appendix B)

1309 Variances

- (1) The Board of Adjustment shall have the power to authorize, in specific cases, minor variances, as defined herein, from the terms of this section as will not be contrary to the public interest. Application for a variance shall be made in accordance with Section 803.3 of the Oxford Zoning Ordinance.

- (2) If the application for a variance calls for the granting of a major variance, as defined herein, and if the Board of Adjustment decides in favor of granting the variance, the board shall prepare a preliminary record of the hearing within thirty (30) days. The preliminary record of the hearing shall include:
- (A) The variance application;
 - (B) The hearing notices;
 - (C) The evidence presented;
 - (D) Motions, offer of proof, objections to evidence, and rulings on them;
 - (E) Proposed findings and exceptions; and
 - (F) The proposed decision, including all conditions proposed to be added to the permit.

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

- (1) If the commission concludes from the preliminary record that the variance qualifies as a major variance and that
 - (a) The property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted; and
 - (b) The variance, if granted, will not result in a threat to the water supply, then the commission shall approve the variance as proposed or approve the proposed variance with conditions.

The commission shall prepare a decision and send it to the Board of Adjustment. If the commission approves the variance as proposed, the Board of Adjustment shall prepare a final decision granting the proposed variance. If the commission approves the variances with conditions and stipulations, the board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.

- (2) If the commission concludes from the preliminary record that the variance qualifies as a major variance and that
 - (a) the property owner can secure a reasonable return from or make a reasonable from or make a practical use of the property without the variance or
 - (b) The variance, if granted, will result in a serious threat to the water supply, then the commission shall deny approval of the variance as proposed. The commission shall prepare a decision and send it to the Board of Adjustment. The Board of adjustment shall prepare a final decision denying the variance as proposed.

1310

Definitions

The intent of the definitions found within this section is to apply specifically to watershed management measures. These terms are intended to supplement the definitions found in Article 2 herein.

Agricultural Use: The use of waters for stock watering, irrigation, and other farm purposes.

Animal Unit: A unit of measurement developed by the U.S. Environmental Protection Agency that is used to compare different types of animal operations.

Balance of Watershed: Includes those lands located within a watershed which are outside of the critical area and within the protected areas or remainder of the watershed drainage area.

Best Management Practices (BMP): A structural or non-structural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

Buffer: An area of natural or planted vegetation through which stormwater runoff flows in a diffused manner so that the runoff does not become channeled and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Building: Any structure having a roof supported by columns or by walls, and intended for shelter, housing, or enclosure of persons, animals, or property. The connection of two buildings by means of an open porch, breezeway, passageway, carport, or other such open structure, with or without a roof, shall not be deemed to make them one building.

Built-upon Area: Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover, including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious):

Cluster Development: The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project. This term includes non-residential development as well as single-family residential subdivisions and multi-family developments that do not involve the subdivision of land.

Composting Facility: A facility in which only stumps, limbs, leaves, grass and untreated wood collected from land clearing or landscaping operations are deposited.

Critical Area: The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half (1/2) mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one half (1/2) mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Since WS-I watersheds are essentially undeveloped, establishment of a critical area is not required. Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half (1/2) mile.

Customary Home Occupations: Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. Provided further that no

mechanical equipment is installed or used except as in normally used for domestic or professional purposes, and that not over twenty-five percent (25%) of the total floor space of any structure is used for the occupation. No home occupation shall be conducted in any accessory building except for the storage and service of a vehicle that is driven off-site, such as a service repair truck, delivery truck, etc.

Development: Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Discharging Landfill: A facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.

Dwelling Unit: A building or portion thereof, providing complete and permanent living facility for one family.

Existing Development: Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this ordinance based on at least one of the following criteria.

- (1) Substantial expenditures of resources (time, labor, money) based on good faith reliance upon receiving a valid local government approval to proceed with the project, or
- (2) Having an outstanding valid building permit as authorized by the General Statute (G.S. 153A-344.1 and G.S. 160A-385.1), or
- (3) Having expended substantial resources (time, labor, money) and having an approved site specific or phased development plan as authorized by General Statute (G.S. 153A-344.1 and G.S. 160A-385.1).

Existing Lot (Lot of Record): A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds prior to the adoption of this ordinance, or a lot described by meets and bounds the description of which has been so recorded prior to the adoption of this ordinance.

Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage or adoption, no such family shall contain over five persons, but further provided that domestic servants employed or living on the premises may be housed on the premises without being counted as a family or families.

Hazardous Material: Any substance listed as such in: SARA section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

Industrial Development: Any non-residential development that requires and NPDES permit for an industrial discharge and/or requires the use of storage of any hazardous material for manufacturing, assembling, finishing, cleaning, or developing any product or commodity.

Landfill: A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 30A Article 9 of the N.C. General Statutes. For the purpose of this ordinance, this term does not include composting facilities.

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

Major Variance: A variance that results in any one or more of the following:

- (1) the complete waiver of a management requirement;
- (2) the relaxation, by a factor of more than ten percent (10%), of any management requirement that takes the form of a numerical standard;

*Note: This definition is included as an example. The rules provide local governments with latitude in defining what is to be considered a major variance in the locality. The Environmental Management Commission (EMC) will monitor the definitions adopted by localities, and will review all annual reports to determine how localities are utilizing the variance procedure. The EMC will consider amending the rules to include specific conditions applicable to a major variance in the future.

