

1.1 PURPOSE

In order to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare of the populace; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, sewerage, schools, parks and other public requirements; to conserve the value of buildings; to protect the public water supply, and encourage the most appropriate use of land throughout the corporate area, there is hereby adopted and established an official Zoning Ordinance of the Town of Coats.

1.2 AUTHORITY

This document, known as the Zoning Ordinance of the Town of Coats (hereinafter referred to as Ordinance), is adopted pursuant to the authority vested in the Town of Coats by the General Statutes of North Carolina, particularly Chapter 160D.

1.3 JURISDICTION

The provisions of this Ordinance shall apply within the corporate limits and extra-territorial jurisdiction (ETJ) of the Town of Coats, North Carolina, as shown on the Official Zoning Map on file in the Town Hall.

1.4 MINIMUM REGULATIONS

In interpreting and applying the provisions of this Ordinance, they 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, abrogate, or annul easements, 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.

1.5 SEPARABILITY

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid by the courts of a competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Commissioners hereby declares that it has passed this Ordinance and each section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

1.6 VESTED RIGHTS

A vested right shall be deemed established with respect to any property upon the valid approval of a site specific development plan or a phased development plan, following notice and public hearing by the Board of Commissioners. Such vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site specific development plan or the phase development plan including any amendments thereto. The Board may approve a site specific development plan or a phased development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. Such approval shall result in a vested right, although failure to abide by such terms and conditions will result in a forfeiture of vested rights. The Board of Commissioners shall not require a landowner to waive their vested rights as a condition of developmental approval. A site specific development plan or a phase development plan shall be deemed approved upon the effective date of the Board's action. A right which has been vested shall remain vested for a period of two years.

Vested rights and permit choice are inherent rights established by G.S. 160D and applied herein accordingly. Each approval procedure stipulated in this Ordinance establishes criteria in accordance with G.S. 160D-108 and G.S. 160D-108.1 for ensuring due process in the vesting of rights to develop, use and enjoy real property in accordance with applicable standards & specifications herein.

A vested right, once established, precludes any zoning action which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site specific development plan or an approved phased development plan except:

- A.** With written consent of the affected landowner.
- B.** Upon findings that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan or the phased development plan.
- C.** To the extent that the affected landowner receives compensation for all costs, expenses, and losses incurred.
- D.** Upon findings that the landowner or their representative intentionally supplies inaccurate information or made material misrepresentations which made a difference in the approval by the town of the site specific development plan or the phased development plan; or
- E.** Upon the enactment of a State or Federal law or regulation which precludes development as contemplated in the site specific development plan or the phased development plan.

1.7 EFFECTIVE DATE

This Ordinance and its provisions governing the use of land and buildings, the height of buildings, and other matters as hereinafter set forth are hereby established and declared to be in full force and effect from and after its passage.

Approved and adopted by the Board of Commissioners this ____ day of _____, 2021.

Mayor

ATTEST:

Town Clerk

CERTIFIED BY:

Town Attorney

LEGAL PROVISIONS AMENDMENTS

Date of Adoption	Section Reference Number(s)	Comments
	1.1, and 1.6	160D updates

2.1 ZONING MAP

For the purposes of this Ordinance, the Town of Coats is hereby divided into zoning districts whose locations and boundaries are shown on the Official Zoning Map for the Town of Coats which is hereby adopted by reference and declared to be a part of this Ordinance.

This Zoning Map and all the notations, references, and all amendments thereto, and other information shown thereon are hereby made a part of this Ordinance the same as if such information set forth on the map were all fully described and set out herein. The Zoning Map properly attested is on file in the Town Hall and is available for inspection by the public.

The Zoning Officer or their representative shall be responsible for the maintenance and revision of the Official Zoning Map. Upon notification by the Town Board that a zoning change has been made, the Zoning Officer shall make the necessary changes on the Official Zoning Map within seven (7) calendar days of notification.

2.2 ZONING DISTRICTS

In order that the purpose of this Ordinance may be accomplished, the incorporated territory of the Town of Coats, as set forth on the accompanying zoning map, is hereby divided into eight (8) districts as follows:

- Rural – Residential Agricultural District – R-A**
- High Density Residential – R-6**
- General Residential District – R-20**
- Highway Commercial District – C-3**
- Neighborhood Commercial District – C-2**
- Central Business District – C-1**
- Mixed-Use Village District - MUV**
- Industrial District – I**
- Open Space District and Reserve – OSR**
- Future Use
- Multi-Family**
- Low Density Residential – R-30**

2.3 INTERPRETATION OF DISTRICT BOUNDARIES

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

- A.** Unless otherwise specifically indicated, where district boundaries are shown on the Zoning Map as approximately parallel or following the center lines of streets, highways, utility

easements, or stream beds, or such line extended, then such lines shall be construed to be such district boundaries.

- B.** Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- C.** Where a district boundary line divides a lot in single ownership, the requirements for the district in which the greater portion of the lot lies shall be extended to the balance of the lot, provided that such extension shall not include any part of such lot which lies more than fifty (50) feet beyond the district boundary, and further provided that the remaining parcel shall not be less than the minimum required for the district in which it is located.
- D.** Where any public street is hereafter officially vacated or abandoned, the regulations applicable to parcels of abutting property shall apply to that portion of such street or alley thereto by virtue of such vacation or abandonment.
- E.** The Board of Adjustment shall be empowered to interpret the intent of the Zoning Map as to the location of district boundaries in case any further uncertainty exists.

SECTION 2

**OFFICIAL ZONING MAP AND
ZONING DISTRICTS**

**OFFICIAL ZONING MAP AND ZONING DISTRICTS
AMENDMENTS**

Date of Adoption	Section Reference Number(s)	Comments

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3.1 APPLICATION

No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered except in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided in this Ordinance.

3.2 ENFORCEMENT

A. Zoning Officer

The Town Board shall appoint a Zoning Officer to enforce the provisions of this Ordinance. The Zoning Officer will keep records of all variances and amendments to this Ordinance. The assistance of such other persons may be provided as the Town Board may direct.

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

B. Certificate of Zoning Compliance and Building Permit Required

No land shall be used or occupied and no building hereafter erected, structurally altered, or moved or its use changed until a Certificate of Zoning Compliance shall be issued by the Zoning Officer, except in conformity with the provisions of this Ordinance or except after written order from the Board of Adjustment.

A Building Permit cannot be issued by the Building Inspector unless zoning compliance is certified.

A record of all certificates shall be kept on file in the office of the Zoning Officer and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land involved. A charge for copies will apply.

In accordance with G.S. 160D-108(b) “**Permit Choice**”, if a land development regulation is amended between the time a development permit application was submitted and a development permit decision is made or if a land development regulation is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal, G.S. 143-755 applies.

C. Application Procedures

Each application for a Certificate of Zoning Compliance, at the discretion of the Zoning Officer, shall be accompanied by two (2) sets of Site-Specific Development Plan(s) (also referred to herein as the “site development plan”, “site plan” and/or “plan”) drawn to scale, one (1) of which shall be returned to the applicant upon approval. The plan shall show the following:

- (1) The shape and dimensions of the lot on which the proposed building or use is to be erected or conducted;
- (2) The location of said lot with respect to adjacent rights-of-way;
- (3) The shape, dimensions, and location of all buildings, existing and proposed, on the said lot, including setback lines;
- (4) The nature of the proposed use of the building or land, including the extent and location of the use, on the said lot, including any buffers or landscaping as required;
- (5) The location and dimensions of off-street parking and loading space and the means of ingress and egress to such space;
- (6) For building construction, other than single family residential, the percent of surface that will be built-upon; and
- (7) Any other information which the Zoning Officer may deem necessary for consideration in enforcing the provisions of this Ordinance.

A fee, set by the Town Board, shall be charged for the processing of such application. The adopted fee schedule shall be posted in the Town Clerk’s Office.

Permit validity. Approval of *Site Plans* and *zoning permits* authorized by G.S. 160D-403 for developments requiring Site Development Plan review shall run with the land and constitute approval of a site-specific vesting plan in accordance with G.S. 160D-108(d) and be valid for two (2) years from the date of approval unless a greater timeframe is authorized by G.S. 160D-108. Failure to submit construction plans, initiate construction, or otherwise begin the permitted use, within this time shall render the Site Development Plan approval void. The *Zoning Officer* may grant a single extension of this time period of up to three (3) years upon submittal by the applicant of sufficient justification for the extension. Multi-phased development containing 25 acres or more remains vested for a period of seven (7) years from the time a site plan approval is granted as authorized in G.S. 160D-108(f).

D. Right of Appeal

If the Certificate of Zoning Compliance is denied, the applicant may appeal the action of the Zoning Officer to the Board of Adjustment in accordance with Section 3.6 herein.

E. Penalty

The Zoning Officer will notify any person, firm, or corporation of a suspected violation of this ordinance in person or in writing. Any person, firm, or corporation who violates the provisions of this Ordinance shall upon conviction be guilty of a misdemeanor and shall be fined not exceeding five hundred (\$500) dollars and/or imprisoned not exceeding thirty (30) days. Each day of violation shall be considered a separate offense.

F. Remedies

In any case where a building is created, constructed, reconstructed, altered, repaired, converted, or maintained, or any building or land is used in violation of this Ordinance, the Zoning Officer or their designee, may institute an action for injunction, or mandamus, or other appropriate action or proceeding to prevent such violations.

G. Cancellation of Permits

A building or occupancy permit shall be canceled by the Zoning Officer when the method of construction or use violates any provision contained in these regulations.

3.3 Special Use Approvals

- A. Purpose.** Special uses are established to provide for the location of those uses which are generally compatible with other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding *Neighborhood* and the Town of Coats as a whole, require individual consideration of their location, design, configuration, and/or operation at the particular location proposed. Such individual consideration may also identify cause(s) for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety, and welfare. Any use identified in this Ordinance as a special use in a zoning district shall not be permitted without the approval of the *Board of Adjustment* in accordance with the requirements and procedures set forth in this section 3.3.
- B. Pre-application conference procedure.** Every applicant for a special use *zoning permit* is required to meet with the *Zoning Officer* in a pre-application conference prior to the submittal of a request for approval of a special use. The purposes of this conference are to provide additional information regarding the review process and assistance in the preparation of the application

C. Plan submittal.

- a. Filing of application. An application for a special use *zoning permit* may be filed by the landowner, a lessee or person holding an option or contract to purchase or lease land, or by an authorized agent of the landowner. Where an agent files the application, the agent shall provide documentation that the owner of the property has authorized the filing of the application. The application for a special use *zoning permit* shall be filed with the *Zoning Officer* on a form provided by the *Zoning Officer*.
- b. Information required. Each application for a special use *zoning permit* shall contain all information identified as required by the *Zoning Officer*. The application shall be accompanied by an electronic file copy plus at least two paper copies of a *Site Development Plan* containing all information required by Sub-section 3.2.C of this Ordinance for filing(s) on the subject property.

D. Staff review.

- a. Zoning Officer review. Following submittal of the application and *Site Development Plans* for the special use, they shall be reviewed by the *Zoning Officer* for compliance with the requirements of this Ordinance.
- b. Submittal of plans to Zoning Officer. This review shall be made by the *Zoning Officer* and by any other agencies or officials as requested by the *Zoning Officer*. The *Zoning Officer* shall review the *Site Development Plans* for compliance with the applicable requirements of this Ordinance and other applicable Ordinances and laws, to which their respective departmental role applies.

E. Formal review.

- a. Evidentiary hearing. Upon receipt of a notice from the *Zoning Officer* of the applicant requesting an evidentiary hearing on the application and *Site Development Plan* for a special use *zoning permit*, an evidentiary hearing shall be scheduled. An evidentiary hearing before the *Coats Board of Adjustment* shall be held for all special use *zoning permit* applications.
- b. Action by the Coats Board of Adjustment.
 - i. The *Coats Board of Adjustment* shall consider the request within 35 days of receiving information regarding the special use *zoning permit* application from the *Zoning Officer*.
 - ii. The *Coats Board of Adjustment*, after conducting the quasi-judicial evidentiary hearing, may: (1) deny approval; (2) continue the application pending submittal of additional information; or (3) approve the proposed special use *zoning permit*.
 - iii. The decision on the special use *zoning permit* application shall be by a simple

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majority vote of those members of the Coats *Board of Adjustment* present at the meeting at which the action is taken.

- iv. The minutes of the Coats *Board of Adjustment* shall state if the proposed special use meets or does not meet each of the conditions set forth in section 3.3.E.c, (below), the standards set forth in Section 7 of this Ordinance for the proposed special use, and all other requirements set forth by this Ordinance for the proposed special use.
- c. Findings and Conditions. In granting the *zoning permit*, the *Board of Adjustment* shall find there to be competent, material, and substantial evidence in the record to support these conclusions and the *Board of Adjustment* must find that all the below listed facts exist or the application shall be denied.
 - i. That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
 - ii. That the use or development complies with all required regulations and standards of this Ordinance and with all other applicable regulations;
 - iii. That the use or development is located, designed, and proposed to be operated so as not to substantially injure the value of adjoining or abutting property, or that the use or development is a public necessity; and
 - iv. That the use or development will be in harmony with the area in which it is to be located and conforms to the general plans for the land use and development of Town of Coats and its environs.
- d. Additional Conditions. In granting the special use *zoning permit*, the *Board of Adjustment* may designate only those conditions, in addition and in connection therewith, as will, in its opinion, assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located, with the spirit of this Ordinance and clearly in keeping with the public welfare. All such additional conditions shall be entered into the minutes of the meeting, at which the special use *zoning permit* is granted, on the special use *zoning permit* itself, and on the approved plans. All specific conditions shall run with the land and shall be binding on the original applicants, their heirs, successors, and assigns. The special use *zoning permit*, as approved, shall be recorded by the *Zoning Officer* with the Register of Deeds for Harnett County the same as a deed restriction. The *zoning permit* recipient shall be responsible for paying the recording fee. No *building permit* shall be issued for the subject property until the recording is made.

F. Transfer of approval. A special use approval is not transferable from one property to another but is transferred to a subsequent owner of the property to which applied.

- G. Resubmission of denied applications.** No application for approval of a special use shall be filed with, or accepted by, the *Zoning Officer* that is identical or substantially similar to an application that has been denied by the *Coats Board of Adjustment* within one year of the final action by the *Board of Adjustment* denying the request. This waiting period may be waived in an individual case, for good cause shown, by the affirmative vote of a majority of the members of *Board of Adjustment*.
- H. Notice of hearing.** Notice of evidentiary hearings required under this section for special use approvals shall be provided in accordance with the requirements established by G.S. 160D-406 for evidentiary hearing notification. Notice of evidentiary hearings conducted pursuant to Chapter 160D shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the local development regulation. In the absence of evidence to the contrary, the Town may rely on the County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the Town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.
- I. Project phasing.** If a project approved as a special use is to be developed in phases, a master plan for the entire development site must be approved by the *Coats Board of Adjustment* at the same time and in the same manner the special use *zoning permit* application is considered. Final plans for phases of the special use may be submitted in stages and shall be approved by the *Zoning Officer* provided that the following requirements are met:
- a. All stages shall be shown with precise boundaries on the master plan and shall be numbered in the expected order of development.
 - b. Each phase must be able to exist independently of subsequent phases by meeting all applicable laws and regulations as if the phase were a separate project.
 - c. All the data required for the project as a whole shall be given for each stage shown on the plan.
 - d. A proportionate share of the open space, common facilities, amenities, play areas, etc. shall be included in each stage of the development, except that centralized common facilities shall be guaranteed by bond or other irrevocable financial instrument valid for the duration of the project implementation period.
 - e. The phasing shall be consistent with the traffic circulation, drainage, and utilities plan for the entire master plan for the special use.

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- f. Each phase of the special use must comply with any and all conditions attached to the approval of the special use *zoning permit* by the *Coats Board of Adjustment*.
- J. Variances.** In issuing special use *zoning permits*, the *Coats Board of Adjustment* may prescribe dimensional requirements (height, setback, etc.) that are different from the requirements of the corresponding general zoning classification, and may prescribe development and design standards that are different from those set out in in this Ordinance; provided, that any request for a modification to a dimensional requirement or development and design standard that is less restrictive than would be applicable for the underlying general zoning classification must be specifically described in any notices required for the evidentiary hearing on the special use *zoning permit* application, and must be set out separately in any Ordinance issuing said special use *zoning permit*, together with an explanation of the reason for the modification. Except as modified pursuant to this paragraph, all standards and requirements applicable to the underlying general zoning district must be met. Variances, per Section 3.5 of this Ordinance, to the standards established by any special use permit shall not be allowed. Minor modifications per Sub-section 3.4 of this Section are eligible.
- K. Appeals.** An appeal from the decision of the *Coats Board of Adjustment* regarding a special use application and *Site Development Plan* may be made by an aggrieved party and shall be made to the Superior Court of Harnett County in the nature of certiorari. Any such petition to the Superior Court shall be filed with the court no later than 30 days after a written copy of the decision of the *Board of Adjustment* is received by the applicant.
- L. Permit validity.** Approval(s) of a special use *zoning permit* application and *Site Development Plan* shall run with the land and constitute approval of a site-specific vesting plan in accordance with G.S. 160D-108(d) and be valid for a minimum of not less than two (2) years from the date of approval by the *Coats Board of Adjustment*. Failure to initiate construction, or otherwise begin the permitted use, within this time shall render the special use approval null and void. Multi-phased development of a special use project containing 25 acres or more remains vested for a period of seven (7) years from the time a site plan approval is granted as authorized in G.S. 160D-108(f).
- M. Failure to Comply with Plans or Conditions.** 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 *zoning permit*, the *zoning permit* shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this special use *zoning permit* shall be issued. If a failure to comply with conditions in a special use *zoning permit* occurs after occupancy, the owner, lessee, or other responsible person shall be notified in writing of the violation. No earlier than five days after the receipt of the written notice, the body issuing the special use *zoning permit* may issue a finding of fact that a violation of the requirements of this Ordinance exists. If such finding of fact is made, it shall be unlawful for any person, firm or corporation to continue the special use until the responsible party makes the necessary corrections and the *Board of Adjustment* conducts an evidentiary hearing and finds that the violation no longer exists.
- N. Minor modifications.** Minor modifications to the approved special use permit may be approved by the *Zoning Officer* per authorization under G.S. 160D-705(c). The minor

modifications authorized herein are intended to provide relief where conditions established by the special use permit create a hardship based upon a unique physical attribute of the property itself or some other factor unique to the property which was not known at the time of special use permit approval and which has subsequently rendered the property difficult or impossible to use due to the condition(s) imposed by the special use permit. The special use permit holder shall bear the burden of proof to secure the modification(s). Such modifications shall be limited to the following:

- a. A deviation of up to ten percent or 24 inches, whichever is greater, from the approved setback, provided that the conditions for approving a deviation from the required setback established by Sub-section 3.4 (Flexible Development Standards) herein are met.
- b. A reduction of up to 25 percent in the number of parking spaces required for the use provided that the proposed development is located within ½ mile of either the Coats Mixed Use Village District (MUV) or the Central Business District (C-1) and on-street parking is available.
- c. Any other minor modification in accordance with the limitations and procedures prescribed in this Ordinance, unless restricted by G.S. 16D-703(b), or the special use permit adopted pursuant to this section specifies otherwise.

Any other modifications must be approved by the *Board of Adjustment* as an amendment to the special use permit and may be referred to the Planning Board or *Zoning Officer* as appropriate. The *Zoning Officer* shall in every case have the discretion to decline to exercise the power to approve or deny modifications as provided for herein, and may require the applicant to seek an amendment to the Special Use Permit.

- O. Special Use Permit recorded.** Special Use Permits shall be recorded by the holder of the permit with the Harnett County Register of Deeds within 60 days of approval. Modifications to Special Use Permits shall be recorded in the same manner in which the original permit was recorded.

3.4 FLEXIBLE DEVELOPMENT STANDARDS**A. Purpose**

The purpose of this section is to provide the *Zoning Officer* with limited authority in accordance with G.S.160D-403(d) to allow deviations from the minimum development standards for setbacks, lot area, and lot dimension as otherwise set forth in this land development ordinance provided that certain conditions exist. The intent of this section is to promote both the orderly and efficient development and/or redevelopment of property within the Town of Coats.

B. Approval of Flexible Development Standards

Determination of the applicability of flexible development standards shall be made by the *Zoning Officer* and, in applying these standards, the *Zoning Officer* may establish conditions to ensure that the circumstances which warranted the application of the flexible development standards are maintained. Decisions by the *Zoning Officer* shall be in writing and may be appealed to the Board of Adjustment by following the procedures for zoning appeals as provided in Section 3.6 of this Ordinance.

C. Flexible Development Standards Permitted

The cumulative total of any flexible development standard applied to a property by category or location shall not exceed the allowances set forth in this section. The *Zoning Officer* shall maintain appropriate records to ensure compliance with this provision. The following flexible development standards may be approved by the *Zoning Officer*:

1. Setbacks. The *Zoning Officer* is authorized to approve requests that deviate from required setbacks set forth in Sections 6.1 through 6.7 of this Ordinance by up to ten percent (10%) of the required setbacks or 32 inches, whichever is greater, upon determination that one or more of the following conditions exists:
 - a. There are site or structural conditions that preclude strict adherence to the setback requirements, such as, but not limited to:
 - i. the *Lot of Record* does not meet the dimensional standards established for the zoning district in which it is located;
 - ii. the *Lot of Record* has topographic limitations that require placement of the structure into the required setback area; or
 - iii. the structure is physically in line with an existing, legally-established wall or walls of a principal structure already within the minimum setback area.

- b. The part of the proposed structure that encroaches into the minimum setback area is necessitated by a life-safety code, flood hazard reduction, Americans with Disabilities Act standard, or other public safety code requirement(s).
 - c. The reduction of the front and/or corner side setback allows the structure to meet the average front and/or corner side setback of other existing structures in the applicable block face.
 - d. The placement of the proposed structure will allow for the preservation of significant existing vegetation.
2. Lot area and lot dimension. The *Zoning Officer* is authorized to approve requests to permit a reduction of up to ten percent (10%) in the minimum lot area or lot dimensional standards set forth in Sections 6.1 through 6.7 of this Ordinance, upon finding that the reduced lot area and/or lot dimensions will not inhibit the reasonable use of the lot and that the reduced lot area and/or lot dimensions are in keeping with the existing pattern of development in the area.
 3. Building coverage and frontage. The *Zoning Officer* is authorized to approve requests to permit a reduction of up to ten percent (10%) in the building coverage and frontage standards set forth in Sections 6.1 through 6.7 of this Ordinance, upon finding that the reduced building coverage and/or frontage will not adversely impact the development pattern of the street which is the location of the property for which the adjustment is requested.
 4. Density Credits and Severable Development Rights. The *Zoning Officer* is authorized to approve requests to permit Density Credits and/or the transfer of Density Credits that are development rights originating in dedicated rights-of-way in accordance with G.S. 136-66.10 or G.S. 136-66.11 to contiguous or non-contiguous property.

B. Variances

No variances shall be allowed with regard to deviations from development standards that have been approved pursuant to this Section 3.4 nor shall any deviations from these development standards make void or otherwise modify any variance decision by the *Board of Adjustment*.

3.5 Variances

3.5.1 Purpose. The variance process fulfilled by the *Board of Adjustment* is intended to provide limited relief from the requirements of this Ordinance in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance in accordance with G.S.160D-705(d). It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this Ordinance may impose on property owners in general or to increase the profitability of a proposed development. Rather, it is intended to provide relief where the requirements of this Ordinance render the land difficult or impossible to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested.

3.5.2 Provisions That May Not Be Varied By the *Board of Adjustment*. In no event shall the *Board of Adjustment* grant a variance:

- (A) With respect to any *special use* zoning permit adopted pursuant to this Ordinance. Modifications applicable to Special Use and/ Permits may be considered in accordance with the provisions of Section 3.3 of this Ordinance for Special Use Permits.
- (B) To the flood protection provisions within a designated floodplain that would result in any increase in the flood levels during the regulatory flood discharge except in accordance with the provisions for granting variances stated within the Flood Damage Prevention Ordinance.
- (C) Which would permit uses of land or densities not otherwise permitted in the district in which the property is located.
- (D) Which would conflict with the North Carolina State Building Code, the North Carolina Fire Prevention Code, or any other codes of the State of North Carolina unless otherwise authorized by laws and/or regulations.

3.5.3 Application. The following process shall be followed in applying for a variance:

- (A) An application for a *variance* may be filed by the landowner, a lessee or person holding an option or contract to purchase or lease land, or by an authorized agent of the landowner. Where an agent files the application, the agent shall provide documentation that the owner of the property has authorized the filing of the application. The application for a *variance* shall be filed with the *Zoning Officer* on a form provided by the *Zoning Officer*.
- (B) Before filing the application, the applicant shall meet with the *Zoning Officer* to discuss the proposed variance and to become more familiar with the applicable requirements and the variance process. Modifications applicable to Special Use Permits may be considered in accordance with the provisions of Section 3.3.N for Special Use Permits.
- (C) An application for a variance shall be filed with the *Zoning Officer* on a form provided by the *Zoning Officer* and contain the information and plans required on the application form.
- (D) The application shall be accompanied by a fee as required by the Town of Coats.
- (E) Once the application is accepted as complete by the *Zoning Officer*, the request shall be scheduled for consideration at an evidentiary hearing by the *Board of Adjustment* in accordance with G.S.160D-406.

3.5.4 Action by The *Board of Adjustment*. The following action shall be taken by the *Board of Adjustment* upon receipt of the completed application in accordance with G.S.160D-406:

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- (A.) An evidentiary hearing shall be held on the requested variance within thirty-six (36) days of receipt of a complete application.
- (B.) Notice of evidentiary hearings conducted pursuant to Chapter 160D shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the local development regulation. In the absence of evidence to the contrary, the Town may rely on the County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the Town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement. Notice of the hearing in accordance with G.S.160D-406(b) and any administrative materials to be presented in accordance with G.S.160D-406(c) shall be deposited in the mail at least ten (10) days but not more than twenty-five (25) days prior to the date of the hearing to:
- (1) The person or entity whose variance application or request is the subject of the hearing;
 - (2) The owner of the property that is the subject of the hearing if the owner did not initiate the hearing;
 - (3) Owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and,
 - (4) To any other person who makes a written request for such notice at least ten (10) days prior to the date of the hearing.
- (C) A sign stating the purpose, time, date and place shall be prominently posted on the subject property or an adjacent street or highway right-of-way at least ten (10) but not greater than twenty-five (25) days prior to the date of the hearing.
- (D) In considering the application, the *Board of Adjustment* shall review the application materials, the staff recommendation, the general purpose and standards set forth in this Section for the granting of variances, and all testimony and evidence received by the Board at the evidentiary hearing.
- (E) After conducting the evidentiary hearing, the *Board of Adjustment* may:
- (1) Continue the evidentiary hearing that has been convened without further advertisement;
 - (2) Deny the request; or
 - (3) Grant the request upon the concurring vote of four-fifths (4/5) of the members of the *Board of Adjustment* necessary to grant a variance per G.S.160D-406(i). Any approval or denial of the request shall be accompanied by written findings that the variance meets or does not meet each of the standards set forth in subsection 3.5.6 below or, for flood protection regulation variances, as set forth in the Flood Damage Prevention Ordinance. For purposes of this section, vacant positions and members of the Board who are disqualified from voting on the hearing decision shall not be considered "Board members" for calculation of the majority if there are no qualified alternate Board members available to take the place of such members.

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3.5.5 Conditions. Appropriate conditions, other than a change in the listed use, may be imposed on any variance, provided that the conditions are reasonably related to the variance. (G.S.160D-705(d))

3.5.6 Standards of Review. The *Board of Adjustment's decision shall be based on competent, material and substantial evidence in the record. All persons providing evidence shall be sworn or affirmed by the Chairman or the Clerk to the Board. The Board of Adjustment shall not grant a variance until it makes each of the following findings per G.S.160D-705(d):*

- (A) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate, in the absence of a variance, that no reasonable use can be made of the property.;
- (B) The hardship results from conditions that are peculiar to the property such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, shall not be the basis for granting a variance.;
- (C) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.;
- (D) The requested variance is consistent with the spirit, purpose and intent of the ordinance; such that public safety is secured and substantial justice is achieved.

3.5.7 Effective Date of Decision. Any decision made by the Board of Adjustment regarding a variance shall be reduced to writing and reflect the Board's determination of contested facts and their application to the applicable standards. The written decision shall be approved by the Board of Adjustment, signed by the Chair and shall be filed with the Town Clerk. The effective date of the decision shall be upon the date it is filed with the Town Clerk. The decision shall be delivered by the *Zoning Officer* or their designee via personal delivery, electronic mail or by first class mail to the applicant, property owner and to any person who has submitted a written request for a copy prior to the close of the evidentiary hearing on the case. The person making such deliveries shall certify in writing to the file that delivery has been made.

Following the effective date of the decision of the *Board of Adjustment*, the following actions may be taken:

- (A) After the *Board of Adjustment* approves a variance, the applicant shall follow all appropriate procedures set forth in this Ordinance for the receipt of permits, certificates, and other approvals necessary in order to proceed with development.
- (B) After the denial of the variance request, the applicant may make application for a rehearing in accordance with *Board of Adjustment's* rules of procedure and this Ordinance.

3.5.8 Duration. The variance may be issued for a limited duration only. Unless otherwise specified, construction and/or operation shall be commenced within twenty-four (24) months of the date of issuance of a variance, or the variance shall become void.

3.5.9 Appeals. An appeal from any decision of the *Board of Adjustment* may be made by an aggrieved party and shall be made to the Superior Court of Harnett County in the nature of certiorari. Per G.S.160D-1405(d), any such petition to the Superior Court shall be filed by the later of thirty (30) days after a written copy of the decision is delivered to the applicant, property owner, and to any other person who, prior to the date the decision becomes effective, has submitted a written request for a copy

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of the decision. Said decision shall be delivered by personal delivery, electronic mail, or by first class mail. When first class mail is used to deliver the notice, three (3) days shall be added to the time to file the petition.

3.6 Appeals of Administrative Decisions

3.6.1 Purpose. Appeals to the *Board of Adjustment* from the determinations of the *Zoning Officer* of the Town of Coats are permitted as provided for in this section and in accordance with G.S.160D-705(b). Additionally, G.S.160D-1403(b) provides for separate and original civil actions without filing an appeal under this section.

3.6.2 Decisions that may be appealed. Any final and binding order, requirement, or determination made in writing by an administrative officer charged with administering and/or enforcing the provisions of this Ordinance may be appealed to the *Board of Adjustment*. Any such determination shall be given to the owner of the property that is subject to the determination and to the party who sought the determination, if different than the property owner. Said notice shall be delivered by personal delivery, electronic mail or by first-class mail.

3.6.3 Standing - parties who may file an appeal. Any person who has standing under G.S.160D-1402(c) may bring an appeal to the *Board of Adjustment*.

3.6.4 Period to File an Appeal. A person with standing shall have thirty (30) days from the date of receipt of the written determination within which to file an appeal. Any person or entity with standing to appeal shall have thirty (30) days from receipt from any source of actual or constructive notice of the decision within which to appeal.

3.6.5 Constructive Notice. Per G.S.160D-403(b) persons with standing to appeal shall have constructive notice of a determination from the date a sign providing notice a determination has been made is prominently posted on the property. A sign containing the words “Zoning Decision”, “Subdivision Decision” or similar language for other determinations in letters at least six inches high and identifying a means to contact a Town of Coats official for information about the determination, with said sign being posted for a minimum of ten days. Posting of the sign shall be the responsibility of the landowner or applicant and verification to the Town is required.

3.6.6 Filing of Appeal.

- (A) The appeal shall be filed with the *Zoning Officer* in writing and shall contain information identifying the property, the owner and the purpose for the request.
- (B) The appeal shall be accompanied by a fee as established by the Town of Coats.
- (C) Upon acceptance of the appeal application by the *Zoning Officer*, a hearing shall be scheduled for the *Board of Adjustment* within thirty-six (36) days of the date of submittal of a complete application. Notwithstanding, the appellant can apply for an expedited hearing to occur within fifteen (15) days of such filing as provided in Subsection D below.
- (D) The filing of an appeal per G.S.160D-405 shall stay the enforcement of the action appealed unless the *Zoning Officer* certifies to the *Board of Adjustment* after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life and property or because the violation is transitory in nature, a stay would seriously interfere

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with enforcement of this Ordinance. In such case, enforcement proceedings shall not be stayed except by a restraining order granted by the Superior Court of Harnett County on notice to the administrative official from whom the appeal is taken, with due cause shown. If enforcement proceedings are not stayed, the appellant may file for an expedited hearing of the appeal to occur within fifteen (15) days after such request is filed.

3.6.7 Action by the Board of Adjustment.

- (A) Upon receiving the appeal application, the *Board of Adjustment* shall hold an evidentiary hearing on the appeal. Notice of the hearing shall be as provided in Sub-section 3.5.4(B). The person whose decision is being appealed shall transmit to the Board of Adjustment all documents and exhibits constituting the record upon which the action appealed from is being taken. Said information shall also be provided to the applicant and to the owner of the property that is subject to the appeal, if such person(s) is not the applicant.
- (B) The evidentiary hearing shall be conducted in accordance with rules of procedure of the *Board of Adjustment* and in accordance with the G.S.160D-406. All persons providing evidence at the hearing shall be sworn or affirmed by either the Chair or the Clerk to the Board. The official who made the decision that is being appealed shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the Town would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board shall continue the evidentiary hearing.
- (C) Either after the evidentiary hearing or at a subsequent or continuation meeting to be held within 30 days of the close of the evidentiary hearing, the *Board of Adjustment* shall adopt an order reversing, affirming, wholly or partly, or modifying the contested action. The *Board of Adjustment's* decision shall be based upon competent, material and substantial evidence.
- (D) The *Board of Adjustment* shall not reverse or modify the contested action unless it finds that the administrative officer erred in the application or interpretation of the requirements of this Ordinance.
- (E) The *Board of Adjustment* shall not reverse or modify the contested action unless there is a concurring vote of a majority of the Board's members. For purposes of this section, vacant positions and members of the Board who are disqualified from voting on the hearing decision shall not be considered "Board members" for calculation of the majority if there are no qualified alternate Board members available to take the place of such members.
- (F) The parties to an appeal may agree to mediation or other forms of alternative dispute resolution.
- (G) Any decision made by the Board of Adjustment regarding an appeal shall be reduced to writing and reflect the Board's determination of contested facts and their application to the applicable standards. The written decision shall be approved by the Board of Adjustment, signed by the Chair and shall be filed with the Town Clerk. The effective date of the decision shall be upon the date it is filed with the Town Clerk. The decision shall be delivered by the *Zoning Officer* or their designee via personal delivery, electronic mail or by first class mail to the applicant, property owner and to any person who has submitted a written request for a copy prior to the close of the evidentiary hearing on the case. The person making such deliveries shall certify in writing to the file that delivery has been made.

3.6.8 Effect of reversal or modification. In the event that the *Board of Adjustment* reverses or modifies the contested action, all subsequent actions taken by administrative officers with regard to the subject matter shall be in accordance with the reversal or modification granted by the *Board of Adjustment* unless an appeal is taken on the Board's decision.

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3.6.9 Appeal from Board of Adjustment. An appeal from any decision of the *Board of Adjustment* may be made by an aggrieved party and shall be made to the Superior Court of Harnett County in the nature of certiorari. Per G.S.160D-1405(d), any such petition to the Superior Court shall be filed by the later of thirty (30) days after a written copy of the decision is delivered to the applicant, property owner, and to any other person who, prior to the date the decision becomes effective, has submitted a written request for a copy of the decision. Said decision shall be delivered by personal delivery, electronic mail, or by first class mail. When first class mail is used to deliver the notice, three (3) days shall be added to the time to file the petition.

3.7 FEES FOR VARIANCE OR APPEALS

The Board of Commissioners shall set a fee, payable to the Town of Coats, North Carolina, to cover the necessary administrative costs and advertising of each application for a variance or appeal. The set fee shall be posted in the Town Clerk's office.

**APPLICATION AND ENFORCEMENT
AMENDMENTS**

Date of Adoption	Section Reference Number(s)	Comments
*3/13/2014	*3.3 3.2.B, 3.2.C, 3.3, 3.4, 3.5, 3.6, and 3.7	* Add: Special use Permits 160D updates

**Amendment has been updated in text.*

After the effective date of this Ordinance, pre-existing lots or structures, or uses of lots or structures which are prohibited under the regulations for the district in which located, shall be considered as nonconforming. Nonconforming lots, structures or uses may be continued, provided they conform to the following provisions.

4.1 SUBSTANDARD LOTS OF RECORD

Any lot of record existing at the time of the adoption of this Ordinance which has an area or width which is less than required by this Ordinance, shall be subject to the following exceptions and modifications:

A. Adjoining and Vacant Lots of Record

If two (2) or more adjoining and vacant lots of record are in a single ownership at any time after the adoption of this Ordinance and such lots individually have less frontage or area than the minimum requirements of the district in which such lots are located, the lands involved shall be considered to be an undivided parcel for the purposed of this ordinance, and no portion of said parcel shall be used which does not meet lot width and area requirements established by this Ordinance.

B. Lots not meeting lot size requirements

Except as set forth in (A) above, if a lot, which was recorded prior to the passage of this Ordinance, fails to meet lot area or width requirements or both in a district where single family dwellings are permitted, such lot may be used as the location of a single-family dwelling with related accessory buildings. In such cases, the Zoning Officer is authorized to issue a permit with reduced width or area requirements, but in no case shall the lot size and/or yard requirements be reduced by more than twenty (20%) percent.

4.2 EXTENSION OF NONCONFORMING USES

Nonconforming portions of structures and nonconforming uses of structures or land shall not be enlarged or extended.

4.3 CHANGE OF NONCONFORMING USES

Any nonconforming use may be changed to a conforming use.

4.4 DESTRUCTION OF NONCONFORMING USES

If a nonconforming structure or a structure occupied by a nonconforming use is destroyed by any means by fifty (50%) percent or more of the structure or its tax value as indicated on the cost current tax listing, such structure may not be restored or reconstructed as a nonconforming use, unless subject to the following paragraph.