Minor Variance: A variance that does not qualify as a major variance.

Non-residential Development: All development other than residential development, agriculture, and silviculture.

Plat: A map or plan of a parcel of land which is to be, or has been subdivided.

Protected Area: Those lands located within a WS-IV watershed and within five (5) miles of the normal pool level of a reservoir or within ten (10) miles of a water supply intake located in a flowing stream and which drains toward the intake.

Residential Development: Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated out buildings, gazebos, etc. and customary home occupations.

Single Family Residential: Any development where: 1) no building contains more than one dwelling unit, 2) every dwelling unit is on a separate lot, and 3) where no lot contains more than one dwelling unit.

Street (Road): A right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

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

Toxic Substance: Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their off spring or other adverse health effects.

Variance: A permission to develop or use property granted by the Watershed Review Board relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this ordinance.

Water Dependent Structure: Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boathouses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

Watershed: The entire land area contributing surface drainage to a specific point (e.g. the water supply intake).

Watershed Administrator: An official or designated person of {county} {town} responsible for administration and enforcement of this ordinance.

1311 Spill Containment Plan

1311.1 Purpose:

The North Carolina Water Supply Watershed Protection Act (NCGS 143-214.5) requires all local governments to prepare and adopt spill containment plans in order to adequately respond to hazardous materials incidents that may occur within water supply watersheds. This plan is intended to serve as a guide to city staff and “Emergency Management Service” in the event a hazardous material spill does occur within the watershed. This plan is designed to be used in conjunction with other emergency response plans and standard operating procedures.

1311.2 Population Within the Watershed:

It is estimated that there are no more than four (4) housing units located in the area of the watershed included within the City of Oxford’s jurisdiction in addition to the Tobacco Research Station. This predominately undeveloped area is not expected to grow much in the near future.

1311.3 Existing/Future Land Use Within the Water Supply Watershed:

Existing and proposed land uses within the watershed of the City of Oxford are primarily devoted to low density residential agricultural and forestry uses.

Future emphasis should be placed on continuing to maintain residential densities at low levels within the watershed and on closely monitoring the establishment of non-residential uses within water supply watershed boundaries.

Proposed land uses/activities which could prove detrimental to the protection and preservation of high quality water supply resources should be discouraged or prohibited within the water supply watershed.

1311.4 Hazardous Material Inventory Documentation:

In accordance with the provisions of the Emergency Planning and Community Right to Know Act of 1986, the City of Oxford and the City of Oxford Fire Department has assumed and shall continue the responsibility of maintaining an inventory of hazardous materials being stored within its watershed (see Appendix C).

The City of Oxford Fire Chief will respond to and document incidences of spills of specific types of hazardous substances as well as clean-up measures undertaken.

1311.5 Emergency Response:

The City of Oxford Fire Chief will be the initial responder in the event of a hazardous materials spill occurrence. If necessary, the Fire Chief will contact other governmental agencies including but not limited to:

- (A) Public Works Department
- (B) North Carolina Highway Patrol
- (C) Granville County Health Department
- (D) North Carolina Department of Environment, Health and Natural Resources
- (E) North Carolina Department of Transportation
- (F) City of Oxford Police Department
- (G) Granville County Sheriff's Department
- (H) City of Oxford Fire Department
- (I) Granville County Emergency Management Service

The emergency response should be adequate in that Granville County presently has a 911 Communications System.

1311.6 Site Security:

Once the incident has been determined to be a hazardous material spill, the appropriate law enforcement agency shall be notified for site security and evacuation if needed. As soon as command is established, the affected area shall be secured by means of barricade tape, ropes, or other means. Once the site is secured, appropriate law enforcement personnel will patrol and control access into and around the area.

1311.7 Personnel Decontamination:

Should any personnel or persons at the scene become contaminated, basic decontamination will be accomplished by using water to wash down the person. A basic "decon kit" consisting of brushes, tarp and plastic will be used. Drop tanks may be used to collect large quantities of contaminated water for disposal. Any equipment that cannot be decontaminated shall be bagged for safe disposal.

1311.8 Emergency and Personal Equipment:

- disposable HAZ-MAT suits including gloves and tape
- barricade tape and rope
- emergency lights
- emergency generators
- shovels, rakes, etc.

- oil dry
- explosive meter
- turnout gear
- self contained breathing equipment
- air compressors
- 12” schedule 40 PVC
- dump trucks
- backhoes, trac loaders, etc.
- sand
- hay

1311.9 Hazardous Materials:

Hazardous materials are those materials which because of their characteristics pose a danger to an environment or the inhabitants of that environment or the inhabitancy of that environment when introduced (see Appendix C for an inventory of hazardous materials stored in watershed).

1311.9 Follow-up Report:

Immediately after completion of a hazardous material spill incident, a preliminary critique will be conducted by the Fire Chief to identify all strengths and weaknesses in the response. Involved agencies will be included in the critique and given a copy.