If a nonconforming structure or a structure occupied by a nonconforming use is destroyed by any means and by any percentage of its tax value, said structure may be repaired within one (1) year. If a building permit is not obtained within 90 days after the destructive event the Town may declare nuisance violation and remove at the property owner's expense. Two six (6) month extensions may be granted by the Town Board upon recommendation by the Planning Board.

4.5 REPAIR AND ALTERATION OF NONCONFORMING USES

Normal maintenance and repair of a building occupied by the nonconforming use is permitted, provided it does not increase the bulk of the structure nor extend the nonconforming use.

4.6 CEASING OF NONCONFORMING USES

If a nonconforming use shall cease its operations for a minimum continuous period of 180 days, such nonconforming use may not be resumed as a nonconforming use.

NONCONFORMING USES AMENDMENTS

Date of Adoption	Section Reference Number(s)	Comments
	4.3	160D update

5.1 REQUIRED YARDS NOT TO BE USED BY ANOTHER BUILDING

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

5.2 RELATIONSHIP OF BUILDING TO LOTS

Every building hereafter erected, moved, or structurally altered shall be located on a lot and in no case shall there be more than one principal building and its customary accessory buildings on the lot except in the case of a designed complex of institutional, residential, commercial, or industrial buildings in an appropriate zoning district, i.e., school campus, cluster housing, shopping center, etc.

5.3 REDUCTION OF LOT AND YARD AREAS PROHIBITED

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

5.4 IRREGULAR LOT SETBACKS

The location of required front, side and rear yards on irregularly shaped lots shall be determined by the Zoning Officer. The determination will be based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots.

5.5 REQUIRED FENCE AND WALL STANDARDS

Except as otherwise noted in this Ordinance, fences or walls are permitted in the various districts subject to the following regulations:

A. Residential Uses

Rear Yard Fences and Walls

	Open	Semi-Open	Closed
Maximum Height	8 feet	8 feet	8 feet

Materials - Chain linked, privacy screening, wrought iron, wood, stucco, brick, stone, vinyl or combinations of the above.

Side Yard Fences and Walls

	Open	Semi-Open	Closed
Maximum Height	6 feet	6 feet	4 feet

Materials – Wood, brick, stone, wrought iron, stucco, vinyl or combinations.

Front Yard Fences and Walls

	Open	Semi-Open	Closed
Maximum Height	4 feet	4 feet	4 feet

Materials – Wood, brick, stone, wrought iron, stucco, vinyl or combinations.

B. Commercial and Industrial Uses

Rear Yard Fences and Walls

	Open	Semi-Open	Closed
Maximum Height	10 feet	10 feet	10 feet

Materials - Chain linked (barbed wire is permitted for rear yard fences not visible from a street), wrought iron, stucco, brick, stone or vinyl.

Side and Front Yard Fences and Walls

	Open	Semi-Open	Closed
Maximum Height	8 feet	6 feet	6 feet

Materials – Brick, stone, wrought iron, stucco, wood, vinyl or combinations.

C. Civic and Institutional Uses

Rear, Side, and Front Yard Fences and Walls

	Open	Semi-Open	Closed
Maximum Height	10 feet	10 feet	10 feet

Materials – Brick, stone, wrought iron, chain linked, vinyl or combinations.

D. All Uses

Fences on all corner lots in all zoning districts may not obscure sight lines for motor vehicles.

5.6 TEMPORARY STRUCTURES

Temporary structures and uses, when in compliance with all applicable provisions of this *Ordinance*, and all other ordinances of the Town of Coats shall be allowed. The following *temporary structures* and uses shall be permitted:

5.6.1

Construction trailers used in conjunction with construction projects provided that the following conditions are met:

- A. Such construction trailers may be located at a building site where there is a valid building permit for the construction project, or, in the case of a residential subdivision, a valid *building permit* for at least one of the residential units being constructed.
- B. All construction trailers shall be located at least ten (10) feet off any street *right-of-way* and may not be placed in any required rear or side yard setback.

5.6.2

Certain uses of a temporary nature (i.e., less than 30 days in duration and held no more than three (3) times per year at any particular location) which would not otherwise be permitted in a particular zoning district may be issued a temporary permit as herein provided. Upon completion and submittal of an application, the Zoning Officer may grant a *zoning permit* for the following temporary uses:

- A. Christmas Trees Sales
- B. Revivals
- C. Shows for Civic and Youth Organizations (i.e., 4-H Shows)
- D. Carnivals (Farmers Day Activities)
- E. Produce Stands (See 5.10)

The permit shall be valid for a specified period only, not to exceed thirty (30) days in duration. All other such temporary uses not otherwise listed may be granted a temporary *zoning permit* only after the Zoning Officer has made the following determinations:

- A. The proposed use will not materially endanger the public, health, welfare and safety; and
- B. The proposed use will not have a substantial negative effect on adjoining properties.

5.6.3

Structures, whether temporary or permanent, located in a subdivision containing twenty-five (25) or more lots, and used as sales offices for the subdivision development are permitted. Any *temporary structure* used as a sales office shall be located on a lot which is in compliance with the regulations of this *Ordinance* and shall meet all yard requirements for the applicable zoning district. A minimum of three *off-street* parking spaces shall be provided on the lot to accommodate persons using the sales office.

A *manufactured home* may be used as a *temporary sales office*, provided that the following conditions are met:

- A. The manufactured home shall be provided with *underpinning*, from the bottom of the walls to the ground, made of vinyl, pre-painted aluminum material, or other material, specifically manufactured for manufactured homes.
- B. Landscaping shall be provided to create an aesthetically pleasing appearance.

At the completion of the sales in a tract, or two (2) years from the date the temporary sales office began operation, whichever is sooner, said sales office shall cease operation unless the Zoning Officer determines that substantial progress is being made in the selling and/or marketing of the lots and/or homes in the subdivision. In such case, one or more extensions (each not to exceed six (6) months in duration) may be so authorized by the Zoning Officer.

If a *temporary structure* is used as the sales office, it shall be removed after its use as a sales office is terminated. After the structure is removed (within 60 days), the lot shall be returned to a natural vegetative state. Any paved or graveled driveway and/or parking area associated with the sales office shall also be removed. All bare soil areas on the lot shall be returned to natural vegetative state (reseeded or sodded) after removal (within 60 days) of the sales office. Future use of said lot shall be for residential purposes.

5.6.4

Manufactured homes may be allowed on a temporary basis in a zoning district in which such use is not listed as a permitted use, if a disaster occurs, which results in an occupied single-family dwelling being destroyed (i.e., it receives damage greater than fifty (50) percent of its tax value as indicated on the cost current tax listing). In this instance a *manufactured home* may be placed on the lot containing the dwelling unit which was destroyed. The purpose of allowing such manufactured home on said lot is to give the occupants of the destroyed dwelling unit a place to live while a new dwelling unit is being constructed or damage to the original dwelling is being repaired. If a new dwelling unit is being constructed, it must meet all applicable zoning regulations set forth in this ordinance. If a manufactured home is used for such an occurrence, it is subject to the following conditions:

- A. Such manufactured home shall not be placed in the front yard and shall be located no closer than fifteen (15) feet to another *principal residential structure* on another lot and no closer than ten (10) feet to any lot line.
- B. The Zoning Officer shall be given the authority to issue a *zoning permit* for such temporary use on a one-time basis only for a period of up to nine (9) months. Such permit may be

renewed on a one-time only basis [for a period of no greater than nine (9) months] by the *Board of Adjustment* if it is determined that:

1. Construction of a new dwelling unit is proceeding in a diligent manner; and,
2. The granting of such permit will not materially endanger the public health, welfare or safety; and,
3. The location of the manufactured home on the site does not have a negative effect on abutting properties.

5.6.5

Manufactured homes may be used for temporary classroom space as a temporary use granted by the Board of Adjustment, providing that the following conditions are met:

- A. The manufactured homes are necessary to alleviate overcrowding only.
- B. The petitioner of the request must be a church, school, University or College.
- C. The manufactured housing must be placed in a required rear yard only. On corner lots only the rear yard opposite the abutting corner street can be used for this purpose.
- D. The manufactured housing shall be provided with *underpinning*, from the bottom of the walls to the ground, made of vinyl, pre-painted aluminum material, or other material specifically manufactured for manufactured homes.
- E. Landscaping shall be provided to create an aesthetically pleasing appearance, as determined by the Zoning Officer.
- F. All required *setbacks* for the district must be met.
- G. Additional *on-site* parking for employees or students that drive must be provided.

5.6.6

If the Zoning Officer finds that the conditions as outlined in 5.6.5 are met and that construction or planning of permanent facilities are being diligently carried out, the Zoning Officer may issue a temporary use permit for one (1) year only. At the end of one (1) year the petitioner must file for another extension of one (1) year. At that time the petitioner must show that construction or plans for construction are proceeding in a diligent manner. The petitioner is allowed a maximum of two (2) extensions.

5.7 USES NOT EXPRESSLY PERMITTED OR PERMITTED WITH ADDITIONAL STANDARDS

Uses designated as “*permitted uses*” and “*Uses Permitted with Additional Standards*” are allowed in a district as a matter of right.

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in Coats. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

For any use not listed in this Ordinance, the Zoning Officer, at their discretion, may ask the Board of Adjustment to determine if said use can reasonably be interpreted to fit into a use category where similar uses are described in the Ordinance. The Board of Adjustment, after conducting a *public hearing*, may make such a determination.

Unless a use is allowed as “*permitted*,” “*use permitted with additional standards*,” “*nonconforming use*” or “*temporary use*,” then such use is expressly prohibited in that district by this Ordinance.

5.8 VIBRATION, NOISE, AND ODOR

5.8.1 Vibration

No established use in any district shall be operated so as to generate inherent or recurring ground vibrations detectable at the property line which create a nuisance to any person of ordinary sensitivities on another property.

5.8.2 Noise

Every use of land shall be operated in such a way that regularly recurring noises are not disturbing or unreasonably loud and do not cause injury, detriment, or nuisance to any person of ordinary sensitivities. Every nonresidential use in a Commercial, Business, or Industrial District which adjoins a Residential District must be operated in such a way that any noise which may be detected by the human senses without instruments at the district boundary line is no louder than the noise which could be expected from uses permitted in those districts.

5.8.3 Odor

Every use of land shall be operated in such a way that regularly recurring odors are not disturbing and do not cause injury, detriment or nuisance to any person of ordinary sensitivities on another property.

5.9 PARKING OF COMMERCIAL AND RECREATIONAL VEHICLES

5.9.1 Recreational Vehicles

For purposes of this Ordinance, a recreational vehicle shall not be deemed a dwelling unit and the usage of a recreation vehicle for living, sleeping or housekeeping purposes and the connection of such vehicle to utility services (other than for periodic maintenance and/or repair purposes) shall be

prohibited unless the vehicle is located in a camping or recreational vehicle park so designed to accommodate recreation vehicles.

5.9.2 Commercial Vehicles

On any lot of less than one (1) acre in size which is located in a Residential District, commercial vehicles which may be parked on an overnight basis shall be limited to no more than two (2) vans or pickup trucks if no greater than five thousand (5,000) pounds each. The requirement shall not be interpreted to prohibit vehicles from loading and unloading household goods in any Residential District for a period of up to twenty-four (24) hours.

Commercial vehicles and trailers in all commercial districts, regardless of use, shall not remain on a lot for more than twenty-four (24) hours.

5.9.3

No residentially-developed lot may be used as the base of operation for any freight hauling truck.

5.10 PRODUCE STANDS

Stands offering Plants, Produce, or other Non-Consumable Goods, that are not located in a permanent structure (as defined in Definitions) shall adhere to the following provisions:

- A.** They must have the property owner's permission to operate on a lot.
- B.** A permit, obtained from the Zoning Officer, shall be good for two (2) months only, renewable up to one (1) time in a calendar year.
- C.** All parking shall be accommodated on site.
- D.** All structures (except temporary structures as defined in Definitions) shall comply with the setback provisions and all signs shall be in conformance with the sign provisions of this ordinance.

5.11 PARKING

5.11.1 General Design Standards

- A.** Unless no other practicable alternative is available, all off-street parking areas shall be designed so that, without resorting to extraordinary movements, vehicles must exit such areas

without backing onto a public street. This does not apply to single-family homes and duplexes.

- B.** Off-street parking areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments.
- C.** Every off-street parking area shall be designed so that vehicles cannot extend onto public *rights-of-way*, sidewalks or tend to bump against or damage any wall, vegetation, or other obstacle.
- D.** Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians and without interfering with parking areas.
- E.** No off-street parking area shall be located over an active or auxiliary septic tank field.
- F.** All parking areas, including drive isles, shall be paved with asphalt, concrete or similar material approved by the Zoning Administrator and lines shall be painted to demarcate each parking space.

5.11.2 Parking Space Dimensions

- A.** Each parking space, (other than those designed for the disabled) shall contain a rectangular area at least nineteen (19) feet long and ten (10) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this Section.
- B.** Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than twenty (20) feet by eight (8) feet.

5.11.3 Aisle and Driveway Widths

- A.** Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking.

<u>Aisle Width</u>	<u>Angle of Parking</u>				
	0	30	45	60	90
One Way Traffic	13	13	13	18	20
Two Way Traffic	19	19	20	22	24

- B.** Driveways shall be not less than ten (10) feet in width for one way traffic and eighteen (18) feet in width for two way traffic, except that ten (10) feet wide driveways are permissible for two way traffic when (i) the driveway is not longer than fifty (50) feet, (ii) it provides access to not more than six (6) spaces, and (iii) sufficient turning space is provided so that vehicles need not back into a public street. In no case shall a driveway width exceed thirty (30) feet, except as required by NCDOT.

5.11.4 ADA Compliant Parking

- A. Except for a lot containing a single-family or duplex dwelling, all uses shall be required to provide the following number of spaces designed for disabled persons.

Minimum Number of Accessible Parking Spaces
 ADA Standards for accessible Design 4.1.2(5)

Total number of Parking Spaces provided (per lot) Spaces (60" & 96" aisles)	Total Minimum Number of Accessible parking	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min 60" wide access aisle
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7

*Refer to ADA Standards for Accessible Design 4.1.2(5) for parking greater than 400 spaces.

The number of such spaces for the disabled shall be in addition to any required spaces.

- B. *Off-street* parking spaces for the disabled shall be designed as follows:

1. All spaces for the disabled shall have access to a curb-ramp or curb-cut when necessary to allow access to the building served, and shall be located so that users will not be compelled to wheel behind parked vehicles, and shall be located the shortest possible distance between the parking area and the entrance to the principal building it serves.
2. Parallel parking spaces for the disabled shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.
3. Each parking space for the disabled shall be paved and prominently outlined with paint, with a permanent sign of a color and design approved by the North Carolina Department of Transportation, bearing the internationally accepted wheelchair symbol, posted at the head of the parking space.
4. The size of the parking space shall be per current North Carolina building code specifications.

5.11.5 Cooperative Parking

- A. Cooperative provisions for off-street parking may be made by contract between two or more adjacent property owners. The parking area provided on any one lot may be reduced to not

less than one-half (1/2) the number of required parking spaces for the use occupying such lot. The lots shall be *interconnected* in a Commercial District.

- B.** To the extent that developments which wish to make joint use of the same parking spaces operate at different times, up to one-half (1/2) of the parking spaces may be credited to both uses if one use is a church, theater, or assembly hall whose peak hours of attendance will be at night or on Sundays, and the other use or uses are ones that will be closed at night or on Sundays.

5.11.6 Parking Requirements

Certificates of Occupancy shall not be issued until all provisions of this section have been met. All square footage is in leasable square feet. (Parking in the Mixed-Use Village District shall follow the provisions listed in Section 6.3.6.) Uses with less than 2,500 leasable square feet are exempt from the following parking requirements).

Residential (All Districts, all Types)	2 per unit
High Schools	1.5 per five students
All other schools	1.5 per classroom
Government Institutions	1 per 300 sq. ft./1 per four seats of largest meeting area
General Health and Welfare Institutions	1.2 per bed
Medical Clinics	4 per health care provider/1 per other employee
Religious Institutions/Cultural Facilities	1 per 4 seats
Civic/Social /Fraternal Organizations	1 per 200 sq. ft/1 per four seats
Adult Care Centers/Group Care Facilitys	1 per three beds
Child Care Centers	1 per ten children
Nursing Homes/Retirement Homes	1 per three beds
Independent Living Facilities	1.5 per unit
Manufacturing/Warehousing/Light Assembly	1 per employee on largest shift/2 for visitors 1 per 250 sq. ft. of office space
All other Industrial Uses	1 per 400 sq. ft.
Offices	1 per 300 sq. ft.
Retail	1 per 250 sq. ft.
Theaters	1 per 3 seats
Restaurants	1 per 75 sq. ft.
Drive Through (Queuing Lanes)	12 car lengths for first window 8 car lengths each additional window
Take-out only restaurant	1 per employee on duty/4 for patrons
All other non-listed Commercial	1 per 250 sq. ft.
Bed & Breakfast Inns/Hotels	1 per room or suite
Post Offices	1 per 300 sq. ft.

Any use not specifically addressed or referred to in this list shall have parking requirements determined by the Zoning Officer.

5.11.7 Parking Plans

Determined by the Zoning Officer

5.12 LANDSCAPING**5.12.1 Intent**

The provisions of this Section are designed to specifically address the application of landscape resources to varying styles of urban development, and the impact of such applications on the appearance, health, and financial well being of the community. The provisions are broken into 6 categories:

- A. Planting within open spaces (i.e.: *parks, squares, and other civic grounds*)**
To accentuate and reinforce civic architecture and for visual connection and community identity and to promote financial investment and stability.
- B. Plantings within the public realm (i.e.: *street yards*)**
To preserve natural tree cover to reduce solar heating, reduce storm water runoff, increase building and property values, reinforce community identity and increase groundwater recharge.
- C. Plantings within parking lots**
To reduce storm water runoff, provide shade and noise reduction, filter air, break visual blight, and maintain property values.
- D. Screening for loading and storage areas**
To reduce visual blight and noise.
- E. Transitional Yards between high impact uses and residential areas.**
To protect against traffic, noise, and other disruptive effects, protect the character of an area, and conserve property values.
- F. Supplemental Tree Plantings in subdivisions**
To replenish the urban tree cover, reduce storm water runoff, increase groundwater recharge, prevent soil erosion, reduce solar heating, and increase property values.

5.12.2 General Provisions

- A. Plantings toward the street shall respect the integrity of the street. Plantings should not obscure buildings, and should respect views to and from street, porches, walks, and public parks.**

- B.** Plantings in immediate proximity to buildings in front and side yards shall respect architectural lines (should be seen as an extension of architectural walls).
- C.** *Large maturing deciduous trees* shall be planted to form continuous canopies along city streets and shade in planted areas of public open spaces. Minimum caliper at planting shall be between 2 inches and 4 inches.
- D.** All street yard trees shall be planted between 10 and 30 ft. on center (depending upon tree type) and shall be located close to a curb (within 6 ft.), in the sidewalk, or between the sidewalk and curb.
- E.** The use of native species of trees, shrubs, vines, groundcovers and perennials is encouraged in order to make planted areas compatible with existing wildlife habitats.

5.12.3 Use of Existing Landscape Features

Use of existing trees or shrubs to satisfy the off-street landscaping requirements of this section is strongly encouraged. If such existing landscaping is used and consists of mature and semi-mature trees, the zoning officer shall have the authority to reduce the amount of required landscaping by up to fifty (50%) percent. In no instance shall any paved area within a parking area extend closer to any existing tree used for landscaping than its *drip line*. Any parcel which is to be developed, in any district, and for all uses, shall identify any and all *significant trees* with a *caliper* of 18" or greater located on the lot. Every effort shall be made by the developer to save such trees. No trees with a *caliper* of 18" or greater on developed lots, public or private, can be cut down without permission from the Zoning Officer.

5.12.4 Maintenance

The owner is responsible for maintaining all required plant material in good health. Any dead, unhealthy or missing plants must be replaced with vegetation which conforms with the initial planting standards of this section. All landscape planting areas shall be stabilized from soil erosion immediately upon planting and shall be maintained for the duration of the premises. In the event that plant material is severely damaged due to unusual weather occurrence or other act of God, the owner shall have two (2) years to replant.

5.12.5 Installation and Standards

Required trees shall be selected from the Approved Species list found in Section 5.12.11. Required shrubs shall be recommended for healthy growth under local climate conditions, not of a type highly prone to disease, and shall be a type expected to grow in a manner which will satisfy the spirit and intent of this section. Plant materials shall be planted in accordance with generally recommended and accepted planting and growing practices.

The following standards shall apply to all new plant material installed as a requirement of this section:

- A.** All plant material installed shall be free from disease.

- B. All plant material shall be installed in a fashion that ensures the availability of sufficient soil and water to sustain healthy growth.
- C. All plant material shall be planted in a manner which is not intrusive to utilities or pavement.

5.12.6 Tree and Root Protection Standards

During the development and construction of a subdivision, commercial development or any lot therein, adequate protective measures shall be provided to minimize damage to existing trees and other vegetation. The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines and grasses not actually lying in public roadways, drainage-ways, building foundation sites and a construction activity area equal to twenty (20) ft. around the building foundation, private driveways, soil absorption waste disposal areas, paths, and trails. The subdivider shall make every effort to protect *significant trees* over eighteen (18) inches in *caliper* in the *tree and root protection area* from construction damage.

A tree and root preservation plan shall consist of the following type of preventative measures:

- A. Prior to construction, tree protective barriers shall be placed around all *significant trees* to be saved or around the *tree and root protection area(s)*, to prevent damage to *significant trees* over 18 inches in *caliper*. These barricades shall be installed prior to grading, construction, or other land disturbing activity, and shall be constructed from any material substantial enough to protect the roots, trunks, and crown of the tree, such as 2" x 4" standards and 1" x 4" rails, silt fencing or orange safety fencing, minimum 4 ft. in height on metal posts. The barricade standards or rails shall be placed at least one (1) ft. outward from the tree for each inch of trunk diameter, with a minimum distance of six (6) ft. required, from the edge of the trunk, which should be no less than the total area beneath the tree's canopy, as defined by the farthest *drip line* of the tree.
- B. No soil disturbance or compaction, stock piling of soil or other construction materials, vehicular traffic, or storage of heavy equipment are allowed in the *tree and root protection area(s)*, or within the *drip line* of trees to be retained.
- C. Dead trees and scrub growth shall be cut flush with adjacent grade.
- D. Root pruning should be kept to an absolute minimum.
- E. Pruning of existing trees shall be done according to the National Arborists Association Standards in a manner that preserves the character of the crown.
- F. Trees that die within one year of construction completion, as a result of the contractor's negligence of these specifications, shall be removed and replaced by the subdivider with a new tree(s) selected from the approved tree species list in Section 5.12.11. The number of trees required to replace a dead or dying tree shall be determined by the following table:

<u>CALIPER OF DEAD OR DYING TREE</u>	<u>NEW REPLACEMENT(S)</u>
More than 36 inches Diameter at Breast Height	Five 3 inch caliper trees
36 inches 29 inches Diameter at Breast Height	Four 3 inch caliper trees
12 inches 20 inches Diameter at Breast Height	Two 3 inch caliper trees
Less than 12 inches Diameter at Breast Height	One 3 inch caliper tree

- G. Grading must not encroach on a tree’s root zone in ways that threaten the survival of the tree. Root cuts and fills must be limited to ¼ to ½ of the area within the *drip line* of a tree. Any cuts must be clean and painted promptly with a tree paint.
- H. No ropes, signs, wires, unprotected electrical installation or other device or material, shall be secured or fastened around or through a tree or shrub.
- I. Toxic chemicals, gas, smoke, salt brine, oil or other injurious substances shall not be stored or allowed to seep, drain or empty within 100 ft. of the *drip line* of trees or shrubs in the *tree and root protection area*.
- J. Unprotected electrical service wires should not be allowed to come into contact with any significant tree or large mature shrubs in the *tree and root protection area*.
- K. Except for sidewalks and curb and gutter, no paving with concrete, asphalt or other impervious material within the *drip line* of trees to be retained shall be allowed.
- L. Healthy tree removal of *significant trees* over 18 inches in *caliper* can only occur within the building footprint area, the *construction activity area*, street right-of-way, private driveways, utility easements, drainage ways and soil absorption waste disposal areas after preliminary plat or final plat approval is obtained.

5.12.7 Waiving, Screening and Buffer Requirements

In the event that the unusual topography or elevation of a development site or the location or size of the *parcel* to be developed would make strict adherence to the requirements of this Section serve no meaningful purpose or would make it physically impossible to install and maintain the required screening and buffering, the Zoning Officer may alter the requirements provided the spirit and intent is maintained. Such an alteration may occur only at the request of the developer, who shall submit a plan to the Zoning Officer showing existing site features that would screen the proposed use and any additional screen materials the developer may propose to have installed. The Zoning Officer shall have no authority to alter the screening and buffering requirements unless the developer demonstrates that existing site features and any additional screening materials will screen the proposed use as effectively as the required screening.

The vacancy or non-use of an adjoining *parcel* shall not constitute grounds for providing relief to the screening and buffering requirements contained in this section. Neither shall the desire of an owner to make more intensive use or greater economic use of the property be grounds for reducing the screening/buffer requirements. Where the effect of the screening and buffering requirements is to deny the owner reasonable use of the entire tract (or tracts) of property, relief pursuant to this subsection may be granted to the extent that reasonable use of such tract or tracts is available.

5.12.8 Tree Planting Provisions

A. Planting within Street Yards

All required street yards as provided for in Districts C-3 and I and all Subdivisions shall be planted as follows:

1. Trees shall be planted parallel to the street within six (6) ft. of the curb or right-of-way, between the curb and sidewalk, or in the sidewalk.
2. Tree species shall be the same for a street.
3. Spacing shall be determined by tree type; however, all trees are encouraged to be planted close together (see Tree List 5.12.9).
 Minimum spacing: 10 ft. on center
 Maximum spacing: 40 ft. on center

B. Planting within Parking Lots

Parking lots with more than ten (10) spaces shall be landscaped as per Section 10.2.

C. Screening for Loading and Storage.

All essential service structures, loading, storage, and utility areas shall conform to Section 12.1.

D. Transitional Yard Plantings

Developments in C-3 and I which have nonresidential and residential uses abutting one another shall adhere to the following table:

Grade	I	II	III	IV
Required Yard Width	10 ft.	20 ft.	30 ft.	40 ft.
Trees per 100 Linear Feet	5	7	9	11
Shrubs per 100 Linear Feet	55	75	90	115

It shall be the responsibility of the nonresidential use to build and maintain a transitional yard.

5.12.9 Approved Species List; Coats Planting Requirements

A. Small Trees (25' or Under)

SECTION 5

GENERAL PROVISIONS

SMALL TREES (25' OR UNDER)	Estimated Mature Size	Growth Rate	Flowering	Mature Form	Autumn Color	Comments and Recommended Varieties
Carolina Cherry Laurel (Prunus caroliniana)	20'	Medium	No	Pyramidal	Evergreen	Variety: "Bright n Tight" White spring flowers, blue berries in autumn, excellent hedge, tolerates heavy pruning
Crabapple (Malus)	15'-25'	Medium-Fast	Yes	Round, vase, pyramid	Various shades of yellow and bronze	Research indicates the following varieties to be disease-resistant: "Adams" (rounded), Adirondack' (oval, 'Baskatong' (spreading), 'Callaway' (rounded), 'Centurion' (oval), 'David' (dwarf), 'Donald Wyman' (rounded), 'Harvest Gold' (golden fruit)", 'Indian Summer' (rounded), 'Jewelberry' (dwarf), 'Louisa' (weeping), 'Mary Potter' (spreading), Molten Lava' (weeping), 'Prairie' (rounded), 'Professor Sprenger' (founded), 'Robinson' (oval), 'Sentinel' (oval), 'Sugar Tyme' (oval), 'White Cascade' (weeping).
Crepe Myrtle (Lagerstroemia indica)	25'	Medium	Yes	Multi-stem: rounded vase single stem: oval	Various shades of red and yellow	Varieties: 'Catawaba', 'Cherokee', 'Choctaw', 'Muscogee', Natchez', 'Potomac', 'Tuscarora'.
Wax Myrtle (Myrica cerifera)	15'	Slow-Medium	No	Spreading		
Kousa Dogwood (Cornus kousa)	25'	Slow-Medium	Yes	Rounded	Red-orange	Variety: 'Milky Way' Heavy Bloomer
Winter King Hawthorne (Crataegus viridis Winter King)	25'	Slow-Medium	Yes	Spreading	Yellow, scarlet, or purple	Slow growth, profuse flowers, fruits (mini "apples"), likes well drained soil. Caution: sharp thorns!
Hybrid Hollies (Ilex x attenuate)	20'	Medium-Fast	No	Pyramidal	Evergreen	Variety: 'East Palatka', 'Savannah', Foster'. Moderate growth, winter fruit (females)
Nellie R. Stevens Holly (Ilex x Nellie R. Stevens)	25'	Fast	No	Pyramidal	Evergreen	Fast growth, excellent windbreak and screen, may be pruned as a small tree
Japanese Maple (Acer palmatum)	20'	Slow	No	Rounded, spreading	Yellow, bronze, purple, red	Branches low and horizontally, colorful bark, grows in shady sites or full sun.
Photinia (Photinia)	15'	Fast	No	Rounded		Variety: 'Fazier's'
Purpleleaf Plum (Prunus cerasifera)	25'	Medium-Fast	Yes			Variety: 'Pissardii', Remains purple, produces fruit
Eastern Redbud (Cercis canadensis)	25'	Medium	Yes	Rounded	Yellow	Variety: 'Forest Pansy' purple leaved variety

SECTION 5**GENERAL PROVISIONS****B. Medium Trees (25'-50')**

MEDIUM TREES (25'-50')	Estimated Mature Size	Growth Rate	Flowering	Mature Form	Autumn Color	Comments and Recommended Varieties
Japanese Flowering Cherry (Prunus serrulata)	25'-30'	Slow	Yes	Vase	Orange to bronze	Variety: 'Kwanzan, Shirofugen' Good soils preferred.
Yoshino Cherry (Prunus x yeodoensis)	40'	Medium	Yes	Rounded	Yellow	Horizontal spread, fast growth, almond-scented flowers
Flowering Dogwood (Cornus florida)	30'	Medium-Fast	Yes	Spreading	Red	Showy, long-lasting flowers; bark easily bruised; likes acid soil and shade.
Washington Hawthorn (Crataegus phaenopyrum)	30'	Slow-Medium	Yes			Attractive fruit
American Hornbeam (Carpinus betulus)	30'	Slow	No	Rounded	Yellow	Spreading canopy, will grow in shade or sun, wet or dry soil, slow growth
European Hornbeam (Carpinus betulus)	40'	Slow	No	Pyramid	Yellow	Upright branches, good screen or specimen, used for hedges in Europe
Saucer Magnolia (Magnolia solangeana)	30'	Medium	Yes	Rounded		
Hedge Maple (Acer campestre)	35'	Slow	No	Rounded		
Live Oak	50'	Slow	Evergreen	Spreading		
Aristocrat Pear (Pyrus calleryana 'Aristocrat')	40'	Fast	Yes	Rounded		Very tolerant; best limb structure
Capital Pear (Pyrus calleryana 'Capital')	40'	Fast	Yes	Columnar		Very tolerant; most columnar
Redspire Pear (Pyrus calleryana)	40'	Fast	Yes	Narrowly Pyramidal		Very tolerant; more narrow than the 'Bradford'

SECTION 5**GENERAL PROVISIONS****C. Large Trees (Over 50')**

LARGE TREES (OVER 50')	Estimated Mature Size	Growth Rate	Deciduous or Evergreen	Mature Form	Autumn Color	Comments and Recommended Varieties
Green Ash (Fraxinus pennsylvanica)	50'-80'	Fast	Deciduous	Rounded		Do not plant in heavy clay soil; use named varieties.
White Ash (Fraxinus Americana)	50'-80'	Medium	Deciduous	Rounded		Do not plant in heavy clay soil.
Bald-cypress (Taxodium distichum)	60'	Medium	Deciduous	Pyramidal	Rusty Red	Variety: 'Shawnee Brave', Monarch of Illinois' One of the only two species of conifers that drop their needles in the fall. Tough, drought tolerant tree once established.
River Birch (Betula Nigra)	80'	Fast	Deciduous	Oval	Yellow	Variety: 'Heritage' Subject to drought problems, may be multi-stem.
Deodar Cedar (Derus deodara)	40'-70'	Medium-Fast	Evergreen	Pyramidal		Subject to winter injury up to age 15 years.
Leyland Cypress (Cupressocyparis leylandii)	60'-70'	Fast	Evergreen	Columnar		Maintains good shape.
Lacebark Elm (Ulmus parvifoia)	50'	Medium	Deciduous	Rounded		Resistant to Dutch Elm Disease.
Ginkgo (Ginkgo biloba)	70'	Slow	Deciduous	Varies from pyramidal to irregular spreading		Variety; 'Princeton Sentry' (columnar), 'Lakeview'. Avoid female trees-smelly fruits. Named varieties are male trees, which do not produce fruit.
Canadian Hemlock (Tsuga canadensis)	40'-70'	Medium	Evergreen	Pyramidal		Plant in partial shade and good soils.
Southern Magnolia (magnolia grandiflora)	50'-80'	Medium-Fast	Evergreen	Pyramidal		Drops large leaves in spring and summer.
Red Maple (Acer rubrum)	50'-70'	Fast	Deciduous	Oval	Red	Variety; 'Autumn flame', 'October Glory', 'Red Sunset' Fast growing, spectacular in autumn, drought tolerant.
Sugar Maple (Acer saccharum)	60'-75'	Medium	Deciduous	Oval, rounded	Yellow, red, orange	Variety; 'Green Mountain', 'Legacy', Awesome color, does best in residential areas where protected from intense heat and drought.
Laurel Oak (Quercus laurifolia)	55'	Medium-Fast	Deciduous	Rounded-spreading	Semi-evergreen	Variety; 'Darlington' Fast growing, excellent native shade tree.
Northern Red Oak (Quercus rubra)	70'	Medium-Fast	Deciduous	Rounded	Russet Red	Another fast-growing, excellent native shade tree.

SECTION 5

GENERAL PROVISIONS

C. Large Trees (Over 50') cont.

LARGE TREES (OVER 50' CONT.)	Estimated Mature Size	Growth Rate	Deciduous or Evergreen	Mature Form	Autumn Color	Comments and Recommended Varieties
Sawtooth Oak (Quercus accutissima)	50'	Medium-Fast	Deciduous	Spreading	Yellow-brown	Very fast growth, excellent shade tree, produces large acorns with prickly caps.
Shumard Oak (Quercus shumardii)	70'	Medium-Fast	Deciduous	Rounded	Red to orange	Good street tree, tolerates poor soil, good fall color.
Southern Red Oak (Quercus falcata)	75'	Medium-Fast	Deciduous	Rounded	Yellow-brown	Good branch structure, symmetrical form and fast growth make this native oak a good street or shade tree.
White Oak (Quercus alba)	70	Slow	Deciduous	Spreading	Russet-red	Majestic shade tree for large spaces, long-lasting fall color, produces large acorns.
Willow Oak (Quercus phellos)	50'-80'	Fast	Deciduous	Rounded, oval	Yellow, brown	Most popular shade tree in Charlotte Metropolitan area.
Japanese Pagoda tree (Sophora japonica)	60'-75'	Fast	Deciduous	Rounded	Yellow-green or brown	Variety; 'Princeton Upright', Regent', Fast growing, showy in summer, yellow white blossoms. Pods stain surfaces, could be considered messy. Good tree for poor soil.
Austrian Pine (Pinus nigra)	50'-60'	Medium	Evergreen	Pyramidal		Tolerates city conditions
Loblolly Pine (Pinus taeda)	40'-60'	Fast	Evergreen	Pyramidal		Susceptible to pine beetles if not kept healthy
Virginia Pine (Pinus virginiana)	20'-50'	Medium	Evergreen	Pyramidal		Susceptible to pine beetles if not kept healthy
London Planetree (Plantanus x acerifolia)	80'	Fast	Deciduous	Wide oval	Yellow-brown	Tolerates urban conditions, beautiful peeling bark, fast growth, good shade or street tree.
Norway Spruce (Picea abies)	40'-60'	Medium-Fast	Evergreen	Pyramidal		
Tulip-Poplar (Liriodendron tulipifera)	60'-90'	Fast	Deciduous	Spreading		Flowers best observed close-up, needs lots of space, good soils preferred.
Japanese Zelkova (Zelkoza Serrata)	60'	Fast	Deciduous	Vase	Rusty Red	Variety: 'Green Vase', 'Village Green' Tolerates most soils and climates, interesting bark, beautiful foliage.

5.13 STORAGE

In all districts, storage of goods is only allowed in structures designed specifically for that use. Automobile trailers, recreational vehicles, tractor trailers, and other like containers are not permitted for storage. Any such structure remaining in place for more than one week shall be removed by the property owner or tenant.

5.14 ACCESSORY STRUCTURES

In C-1, C-2, and C-3 districts, all accessory structures must be located in rear yards. Such structures must be at least ten (10) feet from the principal structure, and comply with all setbacks for each zone. Accessory structures must be located on the same lot as the principal structure. See Section 5.13 for requirements on storage.

5.15 YARD SALES (GARAGE SALES)

THIS ORDINANCE SHALL PERMIT THE SALE OF SECONDHAND, USED OR SURPLUS PERSONAL PROPERTY WITHIN THE MUNICIPAL LIMITS AND THE ETJ LIMITS OF COATS, NC UNDER SUCH TERMS AND CONDITIONS AS HEREIN SET FORTH; TO PROVIDE DEFINITIONS FOR CLARITY, TO PROVIDE FOR THE ISSUANCE OF A PERMIT AND TO PROVIDE FOR PENALTIES FOR THE VIOLATIONS OF THE ORDINANCE.

A. Authorizations and Definition.

Yard Sales are permitted within the municipal limits and the ETJ of the Town of Coats under certain terms and conditions as herein set forth. The term “Yard Sale” means and includes such terms as Garage Sale, Basement Sale, Carport Sale, Moving Sale, Rummage Sale, or any other type of residential sale of tangible personal property, such as, but not limited to, household items, clothing, tools, toys, books/magazines, recreation/exercise equipment or other used items normally found in and about the home.