APPENDIX A

PLANTING CONSIDERATIONS:

Evaluate type and quantity of pollutant, slopes, soils, physical properties of the proposed filter, adapted vegetative species, time of year for proper establishment of vegetation, necessity for irrigation, visual aspects, and fire hazards, as well as other special needs. Erosion must be prevented where filters outlet into streams or channels.

- (1) When filter strips are used in treating wastewater or polluted runoff from concentrated livestock areas, the following must be considered:
 - (a) Adequate soil draining to ensure satisfactory performance.
 - (b) Provisions for preventing continuous or daily discharge of liquid waste unless the area is adequate for infiltrating all daily applied effluent. Adequate temporary storage should be provided to prevent discharge to the filter strip more frequently than once every three (3) days and so that use of the filter can be minimized during prolonged wet periods.
 - (c) Enough rest periods to maintain an aerobic soil profile. Storage or alternating filter strips may be necessary.
 - (d) The reduced effectiveness of filter strips under snow or frozen conditions.
 - (e) An adequate filter area and length of flow to provide the desired reduction of pollutants. A serpentine or switchback channel can be used to provide greater length of flow.
 - (f) Provisions for excluding roof water and unpolluted surface runoff.
 - (g) Slopes less than five percent (5%) are more effective; steeper slopes require a greater area and length of flow.
 - (h) Provisions for mowing and removing vegetation to maintain the effectiveness of the filter area. While not generally recommended, controlled grazing may be satisfactory when the filter area is dry and firm. Grazing is not allowed on CRP acreage.
 - (i) The need for a level lip weir, gated pipe, sprinklers, or other facilities to distribute flow uniformly across the top of the filter strip and maintain sheet flow through the strip.
- (2) For undisturbed strips of woody vegetation, the following must be included:
 - (a) Skidders and other heavy equipment must not operate within the strip.
 - (b) Harvest timber out of the filter strip with as little disturbance as possible. Cut timer should be removed by cable method, whenever practical.

- (3) Shrubs planted for wildlife enhancement are best planted in two or more rows. It is usually best to plant low-growing species next to the field and taller shrubs in the outside of outlet area of the strip. Staggered spacing is especially desirable for wildlife enhancement.

FILTER STRIPS BY THEMSELVES WILL NOT MEET THE “NO-DISCHARGE” REQUIREMENT APPLICABLE TO LIVESTOCK OPERATIONS REQUIRING PERMITS UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM. More stringent pollution abatement measures may also be necessary where receiving waters require a high level of protection.

DESIRED CRITERIA; FILTER STRIPS FOR SEDIMENT AND RELATED POLLUTANTS:

These criteria apply to filter strips on cropland at the lower edge of fields, on fields, on pastures, or in manure spreading areas adjacent to ditches, streams, or lakes, and above such conservation practices as terraces and diversions.

- (1) Cropland – Filter strips for sediment control to protect ditches, streams, or lakes.
- (a) In fields with slopes of less than 5 percent (5%), the minimum filter strip width shall be three (3) feet when farming operations adjacent to the strip are parallel to the length of the strip or fifteen (15) feet when farming operations adjacent to the strip are perpendicular to the length of the strip. The width of the filter strip shall be measured from the top edge of the ditch, stream, or lake.
- (b) In fields with five percent (5%) or greater slopes, the minimum strip width will be increased three feet (3) for each one percent (1%) increase in slope perpendicular to the strip.

FILTER STRIPS ON FOREST LAND:

These criteria apply to filter strips for runoff as part of a forestry operation to reduce the delivery of sediment into waterways. The following table provides a guide for minimum filter strip widths:

Slope of Land between Road and Stream	Width of Filter Strip for Common Logging Areas	Width of Filter Strip in Municipal Watersheds and Critical Areas
&	Feet	Feet
0-9	35	70
10-19	45	90
20-29	65	130
30-39	85	170
40-49	105	210
50-59	125	250
60 and greater	150	300

VEGETATIVE SPECIFICATIONS

Methods of seedbed preparation, adapted plants, planting dates, fertilization rates, and rates of seeding or sprigging should be specified as well as need for mulching, use of a stabilizing crop, or mechanical stabilization. The following is recommended for North Carolina:

Plants	Rates per acre 1/	Dates of Planting	Dates of Planting	Fertilizer per acre	Remarks
		State Range	This F.O. 2/		
Pensacola bahia 3/	25-30 lbs.	March 15 – June 1		2 T. lime; 600 lbs. 10-10-10	Cover seed ½” to ¾” deep. Firm soil.
Tall Fescue	30-45 lbs.	Aug. 1 – Oct. 15 Feb. 1 – April 15		2 T. lime; 800 lbs. 10-10-10	
Common Bermuda	Hulled 8-10 lbs.	April – June 30		1 to 1-1/2 T. lime; 800 lbs. 10-10-10	Cover Lightly; firm the soil. Sprigs may be used.
Hybrid Bermuda	15-18 bu. in rows: 50-70 bu. Broadcast.	March – April		1 to 1-1/2 T. lime; 800 lbs. 0-10-20, plus 75 lbs. of N	Total N should be a minimum of 200 lbs. per acre in at least 3 applications.
Ladino Clover	4-6 lbs.	Aug. 1 – Oct. 15 Feb. 1 – April 15			Use in mixture with tall fescue.
Shrub Lespedeza	Seed 20-25 lbs.	Mar. 1 – June 1		1 T. lime; 800 lbs. 0-10-10	Plant ½” deep.
Shrub Lespedeza	Plants	Dormant season		1 T. lime; 800 lbs. 0-10-10	18-24” apart in 36-42” rows. Minimum of 2 rows. Do not plant on wet sites.
Lovegrass	5 lbs. /acre	April and May		2 T. lime; 600 lbs. 10-10-10	Becomes clumpy with age. May need to introduce companion plant.
Reed’s Canary Grass	15-20	Feb. 15 – Mar. 1 Aug. 20 – Sept. 20 10-10-10		2 T. lime; 800 lbs.	

1/ Use Critical Area Planting Specifications for eroded sites. 2/ Complete for each field office. Line out plants not adapted. Insert normal planting dates. 3/ southeastern counties. Note: Other adapted perennials may be used for this seeding.

ADDITIONAL SPECIES

The following species may be used for CRP acreage. These are in addition to those listed on page 1300-15. Apply lime and fertilizer as per soil test. If soil test is not available, use rates listed in the table below. The use of annuals is allowed only for CRP lands to be planted to trees. Wildlife habitat will be improved by use of species in this table.

Plants	Rates per acre 1/	Dates of Planting		Fertilizer per acre	Remarks
		State Range	This F.O. 2/		
Atlantic Coastal Panicgrass	10 lbs. alone 5 lbs. in mixtures	March 1 April 30		1 T. lime; 400 lbs. 10-10-10	Cover seed ½" – ¾" deep. Firm soil. Can use with sericea, fescue, or annual lespedeza
Switchgrass	6 lbs. alone 3 lbs. in mixtures	March 1 April 30		1 T. lime; 400 lbs. 10-10-10	See Atlantic Coast panicgrass
Annual Lesp.	20 lbs. alone 10 lbs. in mixture	Feb. 1 April 15		1 T. lime; 400 lbs. 5-10-10	
Subterranean Clover	10 lbs. in mixtures	Sept. 15 Oct. 30		400 lbs. 5-10-10	Must inoculate, can grow in pH 5.5. Use with small grain.
Small Grains	1 bu. (wheat, barley, rye) 2 bu. oats	Aug. 30 Nov. 15		1 T. lime; 400 lbs. 10-10-10	

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APPENDIX C

INVENTORY OF HAZARDOUS MATERIALS

AS OF 4/17/93

Aatrex 4L	1 gal
Agrimycin	9 pounds
Alanap L	1.5 gal.
Ansar 529	3.0 gal.
Atrazine 41	1.25 gal.
Azodrin	1 gal.
Aalan	35#, plus 3 gal.
Banvel 720	5 gal.
Basagran	10 gal.
Benlate 50W	10#
Bicep	15 gal.
Blazer 2L	20.5 gal.
Bravo 720	5 gal.
Broadside	2 gal.
Bullseye	1 quart
Butyrac 200	17 gal.
Carbamate	9#
Chemoil	42 gal.
Chemwett	3 gal.
Cide Kick II	1 gal.
Cobra	9 gal.
Curbit	2 gal.
Devrinol 50 wp	4#
Diazinon	3 gal.
Diazinon 14G	50#
Dipel 41	82 qts.
Dequat	8 gal.
Di-Syston 8	29.5 gal.
Di-Syston 15G	24#
Dithane Z78	33#
Dowpon M	10#
Dual 8E	3 gal.
Enine 90W	8.8#
Evik 80W	24#
Fermate 15%	40#
Formula 40	5 gal.
Furadan 4F	13.5 gal.
Furadan 15G	225#
Guthion	4 gal.
Karate	1 gal.

Kerb	80#
Lasso	35 gal.
Linex	2.5 gal.
Lorsban	6 gal.
Malathion 5EC	1 gal.
Manzate D	12#
Manzate 200	43#
Marlate 2mr	3 gal.
Methyl Bromide	2 cylinders
Mocap 6EC	65 gal.
Nemacur-Dasanit	3 gal.
Off Shoot T	62 gal.
Orthene 75	82#
Oust	1#
Paarlan	12 gal., 3 qt.
Peptoil	12 gal.
Phytar 560	7 gal.
Poast	9 gal.
Pramitol	119 gal.
Prefar	11 gal.
Prime +	12 gal.
Prowl	2 gal.
Ridomil	44 gal.
Roundup	2.5 gal.
Royal MH-30	30 gal.
Royal MH30 SC	5#
Royal Tac	3 gal.
Saffele Wasp Spray	1 can
Sevin 5% dust	12#
Sevin sprayable	8#
Sevin 10% dust	60#
Sevin XLR	7.5 gal.
Spike	70#
Sutan +	1 qt.
Thiodan 50 wp	4#
Tillam	12.5 gal.
Tordon	1 pt.
Treflan	5.5 gal.
Trophy	20 gal.
Vernam	2.5 gal.
Weedar 64	16 gal.
Whitmire wasp spray	1 can
Whitmire resmethrin	2 cans
Whip	1 gal.