B. Permits.

A permit shall be required for any person(s) or organizations(s) conducting a yard sale. The permit must be procured prior to the commencement of the sale and may be obtained in Coats Town Hall. The Town Manager or the Town Manager’s designee is authorized to prepare a permit application form which shall include all pertinent information necessary to identify the sale site, the name of the applicant and the date, time and duration for the permitted sale and shall contain such other information as the Town Official deems appropriate.

- (1) The Town Manager, or the Town Manager’s designee, shall be the Approving Authority for all Yard Sale permits.
- (2) There shall be no charge for the permit.
- (3) The permit application shall not require the disclosure of the applicant’s social security number.
- (4) One approved copy of the permit shall be retained by the Town and one approved copy shall be provided to the applicant. The permit shall be posted at the sale site in plain view on the day of the sale.

- (5) No permit shall be issued allowing yard sales to occur on Sunday, New Years Eve, New Years Day, Easter, Thanksgiving, Christmas Eve and Christmas Day.
- (6) In the sole discretion of the Approving Authority, no permit shall be issued allowing yard sales to occur on days, or in areas of the Town of Coats, that are deemed to conflict with other events happening within the Town including, but not limited to, parades and festivals.

C. Conditions of Conducting the Sale.

- (1) A property location shall not be permitted for a yard sale more than four (4) times in a residential zone and two (2) times in a commercial/industrial zone in a calendar year. A property location shall be identified as the 911 address assigned thereto and shall include the dwelling, garage, carport or any part thereof, yard, open field, barn, accessory building and parking area.
- (2) A sale may be conducted by individuals, churches, social, civic or charitable organizations. All items to be sold must originate as the legal property of the applicant, or other persons participating in the sale or members of the organizations. Goods must be surplus property owned by the applicant and shall not include any items purchased for resale.
- (3) A permitted yard sale shall be limited to two (2) consecutive days of operation and must be conducted during daylight hours only.
- (4) Yard sales must be conducted on applicant's private property or with the property owner's written permission. The property owner's written permission shall be submitted with permit application.
- (5) No sale items shall be placed upon public rights-of-way, including streets, sidewalks, and the area between a sidewalk and street.
- (6) All sale items must be displayed a sufficient distance from public roadways in order to avoid the obstruction of traffic site distances.
- (7) Sale items to be sold may be setup for display not more than twenty-four hours prior to the permitted sale.
- (8) All unsold yard sale items remaining on the permitted site at the conclusion of the sale must be removed there from or concealed in a permanent structure on the permitted site on the sale day by the conclusion of the sale. (Covering the unsold merchandise with a tarp or other similar concealment method is not a substitute for physically removing the unsold yard sale items or concealing said property inside the permanent structure.)

- (9) Sale items sold to purchasers must be removed from the permitted site by the conclusion of the sale.
- (10) The issuance of a yard sale permit shall signify the consent and permission of the applicant and the property owner for personnel of the Town of Coats, including law enforcement officers, to enter the permitted sale site to monitor, inspect and determine compliance with the Ordinance.

D. Advertising of Yard Sales.

- (1) A yard sale may be advertised to the public by means of newspapers, radio television, cablevision, handbills and signs.
- (2) Signs may be placed upon the permitted property.
- (3) Signs and handbills cannot be placed on utility poles, public property including rights-of-way, nor may signs be placed on private property, which is not a permitted site without permission of the property owner. Handbills may be posted on private bulletin boards or inside places of business with the consent of the business.
- (4) A sign is limited in size to four square feet or less and shall not be illuminated, animated or set in motion by wind.
- (5) A sign may not be displayed for more than two days prior to the commencement date of the sale and must be removed on the day following the conclusion of the sale.

E. Exceptions.

This ordinance shall not apply to or affect the following persons or sales:

- (1) Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
- (2) Persons acting in accordance with their powers and duties as public officials.
- (3) Persons selling or advertising for sale items of personal property, which are: (1) specifically named or described in the advertisement; and (2) do not exceed them in number.

F. Penalties.

- (1) Any person who conducts a yard sale without obtaining a permit or who otherwise violates the provisions of section 5.15 of the Zoning Ordinance shall be subject to a civil penalty of fifty dollars (\$50) for each violation.

- (2) Upon the failure to remedy any violation(s) of this Ordinance upon direction to do so by any Town personnel, including law enforcement officers, the Town may remedy such violation by any lawful means and charge any associated expense to the permit holder or violator. Such costs are in addition to any civil penalty issued as a result of violations of this Ordinance.
- (3) Upon the failure to remedy any violation(s) of this Ordinance upon direction to do so by any Town personnel, including law enforcement officers, the Town personnel or law enforcement officer(s) can immediately revoke the permit and prevent by any lawful means any further sales.
- (4) Persons in violation of the provisions of Section 5.15 of the Zoning Ordinance within one year from September 8, 2011 will be issued a written warning and given a copy of Section 5.15. Any person having received a written warning shall therefore be subject to all penalties herein stated for violation of section 5.15 occurring after the date of the written warning.

5.16 TREE HARVESTING & FORESTRY OPERATIONS

The Town seeks to monitor timber harvesting activities within the Town Limits. The Town shall review all timber harvesting operations that occur on any parcel within the corporate limits of the Town. It is the intent of the Town not to discourage legitimate Forestry operators, but to monitor and control clearing activities unrelated to Forestry, for example, general land clearing or land clearing for future development.

In the conduct of this review the Town will not only consider the fundamental rights of property owners, but shall also weigh the intended long-term use of land and overall safety, health and welfare of the community.

5.16.1 Permits and Standards

1. The harvesting of timber may take place only after a permit has been issued by the Town. The application shall at a minimum include a plan drawing of the site, the areas to be harvested, and a full description of the forestry operations to be conducted during the harvest and the planned land use for the property after harvest. Application for a permit must be submitted at least fourteen (14) calendar days prior to the desired start date.
2. For woodlands being harvested under an “Approved Forestry Plan”, this plan may be submitted in lieu of the required application in (1) above.
3. A permit shall not be withheld if a permit application or plan is submitted and there is general compliance with the standards of this section.
4. While selective cutting shall generally be the preferred harvesting technique, clear cutting is permitted where the intent of the landowner is to restore the land to forestry use. In the

Case of land intended for development, landowners may clear-cut, but should refer to the Coats Landscaping Ordinance so as to retain in an undisturbed state the minimum areas required by those ordinances.

5. When adjacent to residential property, timber harvesting should be conducted with a minimum twenty-five foot undisturbed buffer. In no case shall any trees that exist within a public road right-of-way be removed without approval of the Town. One access point, not more than twenty-five (25) feet in width may penetrate an undisturbed buffer to facilitate equipment access, if needed.
6. Restoration shall be accomplished under the general guidelines established by the NC Forest Service and/or recommendations of the NC Forestry Association.
7. No portion of this section shall modify or abrogate any requirements of the County, State or Federal governments that might apply. In the case of any conflict, the more restrictive requirement shall apply.

5.16.2 Recapture and Penalties

1. Recapture. The Town may deny a building permit or refuse to approve a site plan or subdivision plan for a period of up to seven (7) years if a tree harvest results in the removal of all or substantially all of the trees that were protected under the Town Landscaping ordinance governing the development of the tract of land for which the permit or approval is sought.
2. Penalties – Failure to file an application or Forestry Plan, failure to obtain a permit, failure to follow the terms of a permit or a submitted Forestry Management Plan and/or violation of any other part of this section shall result in the assessment of a civil penalty in the amount of \$500 plus \$500 per acre of land affected.

5.17 ESSENTIAL SERVICES

Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam, or water, the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services, provided no transmitter or antenna tower exceed 180 feet in height. Essential Services are divided into three classes:

- (CLASS 1)** Transmission lines (above and below ground) including electrical, natural gas, and water distribution lines; pumping stations, lift stations, and telephone switching facilities (up to 200 square feet).

(CLASS 2) Elevated water storage tanks; package treatment plants, telephone switching facilities (over 200 square feet in size), substations, or other similar facilities in connection with telephone, electric, steam, and water facilities.

(CLASS 3) Generation, production, or treatment facilities such as power plants, water and sewage treatment plants, landfills, and any receiving or telecommunication towers.

I. TELECOMMUNICATION TOWERS

The purpose of this section is to establish a framework within which to better understand telecommunication towers. To this end, it has been established that various types of towers are available and co-location is highly advantageous.

A. APPLICABILITY

This section shall apply to all telecommunication towers locating within the planning and zoning jurisdiction of the Town of Coats after the effective date of passage of this Ordinance.

B. WHERE PERMITTED

Telecommunication towers shall be a special use in the zoning districts C-3, I and in residential districts not being used as residential. Transmission towers may be sited on any held tract of land exceeding one-half (1/2) acre in size. A Special use Permit shall be required. Towers may be erected on a town-owned tower, or on town property. Towers shall be permitted on all government facilities and structures in all zoning districts.

C. BUFFERING

In order to provide spatial separation and create a visual block from adjacent properties and streets, a buffer shall be installed and perpetually maintained around the perimeter of all improvements on the site, including the tower and guy anchors, any ground buildings or equipment and security fence. The tower's guy anchors may be screened or fenced separately in order to comply with the requirements of this subsection.

Buffering shall be required as follows:

1. A ten (10) foot buffer shall be provided between the fenced area(s) of the development and the property or lease lines.
2. The planting shall consist of evergreen trees and evergreen shrubs. Trees shall be planted along the full length of the buffer strip in a triangular pattern with maximum spacing of twenty-five (25) feet on centers. The minimum height for trees shall be six (6) feet in height at planting and they shall have an expected minimum maturity height of thirty-five (35) feet under normal growing conditions. There shall also be at least one row of dense shrubs, spaced not more

than eight (8) feet on centers. Shrubs shall be a minimum of two (2) feet in height at planting and shall have an expected maturity height of eight (8) feet under normal growing conditions. It is the intent of this section to encourage the use of existing vegetation in whole or in part to substantially meet this requirement.

3. Buffer requirements may be waived upon a finding that the existing topography or existing screening materials on site screen the property as effectively as the buffering required in (ii); or that the installation of new screening materials would be impractical or would serve no useful purpose (such waiver may also include situations when the type of non-residential adjoining use would not warrant screening); provided however, that the spirit and intent of this section are preserved. This paragraph shall not be construed to relieve the requirements of establishing screening for towers to be located adjacent to vacant properties or along any public street.
 - a. The base of the tower and each guy anchor shall be surrounded by a security fence or wall at least eight (8) feet in height unless the tower and all guy anchors are mounted entirely on a building over eight (8) feet in height. The tower's guy anchors may be screened or fenced separately in order to comply with the requirements of this subsection.
 - b. No outside storage shall be allowed on any telecommunication facility site.
 - c. Associated buildings shall not be used as a place of employment for any worker. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.
 - d. The telecommunications facility shall meet all applicable Federal Aviation Administration (FAA) standards and shall not restrict or interfere with air traffic or travel from or to any existing or proposed airport. Any lighting shall not project onto surrounding residential property.

D. TYPE OF TOWER

In permitted districts either a lattice tower or monopole tower is allowed. The Board of Commissioners will carefully consider the advantages and disadvantages prior to a final decision. Any erected tower should be of a neutral color. Tower manufacturers shall be required to provide evidence of the self-collapsing features of any tower erected.

E. CO-LOCATION AND HEIGHT STIPULATIONS

- (1) As part of the permit requirement co-location is mandatory unless the applicant can clearly show that such a requirement cannot adequately meet the projected customer needs.
- (2) As part of the permit requirement the owner(s) of the tower agrees to allow for the co-location of additional antennas at a reasonable lease rate in the future. If a lease

agreement cannot be reached by the parties involved, mediation of a third party shall be attempted. In the event that mediation fails, a court of competent jurisdiction shall determine the appropriate action.

- (3) For the purpose of co-location, all towers to be constructed shall be able to accommodate a minimum of (2) cellular antennas and at least one personal communication system antenna.
- (4) When co-location occurs, there is no necessity for an otherwise required Special use Permit.
- (5) The Town of Coats reserves the right to enter into negotiations with the owner of any tower for the purpose of municipal use.
- (6) Height of the tower shall be limited to a maximum of one hundred and ninety- nine (199) feet in all permitted Districts. Maximum height on any accessory structure will be thirty five (35) feet.
- (7) The minimum space between all towers shall be 1000 feet.

F. SUPPLEMENTAL USE OF TOWERS

- (1) Adequate provisions by the carrier shall be made to ensure that the placement of transmitters for emergency services is made available.
- (2) No commercial messages shall be placed on any tower.

G. INTERFERENCE WITH PUBLIC SAFETY COMMUNICATIONS

In order to facilitate the regulation, placement, and construction of antenna, and to ensure that all parties are complying to the fullest extent possible with the rules, regulations, and/or guidelines of the FCC, each owner of an antenna, antenna array or applicant for a co-location shall agree in a written statement to the following:

- (1) Compliance with Good Engineering Practices, as defined by the FCC in its rules and regulations.
- (2) Compliance with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI).
- (3) In the case of an application for co-located telecommunications facilities, the applicant, together with the owner of the subject site, shall use their best efforts

to provide a composite analysis of all users of the site to determine that the applicant's proposed facilities will not cause radio frequency interference with the Town/County's public safety communications equipment and will implement appropriate technical measures, as described in antenna element replacements, to attempt to prevent such interference.

- (4) Whenever the Town/County has encountered radio frequency interference with its public safety communications equipment, and it believes that such interference has been or is being caused by one or more antenna arrays, the following steps shall be taken:
 - a. The Town/County shall provide notification to all wireless service providers operating in the Town/County of possible interference with the public safety communications equipment, and upon such notifications, the owners shall use their best efforts to cooperate and coordinate with the Town/County and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety Best Practices Guide, released by the FCC, including the Good Engineering Practices, as may be amended or revised by the FCC from time to time.
 - b. If any equipment owner fails to cooperate with the Town/County in complying with the owner's obligations under this section or if the FCC makes a determination of radio frequency interference with the County public safety communications equipment, the owner who failed to cooperate and/or the owner of the equipment which caused the interference shall be responsible, upon FCC determination of radio frequency interference, for reimbursing the County for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the County to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in Best Practices Guide within 24 hours of Town/County's notification.

H. OLD TOWERS AND ADVANCED TECHNOLOGY

- (1) Abandoned towers (those not used for a period of six months or more) shall be removed by carriers/owners.
- (2) Should technology changes render the height of the tower excessive, the Administrator may require that the tower be reduced in height, replaced, or removed.

I. POWER OUTPUT

It shall be the carrier's responsibility to present evidence that the power output from the tower does not exceed federally approved levels for exposure for electromagnetic forces.

J. SETBACKS

All telecommunication towers must have setbacks from all property lines of at least one (1) foot for every foot of structure height.

K. ANTENNAS, TOWERS, & ASSOCIATED EQUIPMENT**(1) Building Code Requirements**

Towers shall be constructed and maintained in conformance with all applicable building code requirements.

II. SOLAR FARMS**A. DEFINITION:**

A solar collection system that generates electricity from sunlight to a wholesale electricity market through a regional transmission organization and an inter-connection with the local utility power grid and/or for direct distribution to a number of properties and consumers. Solar shall consist of a minimum of three (3) individual photovoltaic modules (solar panels), which are an assembly of solar cells to generate electricity.

B. APPLICABILITY

1. This ordinance applies to the construction of any new Solar Farm within the jurisdiction of the Town.
2. Maintenance and repair are not subject to this ordinance.
3. This ordinance does not supersede regulations from local, state, or federal agencies. Some important examples of such regulations include, but are not limited to:
 - (a) Building/Electrical Permits Required
Nothing in this ordinance modifies already established building standards required to construct a Solar Farm.
 - (b) Onsite Wastewater System Avoidance
Nothing in this ordinance modifies already established Department of Health and Human Services requirements. A Solar Farm shall not be constructed over onsite waste water systems (e.g. septic systems) unless approved by the Department of Health and Human Services.
 - (c) Stormwater Permit Required
Nothing in this ordinance modifies the requirements or exempts any Solar Farm of complying with the various stormwater jurisdictions and regulations

established by the Department of Environment and Natural Resources. North Carolina statute requires the acquisition of stormwater permits for construction projects that impact stormwater runoff.

(d) Historic Districts

Nothing in this ordinance modifies already established State Historic Preservation Office requirements. May require additional permitting (certificates of appropriateness) to install solar in Historic Districts

C. WHERE PERMITTED

Solar farms are a special use in the R-A and R-20 districts only. A Special use Permit granted by the Town of Coats Board of Commissioners shall be required.

D. BUFFERING

Solar farms shall be fully screened from adjoining properties and adjacent public roads by an existing natural vegetation evergreen buffer or by an opaque fence of at least 6 feet in height or a combination thereof. When an evergreen buffer is used, it shall be of a species capable of reaching no less than 6 feet in height or less than 3 feet in width within 3 years of planting and each plant shall be located close enough together at the time of planting to insure that its growth will provide full horizontal coverage (without gaps) within 3 years of planting. Any fence or plant material that is used as a buffer shall be maintained during the entire time that the solar farm is located on the site regardless of whether or not the farm is operational.

E. DEVELOPMENT REQUIREMENTS

1. Solar farms and their appurtenant components shall conform to the principal building setbacks of the underlying zoning district in which they are located.
2. Individual modules/panels shall be a maximum of 25 feet in height as measured from the grade at the base of the structure to the apex of the structure.
3. A site plan, drawn and stamped by a North Carolina licensed surveyor or engineer, shall be submitted showing the following:
 - (a) The location and dimensions of all proposed areas for the placement of solar panels, screening/fencing and related improvements;
 - (b) Any pre-existing structures on the same lot, and principal structures on other properties that would affect the placement of solar panels;
 - (c) Parking and access areas;
 - (d) Location of any proposed solar access easements;

- (e) Any proposed new structures.
- 4. Public signage (i.e. advertising, educational, etc.) as permitted by local signage ordinance, including appropriate or required security and safety signage.
- 5. If lighting is provided at site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky. Motion sensor control is preferred.
- 6. Solar panels shall be mounted onto a pole, rack, or suitable foundation in accordance with manufacturer's specifications, in order to ensure the safe operation and stability of the system.
- 7. Multiple mounting structures shall be spaced apart at the distance recommended by the manufacturer to ensure safety and maximum efficiency.
- 8. It is the responsibility of the owner to remove all obsolete or unused systems within 12 months of cessation of operation.
- 9. The farm and components shall meet all requirements of the North Carolina State Building Code.
- 10. The solar array shall be completely fenced in and access controlled.

F. DECOMMISSIONING

It is the responsibility of the owner to remove all obsolete or unused systems within 12 months of cessation of operation. All non-utility owned equipment, conduit, structures, fencing, roads, and foundations shall be removed. Property shall be restored to its condition prior to development of the Solar Farm.

GENERAL PROVISIONS AMENDMENTS

Date of Adoption	Section Reference Number(s)	Comments
*9/8/2011	*5.15	*Remove and replace: Yard Sales
*9/13/2012	*5.16	*Add: Tree Harvesting & Forestry Operations
*8/8/2013	*5.11.1-F	*Add: Parking, General Design Standards, Asphalt Parking
*3/13/2014	*5.17	*Add: Essential Services
*11/13/2014	*5.17-CLASS 3-II	*Add: Essential Services, Class 3, Solar Farms
	5.6.2, 5.7, 5.17.I, and 5.17.II	160D updates

**Amendment has been updated in text.*

<i>SECTION 6.1</i>	RESIDENTIAL AGRICULTURAL DISTRICT	R-A
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6.1.1 INTENT

The Residential-Agricultural District is established to accommodate low-density residential development and/or agricultural purposes. The location of this District is generally determined by a *lack of* access to public or community water and sewer infrastructure. The intent of this District is to maintain a rural boundary, preserving agricultural, forested areas and animal habitats on the perimeter of the Town of Coats until utility infrastructures can be established to allow for planned growth.

6.1.2 USES PERMITTED

- Single Family Homes
- Duplex Homes
- Family Care Home
- Bona Fide Farms of ten (10) or more acres
- Parsonages, Manses, Parish Houses
- Schools: Non-residential Elementary and/or Secondary schools meeting the Education Standard Laws of the State of North Carolina
- Public Parks, Playgrounds, Recreational areas, Community Centers and Retirement Centers
- Golf Courses, Swimming pools with accessory structures
- Greenhouses and Nurseries
- Health care and Health care related facilities to include (but not limited to) the following: Rest and Nursing Homes; Hospital Facilities (including Veterinary Facilities); Medical Diagnostic Laboratories; Medical Facilities (including, but not limited to Facilities offering: Diagnostic, Therapeutic, and Alternative Medicine); Chiropractic Facilities; Psychological Services; Podiatry Services; Orthopedic Facilities; Dental Facilities; Optometric Facilities; Home Health Care Services; Medical Research Facilities; any other Health Care Related Facility that provides services but not to include Chemical or Drug Manufacturing
- Professional Offices
- Funeral Homes and Crematories
- Uses and Buildings customarily associated to Uses Permitted

6.1.3 USES PERMITTED WITH ADDITIONAL STANDARDS (See Section 7.0 for Standards)

- “Class A” Manufactured Housing
- Churches, Chapels, Temples, Synagogues, Rectories
- Service Stations
- Service Stations and Garages
- Colleges
- Group Care Facility

<i>SECTION 6.1</i>	RESIDENTIAL AGRICULTURAL DISTRICT	R-A
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- Bed and Breakfast
- Rooming/Boarding Homes
- Country Club
- Customary Home Occupations
- Recreational Facilities
 - Accessory Building as Living Quarters – Accessory Building may be used for living quarters for the immediate family or Farm Workers, on finding by the Harnett County Health Department that all regulations pertaining to healthful housing in terms of light, air, sanitary facilities and minimum housing conditions are being met.
- Cemeteries
- Day Care Centers
- Mini-Storage
- *Essential Services Class 1, Class 2*
- Schools: Residential Elementary and/or Secondary Schools meeting the Education Standard Laws of the State of North Carolina

6.1.3.1 SPECIAL USES

Essential Services Class 3

6.1.4 LOT PROVISIONS

Minimum Lot Area shall be 30,000 sq. feet (with no public water and no public sewer); 25,000 sq. feet (with public water and/or sewer).

Minimum Lot Width shall be 100 feet at the building line. (Exception: Lot widths for lots platted *prior* to the adoption of this Ordinance shall be of sufficient width to accommodate a home and the required side yard setbacks.) All lots must have a minimum of 40 feet front width on a publicly dedicated right-of-way in order to be built on.

Minimum Required Side Yard shall be 15 feet as measured from the side property line.

Minimum Required Rear Yard shall be 30 feet as measured from the rear property line.

Maximum Building Height shall not exceed 35 feet for all uses.

<i>SECTION 6.1</i>	RESIDENTIAL AGRICULTURAL DISTRICT	R-A
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Maximum Permissible Lot Coverage of the principal and all accessory buildings shall not total more than 35 percent of the total lot area in a Minimum Lot Size (i.e., 9,801 sq. feet)

Location of Accessory Buildings shall not be permitted in any front or side yards or within 10 feet of any lot line.

Setbacks shall be equal to the average setbacks for buildings on the same side of the street within 300 feet. The front of the building shall extend parallel to the front property lines. The Town of Coats Zoning Officer shall determine frontage for irregularly shaped lots. Where there are no such buildings or the distance to an adjacent building is in excess of 300 feet, then the minimum setbacks shall be as follows:

- Front 40 Feet
- Side 15 Feet
- Rear 30 Feet

6.1.5 ACCESSORY USES

(A) SWIMMING POOLS

All swimming pools, hereinafter referred to as pools, whether above-ground or in-ground, shall be built only in rear yards. The definition of a pool shall include all structures and walks or patio areas of cement, stone, or wood, *at or above grade*, built for and used in conjunction with the pool.

A pool, as defined above, shall not exceed 45% of a required rear yard.

A pool, as defined above, shall be setback a minimum of 10 feet from all side and rear property lines. Patio areas *at grade* have no setback requirements from rear and side lot lines.

Pools located in rear yards on lots that are less than 20,000 sq. feet shall have the rear yard enclosed by a privacy fence with a minimum height of six (6) feet and a maximum height of eight (8) feet.

Pools located in rear yards on corner lots that are greater than 20,000 sq. feet shall be located in the rear yard opposite the abutting street, unless the rear yard is screened by a wall of privacy fence.

All pools, as defined in Section 14, shall have a proper security fence not less than six (6) feet in height constructed around the perimeter of the pool.

<i>SECTION 6.1</i>	RESIDENTIAL AGRICULTURAL DISTRICT	R-A
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(B) SATELLITE DISHES

All satellite dishes, up to three (3) feet in diameter, shall adhere to the following standards:

1. Satellite dishes shall be no larger than three (3) feet in diameter.
2. The maximum height above grade shall be five (5) feet *unless* the applicant can demonstrate:
 - A less intrusive location is not possible, *and*
 - A higher location will improve reception.
3. The dish must be installed and grounded properly.
4. Satellite dishes may not be located in front or side yards and shall meet all setbacks applicable to accessory structures.
5. Satellite dishes not attached to a principal or accessory structure shall be screened from view with dense landscaping materials, fences, or other solid materials, to the extent that it does not impair reception.
6. Satellite dishes with a reflective surface shall be painted a subdued or natural color.
7. Satellite dishes shall not be located on a roof.

6.1.6 BUILDING HEIGHT

Building Height defined: The vertical distance from the mean elevation of the finished grade of the frontage street, to the roofline. All uses not to exceed 35 feet.

Exceptions: Roof equipment and structures not intended for human occupancy and which are necessary to the building upon which they are placed.

6.1.7 ACCESSORY STRUCTURES

- The following uses are permitted:

Parking	Sauna
Gazebo	Conservatory
Pool House	Workshop
Equipment Enclosures	
- Radio transmission facilities for use by farm radio operators.

<i>SECTION 6.1</i>	RESIDENTIAL AGRICULTURAL DISTRICT	R-A
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- 2-way radio facilities not exceeding 180 feet in height.
- Towers less than 100 feet in height shall be setback a minimum of 100 feet from all required front and corner side setbacks, *and* a minimum of 10 feet from rear and side setbacks.
- Towers greater than 100 feet in height up to the maximum permitted height of 180 feet shall be setback a minimum of 200 feet from all required front and corner side setbacks *and* 200 feet from rear setbacks.
- Permanent placement of trash containers, mechanical equipment and outdoor storage shall not be located within the front yard.
- Mailboxes, newspaper boxes, birdhouses, flagpoles, and pump covers may be placed in any front, side or rear yard. Doghouses may be placed in rear yards only.
- Accessory structures shall only be permitted in the rear yard. Accessory structures located in a rear corner yard shall be located in the portion of the rear yard opposite the street.
- Accessory structures shall have:
 - A maximum height of 35 feet
 - A minimum side and rear setback of 10 feet
 - A minimum setback from the principal structure of 10 feet

<i>SECTION 6.1</i>	RESIDENTIAL AGRICULTURAL DISTRICT	R-A
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RESIDENTIAL AGRICULTURAL AMENDMENTS

Date of Adoption	Section Reference Number(s)	Comments
*5/10/2007	*6.1.4	*Amend: Minimum Lot Area
*3/13/2014	*6.1.3.1	*Add: Conditional Uses, Essential Services Class 3
	6.1	160D updates

**Amendment has been updated in text.*

6.2.1 INTENT

R-20 Residential District is established as a District in which the principal uses of land are for family residences. The regulations of this District are intended to foster *low-density* residential uses and to limit conflicting uses in this District. Additionally, these regulations are meant to encourage orderly Residential Development in the R-20 District.

6.2.2 USES PERMITTED

- Single Family Homes
- Family Care Homes
- Manufactured Housing Neighborhoods (subject to Section 13.0)
- Parsonages, Manses, Parish Houses
- Schools: Non-residential Elementary and/or Secondary schools meeting the Education Standard Laws of the State of North Carolina
- Public Parks, Playgrounds, Nature Preserves, & Recreational areas
- Community and Retirement Centers
- Health care and Health care related facilities to include (but not limited to) the following: Diagnostic Laboratories; Medical Facilities (including, but not limited to Facilities offering: Diagnostic, Therapeutic, and Alternative Medicine); Chiropractic Facilities; Psychological Home Health Care Services; Medical Research Facilities; any other Health Care Related Facility that provides services but not to include Chemical or Drug Manufacturing
- Non-Regulated Day Care Centers
- Uses and Buildings customarily associated to Uses Permitted

6.2.3 USES PERMITTED WITH ADDITIONAL STANDARDS (See Section 7.0 for Standards)

- Churches, Chapels, Temples, Synagogues, Rectories
- Swimming Pools
- Duplex
- Group Care Facility
- Bed and Breakfast, Boarding and Rooming Houses
- Country Club
- Customary Home Occupations
- Regulated Day Care Centers
- Essential Services Class 1, Class 2
- Schools: Residential Elementary and/or Secondary schools meeting the Education Standard Laws of the State of North Carolina
- Recreational Facilities

6.2.3.1 SPECIAL USES

- Essential Services Class

6.2.1 LOT PROVISIONS FOR SINGLE FAMILY DWELLING UNITS

Minimum Lot Area shall be 8,000 sq. feet (with public water *and* public sewer); 15,000 sq. feet (with public water *or* public sewer); 20,000 sq. feet (with *no* public water and *no* public sewer).

Minimum Lot Width shall be 80 feet at the building line for lots with a minimum lot area of 8,000 sq. feet; lot widths for all 15,000 and 20,000 sq. feet lots shall be 100 ft at the building line.

Minimum Required Front Yard shall be 30 feet measured from the front property line and 40 feet along NC and US numbered highways.

Minimum Required Side Yard shall be 15 feet as measured from the side property line.

Minimum Required Rear Yard shall be 30 feet as measured from the rear property line.

Maximum Building Height shall not exceed 35 feet.

Maximum Permissible Lot Coverage of the principal and all accessory buildings shall not total more than 35 percent of the total lot area. (Example: 2,800 sq. feet for a Minimum Lot Size)

Location of Accessory Buildings shall not be permitted in any front or side yards or within 10 feet of any lot line or principal structure.

Corner Lots: Side yards of Corner Lots, which abut a public or private street, shall have the minimum setback as the front yard setback.

6.2.2 LOT PROVISIONS FOR MULTIPLE FAMILY DWELLING UNITS

Minimum Lot Area shall be 10,000 sq. feet (with public water *and* public sewer); 15,000 sq. feet (with public water *or* public sewer); 20,000 sq. feet (with *no* public water and *no* public sewer), plus 2,000 sq. feet per building used for dwelling purposes.

Minimum Lot Width shall be 70 feet at the building line for lots plus 5 feet per dwelling unit.

Minimum Required Front Yard shall be 30 feet measured from the front property line and 40 feet along a NC and US highway.

Minimum Required Side Yard shall be 15 feet as measured from the side property line.

Minimum Required Rear Yard shall be 30 feet as measured from the rear property line.

Maximum Building Height shall not exceed 35 feet.

Minimum Distance Between Building Units shall be 30 feet.

Maximum Permissible Lot Coverage of the principal and all accessory buildings shall not total more than 35 percent of the total lot area. (Example: 2,800 sq. feet for a Minimum Lot Size)

Location of Accessory Buildings shall not be permitted in any front or side yards or within 10 feet of any lot line or principal structure.

Corner Lots: Side yards of Corner Lots, which abut a public or private street, shall have the minimum setback as the front yard setback.

6.2.3 OFF-STREET PARKING AND LOADING - As Permitted in Section 10

6.2.4 SIGNS – As Permitted in Section 11

6.2.5 ACCESSORY USES

(A) SWIMMING POOLS

All swimming pools, hereinafter referred to as pools, whether above-ground or in-ground, shall be built only in rear yards. The definition of a pool shall include all structures and walks or patio areas of cement, stone, or wood, *at or above grade*, built for and used in conjunction with the pool.

A pool as defined above shall not exceed 45% of a required rear yard.

A pool, as defined above, shall be set back a minimum of 10 feet from all side and rear property lines. Patio areas *at grade* have no setback requirements from rear and side lot lines.

Pools located in rear yards on lots that are less than 20,000 sq. feet shall have the rear yard enclosed by a privacy fence with a minimum height of six (6) feet and a maximum height of eight (8) feet.

Pools located in rear yards on corner lots that are greater than 20,000 sq. feet shall be located in the rear yard opposite the abutting street, unless the rear yard is screened by a wall or privacy fence.

All pools, as defined in Section 14, shall have a proper security fence not less than six (6) feet in height constructed around the perimeter of the pool.

(B) SATELLITE DISHES

Satellite dishes less than 20 inches in diameter may be located anywhere on a lot. All other satellite dishes, up to three (3) feet in diameter, shall adhere to the following standards:

1. Satellite dishes shall be no larger than three (3) feet in diameter.
2. The maximum height shall be five (5) feet unless the applicant can demonstrate:
 - A less intrusive location is not possible, *and*
 - A higher location will improve reception.
3. The dish must be installed and grounded properly.
4. Satellite dishes may not be located in front or side yards and shall meet all setbacks applicable to accessory structures.
5. Satellite dishes not attached to a principal or accessory structure shall be screened from view with dense landscaping materials, fences, or other solid materials, to the extent that it does not impair reception.
6. Satellite dishes with a reflective surface shall be painted a subdued or natural color.
7. Satellite dishes shall not be located on a roof.

SECTION 6.2	RESIDENTIAL DISTRICT	R-20
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RESIDENTIAL AMENDMENTS

Date of Adoption	Section Reference Number(s)	Comments
*3/13/14	*6.2.3.1 6.2	* Add: Conditional Uses, Essential Services Class 3 160D updates

**Amendment has been updated in text.*

<i>SECTION 6.3</i>	COATS MIXED-USE VILLAGE DISTRICT	MUV
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6.3.1 INTENT

The Coats Mixed-Use Village District is established to accommodate higher density, mixed-use development. This District is comprised of the original Coats town center containing unique architecture typical of traditional downtowns. The intent of establishing this District is to maintain its historic character and create an attractive, walkable community center that will accommodate a variety of uses and functions. The regulations set forth are meant to encourage attractive storefront retail, professional offices, and upper-story dwelling units. The MUV (pronounced “move”) District is meant to be a public space that serves a variety of community needs and is a safe and inviting place to live, work, and play.

6.3.2 USES PERMITTED

The following uses are permitted in the MUV district:

- Restaurants; Coffee Shops
- Retail establishments – Including but not limited to: art supplies; antiques; bakeries; music; specialty food shop; hardware; shoes; electronics; clothing; sporting goods; newsstands; office equipment and supplies; jewelry and accessories; agricultural supplies, home accessories, barber and beauty shops; etc.
- Office/Professional Services – Including but not limited to: attorney; musician; construction office; banks; insurance agency; real estate office; travel agency; pharmacy; photography studio; health care; artist studio and galleries; etc.
- Cultural facilities such as libraries or museums
- Government and civic facilities; including Farmer’s markets; Parks; Community Centers; etc.
- Bars and Taverns and Micro-Brewery; Micro-Winery; Micro-Cidery.

Accessory structures are not permitted.

Sales, service or display of goods outside of buildings shall not be permitted except as outlined below.

6.3.3 USES PERMITTED WITH ADDITIONAL STANDARDS

- Restaurants with outdoor seating
- Commercial Establishments that provide food, drink, and/or entertainment to the public

6.3.4 SPECIAL USES

The following uses may be permitted as special uses:

- Multi-family Dwellings, limited to upper-story efficiencies
- Townhouses (must be set above grade)

6.3.5 SETBACKS/ENCROACHMENTS

- Side Setbacks where abutting any Residential (minimum): 10 feet
- Side Setbacks (minimum): 0 feet; 10 feet for residential uses
- Front Setbacks (minimum): 8 feet (if no sidewalk; 0 feet from sidewalk if it exists)
- Front Setbacks (maximum): 10 feet
- Rear Setbacks (minimum): 10 feet
- Frontage Build Out (minimum) 90% (Exception: Civic use Lots)
- Building and street facades shall extend along frontage lines. A building or a wall shall occupy all portions of a frontage line. (Exception: Pedestrian walkways; Civic Lots).
- In all cases there shall be sufficient set back from the street curb line to provide for a minimum 8 foot wide side walk.

Balconies, awnings and arm signs shall be permitted to encroach within sidewalk area as follows:

- Balconies: 3 feet
- Awnings: 6 feet
- Arm Signs: 4 feet

Balconies, awnings and arm signs must have a vertical clearance of at least seven (7) feet as measured from the sidewalk to the bottom of the balcony, awning, or sign.

6.3.6 LOT PROVISIONS

- Lot Requirements:

Lots platted after the adoption of this Ordinance shall have a minimum width of 32 feet.

6.3.7 OFF STREET PARKING AND LOADING

The number of spaces required for a specified use is defined in Section 10.0 of this ordinance.

On-street parking may be counted as part of the parking requirement if it is directly adjacent to any side of the building of the proposed use.

For businesses that operate mostly after regular business hours and on weekends (restaurants, commercial establishments that provide food, drink, and/or entertainment to the public, coffee shops,

<i>SECTION 6.3</i>	COATS MIXED-USE VILLAGE DISTRICT	MUV
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etc.), on-street parking spaces located within 1,000 feet may be counted. Parking in private lots requires permission of the property owner.

Permitted uses, Uses Permitted with Additional Standards, and special uses that are unable to meet the parking requirement may apply for a reduction in these requirements from the Planning Board. The Board will make its determination based on the following criteria:

- Adequate parking is available within 500 feet of the building entrance.
- Safe and continuous pedestrian access is available from parking areas to the building entrance.
- Conditions beyond the control of the applicant have led to the parking shortage (i.e. building location).
- The reduction in the requirement will not cause safety hazards on streets in the district.

Parking Requirements may also be met through a private contractual agreement with property owners within 500 feet of the building entrance. This agreement should be included with the application for a Zoning Permit and be shown on the applicant's site plan. Note: A property owner may not enter into said contract if it will cause him to be in non-compliance with the regulations of this section.