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ARTICLE 1400 - PLANNED UNIT DEVELOPMENTS (PUD's)

1401 - Purpose and Intent

- a) The purpose and intent of these planned unit development regulations is to promote innovative design in development by providing flexibility in regard to permitted uses and bulk regulations. These regulations are designed to promote the development of attractive, desirable communities, where residents and visitors can live and work in a development pattern that integrates residential and non-residential uses in a design which is accessible to pedestrians and encourages the use of alternate modes of transportation and shared parking and offers greater convenience to the residents of Oxford and its extraterritorial jurisdiction.
- b) It is the intent and the policy of the City to encourage planned unit developments because of the extensive planning that is required prior to development. Planned unit developments allow the City to plan for large areas and to manage the impacts of growth on the provision of town services and infrastructure.

1402 - Districts in Which Allowed

Planned unit developments shall function as “overlay” districts in all other districts, providing that an application for planned unit development and master land use plan is submitted, reviewed and approved in accordance with the provisions of this ordinance.

The terms of the approved master land use plan for a planned unit development shall control and take precedence over those of the general use zoning districts found in the Oxford Zoning Ordinance. Where the approved planned unit development master land use plan is silent as to a term, condition, or requirement, the requirements of this Ordinance and/or the approved policies and procedures of Oxford shall control.

1403 - Allowable Uses

In spite of the permitted or special uses allowed in the underlying zoning district, all uses that are set out in an approved master land use plan shall thereafter be treated as permitted uses within the planned unit development.

1404 - Minimum Area of Development

The parcel proposed for development as a planned unit development shall be a minimum of ten (10) acres.

1405 - Density of Development

- a) Residential development within a planned unit development may be developed up to eight (8) dwellings per gross acre of residential developable acreage. Developable acreage shall not include non-residential land.
- b) Non-residential development within a planned unit development shall not exceed a floor area ratio of 2.0 times per gross acre of developable non-residential acreage. (This means not more than 87,120 square feet of floor area for each acre of developable non-residential acre.) Developable non-residential acreage shall not include residential land.

1406 - Development Standards and Improvement Requirements

- a) Unless approved as a deviation by the Oxford Board of Commissioners as part of the approval of a planned unit development, all development within a planned unit development shall conform to the applicable standards and requirements of the Oxford Zoning Ordinance for the underlying zoning district in which the planned unit development is located. (Adopted 5/11/99)
- b) The Oxford Board of Commissioners may, as part of the approval of a planned unit development, approve any modifications to development standards, providing that the Oxford Board of Commissioners determines that other proposed improvements and buffers will perform as well or better than those required by the minimum standards set out in the Zoning Ordinance. The modifications include, but are not limited to:
 - (1) Lot Dimensions;
 - (2) Setbacks;
 - (3) Design standards and required improvements for subdivisions;
 - (4) Parking;
 - (5) Interior landscaping; and
 - (6) Buffering.

1407 - Additional Standards for Planning Unit Developments Containing Both Residential and Non-Residential Uses

Planned Unit developments containing both residential and non-residential uses shall be designed, located and oriented on the site so that such uses are directly accessible to residents of the planned unit development. For the purposes of this section, directly accessible shall mean pedestrian and vehicular access by improved sidewalks or paths and streets that do not involve leaving the planned unit development or using a major thoroughfare. "Directly accessible" does not necessarily mean that the non-residential uses need to be located in a particular location, but that the siting of such uses considers the accessibility of the residential component of the planned unit development to the non-residential use.

1408 - Recreational and Open Space Requirements

- a) **INTENT OF THE OPEN SPACE REQUIREMENTS.** Open space is an essential component of any well-designed planned unit development. Open space provides areas for active and passive recreation immediately adjacent to dwelling units. Open spaces increase the PUD's amenities by providing landscaped areas and important scenic vistas. Totally integrated throughout projects, open spaces are an important design element, breaking up monotonous patterns of housing and improving the visual attractiveness of the PUD. Open spaces increase design flexibility and permit the preservation of natural features for even greater amenity. Well-designed open space is an important factor in obtaining quality residential environments of lasting value and high appreciation.
- b) Each residential planned unit development (or residential portion of a mixed use planned unit development) shall provide common open space as percentage of the entire parcel according to the following formula:

Acres in PUD	Percent of PUD in Open Space
10-49	5.0%
51-75	7.5%

Acres in PUD	Percent of PUD in Open Space
76-100	10.0%
100-200	12.5%
201+	15.0%

- c) Such required open space may be used for active or passive recreational purposes, suitable for the proposed development, incorporated into a central amenities package, and be contiguous except where otherwise deemed appropriate. The public recreational land dedication requirement of this section shall control and take precedence over any other public land dedication requirements found elsewhere in the Oxford Zoning Ordinance.
- d) Any required open space shall be conveyed to a homeowners' or property owners' association or shall be subject to an agreement between the applicant and the City of Oxford for maintenance and operation of the required open space, with appropriate restrictions recorded in the deed to the property which restrict in perpetuity the use of such land and facilities to open space and recreational uses, as shown in the master land use plan for the planned unit development.

1409 - Landscape and Stream Buffers

- a) Where an approved planned unit development master land use plan shows buffers either between interior elements of the planned unit development or between the planned unit development and any other zoning district, those buffers are a condition of the overlaying district and as such take precedence over and control the buffers otherwise required. However, in no case shall any buffer shown in an approved planned unit development master land use plan control the provisions for buffers for water quality protection found in the Reservoir Watershed Protection District
- b) All landscape and stream buffer areas installed in the planned unit development pursuant to Part a) of this section shall either be conveyed to a homeowners' or property owners' association or remain in the ownership of the developer of the planned unit development, subject to an agreement between the applicant and The City of Oxford. Such landscape buffer areas shall not be platted into individual building lots or a part of an individual building lot, unless otherwise approved by the Oxford Board of Commissioners.
- c) **TRANSITION AREAS:** Where the approved land inside and outside of the PUD meets all of the following conditions, no buffer is required in the perimeter of the PUD. A Transition Area may replace the buffer, provided that the Transition Area is no less than fifty (50) feet wide, measured perpendicular to the perimeter property line of the PUD.

Conditions for Transition Areas:

- (1) The land uses inside and outside of the PUD are residential;
- (2) The difference in gross densities of the adjacent subdivisions and/or site planned communities located outside and inside of the PUD are no greater than one-half (0.5) on one unit per acre; and
- (3) The lot sizes and minimum front, rear, and side yard setbacks in the Transitional Area are no smaller than those found in the adjacent residential development outside of the PUD.

- (4) If the lands adjacent to the PUD are undeveloped, or developed in any non-residential use, no Transition Area is allowed.

1410 - Phasing of Development

- a) Where a majority of the planned unit development is residential, construction of the non-residential portions of the planned unit development, phase, or section shall be designed and phased to ensure that the impacts of the residential development upon the surrounding community and properties will not be detrimental or a deterrent to further residential development of the community and adjacent properties. Impact of the non-residential portions includes, but is not limited to the visual impact and perception of the non-residential development.
- b) Where a majority of the planned unit development is non-residential, construction of the residential portion of the planned unit development, phase, or section shall be designed and phased to ensure that the impacts of the non-residential development upon the surrounding community and properties will not be detrimental or a deterrent to further residential development of the community and adjacent properties. Impact of the non-residential portion includes but is not limited to the visual impact and perception of the residential development.
- c) All open space and recreational amenities shall be completed and conveyed before certificates of occupancy may be issued for more than fifty percent (50%) of the dwelling units in the planned unit development, or if the approved master land use plan divides the planned unit development into phases, in that phase of the development of which the amenity is a part.

1411 - Procedures for PUD Application Review and Approval Consideration:

- a) Purpose and Scope:

No approval for construction of any on-site or off-site improvements for a planned unit development shall be granted until a master land use plan for the planned unit development is approved in accordance with the procedures and requirements of this section.

- b) Application by Owner or Authorized Representative:

An application for approval of a planned unit development may be initiated only by all of the owners of the parcel proposed for development as a planned unit development or by any person specifically authorized by all of the owners to file such an application. Where a person other than the owner of land within the parcel proposed for development files an application for approval of a planned unit development, that person shall provide the City of Oxford with written documentation that all of the owners of the property have authorized the filing of the application.

- c) Pre-filing Meeting:

Before filing an application for a planned unit development approval, the applicant shall meet with the Oxford City Manager and the designated Application Review Team in a pre-filing meeting to discuss the proposed planned unit development and to become familiar with the applicable requirements and approval procedures of the City. The applicant shall provide to the City Manager and Application Review Team with the following information at the pre-filing conference:

- 1) Size and location of the parcel proposed for development as planned unit development;
- 2) Proposed gross density of the proposed planned unit development and net density of individual parcels within the planned unit development;
- 3) A concept plan showing general land uses proposed for the planned unit development including location and acreage;