6.3.8 SIGNS

All signs in the MUV district must be approved by the Zoning Administrator or Planning Director.

Wall Signs:

- Size – up to 5% of the ground floor façade area on which the sign is located or 25 square feet, whichever is less.
- A permitted wall sign may be divided into two separate signs on the same building facade as long as the total area of the two signs does not exceed the maximum permitted.
- Notwithstanding any other provision, the total area of all wall signs on any building facade shall not exceed the maximum permitted area set out above. Additionally, no building facade shall contain more than two separate wall signs.
- Maximum height is 18 feet above the ground at that facade.
- Wall signs cannot be located on windows or doors.
- Metal applied letter signs may substitute for wall signs. The sign size is calculated by drawing one parallelogram around the text and images, adding a two inch border on all sides, and calculating the size of the resulting box.
- Neon signs must be located on the interior of the storefront.

Projecting Signs:

Signs which project from the face of a building will be permitted subject to the following:

- Maximum sign area is 6 square feet per side.
- Distance from the lower edge of the signboard to the ground shall be seven feet or greater.

- Height of the top edge of the signboard shall not exceed the height of the wall from which it projects for single story buildings, or the height of the sill or bottom of any second story window for multistory buildings.
- Distance from the building to the signboard shall not exceed 6 inches.
- Width of signboard shall not exceed three feet.

Freestanding (Ground-Mounted) Signs

Where a building is setback at least 5 feet from the front sidewalk, freestanding signs are permitted subject to the following:

- Maximum sign area is 8 square feet per side. If there are no other signs on that facade, the ground mounted sign may be a maximum of 15 square feet of copy area per side. A one foot maximum width frame may surround the 15 square foot copy area. Ground mounted signs identifying civic buildings may be a maximum of 20 square feet of copy area per side. Freestanding signs on Town-owned property may exceed the height and copy area restrictions, with approval of the Planning Department.
- The height of the top of the signboard, or of any posts, brackets, or other supporting elements shall not exceed 7 feet.
- In the case of a group of buildings or shops that act as a unit, one freestanding sign may be erected to advertise all of the businesses.
- No neon is allowed on freestanding signs.

Awning Signs

Where awnings are provided over windows or doors, awning signage is permitted with the following provisions:

- Maximum 8 square feet in signage area on an awning.
- No backlit awnings are allowed.
- No neon is allowed on awnings.

Window/Door Signs

Signs directly adhered to windows or doors are permitted with the following conditions:

- Maximum size is 25% of the window or door area or 4 square feet, whichever is less.
- Must be silk-screened, hand painted, vinyl, or etched.
- If a window sign is utilized, 2 square feet of signage may also be placed on the door's window.

Sidewalk Signs

Sidewalk signs are permitted subject to the following:

- Easel signs of 6 square feet or less are allowed. One per building is permissible.
- The sign location may not interfere with pedestrian or vehicular circulation or sightlines.
- The signboard does not exceed 6 square feet per side.
- The sign is constructed of durable materials.

- Sidewalk sign placement must leave at least 5 feet of sidewalk clearance.
- Letter height shall not exceed 4 inches.
- A-frame signs are allowed for businesses located in the rear of buildings or buildings located 50 feet or more behind the right-of-way.
- All sidewalk signs must be located in front of the building.

Temporary Signs on Construction Sites

One sign is permitted at a construction site with the following provisions:

- The sign does not exceed 32 square feet.
- The sign is removed within 15 days of the completion of the project.
- The sign location shall not interfere with pedestrian or vehicular circulation or sightlines.
- Exception: Fence wraps displaying signage when affixed to perimeter fencing at a construction site until the certificate of occupancy is issued for the final portion of any construction site or 24 months from the time the fence wrap was installed provided it contains only advertising sponsored by parties directly involved in the construction project in accordance with G.S. 160D-907.

Murals

- All murals must be approved by the Planning Director prior to application.

Other Signs

- Building directory signs, identifying the occupants of a building, must be wall-mounted, must be located next to the entrance, must be a maximum of 3 square feet, and must not project more than 6 inches from the wall.
- Signs directing persons to service entrances may not exceed 2 square feet.
- Parking area and on-site outdoor directional signs may be either wall-mounted or freestanding and are limited to 2 square feet.

Number of Signs Permitted:

One Tenant Buildings

- 3 signs from the following list are allowed: wall, awning, freestanding (1 per building), window, projecting.
- 1 additional sign is allowed per secondary entrance (located at the secondary entrance) from the following list: wall, awning, window.
- 1 service entrance sign is allowed.
- 1 parking directional sign per parking lot is allowed.

Multi-tenant Buildings

The following regulations apply to the building:

- 1 wall sign allowed on the primary facade.
- 1 building directory sign per multi-tenant entrance.
- 1 service entrance sign.
- 1 parking directional sign per parking lot.
- 1 shared A-frame sign for all tenants with primary access in the rear of the building.

The following regulations apply to each tenant space with a separate entrance:

- 3 signs from the following list are allowed: wall, awning, window, freestanding (1 per building), projecting (1 per tenant), sidewalk sign.
- 1 sign per unshared secondary entrance is allowed from the following list: wall, awning (on main face or valance), window.

The following regulations apply to each tenant space with a shared primary entrance:

- 1 sign is allowed from the following list: wall, awning, window, freestanding (1 per building).
- 1 sign per unshared secondary entrance from the following list: wall, awning (on main face or valance), window.
- 1 A-frame sign shared by all building tenants with a shared primary entrance at rear.

Exempt Signs

The following signs do not require a permit:

- Signs erected for orderly traffic control and other municipal or governmental purposes will be permitted, including historical monuments, markers, and signs erected by a public authority.
- 1 temporary on-site freestanding sign at each public street that provides access to the development shall be permitted for new construction (see Temporary Signs on Construction Sites) and mixed-use developments.

The following standards must be met:

1. The signboard does not exceed 32 square feet in area per side.
 2. The height of the letters and numbers shall not exceed 6 inches.
 3. The height of the top of the signboard, or of any of the posts, brackets, or other supporting elements shall not exceed 9 feet from the ground.
 4. The sign location shall not interfere with pedestrian or vehicular circulation sightlines.
 5. The sign must be located outside of the public right-of-way on property within project or mixed-use development.
 6. The signs shall be removed when 95% of the lots owned by the developer or builder are sold.
- Temporary civic, cultural, and public service window posters, when located inside commercial establishments.
 - Temporary window signs, when posted inside commercial establishments, for up to 14 days. (No more than 6 square feet per tenant.) One *Temporary sign* per property street frontage containing no more than four (4) square feet in copy area. *Temporary signs* are limited to duration of not more than thirty (30) consecutive days in any one calendar year.

Prohibited Signs

The following signs are prohibited:

- Signs that are dilapidated or in disrepair.
- Internally illuminated signs (not neon).
- Signs on roofs, chimneys and balconies.
- Billboards.
- Off-site advertising signs except for those allowed in other sections.
- Flashing, blinking or moving signs.
- Portable signs.
- Banners, except those announcing public events sponsored by non-profit organizations. Banners announcing public events sponsored by non-profit organizations may be hung over street right-of-way in the Mixed-Use Village District, provided that:

1. Application is made at least 10 days before the event,
2. The sign is removed the first working day following the event,
3. It has no commercial advertising of any kind,
4. It remains in place for not more than one week,
5. It does not exceed 50 square feet in area, per side,
6. It is hung at least 18 feet above the street, and
7. Permission has been given by the Planning Department and/or all other applicable agencies.

- Permanent entry structures and signs at the entrance to a neighborhood or development are strictly prohibited.
- *Signs* erected or displayed on or over public street rights-of-way, other than those erected by governmental agencies or for which appropriate encroachment agreements have been executed pursuant to this Ordinance. Signs specifically protected by the provisions of G.S. 136-32(b) are not prohibited, provided the requirements of G.S. 136-32(b) are met.

As the purpose of this district is to create a unique town center reflective of the values and personalities of the Coats community, creativity in signage is encouraged.

6.3.9 LANDSCAPING

In the MUV District, landscaping is intended to provide shade, create visually appealing public and private spaces as an integral part of the streetscape, and promote public health.

Landscaping is required along the perimeter of parking areas containing three (3) or more parking spaces, along any vacant property, and along buildings set back from the sidewalk.

A. Parking Lots

Where parking lots abut the public right-of-way, a 3' wide natural buffer is required along the entirety of the frontage line. The buffer should be at least 4' tall and continuous. A maximum of two entry points along the buffer are allowed for pedestrian and/or vehicle access.

B. Vacant Property

Where vacant property abuts a public right-of-way, a 3' wide natural buffer is required along the entirety of each frontage line. The buffer should be at least 4' tall and continuous. A maximum of two entry points along the property line are allowed for pedestrian access.

C. Buildings Set Back from the Sidewalk

Where a building does not abut the sidewalk, a natural buffer must be installed between the sidewalk or public right-of-way and the primary building façade. Said buffer should not obstruct pedestrian access to the entrance of the building.

Man-made buffers may be used in conjunction with natural buffers upon approval by the Zoning Administrator.

6.3.10 OUTDOOR OPERATIONS

All uses and operations (except *off-street parking*, *off-street loading* and delivery and walk-up customer service windows) shall be conducted completely within enclosed *buildings*, except where expressly permitted below:

- Outdoor/sidewalk seating for restaurants, commercial establishments that provide food, drink, and/or entertainment to the public, and/or coffee shops, provided that such seating:
 - 1) shall not be located in any street right-of-way;
 - 2) shall be permitted only along the business' tenant bay or storefront façade;
 - 3) shall not prohibit pedestrian traffic along sidewalks;
 - 4) shall not cause damage to landscaping along the streetscape; and
 - 5) shall not block the entrance to the building

- Outdoor sales or display of merchandise:
 - 1) shall not be located in any *street right-of-way*;
 - 2) shall be located against the *building* façade;
 - 3) shall be permitted only along the business' tenant bay or storefront façade;
 - 4) shall not block the entrance to the business or *building*;

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- 5) shall not exceed ten percent (10%) of the *gross floor area* of each non-related and separately operated use;
- 6) shall be permitted only during the hours of operation of the business and shall be removed at the close of each business day.

- Walk-up customer service windows or Automated Teller Machines (ATM's), provided that such facilities are not free-standing and are set flush with the façade of the *building*.

6.3.11 BUILDING MATERIALS

The color of roof stacks, flashing, vents, power exhaust fans, and metal chimney caps shall blend with the roof colors.

Quality finish materials shall be utilized when possible. Such materials may include, but need not be limited to:

- brick, masonry, or stone
- integrally tinted, textured masonry block
- stucco, wood or concrete siding

Where any sloped roofs and structural canopies are used, they shall be covered with:

- asphalt shingles; clay tile; slate; concrete tile; ribbed metal; wood shakes or shingles, provided the roof includes required fire protection

6.3.12 BUILDING HEIGHT AND USE

The vertical distance from the mean elevation of the finished grade relative to the *frontage street*, to the roofline of the structure,

All Uses: 35 feet (Maximum)

6.3.13 ARCHITECTURAL AND DESIGN REVIEW

Any new construction in the Coats Mixed-Use Village District must be reviewed and recommended by the Downtown Development Committee, as appointed by the Town Board. Alterations, additions, and all other activities that are meant to affect the façade of a building and/or its relationship to the public space surrounding it must also submit plans to this committee.

SECTION 6.3

**COATS MIXED-USE
VILLAGE DISTRICT**

MUV

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COATS MIXED-USE VILLAGE AMENDMENTS

Date of Adoption	Section Reference Number(s)	Comments
*4/13/2006	*6.3.4	* Add : to allow additional business uses (but kept them as Conditional Uses) for downtown.
*7/12/12	*6.3.4	* Remove : Government and Civic Facilities
*7/12/12	*6.3.2	* Add : Government and Civic Facilities
	6.3.3, 6.3.4, and 6.3.7	160D updates
	6.3.8	United States Supreme Court ruling re Content Neutrality

*Amendment updated in text.

6.4.1 INTENT

C-1 Central Business District is coded to accommodate those retail and office uses that are characteristic of the major Business Centers of the Town. Developments in C-1 Central Business District are to encourage pedestrian use through connection with adjacent neighborhoods and the construction of *mixed-use* buildings.

6.4.2 USES PERMITTED

The following uses shall be permitted in a C-1 Central Business District subject to the various provisions outlined in this Section.

- Retail Businesses renting and/or selling goods such as: alcoholic beverages (packaged retail sales); art goods; bakery; books; cameras, candy; clothing; drugs; dry goods; fabric; flowers; furniture; gifts; hardware; hobby goods; jewelry; leather goods; magazines; musical instruments; newsstands; notions; paints; pets; shoes; sporting goods; toys; antiques; radio and television; house accessories; variety stores; and similar Retail Establishments.
- Business; Financial; Government; Health and Health Care Related Facilities (as described in 6.1.2 and 7.1.2) and Professional Offices and Agencies.
- Services such as: automobile parking lots; barber and beauty shops; billiard halls; bowling alleys; cafeterias; dry cleaning and laundry pick-up stations; Laundromats; music, art and dance schools; newspaper offices and printing areas incidental to such offices; studios and offices; tailors and dressmaking; indoor theaters; cultural facilities such as art galleries, museums and libraries, spas, and similar services.
- Vocational Centers; Restaurants; Civic Uses on lots not exceeding 3 acres; Fraternal and Service Organizations; Parks.
- Hotels/Convention facilities up to 50 rooms and up to 30,000 gross sq. feet of Convention floor area; Bed and Breakfast Inns.
- Any General Commercial Uses up to 30,000 gross sq. feet (*but not any use which encourages patrons to remain in their automobiles while receiving goods or services*).
- Customary accessory uses and structures (see Section 5.14).

6.4.3 USES PERMITTED WITH ADDITIONAL STANDARDS (See Section 7.0 for Standards)

- Customary Home Occupations
- Regulated Day Care Centers
- Automobile Service Stations
- Commercial Establishments that provide food, drink, and/or entertainment to the public
- Restaurants with outdoor seating
- All Commercial Uses exceeding 30,000 gross sq. feet

- Multi-Family uses up to 30 units
- Bars and Taverns; Micro-Brewery, Micro-Winery, Micro-Cidery.
- Gaming Operations

6.4.4 SPECIAL USES**6.4.5 LOT PROVISIONS**Lot Requirements:

- Zoning lots in the C-1 Business District platted *prior* to the adoption of this Ordinance shall have a minimum lot width of 16 feet for all uses.
- Zoning lots in the C-1 Business District platted *after* the adoption of this Ordinance shall have the following minimum lot widths at the front lot line:

Commercial and Mixed Uses:	32 feet
Residential Lots:	27 feet
All Other Uses:	48 feet

- Off-Street Parking and Loading: as required in Section 10
- Signs: as required in Section 11
- Buffers: as required in Section 12

6.4.6 SETBACKS/ENCROACHMENTS

- Side Setbacks where abutting any Residential (minimum): 10 feet
- Side Setbacks where abutting like Zones (minimum): 0 feet
- Side Setbacks on non-abutting buildings (minimum): 5 feet
- Front Setbacks (minimum): 8 feet
- Rear Setbacks (minimum): 20 feet
- *Frontage Build Out* (minimum) 90% (Exception: Civic use Lots)
- In all cases there shall be sufficient set back from the street curb line to provide for a minimum 8 feet wide side walk.

Balconies, awning and arm signs shall be permitted to encroach within sidewalk area as follows:

- Balconies: 3 feet
- Awnings: 6 feet
- Signs: 4 feet

6.4.7 BUILDING HEIGHT AND USE

The vertical distance from the mean elevation of the finished grade relative to the *frontage street*, to the roofline of the structure:

- All Uses: 35 feet (Maximum)

6.4.8 ARCHITECTURAL STANDARDS

Buildings shall generally relate in scale and design features to the surrounding buildings, showing respect for the local context. All C-1 Architectural Standards must be reviewed and approved by the Town of Coats Planning Administrator.

6.4.9 LANDSCAPING

Landscaping Plans shall generally relate in scale and design features to the surrounding landscape, showing respect for the local context. All C-1 Landscaping Plans must be reviewed and approved by the Town of Coats Planning Administrator (See Section 5.0).

CENTRAL BUSINESS AMENDMENTS

Date of Adoption	Section Reference Number(s)	Comments
	6.4	160D update

6.5.1 INTENT

C-2 Neighborhood Commercial District is coded to establish a District in which the principal use of land is for Commercial and Service use to serve the surrounding Residential Districts.

6.5.2 USES PERMITTED

The following uses shall be permitted in a C-2 Central Business District subject to the various provisions outlined in this Section.

- Primary Retail Businesses renting and/or selling goods such as: alcoholic beverages (packaged retail sales); art goods; bakery; books; cameras, candy; clothing; medicinal drugs; dry goods; fabric; flowers; furniture; gifts; hardware; hobby goods; jewelry; leather goods; magazines; musical instruments; newsstands; notions; paints; pets; shoes; sporting goods; toys; antiques; radio and television; house accessories; variety stores; and similar Primary Retail Establishments.
- Business; Financial; Government; Health and Health Care Related Facilities (as described in 6.1.2 and 7.1.2) and Professional Offices and Agencies.
- Services such as: automobile parking lots, but not to include storage or auction uses except for local government; barber and beauty shops; billiard halls; bowling alleys; cafeterias; dry cleaning and laundry pick-up stations; laundrettes and Laundromats; music, art and dance schools; newspaper offices and printing areas incidental to such offices; studios and offices; tailors and dressmaking; indoor theaters; cultural facilities such as art galleries, museums and libraries, spas, automotive sales, and similar Services.
- Vocational Centers; Restaurants; Civic Uses on lots not exceeding 3 acres; Fraternal and Service Organizations; Parks.
- Hotels/Convention facilities up to 100 rooms and up to 50,000 gross sq. feet of Convention floor area; Bed and Breakfast Inns; Multi-Family uses up to 30 units.
- Any General Commercial Uses up to 45,000 gross sq. feet
- Funeral homes and Crematories
- Customary accessory uses and structures (see Section 5.14).

6.5.3 USES PERMITTED WITH ADDITIONAL STANDARDS (See Section 5.0 for Standards)

- Mini Storage Units
- Customary Home Occupations
- Regulated Day Care Centers
- Service Stations
- Service Stations and Garages
- Commercial Establishments that provide food, drink, and/or entertainment to the public
- Restaurants with outdoor seating

- All Commercial Uses exceeding 30,000 gross sq. feet
- *Essential Services Class 1; Class 2*
- Bars and Taverns; Micro-Brewery, Micro-Winery, Micro-Cidery.
- Gaming Operations

6.5.4 SPECIAL USES**6.5.5 LOT PROVISIONS**Lot Requirements:

- Minimum lot size: 6,000 Sq. feet
- Zoning lots in the C-2 Central Business District platted *after* the adoption of this Ordinance shall have the following minimum lot widths at the front lot line:

All Lots: 50 feet

- Minimum required front yard: 20 feet
- Minimum required rear yard: 20 feet
- Maximum Building Height (all uses): 35 feet
- Minimum side yard on corner lots: 20 feet
- Minimum side yard where C-2 abuts any non-Commercial Zone shall be a minimum of 12 feet
- Minimum side yard on non-abutting buildings: 5 feet
- Minimum side yard on abutting buildings: 0 feet
- Off-Street Parking and Loading: as required in Section 10.0
- Signs: as required in Section 11.0
- Buffers: as required in Section 12.0

6.5.6 ARCHITECTURAL STANDARDS

Buildings shall generally relate in scale and design features to the surrounding buildings, showing respect for the local context. All C-2 Architectural Standards must be reviewed and approved by the Town of Coats Planning Administrator.

6.5.7 LANDSCAPING

Landscaping Standards shall generally relate in scale and design features to the surrounding landscape, showing respect for the local context. All C-2 Landscaping Standards must be reviewed and approved by the Town of Coats Planning Administrator. (See Section 5.0)

NEIGHBORHOOD COMMERCIAL AMENDMENTS

Date of Adoption	Section Reference Number(s)	Comments
	6.5	160D update

6.6.1 INTENT

C-3 Highway Commercial District is established for the use of those businesses that are properly and necessarily located along major thoroughfares. Business uses permitted in this District are those retail service facilities that provide goods and services for the traveling public. This District is the only District coded primarily for auto dependent development.

The intent of these provisions is to facilitate convenient access, minimize traffic congestion, and reduce visual clutter.

6.6.2 USES PERMITTED

The following uses shall be permitted in a C-3 Highway Business District subject to the various provisions outlined in this Section.

- Retail Businesses renting and/or selling goods such as: alcoholic beverages (packaged retail sales); art goods; bakery; books; cameras, candy; clothing; medicinal drugs; dry goods; fabric; flowers; furniture; gifts; hardware; hobby goods; jewelry; leather goods; magazines; musical instruments; newsstands; notions; paints; pets; shoes; sporting goods; toys; antiques; radio and television; house accessories; variety stores; and similar Primary Retail Establishments.
- Business; Financial; Government; Health and Health Care Related Facilities (as described in 6.1.2 and 6.2.2) and Professional Offices and Agencies.
- Services such as: automobile parking lots, but not to include storage or auction uses except for local government; barber and beauty shops; billiard halls; bowling alleys; cafeterias; dry cleaning and laundry pick-up stations; Laundromats; music, art and dance schools; newspaper offices and printing areas incidental to such offices; studios and offices; tailors and dressmaking; indoor theaters; cultural facilities such as art galleries, museums and libraries; spas; automotive sales; and similar Services.
- Vocational Centers; Restaurants; Civic Uses; Fraternal and Service Organizations; Parks.
- Hotels/Convention facilities up to 250 rooms and up to 80,000 gross sq. feet of Convention floor area; Motels; Hotels; Bed and Breakfast Inns; Multi-Family uses up to 50 units.
- Any General Commercial Uses up to 150,000 gross sq. feet
- Highway oriented outdoor places of recreation and entertainment *but not to include* drive-in theaters
- Bus Stations, taxi stands
- Funeral Homes and Crematories
- Supermarkets
- Shopping Centers and Shopping Malls
- Public Safety facilities such as Fire and Rescue Facilities, Police Stations
- Bowling alleys, skating rinks, indoor theaters and other places of indoor entertainment
- Wholesale Businesses conducted primarily in enclosed buildings
- Automotive repair services and facilities, automotive parts and accessories *but not to include* the storage or sale of wrecked or junked vehicles

- Service Stations
- Service Stations with Garages
- Rental storage units not to exceed 100,000 gross sq. feet
- Customary accessory uses and structures when located on the same lot as the principal structure, excluding open storage (see Section 5.14).

6.6.3 USES PERMITTED WITH ADDITIONAL STANDARDS (See 7.0 for Standards)

- *Essential Services Class 1, Class 2*
- Commercial Uses exceeding 150,000 gross sq. feet
- Mini-storage
- Indoor storage of hazardous materials
- Bars and Taverns; Micro-Brewery, Micro-Winery, Micro-Cidery.
- Brewery, Winery, Cidery
- Gaming Operations

6.6.4 SPECIAL USES

- Essential Services Class 3

6.6.5 LOT PROVISIONS

Lot Requirements:

- Minimum lot size: 10,000 sq. feet
- Zoning lots in the C-3 Highway Business District platted *after* the adoption of this Ordinance shall have the following minimum lot widths at the front lot line:

All Lots: 100 feet

- Minimum required front yard: 40 feet
- Minimum required rear yard: 30 feet
- Maximum Building Height (all uses): 35 feet
- Minimum side yard on corner lots: 30 feet
- Minimum side yard where C-3 abuts any non-Commercial Zone shall be a minimum of 12 feet
- Minimum side yard on non-abutting buildings: 10 feet
- Off-Street Parking and Loading: as required in Section 10.1
- Signs: as required in Section 11.1

- Buffers: as required in Section 12.1

6.6.6 ARCHITECTURAL STANDARDS

Buildings shall generally relate in scale and design features to the surrounding buildings, showing respect for the local context. All C-3 Architectural Standards must be reviewed and approved by the Town of Coats Planning Administrator.

6.6.7 LANDSCAPING

Landscaping Standards shall generally relate in scale and design features to the surrounding landscape, showing respect for the local context. All C-3 Landscaping Standards must be reviewed and approved by the Town of Coats Planning Administrator. (See Section 5.0)

HIGHWAY COMMERCIAL AMENDMENTS

Date of Adoption	Section Reference Number(s)	Comments
*3/13/2014	*6.6.4 6.6	* Add: Essential Services Class 3 160D update

**Amendment updated in text.*

6.7.1 INTENT

The intent of the Industrial District is to promote and protect both existing Industrial activities and potential sites where urban services are available and which are considered suitable for continued or future Industrial uses; this District is established to provide for large businesses or Industrial Parks and Institutional Complexes; to prohibit uses of land which would substantially interfere with the continuation of uses permitted in this District; and to promote the operation of well planned and well maintained Industrial facilities.

6.7.2 USES PERMITTED

- Retail Support Businesses
- Wholesale Businesses
- Religious Institutions
- Governmental Complexes
- Distributive Businesses
- Laboratories and Research Facilities
- Assembly Businesses
- Offices
- Recreational Parks
- Warehouses, including Mini-Storage

6.7.3 USES PERMITTED WITH ADDITIONAL STANDARDS (See Section 7.0 for Standards)

*** Any uses associated with the Industrial District, which are determined by the Town of Coats Planning Board to significantly impact the existing infrastructures of the Town of Coats (i.e., street capacities, water and sewer capacities, or any other Service related Town functions) or any use determined by the Planning Board that will adversely impact the accepted standards of living for the Town of Coats must be approved by the Town Board. All uses in the Industrial District shall obtain and maintain any necessary permits that might be required by Local, County, State and Federal Agencies.

- *Essential Services Class 1, Class 2*
- Indoor or Outdoor Storage of any hazardous materials
- Junkyards that meet the *Junkyard Control Act of 1967*, as amended
- Automobile wrecking and salvage yards, to include similar types of used material industries, *provided* that all such work is conducted within a structure or on a lot enclosed by a solid fence not less than eight (8) feet in height
- Brewery, Winery, Cidery

6.7.4 SPECIAL USES

- Essential Services Class 3

6.7.5 LOT PROVISIONS

Lot Requirements:

- Zoning lots in the I Industrial District shall contain a minimum of 30,000 sq. feet
- Off-Street Parking and Loading: as required in Section 10.1
- Signs: as required in Section 11.1
- Buffers: as required in Section 12.1

6.7.6 SETBACKS/ENCROACHMENTS

- Lot width at the front setback line (minimum): 150 feet
- Front yard setback abutting a non-State roadway (minimum): 40 feet
- Front yard setback abutting a State roadway (minimum): 50 feet
- Side yard on lots not abutting Residential (minimum): 25 feet
- Side yard on lots abutting Residential (minimum): 50 feet
- Rear yard on lots not abutting Residential (minimum): 40 feet
- Rear yard on lots abutting Residential (minimum): 70 feet

6.7.7 BUILDING HEIGHT AND USE

The vertical distance from the mean elevation of the finished grade relative to the *frontage street*, to the roofline of the structure:

- All Uses: 35 feet (maximum)

6.7.8 ARCHITECTURAL STANDARDS

Buildings shall generally relate in scale and design features to the surrounding buildings, showing respect for the local context. All Industrial Architectural Standards must be reviewed and approved by the Town of Coats Planning Administrator.

6.7.9 LANDSCAPING

Landscaping Standards shall generally relate in scale and design features to the surrounding landscape, showing respect for the local context. All Industrial Landscaping Standards and Buffers must be reviewed and approved by the Town of Coats Planning Administrator. (See Section 5.0)

INDUSTRIAL AMENDMENTS

Date of Adoption	Section Reference Number(s)	Comments
*3/13/2014	*6.7.3	* Remove: Essential Services Class 3
*3/13/2014	*6.7.4	* Add: Essential Services Class 3
	6.7	160D update

**Amendment updated in text.*

6.8.1 INTENT

The Municipal Open-Space and Reserve District is established as a District in which the primary use of the land is predominantly set aside for flood control, public recreation, community facility sites, natural or man-made bodies of water, forests, or other Reserve usage for **current and** future infrastructure and development. In promoting the general purposes of this District and its uses, the specific intent of this subsection is:

- To encourage the preservation of, and the continued use of, the land for conservation purposes;
- To prohibit Residential, Commercial, or Industrial development and **to** use all lands zoned as Municipal Open-Space Reserve **as a method** to facilitate **current and** planned future development.

6.8.2 USES PERMITTED

- Cemeteries
- Parks and Recreational Activity Area
- Nature Preserves
- Transportation Networks
- Parking Facilities
- Open Space Land

6.8.3 LOT PROVISIONS

Within the Municipal Open-Space Reserve District, there shall be no required minimum for lot area, lot width or yards required due to the exceptional physical characteristics of this District.

6.8.4 OFF-STREET PARKING, LOADING, AND UNLOADING

As required in Section 10.0

6.8.5 SIGNS

As required in Section 11.0

MUNICIPAL OPEN-SPACE RESERVE AMENDMENTS

Date of Adoption	Section Reference Number(s)	Comments
*4/13/2006	*6.8.1	*Add: Wording to include current and existing uses as original text only included future uses.

*Amendment updated in text.

6.9.1 INTENT

R-6 RD Redevelopment Residential District is established as a District in which the principal uses of land are for residences. The regulations of this District are intended to foster *high-density* residential uses among the established residential blocks of the Town's early development. In existing neighborhoods the R-6 residential district is provided to encourage infill and redevelopment of existing, under-utilized lots. In addition to creating a District specific that will accommodate and review multi-family housing development.

6.9.2 USES PERMITTED

- Single Family Homes
- Duplexes
- Family Care Homes
- Parsonages, Manses, Parish Houses
- Public Parks, Playgrounds, Nature Preserves, & Recreational areas
- Community and Retirement Centers
- Churches, Chapels, Temples, Synagogues, Rectories
- Municipal Facilities, Emergency Services

6.9.2 USES PERMITTED WITH ADDITIONAL STANDARDS

- Swimming Pools
- Attached Single-family Dwellings, limited to: Triplex and Quadplex Homes
- Group Care Facility
- Bed and Breakfast
- Parsonages, Manses, Parish Houses
- Regulated Day Care Centers
- Essential Services Class 1, Class 2
- Recreational Facilities

6.9.3 SPECIAL USES

- Manufactured Housing; (meeting conditions of 6.9.11)

6.9.4 LOT PRIVISIONS FOR SINGLE FAMILY DWELLING UNITS

Minimum Lot Area shall be 6,000 sq. feet (with public water and public sewer).

Minimum Lot Width shall be 50 feet at the building line

Minimum Required Front Yard shall be 20 feet from the front property line and 40 feet along NC and US numbered highways.

Minimum Required Side Yard shall be 10 feet as measured from the side property line.

Minimum Required Rear Yard shall be 20 feet as measured from the rear property line.

Corner Lots: Side yards of Corner Lots, which abut a public or private street, shall have a minimum setback of 12 feet.

Maximum Building Height shall not exceed 35 feet.

Maximum Permissible Lot Coverage of the principal building and all accessory buildings shall not total more than 35 percent of the total lot area. (Ex 2,100 sq. feet for Minimum Lot Size)

6.9.5 OFF-STREET PARKING AND LOADING – As permitted in Section 10

6.9.6 SIGNS – As Permitted in Section 11

6.9.10 ACCESSORY USES

Storage Buildings in rear yard and 10 feet from property lines.

6.9.11 CLASS “A” DOUBLE OR MULTI-SECTION MANUFACTURED HOUSING

Materials

1. The exterior siding consists of wood, hardboard, vinyl, brick or aluminum and shall be comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
2. The roof shall be finished with a type of shingle that is commonly used in standard residential construction.
3. Class “A” manufactured homes must be placed on a permanent foundation of block, brick, or stone on a footing.

Configurations

1. The minimum width (the width being the narrower of the two overall dimensions) of the main body of the manufactured home as assembled on the site shall be at least twenty-four (24) feet and for a distance extending along the length (the length being the longer of the two overall dimensions) of at least fifty-two (52) feet.
2. Stairs, porches, entrance platforms and other means of entrance and exit to the manufactured home shall be installed and constructed in accordance with the standards set by the NC Department of Insurance.
3. The pitch of the roof of the manufactured home shall have a minimum vertical rise of five (5) feet for each twelve (12) feet of horizontal run.
4. The roof of the manufactured home shall have an overhang (eave) extending at least ten (10) inches from each vertical exterior wall. A site installed gutter may be counted in the width of the eave.

Techniques

1. The manufactured home is set up on the site in accordance with the standards set by the NC Department of Insurance.
2. The manufactured home *entryway* shall front the street.
3. The tongue, axes, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

Residential R-6 Amendments

Date of Adoption	Section Reference Number(s)	Comments
10/11/2018	*6.9	* Add: New R-6 Zone
	6.9.4	Clarify definition and corner side setback
	6.2	160D Updates

*Amendment updated in text.

<i>SECTION 6.9</i>	High Density Residential Redevelopment District	R-6 RD
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Recommended by Planning Board Apr. 1, 2021

SECTION 6.10	High Density New Development Residential District	R-6 ND
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6.10.1 INTENT

R-6 ND New Development Residential District is established as a District in which the principal uses of land are for residences. The regulations of this District are intended to foster *high-density* residential uses. In new areas the R-6 ND may be used to serve as a buffer around more intensive commercial development. This zoning district must be within Town Limits and will be subject to meet all standards of Coats Subdivision Regulations.

6.10.2 USES PERMITTED

- Single Family Homes
- Duplexes
- Family Care Homes
- Public Parks, Playgrounds, Nature Preserves, & Recreational areas
- Community and Retirement Centers
- Churches, Chapels, Temples, Synagogues, Rectories
- Municipal Facilities, Emergency Services

6.10.3 LOT PRIVISIONS FOR SINGLE FAMILY DWELLING UNITS

Minimum Lot Area shall be 6,000 sq. feet (with public water and public sewer).

Minimum Lot Width shall be 50 feet at the building line

Minimum Required Front Yard shall be 20 feet from the front property line

Minimum Required Side Yard shall be 10 feet as measured from the side property line.

Minimum Required Rear Yard shall be 20 feet as measured from the rear property line.

Corner Lots: Side yards of Corner Lots, which abut a public or private street, shall have a minimum setback of 12 feet.

Maximum Building Height shall not exceed 35 feet.

Maximum Permissible Lot Coverage of the principal building and all accessory buildings shall not total more than 35 percent of the total lot area. (Ex 2,100 sq. feet for Minimum Lot Size)

6.9.5 OFF-STREET PARKING AND LOADING – As permitted in Section 10

6.9.6 SIGNS – As Permitted in Section 11

6.9.10 ACCESSORY USES

Storage Buildings in rear yard and 10 feet from property lines.

SECTION 6.10	High Density New Development Residential District	R-6 ND
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Residential R-6 ND Amendments

Date of Adoption	Section Reference Number(s)	Comments
6/13/2021	6.10	Zoning District Created

Recommended by Planning Board Apr. 1, 2021

7.1 PURPOSE

The Town of Coats finds that there are certain uses that exist which may be constructed, continued, and/or expanded provided they meet certain mitigating conditions specific to their design and/or operation. Such conditions ensure compatibility among building types so that different uses may be located in proximity to one another without adverse affects to either use. This section specifies those requirements which must be met by all uses listed in the “Uses Permitted with Additional Standards” section for each Zoning District listed in Section 6. Approval for “Uses Permitted with Additional Standards” shall be granted by the Zoning Officer upon satisfactory demonstration that all applicable standards will be met.

7.2 LIST OF USES PERMITTED WITH ADDITIONAL STANDARDS**7.2.1 CLASS “A” MANUFACTURED HOUSING (R-A, R-6 RD Special Use)****Materials**

1. The exterior siding consists of wood, hardboard, vinyl, brick or aluminum and shall be comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
2. The roof shall be finished with a type of shingle that is commonly used in standard residential construction.
3. Class “A” manufactured homes must be placed on a permanent foundation of block, brick, or stone on a footing.

Configurations

1. The minimum width (the width being the narrower of the two overall dimensions) of the main body of the manufactured home as assembled on the site shall be at least fourteen (14) feet for a distance extending along the length (the length being the longer of the two overall dimensions) of at least fifty-two (52) feet.
2. Stairs, porches, entrance platforms and other means of entrance and exit to the manufactured home shall be installed and constructed in accordance with the standards set by the NC Department of Insurance.
3. The pitch of the roof of the manufactured home shall have a minimum vertical rise of five (5) feet for each twelve (12) feet of horizontal run.
4. The roof of the manufactured home shall have an overhang (eave) extending at least ten (10) inches from each vertical exterior wall. A site installed gutter may be counted in the width of the eave.

Techniques

1. The manufactured home is set up on the site in accordance with the standards set by the NC Department of Insurance.
2. The manufactured home shall face the fronting street.
3. The tongue, axes, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

7.2.2 BED AND BREAKFAST INNS (R-A, R-20, R-6 RD)

- A. Single family homes used as bed and breakfast inns shall have a minimum heated floor area of 1,500 square feet.
- B. Single family homes used as bed and breakfast inns may not subdivide existing rooms into less than 120 square feet (excluding bathrooms).
- C. The bed and breakfast inn shall be owner-occupied.
- D. All parking shall be to the rear of the home. Where on-street parking is permitted, the length of the street in front of the lot may be counted as parking. There shall be one space per room of lodging.

7.2.3 CEMETERY (R-A, R-20)

- A. Shall not include embalming or cremation facilities.
- B. Fences and walls between 2' and 10' in height are permitted (See Section 5.5 Required Fence and Wall Standards).
- C. Combination walls and fences are permitted. If exceeding 4' in height the portion over 4' shall be a minimum of 50% opaque.
- D. Setbacks from all street rights of way to a wall or grave shall be a minimum of 8'.

7.2.4 COUNTRY CLUB (R-A, R-20, R-6)

- A. A country club building shall form a central gathering place for a neighborhood.
- B. Parking shall be to the rear and/or side of the building(s).

- C. The principal building shall face the fronting street and shall not be setback a distance which inhibits pedestrian access.