- 4) Number of acres and location of land within the parcel proposed for development as a planned unit development within a Reservoir Watershed Protection Overlay District; and
 - 5) A schematic description of utility and circulation improvements for the planned unit development.
- d) Application for Planned Unit Development Approval:
- 1) An application for approval of a planned unit development shall be filed with the Oxford Planning Department on a form prescribed by the Department, along with a fee prescribed by the Oxford Board of Commissioners.
 - 2) The application shall be accompanied by a master land use plan (on a minimum scale of 1 inch equals 200 feet on a sheet no larger than 214 X 36 inches) along with supporting plans and documents including the following items of information:
 - (a) Total acreage of the planned unit development;
 - (b) Individual parcel boundaries within the planned unit development, including a description of general uses and acreage of the parcels;
 - (c) Present zoning classification of the land;
 - (d) Planned parks, playgrounds, and open space areas to be developed, reserved, or dedicated, including acreage in common open space and dedicated open space;
 - (e) Maximum gross density of the entire planned unit development;
 - (f) Maximum gross densities and net densities of individual parcels;
 - (g) Building setbacks for all parcels (both residential and non-residential);
 - (h) Zoning and current use classification of adjacent properties, and adjacent property owners;
 - (i) Title, date, north arrow, graphic bar scale, and vicinity map at a minimum scale of 1-inch equals 500 feet.
 - (j) Supportive plans are to include the following information:
 - (1) Perimeter boundary and topographical survey (with minimum contours intervals of 5 feet and a minimum scale of 1 inch equals 200 feet on a sheet no larger than 214 X 36 inches) showing the total acreage of the planned unit development, parcel boundaries, existing site conditions and utilities, present zoning classification(s), existing use classifications of adjacent properties, all buildings within 100 feet of the planned unit development, general vegetation analysis, and existing hydrological features;
 - (2) Vehicular and Pedestrian Circulation Plan showing primary and secondary traffic circulation patterns including an analysis of both safety issues and anticipated traffic volumes and all planned street connections, proposed sidewalks, and greenways, with special attention on impact of traffic flow patterns on adjacent arterial and major connector roads;
 - (3) Buffers, Open Space and Recreational Facilities Plan showing planned parks, playgrounds, and open areas to be developed, preserved or dedicated in accordance with the provisions of this ordinance. Acreage in common open spaces and acreage in dedicated open space (including acreage of common open space and acreage in dedicated open space within the 100-year floodplain, if any) shall be noted. This plan shall include the means of providing for the organization, arrangements for the ownership, maintenance, and preservation of common open space and private recreational facilities. This plan shall show buffers around the perimeter of the proposed planned unit development and adjacent to proposed streets and between proposed parcels and subdivision parcels. Buffers not otherwise stipulated in the master land use plan shall be determined under the provisions set forth in the Reservoir Watershed Protection District, as applicable.

- (4) Utilities plan showing conceptual plans for water and wastewater systems to be constructed in accordance with City standards. This plan shall include conceptual plans for all utilities to be installed underground, except for City-approved electric feeder lines;
- (5) Storm Drainage Plan showing conceptual plans for an adequate storm drainage system to be constructed in accordance with City standards;
- (6) Phasing Plan showing the conceptual delineation of areas to be constructed in phases or sections in the sequential order that will be followed in the development;
- (7) On-site soils analysis/map including parcel boundaries if parcels are within or partially within the Triassic Basin;
- (8) Slope Analysis Map showing slope conditions in categories from 10 to 15 percent and slopes greater than 15 percent; and
- (9) Hydrology Plan showing perennial and intermittent streams, wetlands, if any 100-year flood plain boundaries, stream corridor buffers, acreage and location of land within the Reservoir Watershed Protection District, if any, and any other existing or proposed water bodies or impoundments for the purposes of flood control, irrigation or stormwater management.
- (k) Draft of covenants which create a homeowners' or property owners' association for the maintenance of all common areas and recreational facilities, including, but not limited to, streets, parking areas, easements and the like and/or preliminary drafts of any proposed declarations to be recorded pursuant to the Condominium Act, N.C. Gen. Stat. Chapter 147C. The City shall not be responsible for ensuring that the covenants are subsequently made effective by the applicant and/or the covenants are subsequently enforced. These are deemed to be private matters;
- (l) A description of the relationship of the planned unit development to the surrounding land uses and the uses within the development to each other;
- (m) A statement of intent regarding access of firefighting and refuse disposal equipment and including the method of refuse disposal, such as compactors, dumpsters, etc.;
- (n) Evidence that the United State Soil Conservation Service representative on the Granville County Soil and Water Conservation District, and the North Carolina Department of Transportation have been made aware of the proposed planned unit development and that the developer will coordinate the planning for the planned unit development with those agencies;
- (o) A description of the important landscape features, which have been incorporated into the master plan, and a description of how these features will be maintained and preserved. In addition to major tree groupings, other significant features such as rock outcroppings and important view corridors of scenic vistas need to be located;
- (p) Incorporation of street tree plans, revegetation plans, and implementation measures necessary to restore a site to a habitable condition as stipulated in the master land use plan; and
- (q) Worksheet showing proposed construction of park facilities, including their cost and time of construction.

3) In considering the master land use plan, the Oxford Planning Board and/or the Oxford City Board of Commissioners may request such additional information as it deems necessary to review the application.

1412 - Determination of Completeness:

The Planning Department, on behalf of the City Manager and the Application Review Team, shall determine whether an application for a planned unit development is complete. If the Department determines that the application is not complete, it will notify the applicant in writing of any deficiencies and shall take no steps to process the application until the deficiencies are satisfied.

1413 - Scheduling of Public Hearing:

Once the Application Review Team has determined that the application of planned unit development is complete, the application will be referred to the City Planning Board for recommendation consideration at its next regularly scheduled meeting. The Planning Department will also establish a schedule for consideration of the application for a planned unit development, for a public hearing on the application before the Board of Commissioners and for its consideration of approval.. Notice of the hearing shall be provided and the public hearing shall be conducted in accordance with current regulations of the City of Oxford for such actions.