7.2.5 CUSTOMARY HOME OCCUPATION (R-A, R-20)

- A. Such business shall not change the character of the dwelling.
- B. No outside storage associated with the *home occupation* is permitted.
- C. No more than 25% of the home shall be used in connection with the home occupation.
- D. A maximum of 1 non-resident employee is permitted.
- E. No display or advertising is permitted.
- F. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the home occupation.
- G. Residential homes with over 6,000 sq. ft. and located on a minimum of 2 acres may be used for weddings, receptions, show homes, or offices. Space occupied by a home occupation shall not exceed 45% of the total home square footage. Total employment may not exceed 16. On site residence is optional for the homeowner. All parking shall be in rear or side yards only. One parking space for every 250 sq. ft. of floor space, which is used in connection with the home occupation.

7.2.6 RECREATIONAL FACILITIES (R-A, R-20, R-6 RD)

- A. All recreational facilities shall be treated as parks in design and landscaping. All structures associated with a recreational facility shall be located toward the perimeter of the lot.
- B. Recreational facilities are encouraged to be built adjoining school campuses, greenbelts, or parkways.
- C. Parking shall be located behind structures, or along the perimeter of the lot. There shall be 14 spaces per acre and/or 1 per 250 square feet of facility floor area.

7.2.7 ROOMING/BOARDING HOMES (R-A, R-20, R-6)

- A. Single family homes used as a *rooming/boarding house* may not subdivide existing rooms.
- B. The rooming/boarding house shall be owner-occupied.
- C. No more than 1 person or couple may inhabit a single room.

- D. All parking shall be to the rear of the home. Where on-street parking is permitted, the length of the street in front of the lot may be counted as parking. There shall be one parking space per room of lodging plus one for every two employees.

7.2.8 CHURCHES/CIVIC USES (R-A, R-20, R-6 RD)

- A. Churches/Civic uses shall be placed on a lot so as to front on the street and, where possible, terminate a vista.
- B. Building(s) incidental to the principal structure shall be behind a line a minimum of 20 ft from the front facade of the structure, and if more than one, shall be arranged to create secondary gathering spaces within the lot.
- C. Parking shall be located towards the interior of the lot. On-street parking may be used to fulfill parking requirements. Parking may not occur within a front setback or corner side setback.
- D. Front setbacks may be altered to preserve views or significant trees.

7.2.9 REGULATED DAY CARE CENTERS (R-A, R-20, R-6 RD)

- A. Minimum lot size is 1/2 acre.
- B. *Regulated day care centers* shall conform in architecture to the surrounding residential structures.
- C. Parking shall be located to the rear or side of the lot.
- D. The rear of the lot shall be walled or fenced as determined by Section 5.5.

7.2.10 GROUP CARE FACILITYS (R-A, R-20, R-6 RD)

- A. All *Group Care Facility* shall be residential in architectural design.
- B. Minimum lot size shall be 7,000 sq. ft.
- C. Parking shall be to the rear of the home and shall be screened from adjoining property by a wall a minimum of 6 feet in height.

7.2.11 MULTI-FAMILY DEVELOPMENT (R-6 RD, C-1, C-2, C-3)

- A. All multi-family development shall front onto a street.

- B. Parking shall be to the rear or side of primary structure.
- C. Parking which adjoins a street shall have a wall running the length of the right-of-way except for driveways. See Section 5.5 for fence and wall standards.

7.2.12 DUPLEXES (R-A, R-20)

- A. Lot size minimum of 10,000 square feet is required.
- B. Shall be designed architecturally so that the main entrance faces the fronting street.

7.2.13 RESIDENTIAL SCHOOLS and COLLEGES (R-A, R-20)

- A. School campuses shall have the principal structure facing the fronting street, which should be located along the edge of a neighborhood.
- B. Parking shall occur behind the fronting structure(s).
- C. Schools shall be appropriately designed and scaled to serve as anchors for a community, and should terminate a street or vista.
- D. Pedestrian connections to schools for surrounding neighborhoods shall not be inhibited by large parking areas or setbacks.
- E. Ball fields and play areas shall be located near the interior portions of the property.

7.2.14 COMMERCIAL ESTABLISHMENTS THAT PROVIDE FOOD, DRINK, AND/OR ENTERTAINMENT TO THE PUBLIC (MUV, C)

- A. Music shall not be audible off the premise at decibel levels louder than normal background noise after 11:00 p.m. Sunday through Thursday and 12:00 p.m. on Friday and Saturday, if such establishments are located within 350 ft. of a residence.

7.2.15 RESTAURANTS WITH OUTDOOR SEATING (MUV, C)

- A. Outdoor seating shall not obstruct sidewalks or streets, but may encroach upon sidewalks.

7.2.16 COMMERCIAL USE EXCEEDING 30,000 SQUARE FEET (C)

ALSO: HOTEL FACILITIES

**MULTI-FAMILY DEVELOPMENT UP TO 50 UNITS
USES EXCEEDING 30,000 SQUARE FEET**

- A. Building facades shall be articulated to create the impression that the building is more than one structure. This can be accomplished using different facade treatments and/or varying building height every 35 to 50 feet if facade exceeds 80 feet in length.
- B. Parking may be accommodated on site, on-street, or within 800 ft. of the site. Shared parking is encouraged.
- C. All loading areas shall be to the rear of the structure. (Does not apply to multi-family developments).
- D. For *Mixed Use* structures over 35,000 square only, the first floor shall be for non-residential uses only.

7.2.17 HIGHWAY COMMERCIAL USES EXCEEDING 50,000 SQUARE FEET IN AREA (C-3)

- A. Uses generating an additional 8,000 or more car trips a day shall be required to improve adjoining street or intersection infrastructure as determined by the Town and/or State Department of Transportation.
- B. Uses requiring an excess of 20,000 gallons per day of water or sewer usage shall be required to improve infrastructure capacity as determined by the Town.

7.2.18 ADULT RETAIL ESTABLISHMENT (C-3)

- A. No such *adult retail establishment* shall be located less than 1,000 ft. from the property line of a school, church, day care center, or lot in residential use.

7.2.19 INDOOR STORAGE OF HAZARDOUS MATERIAL (C-3)

- A. All indoor storage of hazardous materials shall be in compliance with all state and federal regulations.
- B. Such material shall be listed and made known with the Coats Grove Fire and Rescue Department.

7.2.20 OUTDOOR STORAGE OF HAZARDOUS MATERIAL (I)

- A. All outdoor storage of hazardous materials shall be in compliance with all state and federal regulations.
- B. Such material shall be listed and made known with the Coats Grove Fire and Rescue Department.

7.2.21 JUNKYARDS (I)

- A. All junkyards shall be in compliance with all state and federal regulations.
- B. Setbacks for all junkyards located on U.S. and N.C. numbered highways shall be 50 feet (from the property line to the fence) (see “D” below).
- C. Buffers are required where a junkyard abuts any zone (like or unlike) as defined in Section 12.0.
- D. Closed fences as required in Section 5.0. Such fences must be secure and located inside the buffer for visual quality.
- E. Junkyards may not exceed three (3) acres inside city limits and twelve (12) acres in the ETJ.

7.2.22 AUTOMOBILE WRECKING AND SALVAGE YARDS (I)

- A. All automobile wrecking and salvage yards shall be in compliance with all state and federal regulations.
- B. Setbacks for all automobile wrecking and salvage yards located on U.S. and N.C. numbered highways shall be 50 feet (from the property line to the fence).
- C. Buffers are required where an automobile wrecking and salvage yards abuts any zone (like or unlike) as defined in Section 12.0.
- D. Closed fences as required in Section 5.0. Such fences must be secure and located inside the buffer for visual quality.
- E. Automobile wrecking and salvage yards may not exceed three (3) acres inside city limits and twelve (12) acres in the ETJ.
- F. No noise, audible from adjacent properties, may be generated from an automobile wrecking and salvage yard between the hours of 10 PM and 6 AM.

7.2.23 MINI-STORAGE (R-A, C-2, C-3)

- A. Buffers as required in Section 12.0.
- B. Fences as required in Section 5.0. Such fences must be secure and located inside the buffer for visual quality.

- C. All driveways and travel-ways must be paved with a material approved by the Planning Board.

7.2.24 ESSENTIAL SERVICES (R-A, R-20, C, I, R-6 RD,)

- A. All such services shall be screened where appropriate from right-of-way according to the provisions of Section 5.5 Required Fence and Wall Standards.
- B. Publicly or privately owned receiving or transmission antennas shall be allowed only on Town of Coats owned and operated elevated water storage tanks.

7.2.25 OUTDOOR STORAGE OF HAZARDOUS MATERIAL (I)

- A. Outdoor storage shall be screened from all public right-of-way and can occur only in a rear yard. Screening shall comply with Section 5.5 Required Fence and Wall Standards.
- B. All material shall be listed and made known with the Coats Fire Department.

7.2.26 SERVICE STATIONS (R-A, C)

- A. All *service stations* shall provide a continuous street facade consisting of buildings, walls, or landscaping along all right-of-ways except driveways.
- B. The architectural design and color of such structures shall be compatible with abutting structures with regards to building materials and roof pitch.
- C. Driveways must be approved by the North Carolina Department of Transportation (NCDOT).

7.2.27 SERVICE STATIONS AND GARAGES (R-A, C)

- A. Front setbacks may be less than 20 ft. if such an encroachment allows for better site design of the building in relation to the street.
- B. Outdoor storage shall be screened from all public right-of-ways and can occur in a rear yard only. Screening shall comply with Section 5.12.7 (C).

7.2.28 BARS AND TAVERNS (C-1, C-2, C-3) MUV BY RIGHT

- A. Bars and Taverns shall be permitted only when requested as a Conditional Use within existing commercial zoning districts and accompanied by an approved Conditional Use Permit.
- B. No such establishment shall be located within 50 feet of any other bar or tavern. The distance shall be measured in a straight line from the zoning lot of the proposed establishment line to the nearest point of the lot line for the existing establishment.
- C. No such establishment shall be located within 150 feet of a church, elementary school, or public park. The distance shall be measured in a straight line from the front, back, or side of the main building of the proposed establishment facing the subject property to the nearest point of the lot line or property, whether such district or use is located within Town jurisdiction or not.
- D. The main entrance of the building shall be oriented toward a street where the abutting property is zoned predominantly for non-residential use.
- E. A barrier shall be erected adjacent to the property line of abutting residences – material and final design are subject to approval by Town Board.
- F. Parking areas related to the establishment shall be located no closer than 10 feet to the property line of abutting residences.

**7.2.29 (A) MICRO-BREWERY, MICRO-WINERY, MICRO-CIDERY(C-1, C-2, C-3)
MUV BY RIGHT**

- A. A Micro-Brewery/Micro-Winery/Micro-Cidery shall be permitted only when requested as a Conditional Use within existing commercial zoning districts and accompanied by an approved Conditional Use Permit.
- B. No such establishment shall be located within 150 feet of a church, elementary school, or public park. The distance shall be measured in a straight line from the front, back, or side of the main building of the proposed establishment facing the subject property to the nearest point of the lot line or property whether such district or use is located with Town jurisdiction or not.
- C. The main entrance of the building shall be oriented toward a street where the abutting property is zoned predominantly for non-residential use.

- D. A barrier shall be erected adjacent to the property line of abutting residences – material and final design are subject to approval by Town Board.
- E. Parking areas related to the establishment shall be located no closer than 10 feet to the property line of abutting residences.
- F. Outdoor storage of goods and materials used in assembly, fabrication, or processing shall not exceed 25 percent of the gross floor area of all buildings on a lot.
- G. Outdoor storage uses shall be screened from view from any public right-of-way and from all abutting properties by a landscape screen in accordance with 5.12.8(d) Section of Town Zoning Ordinance.

7.2.29 (B) Brewery, Winery, Cidery (C3, I)

- A. A Brewery/Winery/Cidery shall be permitted only when requested as a Conditional Use within existing C-3 and Industrial zoning districts and accompanied by an approved Conditional Use Permit.
- B. No such establishment shall be located within 300 feet of a church elementary school, or public park. The Distance shall be measured in a straight line from the front, back, or side of the main building of the proposed establishment facing the subject property to the nearest point of the lot line or property, whether such district or use is located within Town jurisdiction or not.
- C. The main entrance of the building shall be oriented toward a street where the abutting property is zoned predominantly for non-residential use.
- D. A barrier shall be erected adjacent to the property line of abutting residences – material and final design are subject to approval by Town Board.
- E. Parking areas related to the establishment shall be located no closer than 30 feet to the property line of abutting residences.
- F. Outdoor storage of goods and materials used in assembly, fabrication, or processing shall not exceed 25 percent of the gross floor area of all buildings on a lot.
- G. Outdoor storage uses shall be screened from view from any public right-of-way and from all abutting properties by a landscape screen in accordance with 5.12.8 (d) Section of Town Zoning Ordinance.

7.2.30 GAMING OPERATIONS (C-1, C-2, C-3)

- A. Days/Hours of operation: businesses engaged in electronic gaming operations activities may operate from 9:00 am until 11:00 pm, Monday through Saturday unless otherwise specified by the Planning Board.
- B. The maximum number of machine/terminals/computers for any electronic gaming operations business is twenty (20).
- C. Minimum paved parking spaces:
 - 1. One (1) space per every two (2) terminals or one (1) space per every one hundred (100) square feet of total floor area, whichever is greater.
 - 2. One (1) space for each employee.
- D. The establishment must be a minimum for Five Hundred (500) feet from any religious institution, school, daycare center, library or Public Park or other gaming facility.
- E. Distances shall be measured in a straight line, without regards to intervening structures or objects, from the closest exterior structure wall of the electronic gaming establishment to the nearest lot line of the religious use, school, or any or other aforementioned uses or other electronic gaming facility.
- F. No alcoholic beverages will be sold, served or consumed on the premises of the gaming operations.
- G. No one less than 18 years of age allowed in a primary use gaming facility.
- H. All establishments engaging in electronic gaming must post restrictions banning it's patrons from bringing firearms into the facility.

7.2.31 AUTOMOBILE SALES AND SERVICE (MUV)

- A. Vehicle parking area does not front Main Street.
- B. All parking areas must be paved with asphalt or concrete.
- C. No outdoor storage allowed.
- D. Parked vehicles shall not encroach upon any NC DOT right-of-ways or Town maintained right-of-ways or easements.

SECTION 7**USES PERMITTED WITH ADDITIONAL STANDARDS**

PERMITTED WITH ADDITIONAL STANDARDS AMENDMENTS

Date of Adoption	Section Reference Number(s)	Comments
*1/10/13	Section 7.2.30	*Add Gaming Operations (C-1, C-2, C-3)
*3/14/19	Section 7.2.9	*Removed Requirement A. Minimum lot size is 1 acre
*2/13/2020	Section 7.2.28 Section 7.2.29(A) Section 7.2.29(B)	*Add Bars and Taverns *Add Micro-Brewery, Micro-Winery, Micro-Cidery *Add Brewery, Winery, Cidery
*6/10/2021	Section 7.1 and 7.2	160D Update
*6/10/2021	Section 7.2.18.A	Clarification of point of measurement

8.1 BOARD OF ADJUSTMENT ESTABLISHED**8.1.1 Membership.**

- A. The Town of Coats Zoning Board of Adjustment is hereby established pursuant to G.S. 160D-302. The word “Board” when used in this Section shall be construed to mean the Zoning Board of Adjustment.
- B. The Board of Adjustment shall consist of five (5) members, three (3) members who shall reside within the Town Limits, and two (2) members who shall reside within the Town’s area of extraterritorial jurisdiction (ETJ) in accordance with G.S. 160D-307. Members residing within the Town Limits shall be appointed by the Town Board of Commissioners in accordance with G.S.160D-310. Members residing outside the Town Limits within the area of Coats ETJ shall be appointed by the Harnett County Commission. All members shall have equal rights, privileges and duties; except as defined for officers by adopted Rules of Procedure. All members shall be appointed for three (3) year terms except in making the original appointments.
- a. Seating Members. In making the original appointment two (2) members shall be appointed for a three (3) year term, one of which shall be an ETJ member; two (2) members shall be appointed for a two (2) year term, one of which shall be an ETJ member; and one (1) member shall be appointed for a one (1) year term.
 - b. Alternates. The Town Board of Commissioners may, in its discretion, appoint alternate members to serve on the Board of Adjustment in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and serving on behalf of any regular member, shall have and may exercise all the powers and duties of a regular member. (G.S. 160D-302(a))
 - c. The Board shall elect a Chairman from its membership and such other officers as the Board deems best. The members of the Board shall receive compensation for their services as determined by the Town Board of Commissioners.
 - d. The Board of Adjustment shall be composed as follows: five (5) members shall be from the Planning Board, and two (2) members shall be from the Town Board. Other members of the Planning Board and Board of Commissioners may serve as alternates for the Board of Adjustment, but said alternate(s) must come from the same board as the absent member.
- C. Oath of Office. Any person appointed to the board shall take and subscribe the oath of office prescribed in Article VI, § 7 of the Constitution as stipulated in G.S.160A-61.

8.1.2 Powers and Duties

- A. The Board of Adjustment shall have the following powers and duties:
1. To hear and decide appeals from an order, denial of a permit or other written decision made by an administrative official charged with enforcing this Ordinance in accordance with Section 3.6 of this Ordinance;
 2. To hear and decide requests for variances from the provisions of this Ordinance or the Subdivision Ordinance adopted under the authority of G.S. 160D in cases where special conditions would make strict and literal interpretation result in a loss of privileges shared by other properties within the same zoning district in accordance with Section 3.5 of this ordinance;
 3. To hear and decide appeals and requests for variances from the requirements of the Flood Damage Prevention Ordinance, and
 4. To hear and decide all matters referred to it or upon which it is required to pass under this Ordinance and/or any ordinance duly adopted wherein the Board of Adjustment is designated to hear appeals or other duties.
- B. Voting. A four-fifths vote of the members shall be required to grant a variance; otherwise, a simple majority of the Board membership shall be required to affirm, reverse or modify any written order, decision, or interpretation of the Enforcement Officer charged with enforcing this Ordinance; to decide in favor of the applicant on a matter [other than variances] upon which the Board is required to pass; Vacant positions on the Board of Adjustment and members who are disqualified from voting on a matter before the Board of Adjustment shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
- C. Conflicts & Violations of Due Process. A member of the Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection. (G. S. 160D-109).
- D. Proceedings. All meetings of the Board of Adjustment shall be open to the public. The Board shall keep minutes showing the vote of each member on each question and the absence or failure of any member to vote. The final disposition of each matter decided by the Board of Adjustment shall be by recorded resolution indicating the reasons for the decision, based on findings of fact obtained by testimony under oath or affirmation and conclusions of law which shall be public record. On all appeals, applications and other matters brought before the Board of Adjustment, the Board shall inform in writing all the parties involved of its decision and the reasons for that decision.

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BOARD OF ADJUSTMENT & PLANNING BOARD

8.1.3 Administration Of Oaths

The Chairman or any member temporarily acting as chairman is authorized to administer oaths to witnesses in any matter coming before the Board. All testimony before the Board must be under oath and recorded.

8.2 PLANNING BOARD ESTABLISHED

8.2.1 Authority. There is hereby created a planning agency, pursuant to G.S. 160D-301 to be known as the Town of Coats Planning Board.

8.2.2 Membership by Appointment. The Planning Board shall consist of seven (7) members, five (5) members who shall reside within the Town Limits, and two (2) members who shall reside within the Town's area of extraterritorial jurisdiction (ETJ) in accordance with G.S. 160D-307. Members residing within the Town Limits shall be appointed by the Board of Commissioners in accordance with G.S.160D-310. Members residing outside the Town Limits within the area of Coats ETJ shall be appointed by the Harnett County Commission. All members shall have equal rights, privileges and duties; except as defined for officers by adopted Rules of Procedure. All members shall be appointed for three (3) year terms except in making the original appointments. In making the original appointment three (3) members shall be appointed for a three (3) year term; two (2) members shall be appointed for a two (2) year term, one of which shall be an ETJ member; and two (2) members shall be appointed for a one (1) year term, one of which shall be an ETJ member.

8.2.3 Oath of Office. Any person appointed to the board shall take and subscribe the oath of office prescribed in Article VI, § 7 of the Constitution as stipulated in G.S.160A-61.

8.2.4 Powers and Duties. The Planning Board shall have the following powers and duties:

- A. To provide recommendations to the Town Board of Commissioners with regard to map amendments (rezoning), text amendments, and other matters on which the Town Board of Commissioners seeks advice;
- B. To develop and update a Comprehensive Plan for the planning and development regulation jurisdiction, subject to specific direction from the Town Board of Commissioners;
- C. To render opinions and make recommendations on all issues, requests, and petitions related to the Coats Development Ordinance and the Comprehensive Plan that may be adopted and/or amended from time to time and that require approval by the Town Board of Commissioners; and
- D. To make such other studies and plans and review such other related matters as directed by the Town Board of Commissioners.

8.2.5 Voting. A simple majority of the Board membership shall be required to affirm any decision, recommendation or statement of the Board.

8.2.6 Conflicts & Violations of Due Process. A member of the Planning Board shall not participate in or vote on any matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. A member shall not vote on any advisory or legislative decision

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regarding a development regulation adopted pursuant to this Ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable impact on the member. A member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship with an affected person. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection. (G.S. 160D-109).

SECTION 8

**BOARD OF ADJUSTMENT &
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ZONING BOARD OF ADJUSTMENT AMENDMENTS

Date of Adoption	Section Reference Number(s)	Comments
	8	160D updates

AMENDMENTS TO DEVELOPMENT ORDINANCE AND ZONING MAP**9.1 General**

The Coats *Town Board of Commissioners* may amend, supplement, modify, or repeal any provision of this ordinance or amend the zoning maps according to the procedure established by G.S.160D-601 through G.S. 160D-605. Such amendments shall be evaluated for compliance with the adopted *Coats Land Use Plan, August 2025*, including subsequent amendments adopted by the Town Board of Commissioners of the Town of Coats and other applicable adopted plans, and may require a land use plan and/or comprehensive master plan amendment to ensure compatibility between the plan(s) and the amendment. Amendments and modifications shall be acted upon by the *Town Board of Commissioners*, after recommendation from the *Planning Board*.

9.2 Initiation of Amendments

Proposed changes or amendments to either the text of this Ordinance or the Official Zoning Map may be initiated by the Coats *Town Board of Commissioners*, the Coats *Planning Board*, the Coats *Zoning Officer*, any owner of a legal or equitable interest in land located in the Town's jurisdiction, or any resident of the Town's jurisdiction having a legal or equitable interest in land affected by the proposed amendment. Persons other than the Town of Coats, the landowner, or the landowner's authorized agent making application for a zoning map amendment shall certify to the Town that the owner of the parcel of land as shown on the Harnett County tax listing has received actual notice of the proposed amendment and a copy of the notice of the legislative hearing in accordance with the provisions of G.S. 160D-602(d). See Sub-section 9.3.a.iv. below for content of an application for amendment(s). No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor shall it be enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the Town.

9.3 Amendment Processa. Initial Application Process.

- i. Pre-filing meeting. Before filing an application for an amendment an applicant shall meet with the *Zoning Officer* to discuss the proposed amendment and to become more familiar with the applicable requirements and approval procedures.
- ii. Neighborhood meeting. It is required that the applicant for a zoning map amendment (rezoning) meet with representatives and/or landowners of the neighborhood in which the property for which the proposed map amendment (rezoning) is located as authorized by G.S. 160D-602(e). The applicant shall coordinate the time and date of the meeting to enable the *Zoning Officer* to attend

and address procedural questions that arise. The neighborhood meeting shall be conducted prior to the date of the legislative hearing at which comments on the application will be heard. This meeting may be held either before or after, but not on, the date of the meeting at which the Planning Board review and recommendation is scheduled.

iii. Filing.

- (a) An application requesting an amendment shall be filed with the *Zoning Officer*.
- (b) Applicable fees shall be payable as set forth by the *Coats Town Board of Commissioners*.
- (c) Completed applications submitted by 12:00 noon on the 15th day of the any calendar month will be considered at the meeting of the *Coats Planning Board* scheduled for the following month.

iv. Content and valid authorization of applications.

- (a) Each application shall contain or be accompanied by all information required on the application form provided by the *Zoning Officer*.
- (b) Every amendment proposing to change the district boundary lines shall be accompanied by metes and bounds description, a survey of the area involved, or reference to existing lots, sufficient in the estimation of the *Zoning Officer* to plot or otherwise identify the amendment on the Official Zoning Map of the Town of Coats.
- (c) Any person designated by the owner(s) of the property included in the petition to serve as agent for the owner shall submit such authorization in writing with the application. See Sub-section 9.2 of this Section.

b. Review by the Coats Planning Board.

General. Upon submission of a request for amendment of the Coats Development Ordinance or an Official Zoning Map amendment, the request shall be scheduled *for review by the Coats Planning Board* in a public meeting in accordance with Section 9.3.a.iii(c) above.

- i. Review – General. The *Planning Board* shall make recommendations to the *Coats Town Board of Commissioners* regarding whether to approve or deny each proposed amendment. When considering an amendment, the *Planning Board*

shall consider both the consistency and reasonableness of the amendment with the adopted *Coats Land Use Plan, August 2025*, including subsequent amendments adopted by the Town Board of Commissioners of the Town of Coats and other applicable adopted plans for the area affected by the proposed amendment.

- ii. Recommendation by the Coats *Planning Board*. Following a recommendation by the Coats *Planning Board* on the proposed amendment(s), the action shall be reported to the Coats *Town Board of Commissioners* for a legislative hearing and final action according to the process set forth in Section 9.3.c of this Section. The legislative hearing will be scheduled as provided by the rules of procedure of the Town Board of Commissioners for calling legislative hearings.
- iii. Continuance by the Coats *Planning Board*. In those cases where, upon hearing the request, the *Planning Board* feels that more information is needed, questions have arisen, or other circumstances occur in which additional time is needed to enable the Board to make a decision, the *Planning Board* may continue their meeting for up to eight (8) days. The Board shall direct the appropriate person(s) to obtain the needed information, provide answers to questions, and/or conduct other investigations during this time to enable the Board to decide at the reconvening of the continued meeting. The *Planning Board* shall act upon either an affirmative or negative recommendation on continued items at the continued meeting.
- iv. Content of recommendation and statement of consistency. Any recommendation made by the Coats *Planning Board* to the Coats *Town Board of Commissioners* pursuant to this section shall be in writing. In addition, the Coats *Planning Board* shall approve a statement in accordance with G.S. 160D-605(a) describing whether or not the proposed amendment is consistent with the adopted *Coats Land Use Plan, August 2025*, including subsequent amendments adopted by the Town Board of Commissioners of the Town of Coats and other applicable adopted plans.
- v. Conflict of Interest. A member of the *Planning Board* shall not participate in or vote on any matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. A member shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable impact on the member. A member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other

associational relationship with an affected person. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection. (G.S. 160D-109).

- c. Review by the Coats Town Board of Commissioners.
- i. Review and Legislative Hearing. Before adopting, amending, or repealing any ordinance authorized by G.S. 160D, the Town Board of Commissioners shall hold a legislative hearing on it. Following receipt of either a recommendation, or receipt of the petitioner's request for an amendment, the *Coats Town Board of Commissioners* shall hold a legislative hearing on the proposed amendment to obtain public comment(s). The legislative hearing shall be scheduled and conducted as provided by the Town Board of Commissioners' rules of procedure.
 - ii. Notification. The *Town Clerk* or authorized designee shall prepare a public notice for the legislative hearing as required below: (G.S. 160D-601 and G.S. 160D-602).
 - (a) Method of procedure for publishing notice of all amendments per G.S. 160D-601. A notice of the legislative hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.
 - (b) Method of procedure for mailed notice of Zoning Map Amendments per G.S. 160D-602.
 - a. In addition to the publication requirements for notices of legislative hearings required in Sub-section 9.3.c.ii(a), the procedures adopted pursuant to this section provide that whenever there is a zoning map amendment the owner of that parcel of land as shown on the county tax listing and the owners of all parcels of land abutting that parcel of land including those separated by a street, railroad, or other transportation corridor as shown on the county tax listing shall be mailed a notice of a legislative hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least 10 but not more than 25 days prior

to the date of the legislative hearing. Except for a town-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply, the applicant shall certify to the Town Board of Commissioners that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of legislative hearing. The person or persons required to provide notice shall certify to the Town Board of Commissioners that proper notice has been provided in fact, and such certificate shall be deemed conclusive in the absence of fraud.

- b. The first-class mail notice required under subsection (a) of this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the Town elects to use the expanded published notice provided for in this subsection. In this instance, a town may elect to either make the mailed notice provided for in subsection (a) of this section or may as an alternative elect to publish notice of the hearing as required by G.S. 160D-601, but provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions of subsection (a) of this section.
 - c. When a zoning map amendment is proposed, the Town shall prominently post a notice of the legislative hearing on the site proposed for rezoning or on an adjacent public street or highway right-of-way during the same time period as stated in Sub-section 9.3.c.ii(a). When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the town shall post sufficient notices to provide reasonable notice to interested persons.
- iii. Upon receipt of the recommendations from the Planning Board, the Town Board of Commissioners shall hold a legislative hearing on the application for an amendment. Notice of the legislative hearing shall be provided in accordance with

the provisions for legislative hearings for amendments as set forth in Sub-section 9.3.c of this Ordinance and the North Carolina General Statutes. (ref. G.S. 160D-601 through G.S. 160D-603)

iv. Action.

(a) Before acting on any proposed amendment, the *Coats Town Board of Commissioners* shall consider any recommendation made by the *Coats Planning Board*, the recommendation submitted by the *Zoning Officer* to the *Planning Board*, the comments made at the legislative hearing, and may consider any other relevant additional information available.

(b) When considering a proposed amendment, the *Coats Town Board of Commissioners* shall not evaluate the petition based on any specific proposal for the use or development of the property unless explicitly required by this Ordinance. The petitioner shall not use any graphic materials or descriptions of the proposed development except for those that would apply to all uses permitted by the requested classification including applications for an overlay district Zoning Map Amendment where the use is highly pertinent to the facts during consideration of the amendment and/or where a development agreement is to be made a part of the project.

(c) Upon reviewing all pertinent information, the *Coats Town Board of Commissioners* may take whatever action it may deem appropriate, including tabling the application for the purpose of additional neighborhood meeting(s) as required by Sub-section 9.3.a.ii of this Ordinance.

v. Statements of Consistency and Reasonableness. Prior to adopting or rejecting any amendment, the *Town Board of Commissioners* shall approve a statement in accordance with G.S. 160D-605(a) describing whether or not the proposed amendment is consistent with the adopted *Coats Land Use Plan, August 2025*, including subsequent amendments adopted by the Town Board of Commissioners of the Town of Coats and other applicable adopted plans. When either adopting or rejecting a zoning map amendment the *Coats Town Board of Commissioners* shall approve a statement analyzing the reasonableness of the proposed amendment in accordance with G.S. 160D-605(b). The statement of reasonableness may consider, among other factors:

- (a) The size, physical conditions, and other attributes of the area proposed to be rezoned;
- (b) The benefits and detriments to the landowners, the neighbors, and the surrounding community;
- (c) The relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment;
- (d) Why the action taken is in the public interest; and
- (e) Any changed conditions warranting the amendment.

Such statements may be combined into a single statement per G.S. 160D-605(c) and incorporated into ordinances amending either the text of an ordinance established under the authority of G.S. 160D or, the Official Zoning Map established under the authority of G.S. 160D-105(a) reflecting the division of territorial jurisdiction established under authority of G.S. 160D-703.

- vi. Conflict of Interest. A *Town Board of Commissioners* member shall not vote on any matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. A member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable impact on the member. A *Town Board of Commissioners* member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship with an affected person. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection. (G.S. 160D-109).
- d. Waiting period for subsequent applications.
- i. Waiting period - general. When an application for a zoning map amendment has been approved or denied by the *Coats Town Board of Commissioners*, no application including the same property shall be accepted or considered within four (4) months after the date of the approval or denial. This restriction shall apply regardless of whether or not the new application is for a zoning classification different from the original application.

- ii. Waiting period - waiver. The waiting period required by this section may be waived by a three-fourths vote of Coats *Town Board of Commissioners* if it determines that there have been substantial changes in conditions or circumstances which may relate to the request. A request for a waiver of the waiting period shall be submitted to the *Zoning Officer*, who shall review and prepare a recommendation regarding action on the request. Said recommendation shall be considered by the *Town Board of Commissioners* in their review of the request for a waiver. If the request for the waiver is approved, the application shall go through the full review process as set forth above.

AMENDMENTS to CHANGES AND AMENDMENTS

Date of Adoption	Section Reference Number(s)	Comments
	all	160D updates

10.1 GENERAL DESIGN STANDARDS

- A. Unless no other practical alternative is available, any off-street parking area shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street.
- B. Off-street parking areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments.
- C. Every off-street parking area shall be designed so that vehicles cannot extend onto public *rights-of-way*, sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.
- D. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians and without interfering with parking areas.
- E. No off-street parking area shall be located over an active or auxiliary septic tank field.

10.2 LANDSCAPING

All new or expanded impervious surfaces in existing parking lots with 5 or more spaces shall comply with this section of the planning ordinance. This shall also apply to all new parking lots for storefront, workplace, civic, and attached house building types.

All areas not specifically required for parking or circulation shall be landscaped.

Parking lots are to be treated as enclosed rooms for cars. For small lots (36 spaces or less), landscaping shall be required at the perimeter; for large lots (more than 36 spaces), landscaping shall be at the perimeter and the interior. In large lots, the landscaping shall be placed to break the lot into parking modules of not more than thirty-six spaces.

A. Perimeter Landscaping

- 1. Perimeter landscape area shall be a minimum of 8' in width adjacent to all parking spaces and travel areas. Screening within this area shall be provided by installing a continuous row or staggered row of medium evergreen shrubs planted 5' on center.
- 2. Landscaping along a right-of-way shall consist of a row of small shrubs or a three foot high masonry wall. At sidewalks with extensive pedestrian use, the masonry wall, installed at the back of the sidewalk, is preferred.
- 3. See tree and shrub planting specifications.
- 4. In addition, large maturing canopy trees shall be planted not more than 40' on center.

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5. Existing vegetation located in the perimeter landscape area may be applied toward the requirements.
6. Parking lots behind buildings that are connected the length of the parking area need not have perimeter landscaping between the two lots. If the two lots are connected by a drive only, the requirement will be for 5' of landscaping at each lot.

B. Interior Landscaping

1. Landscape islands within parking lots shall be located so as to define and direct vehicular movement. Landscape islands shall have a minimum width of 10'.
2. Large maturing trees shall be planted within the interior landscape islands of parking lots so that any part of each parking space is 60' or less from a tree. Trees shall be planted in landscape islands with a minimum of 200 square feet of pervious space per tree.

10.3 PARKING SPACE DIMENSIONS

- A. Each parking space, (other than those designed for the disabled) shall contain a rectangular area at least nineteen (19) feet long and ten (10) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this Section.
- B. Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than twenty-three (23) feet by eight (8) feet.

10.4 AISLE AND DRIVEWAYS WIDTHS

- A. Parking area aisle widths for standard size vehicles shall conform to the following table, which varies the width requirement according to the angle of parking.

	<u>Angle of Parking</u>				
<u>Aisle Width</u>	0	30	45	60	90
One Way Traffic	13	13	13	18	20
Two Way Traffic	19	19	20	22	24

- B. Driveways shall be not less than ten (10) feet in width for one way traffic and eighteen (18) feet in width for two way traffic, except that ten (10) feet wide driveways are permissible for two way traffic when (i) the driveway is not longer than fifty (50) feet, (ii) it provides access to not more than six (6) spaces, and (iii) sufficient turning space is provided so that vehicles need not back

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into a public street. In no case shall a driveway width exceed thirty (30) feet, except as required by NCDOT.

10.5 DISABLED PARKING

- A. Except for a lot containing a single-family or duplex dwelling, all uses shall be required to provide the following number of spaces designed for disabled persons.

Minimum Number of Accessible Parking Spaces

ADA Standards for accessible Design 4.1.2(5)

Total number of Parking Spaces provided (per lot) Spaces (60" & 96" aisles)	Total Minimum Number of Accessible parking wide access aisle	Van Accessible Parking Spaces with min. 96" access aisle	Accessible Parking Spaces with min 60" wide
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7

*Refer to ADA Standards for Accessible Design 4.1.2(5) for parking greater than 400 spaces.

The number of such spaces for the disabled shall be in addition to any required spaces.

- B. *Off-street* parking spaces for the disabled shall be designed as follows:

1. All spaces for the disabled shall have access to a curb-ramp or curb-cut when necessary to allow access to the building served, and shall be located so that users will not be compelled to wheel behind parked vehicles, and shall be located the shortest possible distance between the parking area and the entrance to the principal building it serves.
2. Parallel parking spaces for the disabled shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.
3. Each parking space for the disabled shall be paved and prominently outlined with paint, with a permanent sign of a color and design approved by the North Carolina Department of Transportation, bearing the internationally accepted wheelchair symbol, posted at the head of the parking space.
4. The size of the parking space shall be per building code specifications.

SECTION 10

OFF-STREET PARKING, LOADING, AND UNLOADING

*This section is subject to change. Refer to the North Carolina Building Code.

10.6 COOPERATIVE PARKING

- A. Cooperative provisions for off-street parking may be made by contract between two or more adjacent property owners. The parking area provided on any one lot may be reduced to not less than one-half (1/2) the number of required parking spaces for the use occupying such lot. The lots shall be *interconnected* in a C-3 District.
- B. To the extent that developments which wish to make joint use of the same parking spaces operate at different times, up to one-half (1/2) of the parking spaces may be credited to both uses if one use is a church, theater, assembly hall, or similar uses whose peak hours of attendance will be at night or on Sundays, and the other use or uses are ones that will be closed at night or on Sundays.

10.7 PARKING REQUIREMENTS

Certificates of Occupancy shall not be issued until all provisions of this section have been met. All square footage is in leasable square feet. (Parking in the Mixed Use Village District shall follow the provisions listed in Section 6.4.7). Uses with less than 2,500 leasable square feet are exempt from parking requirements.

The following requirements shall be in addition to any and all handicap provisions.

All parking areas must be paved with an approved surfacing material. This approval must be granted by the Zoning Officer.

Residential (All Districts, all Types)	2 per unit
High Schools	1.5 per five students
All other schools	1.5 per classroom
Government Institutions	1 per 300 sq. ft./1 per 4 seats of meeting area
General Health and Welfare Institutions	1.2. per bed and 1 per employee on largest shift
Religious Institutions/Cultural Facilities/Funeral Homes	1 per 4 seats in each assembly room
Civic/Social /Fraternal Organizations	1 per 200 sq. ft / 1 per 4 seats
Adult Care Centers/Group Care Facilitys	1 per 3 residents
Child Care Centers	1 per 10 children plus 1 per employee
Nursing Homes/Retirement Homes	1 per 3 beds plus 1 per employee
Independent Living Facilities	1.5 per unit
Professional Offices	1 per 200 sq. ft. of gross floor area plus 1 per employee
Health Care Facilities	1 per employee plus 4 for each health care Provider
Community Center	1 per 200 sq. ft. of gross floor space
Library	1 per 4 seats provided for patron use

SECTION 10**OFF-STREET PARKING, LOADING, AND UNLOADING**

Manufacturing/Warehousing/Light Assembly	1 per employee on largest shift
All other Industrial Uses	1 per employee on largest shift
Shopping Centers	1 per 250 sq. ft. of gross floor area
Offices	1 per 300 sq. ft.
Retail	1 per 250 sq. ft.
Theaters	1 per 3 seats
Commercial establishments that serve food and drink	1 per 75 sq. ft.
Drive Through (Queuing Lanes)	12 car lengths for first window 8 car lengths each additional window
	1 per 3 seats
Service Stations/Convenience Stores	1 per 250 sq. ft. and 1 per employee
All other Commercial	1 per 250 sq. ft.
Bed & Breakfast Inns/Hotels	1 per room or suite
Post Offices	1 per 300 sq. ft.

Any use not specifically addressed or referred to in this list shall have parking requirements determined by the Zoning Officer.

SECTION 10**OFF-STREET PARKING, LOADING, AND UNLOADING****OFF-STREET PARKING, LOADING, AND UNLOADING AMENDMENTS**

Date of Adoption	Section Reference Number(s)	Comments
	10.7	160D update

11.1 INTENT

This sign ordinance is established to control the size, number and construction materials of signs in the Town of Coats. These regulations are designed to preserve the public health, safety and welfare as well as improve our Community's appearance. All signs shall be erected, altered and maintained in accordance with the following provisions and only those signs as specified and as regulated shall be erected.

11.2 PERMIT REQUIRED

No sign shall be erected, placed, attached, suspended, altered, remodeled, relocated or otherwise put into use or structurally changed except pursuant to a Permit issued by the Zoning Officer. Each application for a sign Permit shall include such information as the Zoning Officer may deem necessary in order to determine compliance with the provisions of this Ordinance. Provided, however, that those signs listed in 11.6 shall not require a Permit.

11.3 ITEMS OF INFORMATION ALLOWED

- A. For the purpose of applying this Ordinance, an "Item of Information" includes any of the following: a syllable of a word; an abbreviation; a number; a letter; a symbol; a geometric shape; a picture.
- B. Each land use contained in a Commercial or Industrial District is entitled to display one (1) street sign containing up to ten "items of information" (as defined in A, above) on each street or highway to which it has access.
- C. In computing "Items of Information", the following lettering is *not* to be included:
 - Lettering less than 3 inches in height, if it is contained in a wall sign.
 - Lettering less than 19 inches in height carved into or securely attached in such a way that they are an architectural detail of a building; provided that they are not illuminated apart from the building, are not made of a reflecting material, and do not contrast sharply in color with the building. This type of lettering may not protrude more than 24" from the face of the Building.
- D. Provided the "Items of Information" allowances as authorized by this section are not exceeded, street signage may be displayed as ground signs, wall signs, or projecting signs, within the limitations and restrictions as further provided by this Ordinance.

11.4 MATERIAL AND DESIGN

All signs shall be designed and constructed according to the generally accepted engineering practices to withstand wind pressures and load distribution as specified in the North Carolina Building Code.

11.5 ILLUMINATED SIGN; ELECTRICAL PARTS

All signs in which electrical wiring and connections are to be used shall be constructed in accordance with the North Carolina Building Code.

11.6 SIGNS PERMITTED IN ANY ZONING DISTRICT

The following signs are permitted in any Zoning District and **DO NOT REQUIRE** a sign Permit:

- Signs not exceeding 4 sq. feet in area and bearing only property numbers, post office box numbers, names of occupants or name of premise, or any other identification of premise not having Commercial connotations.
- Flags and insignias of any *bona fide* Government.
- Legal notices, identification, information or directional signs erected or required by any governmental body.
- Signs directing and guiding traffic and parking locations onto or from private property, but not bearing any advertising matter, and not to exceed four (4) sq. feet.
- Announcement signs of Professions or Business, not to exceed four (4) sq. feet, fixed flat against the side of the building where such Profession or Business is being conducted. There shall be a limit of one such sign per street abutting the building lot.
- “For Sale” or “For Rent” signs pertaining to realty on the premises offered for sale or for rent, not exceeding six (6) square feet in area and not illuminated. There shall be a limit of one such sign for each street abutting the lot.
- Church, Community or Public Building bulletin boards and identification signs, lighted or unlighted, not exceeding 100 square feet in area. There shall be a limit of one such sign for each street abutting the lot. Review by the Zoning Administrator is required for these signs.
- Signs advertising agricultural products, produced on the premises, not exceeding 32 sq. feet in area.
- Signs identifying, *by name only*, residential sub-divisions, planned housing developments, recreational facilities, or manufactured home parks not exceeding 32 sq. feet in area. There shall be a limit of one sign for each road or driveway entrance to the development identified on the sign.
- Signs of any political party or announcing the candidacy of any individual for any nomination or office may be six (6) sq. feet in total area. Signs larger than six (6) sq. feet require review by the Zoning Administrator. Such signs may not be located in the public right-of-way. All such signs

shall be removed not later than 15 working days after the date of the election to which they pertain.

- Signs advertising only the name, time and place of any bona fide fair, carnival, festival, bazaar, horse show or similar event, when conducted by a public agency or for the benefit of any civic, fraternal, religious or charitable cause; provided that all such signs shall be removed within 5 days *after the last day* of the event to which they pertain. *Any one such sign* shall not exceed 32 sq. feet in total area.
- Any mural shall be approved prior to its application by the Town of Coats Zoning Administrator.
- Directional signs not exceeding 32 sq. feet in area and referring only to organizations that are non-profit in character or to duly permitted construction projects in process.
- Temporary signs may be allowed provided said signs are not erected more than 30 calendar days per year and are not larger than 32 sq. feet. Said signs shall not be closer to each other on the same property than 400 feet. Temporary signs giving information pertaining to construction taking place on the property for which a Permit has been issued may remain throughout construction but shall be removed upon issuance of a Certificate of Occupancy.
- A *Temporary Sign* with respect to the definition of this Ordinance shall be defined as follows: A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other like material and designed or intended to be displayed for a short period of time.
- A *Permanent Sign* with respect to the definition of this Ordinance shall be defined as follows: Any sign permanently attached to the ground or other permanent structure and not designed to be transported or moved.

11.7 PROHIBITED SIGNS IN ANY DISTRICT

- Any sign that obscures a sign displayed by a legitimate public authority for the purposes of giving traffic instruction or direction or other public information.
- Any sign that uses the word “STOP” or “DANGER” or otherwise presents or implies the need or requirement of stopping or caution or the existence of danger, or which is a copy or imitation of or which for any reason is likely to be confused with any sign displayed by a public authority. Provided, however, this provision is not intended to prevent the placement on private property of signs such as “STOP”, “YIELD” or other such wording or design where such is necessary for traffic control or other such legitimate notice to the public.
- Any sign that obstructs any window, door, fire escape, stairway, ladder or opening intended to provide light, air ingress / egress or public ingress / egress for any building as required by law.
- All portable signs. This does not apply to temporary political signs.
- Signs affixed to utility poles, any state signage, or trees in the Public Rights of Way.
- Signs erected in or over the public right-of-way except for public information or regulatory signs, as approved by the Town of Coats Zoning Officer.
- Signs intentionally set into motion by wind, water, motor driven or otherwise.
- Signs, banners, streamers, pennants and/or lights consecutively strung together, but not including temporary Holiday decorations.
- Off-Premise (Billboards) of any size within the corporate limits.
- Any sign erected and constructed wholly on, over or as a part of the roof of any building.

- Any sign that extends, wholly or partly, into the public right-of-way (with the exception of those meeting the requirements for signs above a public sidewalk).
- Any sign, which would constitute the sole and/or principal use of any lot, plot, parcel or tract of land. This provision is intended to prohibit any sign which viewed within the context of its design, orientation, location or property, physical situation, relationship to surrounding property, streets and uses of land and other such factors would appear to constitute a principal use of land as regulated by this Ordinance. Provided, however, no sign listed as “Signs Permitted in Any Zoning District” (11.6) in this section is intended to be prohibited by this provision.

11.8 BUSINESS SIGNS AND INDUSTRIAL SIGNS

- Ground Signs (Freestanding)- Each Business *not located in a Shopping Center, Mall or Office Park*, is permitted one ground sign per street frontage (not to exceed two signs total). No ground sign may exceed 50 sq. feet in area. No ground sign may exceed 15 feet in height as measured from the ground at its base to its top.
- Wall and/or Permanent Window Signs- Commercial buildings are allowed a maximum of one wall sign per building wall facing a street and one permanent window sign for each window greater than 30 sq. feet in size provided that:
 1. The window sign does not cover more than 20% of the sq. footage of the window; *and*
 2. the sign’s content contains the name of the Business, the nature of the Business, and/or any directional information; *and*
 3. the sign is professionally attached, painted or is a professionally printed decal; *and*
 4. the wall sign shall be no greater than 10% of the first floor wall.
- Shopping centers, Malls, Office Parks and similar large developments shall be limited to one group sign with a maximum height of 15 feet.
- **In an effort to reduce visual clutter, the Zoning Administrator may authorize those Business and Industrial uses on dual frontage lot the following relief:** Each Business not located in a Shopping Center, Mall or Office Park, may elect to combine their permitted two free standing signs (one per street frontage) into one freestanding ground sign, not to exceed 80 sq. feet per side in area or 15 feet in height as measured from the ground at its base to its top.

Districts C-1, C-2, MUV

- All signs shall set back a minimum of ten feet from side property lines.
- No sign shall be placed in the street right-of-way or sight triangles.

Districts C-3, I

- Ground Signs (Freestanding) – Each business is permitted one ground sign per street frontage (not to exceed two signs total). No ground sign may exceed 75 sq. feet in area. No ground sign may exceed 25 feet in height as measured from the ground at its base to its top.
- Shopping centers, Malls, Office Parks, and similar large developments shall be limited to one group sign with a maximum height of 25 feet. No ground sign may exceed 150 sq. feet in area.

- All signs shall set back a minimum of ten feet from side property lines.
- No sign shall be placed in the street right-of-way or sight triangles.

Districts C-1, C-2, C-3, MUV

- Wall and/or Permanent Window Signs – Commercial buildings are allowed a maximum of one wall sign per building wall facing a street and one permanent window sign for each window greater than 30 sq. feet in size provided that:
 1. The window sign does not cover more than 20% of the sq. footage of the window; and
 2. The sign's content contains the name of the business, the nature of the business, and/or any directional information; and
 3. The sign is professionally attached, painted, or is a professionally printed decal.
- In an effort to reduce visual clutter, the Zoning Administrator may authorize those Business and Industrial uses on dual frontage lot the following relief: Each business not located in a Shopping Center, Mall, or Office Park, may elect to combine their permitted two free standing signs (one per street frontage) into one freestanding ground sign.

11.9 OFF PREMISE (BILLBOARD) ADVERTISING

- Off premise advertising (billboard) are prohibited within the corporate limits.
- Off premise signs are permitted in the ETJ limits of Coats only.
- Where erected, off premise advertising shall not be located within one hundred (100) feet of any residence.
- There shall be a minimum radius between any two (2) outdoor signs of eight hundred (800) linear feet.
- Signs shall not exceed fifteen (15) feet in height and one hundred fifty (150) sq. feet in sign area.
- All signs in place prior to the adoption of this ordinance shall be allowed to remain.

11.10 AMORTIZATION OF NON-CONFORMING SIGNS

Any sign which was erected placed, attached, suspended or otherwise put into use prior to the adoption of these regulations shall, within 7 years of the adoption date of this Ordinance, comply in every respect

with the provision contained in Section 11.0. After that time any sign which does not comply with these regulations shall be removed at the owner's / occupant's expense.

11.11 TEMPORARY SIGNS

Temporary signs must conform to all regulations of this section. These signs shall not be required to obtain a sign permit, but must be registered with the Town. Information required to register a temporary sign will be the name and address of sign owner, date of erection of sign, date for removal of sign, and description of sign (size, shape, and material of construction).

A. SIGNS FOR SPECIAL EVENTS OF A RELIGIOUS, CHARITABLE, CIVIC, FRATERNAL, OR POLITICAL NATURE.

It is the intent of this section to allow the use of signs to communicate community events for the above purposes. Temporary signs advertising special events of a religious, charitable, civic, fraternal, or political nature may be erected provided that:

- The size of any such sign shall not exceed twenty four (24) sq. feet in area.
- The sign may not be illuminated.
- The sign may not be displayed earlier than thirty (30) days prior to the event to which they pertain and must be removed within seven (7) days after the event.

B. SIGNS FOR NEWLY ESTABLISHED BUSINESSES

Businesses that are newly established or have changed locations may display a temporary sign provided that:

- The size of any such sign is not in excess of twenty four (24) sq. feet in area.
- The sign may be displayed for a period of sixty (60) days. This sixty day period may begin no earlier than sixty days prior to the opening date of the business no later than thirty (30) days after the Building Inspector issues the Certificate of Occupancy.
- Only one such sign is allowed per premise; however this one sign may be used in addition to other permitted signs.

C. SIGNS FOR SPECIAL SALES AND PROMOTIONS

Temporary signs that advertise special sales and promotions by merchants and other profit-making concerns may be erected in addition to other permitted signs provided:

- The size of such sign shall not exceed twenty four (24) sq. feet.
- The sign may not be illuminated.
- The sign may be displayed for a period of eight (8) days only.
- Only one (1) sign per premise is allowed.
- A business establishment may receive registration for temporary signs for four (4) or less separate events during one calendar year period. An interval of thirty (30) days shall separate each event.

- A sandwich board sign is allowed daily, but must be taken down at the close of each business day. Only one sandwich board sign per business and can be no larger than six (6) sq. feet.

11.12 REMOVAL OF SIGNS UPON DISCONTINUATION OF USE

Whenever the use of a building or premises by a specified Business or other establishment is discontinued by the owner or occupant, all signs pertaining to that Business or establishment that were installed by the owner or occupant shall be removed as well as all signs which do not conform to the standards of Section 11.0 of this Ordinance, within 30 days.

SIGNS AMENDMENTS

Date of Adoption	Section Reference Number(s)	Comments
*4/13/2006	*Section 11.8	* Add: Wording at the beginning of the 4 th bullet point.
*3/13/2014	*Section 11.8	* Add: #4 under 2 nd bullet point
*9/11/2014	*Section 11.7	* Replace: 9 th bullet point
*9/11/2014	*Section 11.7	* Remove: 12 th bullet point
*9/11/2014	*Section 11.8	* Add: Districts C-1, C-2, MUV
*9/11/2014	*Section 11.8	* Add: Districts C-3, I
*9/11/2014	*Section 11.8	* Add: Districts C-1, C-2, C-3, and MUV
*9/11/2014	*Section 11.9	* Remove: Removal of Signs Upon Discontinuation of Use
*9/11/2014	*Section 11.9	* Add: Off Premise (Billboards) Advertising
*9/11/2014	*Section 11.11	* Add: Temporary Signs
*9/11/2014	*Section 11.12	* Add: Removal of Signs Upon Discontinuation of Use

*Amendment updated in text.

12.1 INTENT

The purpose of this section is to reduce the visual blight and noise that can occur from certain uses within the Town of Coats and protect property values. Buffer requirements are also meant to improve the aesthetic appeal of certain uses including parking lots and to ease the transition between the various zoning districts.

12.2 REQUIREMENTS

Buffers shall be required where any use permitted in an Industrial or Commercial district abuts land zoned Residential. At the time of said planting, the buffer shall be of continuous evergreen composition and not less than six feet in height or less than three feet in width. All such buffers must be maintained for the duration of the permitted use. Additional buffering in the form of fencing may be required by the Planning Board where it is deemed necessary to protect the public health, safety, and general welfare.

12.3 WAIVING OF SCREENING AND BUFFER REQUIREMENTS

In the event that the unusual topography or elevation of a development site or the location or size of the *parcel* to be developed would make strict adherence to the requirements of this Section serve no meaningful purpose or would make it physically impossible to install and maintain the required screening and buffering, the Zoning Administrator may alter the requirements provided the spirit and intent is maintained. Such an alteration may occur only at the request of the developer, who shall submit a plan to the Zoning Administrator showing existing site features that would screen the proposed use and any additional screen materials the developer may propose to have installed. The Zoning Administrator shall have no authority to alter the screening and buffering requirements unless the developer demonstrates that existing site features and any additional screening materials will screen the proposed use as effectively as the required screening.

The vacancy or non-use of an adjoining *parcel* shall not constitute grounds for providing relief to the screening and buffering requirements contained in this section. Neither shall the desire of an owner to make more intensive use or greater economic use of the property be grounds for reducing the screening/buffer requirements. Where the effect of the screening and buffering requirements is to deny the owner reasonable use of the entire tract (or tracts) of property, relief pursuant to this subsection may be granted to the extent that reasonable use of such tract or tracts is available.

BUFFERS AMENDMENTS

Date of Adoption	Section Reference Number(s)	Comments

SECTION 13

MANUFACTURED HOUSING NEIGHBORHOOD (MHN)

13.1 INTENT

Manufactured Housing is a recognized form of affordable housing.

Manufactured Housing Neighborhoods (MHNs) allow for the development of neighborhoods which utilize manufactured housing as its principal building type. Manufactured housing neighborhoods are only permitted in the R-20 district.

The intent is to treat manufactured housing with the same design considerations applied to homes built to the standards set forth in the North Carolina Building Code and those codified in this Ordinance.

The minimum development size shall be 4 acres.

Maximum size is 10 acres.

13.2 USES PERMITTED BY RIGHT

Manufactured Housing (Class A & B)
Modular Housing

Essential Utility Services, Class 1&2
Parks

13.3 USES PERMITTED WITH ADDITIONAL STANDARDS

Customary Home Occupations

13.4 LOT AND BUILDING PROVISIONS

The following lot sizes are to be the minimum size requirements and may be increased due to requirements for placement of well and septic tank systems, such as soil conditions and separation distance, the topography of the land or other environment conditions. The applicant shall indicate, on the application, the number of bedrooms per house for which the septic tank system should be evaluated.

Patios and bay windows may encroach into a front yard setback only. Porches that encroach into the front yard setback may be no larger than 4' by 4'.

CATEGORY	Water & Sewer Available	Water or Sewer Available	Well & Septic Tank
MINIMUM LOT SIZE	10,000 sq. ft.	15,000 sq. ft.	20,000 sq. ft.
LOT WIDTH AT BUILDING LINE	60 ft.	70 ft.	90 ft.
LOT WIDTH AT STREET RIGHT-OF-WAY	40 ft.		
FRONT SETBACK	20 ft.		
SIDE SETBACK	12 ft.	15 ft.	
REAR SETBACK	30 ft.		

SECTION 13	MANUFACTURED HOUSING NEIGHBORHOOD (MHN)
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MAXIMUM HEIGHT		35 ft.	
ENCROACHMENTS (Rear yard Setbacks)	8 ft. (10 ft.)	8 ft. (12 ft.)	8 ft. (12 ft.)

13.5 ACCESSORY STRUCTURES

Each manufactured home is allowed one accessory structure in rear yard only (See Section 5.13 and below).

The following uses are permitted within or as outbuildings:

- | | |
|------------|---------------------|
| Parking | Sauna |
| Gazebo | Workshop |
| Pool house | Equipment Enclosure |

Trash containers, mechanical equipment and outdoor storage shall be located only within the rear yard.

Mailboxes, newspaper boxes, walls, fences, birdhouses, flagpoles, and pump covers may be placed in any front, side or rear yard. Doghouses may be placed in rear yards only.

Accessory structures shall not exceed 40% of the total area of the principal structure. At no time shall the total area of an accessory use exceed 25% of the rear yard. Such uses shall only be permitted in the rear yard. Accessory structures with a total area exceeding 500 square feet shall be constructed using materials and features similar to the principal structure.

- Minimum side and rear setbacks: 5 ft.
- Minimum setback from principal structure: 10 ft.
- Maximum Height: 26 ft.

Accessory structures in rear yards that abut a publicly dedicated street shall be set in the portion of the rear yard opposite the street.

13.6 ACCESSORY USES

(A) POOLS

All pools, whether above-ground or in-ground, shall be built only in rear yards. The definition of a pool shall include all structures, and walks or patio areas of cement, stone, or wood *at or above grade*, built for and used in conjunction with the pool.

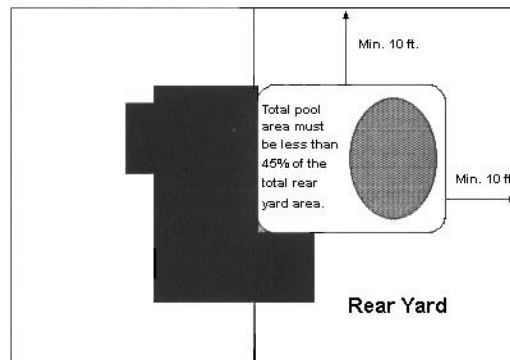
A pool as defined above shall not exceed 45% of a required rear yard.

Pools, as defined above, shall be setback a minimum of 10 ft. from all side and rear property lines. Patio areas *at grade* have no setback requirements from rear or side lot lines.

SECTION 13

MANUFACTURED HOUSING NEIGHBORHOOD (MHN)

Pools located in rear yards on lots which are less than 22,000 sq. ft. shall have the rear yard enclosed by a privacy fence with a minimum height of six (6) feet and a maximum height of eight (8) feet. Pools located in rear yards on corner lots which are greater than 22,000 sq. ft. shall be located in the rear yard opposite the abutting street, unless the rear yard is screened by a wall, privacy fence, or landscaping.



(B) SATELLITE DISHES

Satellite dishes less than 20 inches in diameter may be located anywhere on a lot. All other satellite dishes shall adhere to the following standards:

1. Satellite dishes shall be no larger than three (3) feet in diameter.
2. The maximum height shall be five (5) feet unless the applicant can prove:
 - a) a less intrusive location is not possible and,
 - b) a higher location will improve reception
3. The dish must be installed and grounded properly.
4. Satellite dishes may not be located in front or side yards and shall meet all setbacks applicable to accessory structures.
5. Satellite dishes not attached to a principal or accessory structure shall be screened from view with dense landscaping materials, fences, or other solid materials, to the extent that it does not impair reception.
6. Satellite dishes with a reflective surface shall be painted a subdued or natural color.
7. Satellite dishes shall not be located on a roof of any structure.

13.7 MANUFACTURED HOUSING STANDARDS

In no instance may a manufactured home be used for a nonresidential purpose. A manufactured home must bear a seal certifying that it was built to the standards adopted on July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

Materials

1. The exterior siding consists of wood, hardboard, vinyl, brick or aluminum and shall be comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
2. The roof shall be finished with a type of shingle that is commonly used in standard residential construction.
3. A continuous curtain wall, unpierced except for required ventilation and access, shall be installed before occupancy. Curtain wall must be of a material similar to the principal structure and designed for the purpose of skirting the manufactured home.

Configurations

1. The minimum width (the width being the narrower of the two overall dimensions) of the main body of the manufactured home as assembled on the site shall be at least fourteen (14) feet for a distance extending along the length (the length being the longer of the two overall dimensions) of at least fifty-two (52) feet.
2. Stairs, porches, entrance platforms and other means of entrance and exit to the manufactured home shall be installed and constructed in accordance with the standards set by the NC Department of Insurance.
3. The pitch of the roof of the manufactured home shall have a minimum vertical rise of four (4) feet for each twelve (12) feet of horizontal run, or the standard of each individual manufacturer's equivalent to a 4' x 12' roof pitch.
4. The roof of the manufactured home shall have an overhang (eave) extending at least ten (10) inches from each vertical exterior wall. A site installed gutter may be counted in the width of the eave.

Techniques

1. The manufactured home is set up on the site in accordance with the standards set by the NC Department of Insurance.
2. The manufactured home shall face the fronting street.
3. The tongue, axes, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

13.8 GENERAL PROVISIONS

- A. All Manufactured Housing Neighborhood Plans must be reviewed by the Planning Board prior to final approval.
- B. No manufactured home shall be located within a 100 year *flood plain* as established by the most recent Federal Emergency Management Agency map.
- C. All parking shall be on-site in side or rear yards and driveways only.

- D. Developments with twenty or more homes shall have at least four entrances/exits.
- E. Streets and Right-of-Way
1. All streets shall be paved to a minimum width of eighteen (18) feet. Private streets do not require a curb and gutter.
 2. All streets should be interconnected as often as possible unless topography makes such a design impractical due to grading costs.
 3. Pedestrian rights-of-way in the form of promenades, esplanades, and trails may be covered in crushed gravel, pavement, brick, stone, or grass.
- F. Sidewalks
1. All residential streets shall have sidewalks on a minimum of one side.
 2. Sidewalks may be paved in brick, concrete, or similar material.
- G. Construction Drawings
1. For each proposal, the developer must furnish sealed engineering drawings that address the following: utilities, drainage/erosion control, fire protection, street lighting, street paving, parking, sidewalks, landscaping, and a sanitation plan.
 2. In reviewing the engineering drawings, the Zoning Administrator shall, at their discretion, consult with all applicable agencies.
- H. Signs
- As permitted in Section 11.0.

**MANUFACTURED HOUSING NEIGHBORHOOD
AMENDMENTS**

Date of Adoption	Section Reference Number(s)	Comments

Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense shall include the future tense; the singular number includes the plural; the word "building" includes the word "structure"; the word "lot" includes the word "plot" or "parcel"; the term "shall" is always mandatory; the words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied."

*Many of these definitions have been taken from "*The Latest Illustrated Book of Development Definitions*" by Harvey Moskowitz and Carl Lindbloom; © 2004; Rutgers, the State University of New Jersey.

Abandonment: The relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

Abrogate: To abolish by authoritative action; to annul.

Abut: To physically touch or border on; or to share a common property line but not overlap.

Acceleration Lane: An added roadway lane that permits integration and merging of slower-moving vehicles into the main vehicular stream. Frequently used in connection with the exit from a major traffic generator.

Access: A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

Accessory Apartment: An independent dwelling unit that has been added onto, or created within, a single-family house. Note: The accessory apartment has separate kitchen, bathing, and sleeping areas. Accessory apartments are often occupied by elderly persons, with the main structure occupied by close relative or friends.

Accessory Structure: A structure detached from a principal building *located on the same lot* and customarily incidental and subordinate to the principal building or use. Note: The accessory structure must be on the same lot as the principal structure unless the ordinance specifically permits it to be located on another lot. An example of this is a parking structure for a commercial establishment required to be located within a certain radius but not necessarily on the same lot as the establishment. It is desirable to place limits on the number and size of accessory structures, particularly in residential areas. For the purpose of this Ordinance, using trailers (either open or enclosed) as accessory structures for storage of materials is prohibited. Trailers (either open or enclosed) may be used as an accessory structure for storage of materials when said use is limited to not more than 24 continuous hours.

Acre: A measure of land containing 43,560 square feet. Note: A *Builder's Acre* is often defined as 40,000 square feet.

Adaptive Reuse: The development of a new use for an older building or for a building originally designed for a special or specific purpose.

Addition: (1) A structure added to the original structure at some time after the completion of the original; (2) an extension or increase in floor area or height of a building or structure. Note: *Sometime after* is usually defined as after the certificate of occupancy has been issued for the original structure.

Adult Care Centers: A place where daytime care is provided for six or more handicapped persons or senior citizens, *unrelated by blood or marriage*, and not legal wards or foster children of the attendant adult within an occupied residence.

Adult Retail: Any establishment which sells, rents, leases, distributes, purchases or trades in materials defined according to North Carolina General Statutes Article 26A, 14-202.10. Said materials shall include all forms of audio, video, written, and digitized information. Further, adult retail is also defined as an establishment consisting of, including, or having the characteristics of any or all of the following:

Adult Bookstore, Newsstand, Video Store, or Combination: An establishment having more than 40 percent of its stock-in-trade, floor area, or display area used for the sale or rental of books, magazines, publications, tapes, CDs or films that are distinguished or characterized by the emphasis on sexually oriented material depicting, describing, or relating to sexual activities or anatomical genital areas.

Sex Shop: Any establishment offering, for sale or rent, items from *any two* of the following categories: sexually oriented books, magazines, and videos; leather goods marketed or presented in a context to suggest their use for sexual activities; sexually oriented toys and novelties; or video viewing booths; or an establishment that advertises or holds itself out in any forum as a sexually oriented business.

Video Viewing Booths: Often referred to as peep shows and characterized by small private booths rented to individuals to view sexually explicit films or tapes;

Adult Motion Picture Theater: A building used for presenting films distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas;

Adult Cabaret: An establishment, either with or without a liquor license, offering sexually oriented live entrainment, which may include topless and go-go dancers, strippers, or male or female impersonators.

Adult Use: For the purposes of the Coats Zoning Ordinances, *Adult Use* applies solely to businesses where minors should not be permitted. For example: bars or pubs, billiard parlors or establishments selling only alcohol; or other uses where a minor's involvement would be undesirable as defined by the Community standards.

Adverse Possession: A condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or on off-tract property or facilities. Note: Adverse impacts usually relate to circulation, drainage, erosion, potable water, sewage collection, and treatment. They may also relate to lighting and glare, aesthetics, quality of life, and impact on the environment.

Aesthetic Zoning: Regulations designed to preserve or improve building and/or site development design so as to reflect community design goals and objectives.

Agricultural Building: A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products grown or raised on the premises.

Aisle: The traveled way by which cars enter and depart parking spaces.

Alley: A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another. Note: The definition of alteration is important because our ordinances do not permit any expansion of a nonconforming structure or use. *All expansions are alterations, but not all alterations are expansion.* This definition excludes normal repairs and maintenance, such as paint or roof replacement, but is intended to include more substantial changes.

Americans With Disabilities Act (ADA): A 1990 Federal Law designed to bring disabled Americans into the economic mainstream by providing them equal access to jobs, transportation, public facilities, and services.

Annexation: The incorporation of a land area into an existing community with a resulting change in the boundaries of that community. Note: Annexation may include newly incorporated land or land transferred from one municipality to another.

Automotive Repair: Any building, premises, and land, in which or upon which the primary use of land is a business which involves the maintenance or servicing of vehicles.

Appurtenances: The visible, functional, or ornamental objects accessory to, and part of, building or structures.

Arcade: A continuous passageway parallel to and open to a street, open space, or building, usually covered by a canopy or permanent roofing, and accessible and open to the public.

Articulate: To divide into distinct and significant parts. Note: Design standards for large building can require that building walls over a certain length be “*articulated*” or divided into distinct and significant parts.

Automatic Car Wash: A structure containing facilities for washing automobile and automatic or semiautomatic application of cleaner, brushes, rinse water, and heat for drying. Note: Many gas stations are incorporating on-site automatic car wash facilities. Zoning considerations include drainage and possible freezing of runoff, water use, drying areas, vehicle stacking capacity, and litter and debris.

Automobile: A self-propelled, free-moving vehicle, with four wheels, usually used to transport not more than six passengers and licensed by the appropriate state agency as a passenger vehicle.

Accessory Building: A subordinate structure *on the same lot* as the principal or main building or use.

Awning: A roof like cover that is temporary or portable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and is periodically retracted into the face of the building. See Figure 1.

Back-to-Back Lots: Separate land parcels that have at least half of each rear lot line coterminous.

Balcony: (1) A platform that projects from the wall of a building and is enclosed by a parapet or railing (2) an interior projection gallery in a public building (as in a theater).

Base Map: A map having sufficient points of reference, such as state, country, or municipal boundary lines, streets, easements, and other selected physical features, so as to allow the plotting of other data.

Basement: A space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6.5 feet. See Figure 17.

Bed and Breakfast Inn: A use, that takes place within a building that prior to such an establishment was a single family dwelling, which consists of renting one or more rooms on a daily basis to tourists, vacationers, and business people, where provision of meals is limited to the breakfast meal, available only to guests. The homeowner shall reside on site and employment shall not exceed two full-time employees, not including the owner(s).

Bedroom: A private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom.

Berm: A mound of earth or the act of pushing earth into a mound. Note: Berms are usually 2 to 6 feet high and are used to shield, screen, and buffer undesirable views and to separate incompatible land uses. They also provide visual interest, decrease noise, control the direction of water flow, and act as dams. Landscaping on berms, particularly on or near the top, often suffers from lack of water and needs an ensured water supply. See Figure 3.

Blank Wall: An exterior building wall with no openings and generally constructed of a single material, uniform texture, and on a single plane.

Block: A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

Board of Adjustment: An officially constituted body whose principal duties are to hear appeals and, where appropriate, grant variances from the strict application of the zoning ordinance.

Boulevard: A collector street that includes landscaped medians.

Buffer Strip: Open spaces, landscaped areas, fences, wall, berms or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances. Note: Basic criteria for buffers are the width of the buffer and the type of material to be planted or installed. In design of buffers, the ordinance should allow flexibility and permit fences and berms to be used in conjunction with the landscaping. See Figure 3.

Buildable Area: The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance has been met. Note: The buildable area should be actually buildable. For example, if a lot is largely wetlands, has very steep slope, or easements, it may be difficult to locate a building or improvement on the land. The zoning regulations should specify that a minimum building area must be available to accommodate the building, driveway, and where required, a well and septic system. See Figure 11.

Building: Any structure enclosed and isolated by exterior walls constructed of or used for residence, business, industry or other public or private purposes or accessory thereto, and including tents, lunch wagons, dining cars, trailers, free-standing outdoor advertising signs and similar structures whether stationary or movable.

Building, Accessory: A use customarily incidental and subordinate to the principal use or building and *located on the same lot* with such principal building or use.

Building Coverage: The ratio of the horizontal area, measured from the exterior surface of the exterior walls of the ground floor, of all principal and accessory building on a lot to the total lot area. Note: In single-family residences, porches and decks usually are excluded. For multifamily and non-residential structures, more meaningful controls of the intensity and environmental impact of development are limits on impervious surfaces and floor area ratio, coupled with open-space requirements.

Building Footprint: The area encompassed by a building's outer wall at ground level. See Figure 11.

Building Height: The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, to the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. Note: Mechanical equipment, chimneys, air conditioners, elevator penthouse, church spires and steeples, water towers, and similar appurtenances are usually exempted from height restrictions. Measuring height on sloping ground can be a problem; consequently, some limit on the number of stories is needed, at least in residential zones. See Figure 7.

Building Line: A line parallel to the street right-of-way line touching that part of a building closest to the street. (See SETBACK LINE). Note: The building line is important because many ordinances prohibit parking or other uses between the street and the building line. See Figure 6.

Build Out: The completed construction of all phases of a development as allowed by all Ordinances which regulate an area. The scale of build out can be from a single lot to the entire Town.

Building Permit: Written permission issued by the proper municipal authority for the construction, repair, alteration, or addition to a structure.

Building, Principal: A building in which is conducted the principal use of the lot on which said building is situated.

Building Height: The vertical distance from the mean grade elevation taken at the fronting street side of a structure to the parapet or roofline of a flat roof, the eaves of a pitched roof, or the deck line of a mansard roof. Towers, spires, steeples, and enclosed rooftop mechanical equipment are not counted in height measurements. See Figure 11.

Caliper: The measurement of the size in inches of a tree's trunk diameter, usually taken between one and four feet above the ground elevation.

Capital Facilities: The land, buildings, and other physical facilities under public ownership or operated or maintained for the public benefit that are necessary to support development and redevelopment and to protect the public health, safety, and welfare.

Carport: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides.

Car Wash: Any building or premises used for washing motor vehicles. Note: Car wash establishments usually perform polishing, and many provide detailing and minor body repair services. Some car washes have vacuum machines to allow owners to clean the interior of their vehicles. See AUTOMATIC CAR WASH.

Carrying Capacity: The amount of traffic which can be accommodated on a street without reducing the service level of the street as defined by the North Carolina Department of Transportation or street design standards of the Coats Subdivision Regulations. Carrying capacity is determined by the amount of traffic per land per hour.

Carryout Restaurant: An establishment that by design of the physical facilities, service, or packaging, sells prepared ready-to-eat foods intended primarily to be consumed off the premises. Note: Zoning and site design considerations should include drive-up facilities, circulation, queuing space for stacking, and parking requirements. Many primarily carryout restaurants also have tables, further blurring the distinction between conventional restaurants and carryout places. If space for parking is limited, the number of tables should be restricted.

Cart-Way: The improved area of a street between the curbs, including travel and parking lanes and acceleration and deceleration lanes, but not including shoulders, curbs, sidewalks, or swales.

Catch Basin: An inlet designed to intercept and redirect surface waters.

Cellar: See Basement. See Figure 17.

Cellular Tower Site: (1) A parcel of land containing a tower, sending and receiving antennas attached to the towers, and a prefabricated or modular structure or cabinets containing electronic equipment; (2) a Federal Communications Commission (FCC)-licensed facility, designed and used for the purpose of transmitting, receiving, and relaying voice and data signals from various wireless communication devices and equipment. Note: For purposes of this ordinance, amateur radio transmission facilities and facilities used exclusively for receive-only antennas are not classified as wireless telecommunications towers and facilities.

Cemetery: Property used for the internment of the dead. Note: Most development ordinances do not include provision for cemeteries. They are so unusual a use that they are generally handled by variance.

Certificate of Appropriateness: A certificate issued by the approving authority giving approval of the exterior architectural features of any new building construction or alteration to an existing building located within the Mixed Use Village (MUV) District or other Districts as defined in this Ordinance.