1414 - Planning Board Recommendation:

The City Planning Board shall formulate a recommendation regarding approval following the conduct of a public meeting as a part of regularly scheduled meeting. Notice of public meeting shall be printed and disseminated in accord with current City of Oxford ordinance. Based on the comments received at the public meeting, reports and recommendations from the Application Review Team, and other appropriate considerations, the City Planning Board shall make an approval recommendation and report assessing the impacts of the proposed planned unit development to the Oxford Board of Commissioners. The full written minutes of the meeting of the Planning Board at which action was recommended regarding the PUD application shall constitute the report of the City Planning Board to the Board of Commissioners.

1415 - Action by the Board of Commissioners:

- a) Before acting on the application for planned unit development and master land use plan approval, the Oxford Board of Commissioners shall consider the recommendations of the City Planning Board, of other appropriate boards and commissions, of the Application Review Team, and the testimony and evidence received at the public hearing.
- b) Upon consideration of the above-noted factors, the Board of Commissioners may take one of the following actions:
 - 1) Deny the application;
 - 2) Refer the application back to the City Planning Board or to a committee of the Board of Commissioners for further consideration;
 - 3) Conduct an additional public hearing on the application; or
 - 4) Approve the proposed planned unit development.
- c) Any approval or denial of the application shall be by resolution, stating reasons for such approval or denial. The decision on an application for a planned unit development and master land use plan approval shall be by a simple majority vote of those members of the Board of Commissioners present at the meeting at which action is taken.

1416 - Effect of Approval

- a) The approval of an application for a planned unit development and a master land use plan shall not become effective until the applicant has submitted the following information to the Planning Department: two (2) copies of the master land use plan incorporating all changes that were required as conditions to City Board of Commissioners approval and such information as the Board of Commissioners may have required as a condition of planned unit development or master land use plan approval.
- b) Upon receipt of all required submittals, the Planning Director shall mark and sign the master land use plan as approved, return a marked and signed copy of the master land use plan to the applicant. A copy marked "ORIGINAL" shall be retained for the records of the Planning Department.
- c) Actual development of the property comprising the approved planned unit development shall be subject to all applicable subdivision plat approvals, site plan approvals and other permits and approvals otherwise required by this ordinance.
- d) When an application for approval of a planned unit development has been approved or denied by the Board of Commissioners, or has been withdrawn by the applicant after notice has been given of the public hearing on the application, no application covering the same property shall be accepted or considered within 12 months after the date of the approval, denial, or withdrawal. This restriction shall apply regardless of whether the new application is for a different planned unit development than the original application. The waiting period by this subsection may be waived in an individual case, for good cause, shown by the affirmative vote of three-fourths (3/4) of the members of the Board of Commissioners.

1417 - Changes to Approved Master Land Use Plans:

- a) Except for minor changes authorized pursuant to subsection b) below, no part of an approved master land use plan for a planned unit development shall be revised, enlarged, or modified unless such revision, enlargement, or modification is approved by the Board of Commissioners in accordance with the requirements of this section for an application for planned unit development master land use plan approval.
- b) The Planning Director may approve the following minor changes to an approved master and use plan in accordance with c) and d) below without the approval of the Board of Commissioners:
 - 1) Relocation of a road or intersection, which represents the same general building relationships, topography, landscaping, and minimum utility standards
 - 2) A reduction in the width of a required buffer or setback by no more than twenty percent (20%); and
 - 3) Minor field alterations to accommodate physical site conditions involving interior features of the site design, including relocation of the buildings or uses shown on the approved master land use plan, which represents the same general building relationships, topography, landscaping, and minimum utility standards.
- c) The Planning Department shall submit applications for minor changes to an approved master land use plan to the City Manager and the Application Review Team for review and comment.
- d) In approving the application for a minor change to an approved master land use plan, the Planning Director shall make the following findings:

- 1) That all changes conform to the minimum required standards for the zoning district in which the property is located, or any modifications thereto which were approved by the Board of Commissioners as part of the master land use plan;
 - 2) That off-street parking is not reduced below the minimum number of spaces required in this ordinance;
 - 3) That all additions, alterations, and expansions shall be compatible with the existing or approved buildings, structures, and parking area;
 - 4) That the effect of the landscaping, buffers, or screening on the site, or on the approved master land use plan is not diminished;
 - 5) That the circulation pattern provides for the safe, controlled, and orderly flow of pedestrians and vehicles;
 - 6) That the changes will result in better or equal performance of the overall objectives of the approved master land use plan and specific zoning district classification;
 - 7) That the changes do not otherwise violate any provision of this ordinance, the Oxford City Code, or any other applicable law; and
 - 8) That the use and development of the property is otherwise in full compliance with the requirements of this ordinance.
- e) If the Planning Director determines that an application for a minor change to an approved master land use plan would be a significant departure from the spirit of the master land use plan or the intent of the Board of Commissioners in approving the master land use plan, the Director may require that the application be considered in accordance with the requirements of this Part for an application for planned unit development and master land use plan approval.
- f) The applicant shall have the right to appeal the decision of the Planning Director in regard to an application for a minor change to an approved master land use plan. This appeal would be directed to the Board of Commissioners.