Certificate of Compliance: A document issued by the proper authority certifying that the plans for a proposed use meet all applicable codes and regulations.

Certificate of Nonconforming Use: A certificate to be issued to property owners and occupants upon application to the zoning officer for a reasonable period (90 to 180 days, for example) after the adoption of a new ordinance or major amendment. This certificate of nonconformance would officially establish the type, extent, and intensity of use taking place on the specific property.

Certificate of Occupancy (CO): A certificate allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with this Ordinance and all other applicable regulations.

Change of Use: Any use that substantially differs from the previous use of a building or land. Note: To be considered a change of use, a new use has to be substantially different from the previous use. Thus a change of use from a restaurant into a “disco” would probably qualify as a Change of Use.

Character: Special physical characteristics of a structure or an area that sets it apart from its surroundings and contributes to its interest and /or individuality. Note: Examples of an area’s character might include: a pattern of residential gridiron, tree-lined streets with alleys for garage access and trash removal; a business district with uniformity in building scale, materials, setbacks, street furniture, and sign design; or a waterfront promenade with fountains, public art, and design-coordinated street furniture of benches, light standards, and trash receptacles.

Chattel: Personal property as contrasted with real estate.

Child Care Centers: A place where daytime care is provided to six or more children, provided that the children are not the legal wards or foster children of the attendant adult within an occupied residence. There are several types of Child Care Centers, and it must be decided into which zones the different child care centers are appropriate.

Child Care Center, Regulated: A child care center that is licensed and regulated by a governmental agency (usually the state) and that by definition meets stringent licensing requirements. The requirement for state licensing is often triggered by the number of children in the center.

Child Care Center, Non-Regulated: A child care center that is approved by a public or non-profit agency, in which child care services are regularly provided to no less than three and generally no more than five children for a total care time of no less than 15 hours per week. Children legally related to the provider are not included in the care limits nor are children who are part of a cooperative agreement between parents for the care of their children by one or more of the parents and where no payment for the care is being provided. Note: Child care in a private residence, generally noted as an *Exempt Child Care Center*, generally involves five or fewer children. This type of child care is the most widely used and, according to some experts, the preferred method. It is referred to as *family day care* because it is provided in a private residence occupied by the provider of the day care.

Civic Uses: Uses relative to a building or a complex of buildings that house government offices and services and that may include cultural, recreational, athletic, convention, and entertainment facilities. Note: Broadly speaking, ownership and operation by a governmental agency is no longer a critical element in the definition of a civic use. Governmental participation and/or sanction of a private endeavor would still meet the definition.

Clergy Residence: The home of a member of the clergy and located on the same parcel as the house of worship. Note: Also referred to as a parsonage, vicarage, manse, or rectory. When located on the same lot as the house of worship, the clergy residence is a customary accessory use. When located on a separate lot, it is a single-family home. When the house is a clergy residence, bible studies, prayer meetings, counseling, committee meetings, and similar activities in the clergy residence are customary accessory uses.

Clinic: An establishment where patients are admitted for examination and treatment on an outpatient basis by physicians, dentists, other medical personnel, psychologists, or social workers and where such examination and treatment generally require a stay of less than 24 hours.

Commercial Use: All retail sales establishments, office uses (i.e.: medical and financial), service industry uses (i.e.: restaurants, hotels/motels/inns), wholesale businesses, and general business (i.e.: mini-storage, automotive repair).

Common Ownership: Ownership by one or more individuals in any form of ownership of two or more contiguous lots.

Special use: See Special Use. Special use

Conservatory: A greenhouse for raising plants.

Coterminous: Having the same or coincident boundaries.

Contiguous: Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous.

Country Club: A recreational facility usually restricted to members and their guests, which generally includes a clubhouse, dining and eating establishments, and recreations facilities such as golf course(s), tennis courts, and swimming pools. Note: While most country club facilities are restricted to member and their guests, some clubs make available their facilities to nonmembers for weddings, banquets, golf tournaments, dances, conferences, and so forth. When these clubs are located in residential areas, the heavy use can create friction between surrounding residents and club patrons. Another factor to be considered is the fact that the golf course, almost always a feature of a country club, is a significant user of water and is heavily dependent on pesticides and fertilizers. New clubs should be required to indicate water sources and a best-management protocol limiting the use of chemical pesticides and fertilizers.

Cultural Institution and/or Use: The legal enjoyment of property and/or services offering the fine arts, humanities, or other board aspects of science, as distinguished from vocational and technical skills. Examples of cultural institutions and/or uses would be public libraries, museums, art galleries, opera and performing art venues, etc.

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, and in connection with which there is no display. When observed from beyond the lot on which it is located, the home occupation does not give visual, audible, sensory, or physical evidence that the property is used for any nonresidential purpose.

Day-Care Center, Adult: A facility providing care for the elderly and/or functionally impaired adults in a protective setting for part of a 24-day.

Day-Care Center/Day Nursery: See Child-Care Center.

Deciduous: Plants that drop their foliage annually before becoming dormant. Note: In specifying landscaping for buffer areas, there should be a mix of deciduous and evergreen trees, with the predominant emphasis on evergreens, which provide an all-year-round buffer.

Deck: (1) An unroofed platform, either freestanding or attached to a building, which is supported by pillars or posts; (2) a pier or landing for a boat.

Dedication: The transfer of property by the owner to another party. Note: Such transfer is conveyed by written instrument and is completed with an acceptance. The dedication is often for a specific use. Typically, dedication of land for roads, utilities, and open space is a requirement of subdivision or site plan approval. Where dedication is impractical because of cost or other reasons, an easement may suffice. See Easement.

Deed: A legal document conveying ownership of real property.

Density: The number of families, individuals, dwelling units, households, or housing structures per unit of land. Note: The most common standard is dwelling units per acre. Care must be taken when specifying density to make it clear as to whether the standard is stated in *net* or *gross density*. *Gross density* includes all the area within the boundaries of the specific area. *Net density* usually refers to the developable areas only, excluding streets, easements, waste areas, land with environmental constraints, watersheds, parklands, and undevelopable lands.

Design Standards: A set of guidelines defining parameters to be followed in site and/or building design and development. Note: Design standards can be quite specific and required in an historic or other special design district, such as our MUV District.

Detached and Attached Single Family Homes: Attached housing does not provide for an open yard on all sides of the home (perimeter yard). Any group of attached housing containing more than two dwelling units on a single lot is multi-family. Attached housing with each house on its own deeded lot (zero lot line) is not multi-family. Detached housing must have a perimeter yard and be located on a single deeded lot (*Exception:* See *Temporary Structures* in Section 5.6 of this Ordinance). Manufactured Housing is not included in this definition.

Development: The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; or any use or extension of the use of land.

Development, Major: Any development involving more than three lots and/or involving a land area of more than 5 acres.

Development, Minor: Any development involving three or fewer lots and/or involving a land of less than 5 acres and not requiring the extension or any new street or other municipal or governmental facilities.

Development Plan, Phased: A plan which has been submitted to the Zoning Officer by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan determined by the Zoning Officer to be a site specific development plan.

Development Plan, Site Specific: A plan which has been submitted to the Zoning Officer by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property.

District: A part, zone, or geographic area within the municipality within which certain zoning or development regulations apply. Note: District regulations must be uniform for all uses within the district. For example, if a municipality wants to apply a larger lot size to service stations within a district compared to other uses, it has to make such uses *conditional* or *special exception uses*.

Divided Highway: (1) A highway having access on only one side of the direction of travel; (2) a highway having a median island or other barrier separating opposing moving lanes.

Disturbed Ground: Any area of ground on a site which during construction is dug up, filled, graded, built on or used for storage or parking.

Domicile: A residence that is a permanent home to an individual.

Dormer: A projection from a sloping roof that contains a window. See Figure 1.

Drip Line: An imaginary vertical line extending from the outer most portion of the tree canopy to the ground. Note: Drip Lines are important because they define the general area of nutrient roots of a tree that do not need to be disturbed during construction.

Driveway: A private roadway providing access to a street or highway. Note: Driveways may be paved or unpaved and are not considered streets, roads, or highways.

Driveway Width: The narrowest width of driveway measured perpendicular to the driveway.

Duplex: An attached single family structure containing two dwelling units located on a singly deeded lot. A duplex is a building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from the basement to the roof. Note: One major advantage of a duplex is that each dwelling unit can be sold in fee simple. The two-family type with one apartment over another requires condominium ownership. In some areas of the country, the duplex is also known as a *twin*.

Dwelling: A structure or portion thereof that is used exclusively for human habitation.

Dwelling, Attached: A one-family dwelling with ground floor outside access, attached to two or more one-family dwelling by common vertical walls without openings. Note: Also know as a *town house*.

Dwelling, Detached: A dwelling that is not attached to any other dwelling by any means. Note: The detached dwelling does not have any roof, wall, or floor in common with any other dwelling unit. See Figures 10 and 12.

Dwelling, Multifamily. A building or portion thereof used or designed for three or more dwelling units; the term includes apartments, and condominiums.

Dwelling, Town House: A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls. Note: Town house (single-family attached dwellings) usually have separate utilities, such as individual hot water and heating systems, separate electric meters, and so forth. However, in some condominium developments, the condominium association may arrange for the bulk purchase of certain utilities and distribute them to individual dwelling units. See Figure 13.

Dwelling Triplex: A building containing three dwelling units, each of which has direct access to the outside or to a common hall.

Dwelling Two-Family: A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling Unit: One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family marinating a household.

Dwelling Unit, Efficiency: A dwelling unit consisting of not more than one habitable room, together with kitchen or kitchenette and sanitary facilities. Note: Efficiency units, also known as *studio apartments*, typically contain between 200 and 400 square feet.

Easement: A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity. Note: An easement may be a more acceptable and less expensive way to achieve certain public goals, since not all of the property rights are being purchased. For example, where property owners are reluctant to donate land for road-widening purposes, an easement may be an acceptable alternative. The property owner keeps the title but the road can be widened. This is particularly important in rural areas where land is sold by the acre. Another example is slope rights to permit roadway grading.

Easement, Continuing: An easement that is self-perpetuating and runs with the land.

Easement, Express: An easement that is expressly created by a deed or other instrument.

Easement, Maintenance: A part of a lot free of structures reserved to an adjacent lot to allow access to repair or maintain a structure located on the adjacent lot.

Eave: The projecting lower edges of a roof overhanging the wall of a building.

Educational Institution and/or Use: The legal enjoyment of property and/or services offering an accepted field of study that deals mainly with teaching and learning. Examples of educational institutions and/or uses would be elementary and junior high schools, high schools, colleges and universities, boarding schools community colleges, etc.

Egress: An exit.

Elevation: (1) Vertical distance above or below a fixed reference level; (2) a fully dimensioned drawing of the front, rear, or side of a building showing features such as windows, doors, and relationship of grade to floor level.

Eminent Domain: The authority to acquire or take or to authorize the taking of private property for public use or public purpose. Note: The U.S. Constitution requires just compensation for any taking, and the taking must be for a public purpose.

Encroachment: The part of a structure which intrudes into an easement or dedicated right of way.

Enlargement: An increase in the size of an existing structure or use, including the physical size of the property, building, parking, and other improvement. Note: What constitutes an enlargement is especially critical when it comes to nonconforming uses. While a physical expansion always constitutes an enlargement, other changes, such as alterations, may or may not be considered an enlargement.

Entertainment Use: Any establishment which provides active recreational opportunities such as miniature golf, batting cages, carnival games, waterslides, or passive recreation such as movie theaters.

Essential Services: Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam, or water, the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services, provided no transmitter or antenna tower exceed 180 feet in height. Essential Services are divided into three classes:

Class 1 Transmission lines (above and below ground) including electrical, natural gas, and water distribution lines; pumping stations, lift stations, and telephone switching facilities (up to 200 square feet).

Class 2 Elevated water storage tanks; package treatment plants, telephone switching facilities (over 200 square feet in size), substations, or other similar facilities in connection with telephone, electric, steam, and water facilities.

Class 3 Generation, production, or treatment facilities such as power plants, water and sewage treatment plants, landfills, and any receiving or transmitting towers.

Establishment: An economic unit where business is conducted or services or industrial operations are performed. Note: Establishments are generally at a single physical location but not necessarily so. An establishment may include, for example, one or more manufacturing plants and several retail sales outlets.

Exception: Permission to depart from the design standards in the ordinance. Note: Exceptions often refer to design standards such as length of cul-de-sacs, location and type of improvements, and landscaping requirements. They are dictated by the circumstances related to the specific application that makes the design requirement for which the exception is requested unnecessary or unreasonable.

Existing Use: The use of a lot or structure at the time of the enactment of a zoning ordinance.

Extension: (1) An increase in the amount of existing floor area beyond the exterior wall; (2) extending the length of time an approving authority can act on an application for development.

Extraterritorial Jurisdiction (ETJ): An area outside and surrounding the Town of Coats, extending up to one mile from the municipal boundary, where the Town exercises (or may exercise at a future date) planning, zoning, and subdivision regulations.

Facades: The vertical surface of a building which is set along a Building Line. The elevation of a facade is the vertical surface area. Facades are subject to visual definition by building height, setback lines, recess lines (a line prescribed for the full width of the facade above which the facade sets back. The location of a recess line is determined by the desired height to width ratio of the enfronting space or by a desired compatibility with existing buildings), and transition lines (a line prescribed for the full width of the facade expressed by a variation of material or by a limited projection such as a cornice or balcony). See Figure 20.

Family: A group of individuals *not necessarily* related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a *single housekeeping unit*. For the purposes of this Ordinance, “family does not include any society, club, fraternity, sorority, association, lodge, federation, or like organizations; or any group of individuals who are in a group living arrangement as a result of criminal offenses.” Note: the key words in this definition are “single housekeeping units”, which is defined as “a common use and access to all living and eating, areas, bathrooms, and food preparation and serving areas.”

Family Care Home: A home meeting the North Carolina Residential Building Code with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for six or fewer resident handicapped persons, pursuant to G.S. 160D-906.

Farm or Farmland: A parcel of land used for agricultural activities.

Farm Structure: Any building or structure used for agricultural purposes.

Farmer’s Market: The seasonal selling or offering for sale at retail of vegetables or produce, flowers, orchard products, and similar non-animal agricultural products, occurring in a predestinated area, where the vendors are individuals who have raised the vegetable or produce or have taken the same on consignment for retail sales.

Fast-Food Restaurant: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, in vehicles on the premises, or off the premises.

Fee Simple: A complete set of private property land rights, including mineral rights below the surface, surface rights, and air rights. Note: See Easement.

Fence: An artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas. Note: Generally, fences are divided into categories of open, semi-open, and closed fences, with established maximum heights and setbacks for the different categories. For example, an open fence, such as a split rail fence, might be permitted anywhere on a particular lot. Solid fences, such as one made of brick, are restricted in height and must meet defined setback requirements for principal structures in the zone where they are built. A fence may or may not include a gate, but a gate does not include a fence. See Gate. See Figures 14 and 15.

Open Fence: A fence constructed with openings between the materials used in its construction.

Semi-Open: A fence constructed in such a manner that the materials used in its construction allow images to be seen when viewed from a specific angle or position.

Closed Fence: A fence, including any gates, constructed of solid material, wood or masonry, through which no visual images may be seen.

Vegetative Fence: A fence constructed of or composed of growing vegetative matter.

Privacy Fence: A fence constructed of or composed of materials that shield or effectively block sight views both into and out of the area being fenced.

Security Fence: A fence constructed of or composed of materials that effectively prohibit access to the area to be protected, but not necessarily the sight views, and including any gates that must remain closed and secured by some means.

Finished Elevation: The proposed elevation of the land surface of a site after completion of all site preparation work.

Fire Lane: An unobstructed paved or improved surface area clearly defined by pavement marking and signs, at least twelve (12) feet wide, and designed to provide access for fire-fighting equipment.

Flat Roof: The silhouette formed by a roof line. Flat roof lines infer a roof with no pitch. The actual roof structure is required to have a slope for drainage purposes. This is separate from the roof line which can be stepped or flat in appearance through architectural elements such as cornices, mansards, and parapets; or pitched as with residential homes.

Flag Lot: See Figure 16.

Flea Market: An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public. Note: What differentiates flea markets from other retail stores or shopping centers is that there are no long-term leases between the sellers and owners, or lessors, of the site and that often the sellers use their own vehicles for display or set up temporary table for their wares.

Flood Plain, Flood Hazard Area: Any area defined by the Federal Emergency Management Agency and shown on their maps to be located within an area subject to flooding.

Floor Area, Gross (GFA): The sum of the gross horizontal areas of all enclosed floors of a building, including cellars, basements, mezzanines, penthouse, corridors, and lobbies from the exterior face of exterior walls, or from the centerline of a common wall separating two buildings, but excluding an space with floor-to-ceiling height of less than 6 feet 6 inches.

Floor Area, Net (NFA): The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when these are used or intended to be used for human habitation or service to the public.

Floor Area Ratio (FAR): Representing the gross floor area of all buildings or structures on a lot divided by the total lot area. For example, on a one (1) acre lot, if the total square footage of all buildings on said lot was 8,712 square feet, then the FAR would be 0.2. (Total buildings(s) floor area divided by total lot area, both defined in square feet measurements.)

Forest: Areas or stands of trees, the majority of which are greater than 12 inches caliper, covering an area greater than one-quarter acre; or groves of mature trees, without regard to minimum area, consisting of substantial numbers of individual specimens.

Fraternal Organization: A group of people formally organized for a common interest, usually cultural, religious, or entrainment, with regular meetings, rituals, and formal written membership requirements. Note: Examples of such groups are Mason or the Knights of Columbus.

Frontage: The lot boundary which coincides with a public thoroughfare or space. The facade of a structure facing the street. There are seven ways which a building addresses the street:

- a. **Arcade** - The facade overlaps the sidewalk while the shop front remains setback. This type is excellent for retail use, but only when the sidewalk is fully absorbed so that the pedestrian cannot bypass the colonnade. An easement for public use of private property is required.
- b. **Shop front** - See shop front.
- c. **Stoop** - The facade is aligned directly on the building line with the first floor elevated to secure privacy for the windows. This type is suitable for residential uses such as row houses and apartment buildings. An easement may be necessary to accommodate the encroaching stoop.
- d. **Forecourt** - The facade sets back and is replaced by a low wall at the building line. The forecourt is suitable for gardens, and car drop offs. It should be used sparingly and in conjunction with numbers 2 and 3 above. Trees within the forecourt should be placed to have their canopies overhanging the sidewalks.

- e. **Dooryard** - The facade is set back from the building line with an elevated garden or terrace between. This type effectively removes the front yard from the sidewalk and keeps it private. Roofed terraces are suitable for restaurants and cafes.
- f. **Porch and Fence** - The facade is set back substantially from the building line with an encroaching porch. The porch should be within conversational distance of the sidewalk. The fence at the building line establishes the demarcation of private from public use.
- g. **Front Lawn** - The facade is set back substantially from the building line. The front lawn should be visually continuous with adjacent yards and should be unfenced. The large setback provides a good buffer from traffic and is an appropriate design for boulevard settings.

Frontage Build Out: The portion of lot frontage which has a building or wall running parallel to it.

Funeral Home: A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation. Note: Funeral homes are generally very stable uses and are extremely well maintained. The only potential problem is the necessity for adequate off-street parking and stacking room for cars lined up for the funeral procession.

Garage: Any building, premises, and land in which or upon which the primary use of land is a business which involves the maintenance or servicing of vehicles. This differs from a Body Shop which involves the painting of vehicles or external repairing of damaged vehicles.

Garage Sale: See Yard Sale.

Gas Station: A use where vehicular fuels are sold at the retail level and where the installation of such automotive items as lubricants, tires, batteries, and similar accessories takes place and where minor automobile repairs and maintenance work is conducted.

Gate: (1) An opening in a fence; (2) an artificial barrier capable of being opened and closed, permitting or denying access across a driveway or path.

Gazebo: A free standing, roofed, open sided structure providing a shady resting place.

General Commercial Use: Business and retail establishments providing consumer services and products. See *Permitted Uses* list for each District.

General Public: Any all individuals without prior qualifications. Note: When a facility is “open to the general public”, there are no restrictions or limitations other than a possible admissions fee for the persons attending.

Grandfather Clause: A grandfather clause is simply a provision in a new law that exempts those who were not in compliance with the law when it took effect. An existing use should generally not be affected by a new Zoning Ordinance because it is ‘grandfathered in’, meaning the prior use is exempt from compliance with the new code.

Greenbelt: An open area that may be cultivate or maintained in a natural vegetative state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area.

Grey water: Wastewater from domestic sinks and tubs, but *excluding* that part of the plumbing waste stream that includes human wastes.

Group Care Facility. A facility licensed by the State of North Carolina, (by whatever name it is called, other than "Family Care Home" as defined by this Ordinance), with support and supervisory personnel that provides room and board, personal care or habilitation services in a family environment.

Ground Floor: The first floor of a building other than a cellar or basement.

Ground Water: (1) The supply of fresh water under the surface in an aquifer or geologic formation that forms the natural reservoir for the potable water; (2) the water contained within the interconnected pores, cracks, or fractures located below the water table of a confined or unconfined aquifer.

Guide Rail: A safety barrier designed to protect motor vehicles from hazardous areas.

Gutter: A shallow channel usually set along a curb or the pavement edge of a road, for the purpose of catching and carrying off runoff water.

Handicapped: A person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)b.

Hazardous Substance: Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

Health and Welfare Facilities: All hospitals and institutions specializing in medical treatment, physical therapy (alcohol and drug treatment), assisted living for all ages, retirement communities, and shelters. Note: Health care facilities include general or special hospitals, public health centers, diagnostic centers, treatment centers, rehabilitation centers, extended care facilities, outpatient clinics, and dispensaries. Accessory used include laundries, restaurants, gift shops, laboratories, pharmacies, and medical offices.

Height: The vertical distance of a structure as measured from the *average* elevation of the finished grade surrounding the structure to the highest point of the structure. See Figure 7.

Hereditaments: Of or relating to inheritance or heredity; having title or possession through inheritance or by reason of birth.

Highway-Oriented Business: A use dependent on both a large flow of traffic and convenient access. In the town of Coats, this would equate to our C-3 Zoning District. Typically, highway-oriented business uses include hotels and motels, restaurants, automobile service uses, auto sales (new and used), as well as other retail centers aimed to assist at the traveling public.

Historic Area: A district, zone, or area designated by a local, state, or federal authority within which the building, structures, appurtenances, and places are of basic and vital importance because of their association with history; or because of their unique architectural style and scale, including color, proportion, form, and architectural detail; or because of their being a part of or related to a square, park, or area, the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical, or architectural motive or purposes. In the town of Coats, this area is designated as MUV.

Home Occupation: Any activity carried out for gain by a resident and conducted in the resident's dwelling unit. Note: This definition is the broadest possible one covering all home occupations. It simply states that any activity that is carried out for gain by a resident in their or her dwelling unit is a home occupation. It does not mean that a municipality must permit home occupations or that controls and limits cannot be placed on home occupations. Home occupations are best controlled through performance standards rather than listing of permitted home occupations or professions. In those zones where home occupations are permitted, the development ordinance may impose reasonable restrictions, including the number of nonresident employees (usually a maximum of two), sign control (one sign, with the name of the resident and the home occupation and not to exceed the size of any residential identification sign permitted in the zone), and a maximum of the amount of square footage that may be used for the home occupation (25 percent or 400 square feet, whichever is less). See additional controls as listed in the Zoning Ordinance under Home Occupations.

Household: A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

Impervious Cover: All areas covered by buildings, pavement (not including un-grouted pavers for sidewalks), gravel, rooftops of stored merchandise, (i.e.: cars and manufactured housing displays, even if located on grass surfaces), and which do not permit the passage of water. Surfaces that have been compacted so as to be highly resistant to infiltration by water may also be considered to be an impervious cover. Note: Wooden slatted decks and pool surfaces are exempt. See Figure 18.

Improvement: Any permanent structure that becomes part of, is placed upon, or is affixed to real estate.

Incidental: Subordinate and minor in significance and bearing a reasonable relationship to the primary use.

Industrial, Light Assembly: All operations involved in textile manufacturing currently conducted within the Town of Coats, and all industrial processes of less intensity than such operations. No light assembly industrial use shall emit noise or odor which alters or impacts adjacent property, or discharge gas or liquid waste into the environment which impacts adjacent property. Light assembly uses shall be conducted indoors and any accompanying storage shall be indoors or screened from all abutting property lines and non-industrial uses.

Infill: The development of new housing or other uses on scattered vacant site in a built-up area.

Infrastructure: Facilities and services needed to sustain all land-use activities. Note: Infrastructure includes, but is not necessarily limited to: water and sewer lines; utility lines; streets and roads; communications; and public facilities, such as firehouses, parks, and schools.

Ingress: Access or entry.

Institutional Use: A nonprofit, religious, or public use, such as a religious building, library, public or private school, hospital, or government-owned or –operated building, structure, or land used for public purpose.

Intensity, or Intensity of Use: The number of dwelling units per acre for residential development and floor area ration (FAR) for nonresidential development, such as commercial, office and industrial.

Intermittent Sound: Sound that is not continuous or that is of cyclic or repetitive nature.

Intrusive Sound: Noise that is over and above the existing ambient noise level. Note: For the purpose of this Ordinance, noise that is intrusive is obviously “louder” than the ambient noise level. Other factors affecting the intrusive nature include amplitude, duration, frequency, and time of occurrence.

Joint Ownership: The equal estate interest of two or more persons.

Junk: Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed of, or for other use or disposition.

Junk Vehicle: See Vehicle, Junked

Junk Yard: Any lot, land, parcels, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk. Note: Junk yards are intensive uses, and since they are usually operated outdoors, appropriate setbacks, screening, and buffering are needed.

Kennel: An establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation. Note: Since kennels often include animal runs, care must be taken to locate them away from residential areas and provide noise buffers or barriers.

Kiosk: A freestanding structure upon which temporary information and/or posters, notices, and announcements are posted. Note: A kiosk may incorporate a public pay phone and a trash receptacle; its design should reflect community character. See Figure 19.

Landlocked: A lot or parcel of land without direct access to a public road. Note: local development regulations should preclude approval of any subdivision or site plan that results in any property becoming landlocked.

Land Use: A description of how land is occupied or used.

Land Use Segregation: The practice of prohibiting mixed use developments or close proximity of residential and non-residential uses. This is accomplished through zoning standards which emphasize the

separation of all uses and the buffering and screening of dissimilar uses from one another. The highly negative impact of such practices is auto dependent designs which demand greater land area coverage to accommodate cars.

Landscape: (1) An expanse of natural scenery; (2) lawns, trees, plants, and other natural materials, such as rock and wood chips, and decorative features, including sculpture, patterned walks, fountains, and pools. Note: As noted in the definition, landscaping treatment can include some elements of street furniture. It does not include artificial trees or other artificial plants. Natural materials often are referred to as “soft” landscape, and other materials are known as “hard” landscape.

Lane: A private street or easement providing vehicular and service access to the rear of individual lots.

Laundromat: An establishment providing washing, drying, or dry cleaning machines on the premises for rental use to the general public.

Leaching: The process by which soluble materials in the soil, such as nutrients, pesticide chemicals, or contaminants, are washed into a lower layer of soil and are dissolved and carried into ground water.

Library: A place containing books for reading, study, and research. Note: This definition is a classical and largely outdated definition of a modern library. Libraries today still have books for reading and study, but additionally they also have newspapers, magazines, CDs, videos, books on tape, artwork, etc. Most, as in the Town of Coats library, also offer internet access to the general public. Libraries play key roles as community centers, and serve as strong anchors for downtowns and neighborhoods and play key roles in revitalization efforts.

Loading Space: An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

Long-Term Care Facility: An institution or a part of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the governing authority or its members by marriage, blood, or adoption. Note: A long-term care facility may be a skilled nursing facility, where patients receive a minimum number of hours of nursing care daily, or an intermediate care facility, where patients receive less than the specified number of hours of nursing care daily. Besides nursing homes, other long-term care facilities are governmental medical institutions or nursing units in a home for the aged. Long-term care facilities can provide, in addition to maintenance care, restorative services and specialized services such as intravenous feeding, tube feeding, injected medications, and daily wound care. Hospices are also examples of long-term care facilities.

Lot: A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title. See Figures 5 and 27.

Lot, Corner: A lot or parcel of land abutting on two or more streets at their intersection or on two parts of the same street forming an interior angle of less than 135 degrees. Note: A major problem with corner lots is the designation of the yards opposite the street frontages. One solution is to permit the applicant to designate one or the street frontages as the front, require the house to be built facing the front, and then require the yard opposite the designated front to meet the minimum rear yard requirement. See Figure 5.

Lot, Depth: The mean horizontal distance between the front and rear lot lines. Note: For lots where the front and rear lot lines are not parallel, the lot depth should be measured by drawing several evenly separated lines from the front lot line to the rear lot line, at right angles to the front lot line, and *averaging* the length of these lines to determine lot depth. See Figure 5.

Lot Frontage: The length of the front lot line measured at the street right-of-way line. Note: On corner lots, each side abutting the street is considered the frontage, and in many ordinances, such lots have two front yards, two side yards, and no rear yards. See Figure 5.

Lot, Interior: A lot other than a corner lot.

Lots, Irregularly Shaped: Lots located at corners or intersections, which create shapes with three sides or with more than four sides and contain corner angles greater or less than 90 degrees. The front yard of such lots shall be determined with respect to adjacent homes, and the maintenance of street vistas.

Lot Line: A line of record bounding a lot that divides one lot from another lot or from a public or private street or any public space. See Figure 5.

Lot Line, Front: The lot line separating a lot from a street right-of-way. See Figure 5.

Lot Line, Rear: The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shape lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. Note: The 10 foot minimum length is not sacrosanct. On wider lots, it could be a percentage of the minimum lot width, say 10 percent. See Figure 5.

Lot, Reverse Frontage: A through lot with frontage on two parallel streets with vehicular access restricted to only one of the streets. See Figure 23.

Lot, Substandard: A parcel of land held in separate ownership, occupied or intended to be occupied by a principal building or structure together with accessory buildings, and uses, having *insufficient* size to meet the lot width, lot area, yard, off-street parking areas, or other open space provisions of this Ordinance.

Lot, Through: A lot that fronts on two parallel streets or that fronts on two streets that do not intersect at the boundaries of the lot.

Lot, Transition: (1) A lot in a transition zone; (2) a lot in one zoning district abutting another district and designated as a transition lot.

Lot of Record: A lot which is part of a subdivision or plat of which has been recorded in the office of the Register of Deeds of Harnett County, or a lot described by metes and bounds, the description of which has been so recorded.

Lot, Width: The distance between side lot lines measured at the building line. See Figure 5.

Machine Shop: A workshop which is mechanized to size and assemble pieces of machinery.

Maintained Easement: A recorded right of way made of crushed gravel or pavement, which is graded and cleared of brush so as to permit access by all vehicles.

Major Subdivision: Any subdivision that is not classified as a Minor Subdivision. Note: See *Subdivision, Minor*.

Mall: (1) A shaded walk or public promenade; (2) a shopping center where stores front on *both sides* of a pedestrian way, which may be enclosed or open.

Mandamus: A writ issued by a superior court commanding the performance of a specified official act or duty.

Manse: See Clergy Residence.

Manufactured Home: A dwelling unit that (i) is 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 feet in length and eight feet in width (commonly called a mobile home).

Manufactured Home, Class A: (Commonly referred to as a double or multi-section manufactured home.) A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following size and appearance standards:

- a. The manufactured home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis;
- b. The manufactured home has a minimum of 1,200 square feet of enclosed and heated living area;
- c. The pitch of the roof of the manufactured home has minimum vertical rise of three and two tenths feet for each twelve feet of horizontal run (3.2 feet and 12 feet) and the roof is finished with a type of composition shingle that is commonly used in standard residential construction;
- d. The roof eaves and gable overhangs shall be 6-inch minimum (rain gutters may not be included in the minimum dimensions);
- e. The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;

- f. The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home;
- g. The front entrance to the manufactured home has stairs and a porch, the porch being at least four feet by six feet in size. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the North Carolina State Building Code; and
- h. The moving hitch, wheels, and axles, and transporting lights have been removed.

Note: It is the intent of these criteria to insure that a Class "A" manufactured home, when installed, shall have substantially the appearance of an on-site conventionally built, detached single family home, to include landscaping in harmony with surrounding homes.

Manufactured Home, Class B: (Commonly referred to a single section manufactured home.) A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

- a. The manufactured home has a minimum length of fifty-two (52) feet measured along the longest axis and a minimum width of fourteen (14) feet measured at the narrowest part of the other axis;
- b. The manufactured home has a minimum of seven hundred and twenty-eight (728) square feet of enclosed living area;
- c. The pitch of the roof of the manufactured home has a minimum vertical rise of three feet for each twelve feet of horizontal run;
- d. The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
- e. The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and rests upon a continuous uniform foundation enclosure, unpierced except for required ventilation and access. The foundation skirting shall be of a non-combustible material or material that will not support combustion. Any wood framing for foundation skirting shall be constructed with treated lumber;

- f. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina State Building Code; and
- g. The moving hitch, wheels and axles, and transporting lights have been removed;

Manufactured Home, Class C: (Commonly referred to as a house trailer or a mobile home.) Any manufactured home that does not meet the definitional criteria of a Class A or a Class B manufactured home shall be considered a Class C manufactured home.

Marquee: Any hood, canopy, awning, or permanent construction that projects from a wall of a building, usually above an entrance. Note: Marquees are usually exempt from setback requirements and are allowed to project over the side walk, particularly in a Central Business District or a MUV District. Consideration should be given, however, to potential problems with fire fighting and the need to get ladders and equipment above the first floor. Also, there is the matter of aesthetics, and any permanent marquee extending along the sidewalk in the Central Business District or MUV District should be designed and installed in accordance with an overall plan to ensure design continuity.

Massing: The shape and form buildings assume through architectural design. There are ten architectural design elements which create urban space. A specific project may not need to incorporate all ten elements.

- a. **Building Silhouette** - similar pitch and scale to a roof line.
- b. **Spacing between building facades** - setbacks or notches between primary facades which frame the structure.
- c. **Setback from property line** - building setback and/or primary facade setback from property line.
- d. **Proportion of windows, bays, and doorways** - vertical or horizontal elements tied together in bands across facade lengths.
- e. **Proportion of primary facade** - size of facades similar in area and height to width ratios.
- f. **Location and treatment of entryways** - important visual commonality between structures.
- g. **Exterior materials used** - similar materials and treatment add to detail and monumentality of a building.
- h. **Building Scale** - similarity of building height and configuration.

- i. **Landscaping** - ties together buildings and defines space.
- j. **Shadow patterns form decorative features** - the light and dark surfaces from materials used and projections from window bays and setbacks create visual breaks.

Matter of Right: The guaranteed power granted of a land owner or tenant to the use of their property in such a way that it is not detrimental to the community.

Median: (1) The middle number in a series of items in which 50 percent of all figures are above the median and 50 % of all figures are below; (2) an island in the center of a highway that separates opposing traffic flows.

Merged Lots: Two or more contiguous lots, in single ownership, that individually do not conform to zoning ordinance bulk standards. Note: The fact that the lots may have been purchased separately and may have been legally conforming lots at some time does not vest development right in perpetuity.

Metes and Bounds: A method of describing the boundaries of land by direction (bounds) and distance (metes) from a known point of reference, often called a Control Corner.

Mile: A linear measure equal to 5,280 feet, 1,760 yards, or 1.6 kilometers.

Mill: One-tenth of a cent. Note: The term is still used in matters relating to taxes.

Minimart: A convenience store that is located on the same lot and is accessory to a gasoline station.

Minor Subdivision: A subdivision of land that does not involve any of the following: (1) the creating of more than the maximum number of lots specifically permitted by ordinance as minor subdivision; (2) a planned development; (3) any new street; or (4) the extension of any off-tract improvements.

Mixed Use Development (MXD): The development of a neighborhood, tract of land, buildings, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, and recreation, in a compact urban form. Note: The MUV is a prime example of MXD.

Mobile Home: A residential dwelling that was fabricated in an off-site manufacturing facility, designed to be a permanent residence, and built prior to enactment of the Federal Manufactured Home Construction and Safety Statutes.

Mobile Home Park: A site containing spaces with required improvements and utilities that are leased for the long-term placement of manufactured houses. The site may include services and facilities for the residents. Note: Mobile home parks, frequently referred to as manufactured housing parks or subdivision, often are licensed by the municipality or county, and compliance with local regulations is a prerequisite to annual license renewal. The spaces may be rented, owned individually, or sold as condominiums. Mobile home parks usually ban recreational vehicles, camper, or trailers.

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

Moratorium: The legally authorized delay of new construction or development. Note: Local moratoriums to halt development activity while local master plans and/or development are prepared or amended are not permitted in some areas.

Motel: An establishment providing sleeping accommodations for transients. Note: There is little distinction between hotels and motels. Traditionally, the motel (motor-hotel) was a one or two-story, less-expensive accommodation catering to the automobile traveling public, with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building. Today, rentals range across the entire economic spectrum, multistory structures are common, and motels may offer a full range of services, including restaurants, meeting rooms, entertainment, and recreational facilities.

Motor Vehicle, Abandoned: A motor vehicle that 1) is physically inoperable, or missing essential parts to be operated, and has been stored on public property for more than 48 hours; (2) lacks a current license plate and is not stored within a completely enclosed structure or is not currently for sale and stored at a facility licensed for such sales.

Mulch: A layer of wood chips, straw, hay, plastic or other material placed on the surface of the soil around plants to retain moisture, to prevent weeds from growing, to hold the soil in place, and to aid plant growth.

Multiuse Building: A building containing two or more *distinct uses*. Note: A multiuse building might include retail stores on the first floor and offices and/or apartments on the upper floors.

Municipality: The political subdivision that can adopt and enforce the development ordinances if so empowered by state legislation.

Natural Vegetative State: Trees, shrubs, groundcovers, vines, grasses (both lawn and ornamental types), herbaceous perennials, biennials, annuals, bulbs, ferns, mosses and lichens that naturally existed in a specified area prior to any intervention by humans.

Neighborhood: An area of a community with characteristics that distinguish it from other areas and that may include distinct ethnic or economic characteristics, housing types, schools, or boundaries defined by physical barriers, such as major highways and railroads, or natural features, such as water bodies or topography.

Neighboring Lot: The first lot on each side of the subject lot on the same side of the street and any lot that fronts directly across from the subject lot and the lots adjacent thereto. Note: The phrase is used in zoning to establish a prevailing setback line or to enforce anti-look-alike clauses.

Nightclub: An establishment dispensing liquor and meals and in which music, dancing, or entertainment is conducted. Also called a Tavern.

Noise: (1) Any undesired audible sound: (2) any sound that annoys or disturbs humans or that causes or tends to cause an adverse psychological or physiological effect on humans. Note: Generally speaking, noise standards are usually not found in zoning or land development ordinances but rather in health ordinances.

Nonconforming Lot: A lot, the area, dimensions or location of which was lawful prior to the adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nonconforming Use: The use of a building or land which does not conform to the use regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments which may be incorporated into this Ordinance. Note: A nonconforming use or activity that was lawful prior to the adoption, revision, or amendment of this Zoning ordinance but that now fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district. Note: Ordinances should provide for “certificates of nonconformance” to be issued to property owners and occupants upon application to the zoning officer for a reasonable period (90 to 180 days, for example) after the adoption of a new ordinance or major amendment. The certificate of nonconformance would officially establish the type, extent, and intensity of use taking place on a specific property. It can benefit both the property owner and the zoning authority. The general policy with respect to nonconforming uses is to provide for their eventual elimination. A lawful nonconforming use exists when it meets two requirements: (1) It must have existed before the prohibitory regulation was enacted; and (2) the use must have been lawful when the change was enacted. Thus a use that was in violation of the zoning ordinance when the ordinance was amended does not gain status as a preexisting and lawful nonconforming use upon adoption of the amendment. It must have been a fully conforming use at the time of the amendment.

Nuisance: A condition or situation that results in an interference with the enjoyment and use of property.

Nursery, Retail: The growing, cultivation, storage, and sale of garden plants, flowers, trees, shrubs, and fertilizers, as well as the sale of garden tools and similar accessory and ancillary products, to the general public.

Nursery, Wholesale: The growing, cultivation, storage, and sale of garden plants, flowers, trees, and shrubs to landscapers, developers, builders, and retail nurseries.

Nuisance Element: Any environmental pollutant, such as smoke, odors, liquid wastes, solid wastes, radiation, noise, vibration, glare, or heat.

Nursing Home, Retirement: A licensed facility that provides supportive services to three or more elderly or disabled adults who need assistance in meeting their day to day basic needs.

Occupancy Permit: Also called a Certificate of Occupancy. A required permit allowing the use of a building of structure after it has been determined that all the requirements of applicable ordinances have been met.

Off Street (Site) Parking: Parking which occurs on a lot and not on a street or other public right of way. Parking provided for a specific use but located on a site other than the one on which the specific use is located.

Office, Home: A home occupation in which a part of a dwelling unit is used as the resident's office. See Home Occupation.

Office Use: Business, professional, service, and governmental occupations within a building or buildings.

Official Map: An ordinance in map form adopted by the governing body that conclusively shows the location and width of existing and proposed streets, public facilities, public areas, and drainage rights-of-way.

Off-Site: Located outside the lot lines of the lot in question but within the property (of which the lot is a part) that is the subject of a development application or within a contiguous portion of a street or other right-of-way.

On Site: Located on the lot that is the subject of an application for development.

Opacity: (1) The property of a substance that renders it partially or wholly obstructive to the transmission of visible light; (2) degree of obscuration of light. Note: The range of opacity is from 0 to 100 percent. For example, clear glass has 0 percent opacity and a brick wall has 100 percent opacity.

Open Space: Any area which does not consist of buildings, streets, right of ways, parking, or easements, and serves as a passive or active recreational area, or as pervious cover for watershed requirements. Definitions and design standards in the Ordinance categorize open space by type. Note: Open Space may include active recreational facilities, such as swimming pools, play equipment for youngsters, ball fields, court games, and picnic tables.

Ordinance: A law or regulation adopted by a governing body.

Outbuilding: A separate accessory building or structure not physically connected to the principal building. Note: Outbuildings are smaller than the principal structure and may be used for storage or ancillary purposes. On estates, outbuildings are often the living quarters for the estate employees.

Outdoor Storage: The keeping, in an *unenclosed*, area, of any goods, junk, material, merchandise, or vehicles in the same location for more than 24 hours. There are uses that typically and traditionally include outdoor storage and displays. These include new and used car dealers, agriculture, plant and landscaping establishments and parking lots.

Overlay District (Zone): A set of regulations which add an additional layer of design provisions to an underlying regulating district. Note: Overlays deal with special situations that are not appropriate to a specific zoning district or that apply to several districts. For example, in all business zones, an overlay provision might require impact fees to provide for traffic improvements. Or an historic district might overlay parts of several zones.

Parallel District: A set of provisions that apply to a property as an optional set of standards to the underlying base district provisions. Once chosen, only the provisions of the chosen district apply. Parallel Districts may apply to all or portions of a property.

Parapet: The extension of the main walls of a building above the roof level. Note: Parapet walls often are used to shield mechanical equipment and vents. Many ordinances permit a parapet wall to extend beyond the maximum height limits. See Figure 20.

Parcel: (1) A piece or area of land formally described and recorded with block and lot numbers, by metes and bounds, by ownership, or in such a manner as to specifically identify the dimension and/or boundaries; (2) informally as land in general.

Park, Private: A tract of land owned or controlled and used by specific and designated entities or persons for active and/or passive recreational purposes.

Park, Public: A tract of land owned by a branch of government and available to the general public for recreational purposes. Note: Public parks may also be owned by private entities and made available to the public.

Parking Lot: An off-street, ground-level open area that provides temporary storage for motor vehicles. Note: Parking lots may provide access to other uses, such as dwellings, offices, stores, and so on. See Figures 21 and 22.

Parking Ratio: The number of parking spaces required per 1,000 square feet of gross floor area. See Section on Parking Requirements.

Parking Space, Handicapped: A space in a parking area with stall dimensions, access, and signage conforming to the *Americans with Disabilities Act* (ADA) or applicable state standards.

Partial Destruction: A building or structure that, because of fire, flood, explosion, or other calamity, requires the *rebuilding of less than half* of the original floor area. Note: The rebuilding of partially destroyed buildings becomes an issue when the building or use does not conform to current development regulations. In Coats, if a building is destroyed by more than 60%, it may not be rebuilt as a non-conforming building or use without special permission from the Zoning Officer or the Board of Adjustment.

Patio: See Terrace.

Patio, Atrium, Courtyard, Zero Lot Line Homes: Homes with side, rear, or courtyard yards, as opposed to perimeter yards.

Pavement: (1) A created surface, such as brick, stone, concrete, or asphalt, placed on the land to facilitate passage; (2) that part of a street having an improved surface.

Pawn Shop: Indoor retail establishments that accept personal property as collateral for loans, and offer the property for sale to the public.

Peninsular Lot: A lot surrounded on three sides by roads. Note: In Coats, an example would be the lot that is across from Coats Church, bounded by Hwy 55, Hwy 27, and Railroad Street.

Pedestrian Oriented Development: Development which accommodates the needs of the pedestrian. Such development will have parking to the side or rear of a building, will mix uses and provide them in proximity to one another, will allow the pedestrian the option or choice of not having to use a car to accomplish certain trips, and will provide a variety of interesting and detailed streetscapes which balance the need of the pedestrian and car equally.

Percolation Test: A test designed to determine the ability of ground to absorb water and used to determine the suitability of soil for drainage or for septic system use.

Perimeter: The boundaries or borders of a lot, tract, or parcel of land.

Permit: Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.

Permitted Use: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Permanent Structure: A structure that is erected with proper foundation or footing, is anchored to the ground, and meets any applicable building codes, and whose use or activity is intended to be of a lasting nature.

Pervious Surface: Any material that permits full or partial absorption of storm water into previous unimproved land.

Planning Board: The duly designated planning board of the municipality, county, or region. Note: The Planning Board is created by ordinance with the responsibility for reviewing and approving applications for development, preparation of master plans, and other duties specifically provided for in the state of North Carolina enabling act.

Plat: (1) A map representing a tract of land, showing the boundaries and location of individual properties and streets; (2) a map of a subdivision or a site plan.

Porch: A roofed and open area, which may be screened, attached to or part of a building, and with direct access to or from it. See Figure 1.

Preexisting Use: The use of a lot or structure prior to the time of the enactment of a zoning ordinance. Note: The preexisting non-conforming use, legal prior to the time of the passage of the ordinance but made nonconforming as a result of the ordinance has a legal right to continue.

Prohibited Use: Any use that is not permitted in a zoning district. Note: Care must be taken in this because older zoning ordinances and mind sets of some Planning Boards usually listed those uses specifically prohibited in each zone. The advent of newer technology (for example: automated car washes, personal computers, the internet as a method of buying and selling goods, etc.) often created uses that were clearly inappropriate for certain zones, but because they were *not specifically listed* as a prohibited use, they

became permitted uses. Most ordinances today are permissive ordinances, and a use not specifically permitted is prohibited.

Quadruplex: Four attached dwellings in one building in which each unit has two open-space exposures and shares one or two walls with adjoining unit or units. See Figure 8.

Quorum: A majority of the full authorized membership of a board or agency. Note: In general, no public aging meeting may be held in the absence of a quorum, except to adjourn the meeting to a specified date and time. Once a quorum is present, all actions may be taken by a majority vote of those present and eligible to vote. A member of a public body who *abstains* or *recuses* himself from voting is, under the common law rule, counted toward a quorum and is regarded as having assented to the vote of the majority. However, when a statute requires the *affirmative vote* of a majority to approve a measure, it has been held that one who abstains from voting cannot be considered as having voted affirmatively. (Cox 2003)

Ramp: (1) A sloping walkway, roadway, or passage used to join and provide a smooth transition between two levels of different elevations: (2) driveways leading to parking aisles.

Ratable: An improvement producing revenues to the taxing authority.

Ratable Property: Real property subject to tax by a municipality or other taxing district.

Real Estate: Land, tenements, and other hereditaments or rights therein, and whatever is made part of or is attached to it by nature or by humans; the land and all improvement thereon.

Rear Lot Line: See Lot Line, Read.

Reasonable Use Doctrine: A common law principal that prohibits the use of one's property in such a way as to deprive others of the lawful enjoyment of their property.

Recreation, Active: Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields. Note: The term "active recreation" is more a word of art than one with a precise definition. It obviously includes swimming, tennis and other court game, baseball, and track and other field sports and playground activities

Recreation, Passive: Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, board and table games. Note: The reason for the differentiation between active and passive recreation is their potential impacts on surrounding land uses. Passive recreation can also mean open space for nature walks and observation.

Recreational Facilities: A place designed and equipped for the conduct of sports and leisure-time activities. A Recreational Facility may be *private*: one operated by a private organization and open only to bona fide members and guests; or it may be *public*: one usually owned and operated by a governmental agency and open to the general public.

Recreational Vehicle: A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreation and

camping purposes. Note: Recreational vehicles include, *but are not limited to*, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Recreational Vehicle Park: Any lot or parcel of land upon which two or more sites are located, established, or maintained for occupancy by recreational vehicles for a fee as temporary living quarters for recreation or vacation purposes.

Rectory: See Clergy Residence.

Region: A geographic area defined by some common feature, such as a river basin, housing market, commuter shed, economic activity, or political jurisdiction.

Religious Use: A structure or place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held.

Remediation: The action or measures taken, or to be taken, to lessen, clean up, remove, or mitigate the existence of hazardous materials present on a property to such standards or requirements as may be established by federal, state, or local statute or regulation.

Repair, Major: Any improvement that requires a building permit or that requires the replacement of a roof, wall or other major building element. Note: The reason for the distinction between major and minor repairs is to facilitate and expedite minor repairs with a minimum of red tape. Major repairs, on the other hand, should be more carefully reviewed to determine whether existing variances or site plan deficiencies can be ameliorated or reduced as part of the project.

Repair, Minor: Improvement to correct deficiencies resulting from normal wear and tear or improvements not requiring a building permit

Replacement Cost: The cost of constructing a substitute structure having utility equivalent to the structure being appraised but composed of modern materials according to current standards, design, and layout. Note: Replacement cost is often used as a standard in determining whether a nonconforming structure or use may be rebuilt after a fire or other disaster. In Coats, a frequently applied standard is that when the replacement cost is 60 percent or more of the value of the structure *after* repairs, the structure can be rebuilt only as a conforming one. From a practical point of view, it is often difficult to prevent a structure or use from being rebuilt unless the destruction is total. The approving authority should attempt to reduce the degree of nonconformity in any permitted rebuilding.

Res Judicata: Dismissal of an application (or case) on the grounds that it has already been heard and decided. Note: In order for the doctrine of *res judicata* to be applicable, the following must be shown:

1. The second application is substantially similar to the first.
2. The same parties or their privies are involved.
3. There must be no substantial change in the application itself or conditions surrounding the property.
4. There must have been a decision on the merits of the first application.
5. Both applications must involve the same cause of action.

Restaurant: An establishment where food and drink are prepared served, and consumed, mostly with the principal building. Note: A restaurant may have limited forms of musical entertainment to accompany the

dining, experience; however, restaurants that provide dancing and stage shows are technically defined as nightclubs.

Restaurant, Drive-In: See Restaurant, Take-Out.

Restaurant, Outdoor: Any part of a food establishment located outdoors, not used for any other purpose, and open to the sky, with the exception that it may have a retraceable awing or umbrellas, and may contain furniture, including tables, chairs, railings, and planters that are readily moveable.

Restaurant, Take-Out: An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant part of the consumption takes place outside the confines of the restaurant, and where ordering and pickup of food may take place from an automobile. Note: "Take-Out Restaurants" also encompass restaurant that's sell food from drive-up windows.

Restrictive Covenant: A restriction on the use of land usually set forth in the deed. Note: Restrictive covenants usually run with the land and are binding on subsequent owners of the property. However, some restrictive covenants run for specific periods of time.

Reverse Frontage Lot: See Lot, Reverse Frontage. See Figure 23.

Right of Access (ROW): The legal authority to enter a property. Note: In privately owned property, right of access usually means access to a public road. In rented property, right of access also could mean the landlord's right to enter the property to make repairs.

Rod: A lineal measure equal to 16.5 feet or 5.5 yards. Note: This surveyor's measure is seldom seen anymore. Four rods equal 1 chain. Ten chains by 10 chains equal 10 acres.

Roof: The outside top covering of a building. See Figure 24.

Roof, Flat: A roof that is not pitched and the surface of which is generally parallel to the ground (See Figure 24).

Roof, Gambrel: A roof with two slopes on each side, the lower steeper than the upper (See Figure 24).

Roof, Hip: A roof with sloping ends and sides (See Figure 24).

Roof, Mansard: A roof with two slopes on each of four sides, the lower steeper than the upper (See Figure 24).

Roof, Shed: A roof with one slope.

Salvage Yard: A facility or area for storing, selling, dismantling, shredding, compressing, or salvaging scrap, discarded material, or equipment.

Same Ownership: Properties owned or controlled by the same individual, corporation, partnership, or other entity. Note: Multi-building or multi-tract developments may be subdivided in several corporate names or owned by subsidiaries of the parent company. This definition clarifies the intent of considering all such parcels as a single parcel for zoning purposes.

Satellite Dish Antenna: A parabolic or dish-shape antenna designed to receive radio waves.

Scale: (1) The relationship between distances on a map and actual ground distance; (2) the proportioned relationship of the size of parts to one another.

School: Any building, or part thereof that is designed, constructed, or used for education or instruction in any branch of knowledge. Note: This definition include all types of school, such as business and trade schools, schools of art, dance, theatre, culture, and the martial arts, as well as academic institutions.

School, Elementary: Any school that is licensed by the state and meets the state requirements for elementary education.

School, Parochial: A school supported, controlled, and operated by a recognized religious organization.

School, Private: Any building or group of buildings, the use of which meets state requirements for elementary, secondary, or higher education and which does not secure the major part of its funding from any governmental agency.

School, Secondary: Any school that is licensed by the state and authorized to award diplomas for secondary education.

School, Vocational: A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements as a vocation facility.

Screening: (1) A method of visually shielding or buffering one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation; (2) the removal of relatively coarse floating and/or suspended solids by straining through racks or screens.

Seasonal Use: A use carried on for only a part of the year. Note: Typical seasonal uses are recreational activities such as outdoor swimming or snow skiing, but they also include farm stands and Christmas tree sales.

Self-Storage Facility: A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time. Note: In the 1970s, when self-storage facilities first became popular, they were often classified as mini-warehouse and limited to industrial and warehouse zoning districts. The modern self-storage facility is a multistory retail service use, located in a commercial corridor and serving individuals and small businesses within a 5-mile radius. Local ordinances should address security, landscaping, fencing, lighting and height, as individual storage space to occupants who are to have access to such for the purpose of storing and removing personal property. Most ordinances specify that the use is for *dead storage* only, and flammable or hazardous chemicals and explosives are strictly prohibited.

Septic System: An underground system with a septic tank used for the decomposition of domestic waters.

Services: Establishments primarily engaged in providing assistance, as opposed to products, to individuals, business, industry, government, and other enterprises. Note: The *general* category of services includes

hotels and other lodging places; personal, business, repair, and amusement services; health, legal, engineering, and other professional services; educational services; membership organizations; and other miscellaneous services.

Setback: The distance between the building and any lot line. Note: In Coats, setbacks are intended to include projections, such as covered porches (but not just a stoop or steps), decks or covered patios. In other words, setbacks are to be measured from the covered deck or covered patio, not from the main structure itself. See Figure 11.

Setback Line: That line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be erected or placed. See Figure 11.

Shade Tree: Any large maturing tree which is generally deciduous and provides a crown for shade.

Shop Front: A business or retail use. The facade of a shop front is aligned directly on the building line with the entrance at grade. This is typical for sidewalk retail. Shop fronts often have awnings or a colonnade.

Shopping Center: A group of commercial establishments planned, constructed, and managed as a total entity; with customer and employee parking provide on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan. For the purpose of this ordinance, shopping centers are further defined by size and the area their shoppers come from:

1. A super regional center includes retail, office, and service uses, occupies more than 100 acres, has four or more anchor stores and contains more than 1 million square feet of gross leasable space.
2. A regional shopping center contains a wide range of retail and service establishments, occupies 50 to 100 acres of land, has at least one or more anchor stores, and contains more than 400,000 square feet of gross leasable space. It draws its clientele from as much as a 45-minute drive away.
3. A community shopping center features a discount store or supermarket, contains approximately 150,000 square feet of gross leasable area, and has a site area of 10 to 25 acres. Its clientele draw is approximately a 10-minute drive from the center.
4. A neighborhood shopping center generally offers goods necessary to meet daily needs, occupies up to 10 acres, has up to 100,000 square feet of gross leasable area, and draws its clientele from a 5-minute driving radius from the center.

Shopping Mall: A shopping center with stores on both sides of an enclosed or open pedestrian walkway.

Shoulder: That part of the roadway contiguous with the traveled way for accommodation of stopped vehicles, emergency use, and lateral support of base and surface courses.

Sidewalk: A paved, surfaced, or leveled area, paralleling and usually separated from the traveled way, used as a pedestrian walkway. Note: It is recommended that sidewalks in residential developments have a minimum width of 4 feet, and 6 feet where sidewalks abut the curb and perpendicularly parked cars overhang the sidewalk.

Sidewalk Café: A restaurant with tables on the sidewalk in front or on the side of the premises. Note: Where permitted, they are usually done with so a special permit or licensing, since the space occupied by

table is often part of the right-of-way. Pedestrian circulation must be taken into account where sidewalk cafes are permitted.

Sign: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, that 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 words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. Note: Generally speaking, signs that are *excluded* include but are not limited to: national or state flags, window displays (but not window signs), graffiti, athletic scoreboards, or the official announcement of signs of government, including but not limited to directions, speed, distances, or other similar informational signage. See Figures 24 and 25.

Sign, Animated or Moving: Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

Sign-Accessory Use: Signs which are located on the same premises with a principal permitted use and which are clearly incidental, secondary and/or supportive of the principal use.

Sign Area: Sign area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof, which will encompass the entire advertising copy area excluding architectural trim and structural members. In computing area, only one side of a double-faced sign shall be considered. See figure 24.

Sign, Awning: A sign that is mounted, painted, or attached to an awning or other window or door canopy that is otherwise permitted by ordinance.

Sign, Banner: Temporary sign of cloth or similar material that celebrates an event, season, community, neighborhood, or district and is sponsored by a recognized community agency or organization. Note: In Coats, examples of Banner Signs include the announcement of Farmer's Day, Bloodmobile information, and the banners celebrating the founding of Coats that hang from power and telephone poles along our streets.

Sign, Bench: A sign painted on, located on, or attached to any part of the surface of a bench, seat, or chair placed on or adjacent to a public place or roadway.

Sign, Billboard: A commercial sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located. Note: Billboards are sometimes called "off-premises" or "off-site" signs because they generally advertise a product or service available at another location than where the actual sign is located.

Sign, Bulletin Board: A sign that identifies an institution or organization on whose premises it is located and that contains the name of the institutor nor organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution, or similar messages.

Sign, Business: A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the sign is located.

Sign, Canopy: A sign attached to the underside of a canopy.

Sign, Directional: Signs limited to directional messages such as “one way”, “entrance”, and “exit”.

Sign, Face: The area or display surface used for the message in a sign.

Sign, Flashing: Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

Signs, Freestanding: Any non-movable sign not affixed to a building. Note: Freestanding signs are usually pole signs, ground signs, and construction signs. Aesthetically, pole signs tend to be the most offensive in terms of height, size and design. The preferable alternative to the pole sign is the ground sign.

Sign, Governmental: A sign erected and maintained pursuant to and in discharge of any governmental functions or required by law, ordinance, or other governmental regulation.

Sign, Ground: A freestanding sign, other than a pole sign, in which the entire bottom is in connect with or is close to the ground. Note: Also known as a pedestal or monument sign.

Sign, Hanging: A freestanding sign supported by the extended arm of a single post, with the top edge of the sign face not exceeding 8 feet above grade level.

Sign, Holiday Decoration: Temporary signs, in the nature of decorations, and customarily and commonly associated with any national, local, or religious holiday;

Sign, Identification: A sign giving the nature, logo, trademark, other identifying symbol; address; or any combination of the name, symbol, and address of a building, business development, or establishment on the premises where it is located.

Sign, Illuminated: A sign lighted by, or exposed to, artificial lighting either by lights on or in the sign or directed toward the sign. Note: The regulation of sign illumination is a most important element in sign control. The key to such regulation is the zone district itself and the carefully enunciated communities deign objectives for that district.

Sign, Landmark: Any sign of artistic or historic merit, uniqueness, or of extraordinary significance to the community as may be identified by the local historical commission or other official agency.

Sign, Mural: A painting or other representation of a scene or scenes, professionally applied to a wall or walls of a structure, either exteriorly or interiorly, and including but not limited to depictions of symbols, people, animals, vistas, or events. Murals are intended to enhance the public image and should, in all cases, be acceptable to recognized community standards in subject matter.

Sign, Neon: A sign consisting of glass tubing, bent to form letters, symbols, or other shapes and illuminate by neon or a similar gas through which an electric voltage is discharged.

Sign, Nonconforming: A sign lawfully erected and maintained prior to the adoption of the current ordinance that does not conform with the requirements of the current ordnance. In Coats, such non-

conforming signs have a set amount of time in which they must become conforming signs or they are to be removed.

Sign, Permanent: Any sign that is permanently attached to the ground or other permanent structure, or any sign designed to be non-portable or non-movable.

Sign, Portable: Any sign not permanently attached to the ground or other permanent structure, or a sign that was originally designed to be transported, including, but not limited to, signs to be transported on wheels; on wagons; sandwich board signs (except where otherwise specified); and signs on balloons and umbrellas. Note: the removal of any wheels or the alteration of the transport carriage or transport system does not make a sign which was initially designed to be portable into a permanent sign unless it is permanently attached to the ground.

Sign, Projecting: A sign that is wholly or partly dependent upon a building for support and that projects more than 12 inches from such building. Note: Also known as a shingle sign (See Figure 4).

Sign, Roof: A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top edge or roof line of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign, Temporary: A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.

Sign, Wall: A sign fastened to, or painted on, the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than 12 inches from such building or structure. For example, see Figure 4.

Sign, Painted Wall: Any painted wall surfaced, or part thereof, situated outdoors or indoors, that 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 words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

Sign, Window: A permanent sign that is painted or mounted onto a windowpane, or that is hung directly inside a window solely for the purpose or effect of identifying any premises from the sidewalk or street, or a temporary sign advertising special sales, events, or products. Note: Unlimited window signs, both permanent and temporary, can result in a cluttered, unattractive appearance for the premise. In Coats, window signs are limited to a certain percentage of the available window space.

Site Plan: A plan, drawn to scale, showing uses and structures proposed for *a tract or buildable or zoning lot* as required by the regulations, such as lot lines, streets, building sites, reserved open space, buildings, major landscape features both natural and manmade and the locations of proposed utility lines. The plan represents a site specific development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order

for an informed decision to be made by the approving authority. **Site Specific Development Plan.** A site plan that has been submitted to the Town by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property and which establishes vested rights for a specific period of time, per North Carolina General Statutes. Such plan may be in the form of, but not limited to, any of the following plans or approvals: A subdivision plat, a preliminary or general development plan, a special use permit, a conditional district zoning plan, or any other land-use approval designation as may be utilized by the Town. Such a plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures and other improvements; the approximate dimensions, including height, of the proposed building and other structures; the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways; and any other information required by the Town for the type of plan or approval requested by the landowner. A variance shall not constitute a site-specific development plan. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type and intensity of use for a specific parcel or parcels of property may constitute a site-specific development plan.

Special Use. A use permitted in a particular zoning district when it is shown that such use in a specified location will comply with all conditions and standards for the location or operation of the use as specified in the zoning ordinance and authorized by the approving authority. Note: Special uses are permitted uses and are appropriate in the zoning district only when all conditions are met.

Split Lot Zoning: A lot or single parcel of land located in two or more zones. Note: As a general rule, lots should be only located in a single zone. If a lot remains split and is not placed in one zone, all use and bulk requirements for a specific zone apply only to that part of the lot in that zone. For example, land area in the residential zone cannot be used to determine the floor area for the commercially zoned parcel, or the land in the commercial part of the lot cannot be used to establish the number of dwelling units to be built on the residential part of the lot. As a further complication, all set back lines must be measured from the zoned boundary line. For example: If the ordinance calls for the rear yard setback of 50 feet for the commercial property, that setback is measured from the zone boundary line dividing the lot.

Spot Zoning: Rezoning of a lot or parcel of land to benefit an owner for a use that is incompatible with surrounding land uses and that does not further the comprehensive zoning plan. Note: Spot zoning per se may not be illegal; it may only be descriptive of a certain set of facts and consequently neutral with respect to whether it is valid or invalid.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including basements used for the principal use.

Story, Half: A space under a sloping roof that has the line of intersection of the roof and wall face not more than 3 feet above the floor level and in which space the possible floor area with headroom of 5 feet or less occupies at least 40 percent of the total floor area of the story directly beneath.

Storm Water Runoff: Rain which falls onto impervious surfaces and is not absorbed into the ground immediately. Storm water runoff carries pollutants from paved surfaces into streams and rivers and causes flooding by speeding up the rate of water flow into streams and rivers.

Street: Any dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties. For example: any vehicular way that is (1) an existing state, county, or municipal roadway; (2) shown upon a plat approved pursuant to law; (3) approved by other official action; (4) shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of the Coats planning board and the grant to such board of the power to review plats; (5) shown on the official map or adopted master plan. It includes the land between the street lines, whether improved or unimproved. See Figure 26.

Street, Cul-De-Sac: A street with a single common ingress and egress and with a turnaround at the end. Note: Cul-de-sacs, by eliminating through traffic, provide a safe place for young children to play and can foster neighborhood social interactions.

Street, Dead-End: A street with a single common ingress and egress. See *Street, Cul-De Sac*.

Streets, Interconnected: Streets which provide through access to other streets. Note: Interconnected means the existence of a grid or grid pattern and includes curvilinear street layouts.

Street, Local: A street that provides frontage for access to abutting lots and carries slow-speed traffic primarily having a destination or origin on the street itself. Note: Local streets are also known as residential access or neighborhood streets and are the lowest order of residential street, other than a rural street.

Street Orientation: The direction of the architectural front facade of a building in relation to the street.

Street, Private: A street that has not been accepted by the municipality or other governmental entity. Note: Private streets may be used by the public, often as access to a development, industrial plant, or shopping area.

Street, Rural: A road primarily serving as access to abutting building lots in areas with densities of less than one dwelling unit per acre. Note: Rural streets usually have rights-of-way of 40 feet and cart ways of 18 to 20 feet without curbs and sidewalks.

Street Vista: A view framed by buildings at the termination of the axis of a thoroughfare.

Street Yard: The area of land along the front property line parallel to a right of way reserved for tree planting and landscaping.

Structure: A combination of materials that form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. Note: It is important to realize that by this definition, *all* buildings are structure; however, *not all* structures are buildings. See *Building*.

Studio Apartment: See *Dwelling Unit, Efficiency*.

Subdivision: The division of a lot, tract, or parcel of land into two or more lots, tract, parcels, or other divisions of land for sale, development, or lease. Note: The Town of Coats has a separate and complete section on Subdivision Requirements. See Figure 2.

Subdivision, Major: Any subdivision not classified as a minor subdivision.

Subdivision, Minor: A subdivision of land that does not involve any of the following: (1) the creating of more than the maximum number of lots specifically permitted by ordinance as a minor subdivision; (2) a planned development; (3) any new street; (4) the extension of any off-tract improvement.

Substantial Improvement: Any extension, repair, reconstruction, or other improvements of a property, the cost of which equals or exceeds 50 percent of the fair market value of a property either before the improvement is started, or, if the property has been damaged and is being restored, before the damage occurred.

Suburban Sprawl: The name given to development designed according to segregated land use zoning standards and auto dependent criteria concerning access and parking. The resultant development provides for a low density landscape of independently designed uses connected by a system of hierarchical streets which do not provide through access. A majority of the land in this model is relegated to street and parking surfaces, and although the building density and population may be low, the amount of usable open space is minimal to none, and traffic congestion is common.

Sustainable: Having the ability to accommodate and maintain population growth and economic expansion through intelligent design.

Swimming Pool: A water-filled enclosure, permanently constructed or portable, and having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool, having a depth of more than 30 inches, designed, used, and maintained for swimming and bathing. Note: the intent of this definition is to make a distinction between landscaping and other shallow, not for swimming, pools. Swimming pools must be properly maintained and must be enclosed by the required security fence.

Tavern: An establishment in which alcoholic beverages are served, primarily by the drink, and where food is also served or sold.

Tax Abatement: Full or partial exemption from real estate taxes for a defined period of time. Note: Tax abatements can be used for a variety of purposes, including encouraging development, historic preservation, natural resource conservation, urban redevelopment, enterprise zones, or some other public objective.

Tax Map: The recorded map of delineated lots or tracts in a municipality showing boundaries, bearings, sizes, and dimensions, including the block and lot numbers. Note: The tax map shows individual parcels of land that are duly recoded in the office of Harnett County, and includes a unique PIN number.

Taking: To take, expropriate, acquire, or seize property without compensation.

Telecommunication Facility/Tower: shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy tower or monopole towers. The term includes radio and television transmission towers, personal communications service towers (PCS), microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like. This definition does not include any structure erected solely for a residential, non-commercial individual use, such as television antennas, satellite dishes or amateur radio antennas.

Temporary Structures: Buildings placed on a lot for a specific purpose which is to be removed within a specified time period. A temporary structure is one that is erected without any foundation. Examples of temporary structures include monitoring stations, mobile classrooms or office space, construction trailers and guard houses, manufactured housing placed on a lot for temporary housing while principal home renovations are being done, and produce stands. The duration permitted for a temporary structure is established elsewhere in this Ordinance.

Terrace: A level, landscaped, and/or surfaced area, also referred to as a patio, directly adjacent to a principal building at or within 3 feet of the finished grade and not covered by a permanent roof.

Through Lot: See Lot, Through.

T-Intersection: An at-grade intersection where one of the intersecting legs is perpendicular to the other two.

Tower, Amateur Radio: A tower with one or more antennas, connected to radio equipment operated by a licensed amateur radio operator in accordance with applicable FCC laws and regulations.

Tower, Antenna: A structure that is intended to support antennas and related equipment used to transmit and/or receive telecommunications signals.

Tower, Commercial Communications: A transmission tower that either (1) serves an individual user and is not available to the general public; (2) is privately owned and operated for the purpose of leasing tower space to others; and/or (3) is a single-purpose facility and not part of a cell site network.

Town: (1) A developed community, smaller than a city and larger than a village; (2) in some cases, the description of the local government.

Township: A unit of territory 6 miles square and containing 36-mile-square sections;

Tract: An area, parcel, site, piece of land, or property that is the subject of a development application.

Trading Post: A retail store serving a sparsely populated region; usually stocked with a wide variety of merchandise

Traditional Neighborhood: A Traditional Neighborhood incorporates the best in design principals to produce compact, mixed use, pedestrian scaled, sustainable communities. The following conventions are shared by Traditional Neighborhoods:

- A. The neighborhood is limited in area to that which can be traversed in a ten to fifteen minute walk.
- B. Residences, shops, workplaces, and civic buildings are located in close proximity.

- C. A well defined and detailed system of interconnected streets serve the needs of the pedestrian and the car equitably, providing multiple routes to all parts of the neighborhood.
- D. Physically defined open spaces in the form of plazas, squares, and parks are provided as places for formal social activity and recreation.
- E. Private buildings form a clear edge, delineating the private from the public realm.
- F. Civic buildings reinforce the identity of the neighborhood, providing places of assembly for social, cultural, and religious activities.

Traditional Neighborhoods pursue certain objectives through their design:

- By bringing within walking distance most of the activities of daily living, the elderly and the young gain independence of movement.
- By reducing the number and length of car trips, traffic congestion is minimized and road construction costs are reduced.
- By organizing appropriate building densities, alternative forms of transportation can be easily provided for when appropriate.
- By providing public open spaces such as parks, squares, and streets, people can come to know each other and to watch over their collective security.
- By providing a full range of housing types and workplaces, age and economic classes are integrated and the bonds of authentic community are formed.
- By providing suitable sites for civic buildings, community awareness and civic responsibility are encouraged.

Trailer: A structure standing on wheels, towed or hauled by another vehicle, and used for short-term human occupancy, carrying of materials, goods, or objects, or as a temporary office. For the purposes of this Ordinance, a trailer may *not* be used as a storage facility, either on same lot or separate from same lot, if the duration of said use *exceeds five continuous days*.

Transition Zone: A zoning district that permits uses compatible with used permitted in two adjacent zones that, without the transition zone, could be consider incompatible with each other. Note: Low-density, multifamily zones between commercial and single-family zones are an example of transition zones.

Transitional Area: (1) An area in the process of changing from one use to another or changing from one racial or ethnic occupancy to another; (2) an area that acts as a buffer between two land uses of different intensity or compatibility.

Travel Trailer: A recreational vehicle that is towed by a car or a truck.

Trees, Large, Medium, and Small Maturing: Tree height categories: Large maturing trees grow to a minimum height of 40 feet. Medium maturing trees grow to a minimum height of 20 feet. Small maturing trees grow to a minimum height of 10 feet.

Truck Stop: Any building, premises, or land in which or upon which a business or service involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles, and which may include overnight accommodations and restaurant facilities primarily for the use of truck crews.

Two-Family Dwelling or Duplex: See Dwelling, Two-Family.

Underground Utilities: The placement of electric, telephone, cable, and other utilities, customarily carried on poles, in underground vaults or trenches.

Undeveloped Land: Land in its natural state before development.

Unimproved Land: Land without buildings and structures. (It is often referred to as Raw Land.)

Uses Permitted with Additional Standards: This Ordinance lists all allowable uses by District. The allowable uses are split into two categories: a) uses which are permitted by right, and b) uses which are permitted with additional standards. The latter are provided with criteria which must be met in order for the use to be allowed within the district.

Urban: All population and territory within the boundaries of urbanized areas and the urban portion of places outside of urbanized areas that have a decennial census (every ten years) population of 2,500 or more. (U.S. Census Bureau)

Urban Renewal: A program for the physical improvement of primarily urban areas through comprehensive planning and governmental assistance to effect rehabilitation and redevelopment.

Use: The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

Utility Box: Electric transformers switch boxes, telephone pedestals and telephone boxes, cable television boxes, traffic control boxes, and similar devices.

Utility Services: The generation, transmission, and/or distribution of electricity, gas, steam, communications, and water; the collection and treatment of sewage and solid waste; and the provision of mass transportation.

Vacancy: Any unoccupied land, structure, building, or part thereof that is available and suitable for occupancy.

Vacant Land: (1) Land that is undeveloped and unused; (2) any non-residential areas with significant amounts of land not covered by nonstructural, impervious surfaces; (3) land suitable for redevelopment.

Variance: The relaxation of the strict terms of a specific provision of this Ordinance by the Board of Adjustment, in accordance with Section 8. A variance grants some party permission to depart from the literal dimensional standards and/or requirements of a zoning ordinance.

Vegetation: (1) Trees, shrubs, groundcovers, vines, grasses (both lawn and ornamental types), herbaceous perennials, biennials, annuals, bulbs, ferns, mosses, and lichen. (2) a living organism belonging to the vegetable kingdom, as distinguished from the animal kingdom.

Vehicle, Inoperable: Any vehicle that, while at present inoperable is in a condition whereby repairs to the same could be made to place it in operating condition without exceeding its present estimated value and repair.

Vehicle, Junk: Any rusted, wrecked, damaged, dismantled or partially dismantled, inoperative, or abandoned motor vehicle in such a condition that it is economically infeasible to restore the vehicle to an operating condition. Note: "Economically infeasible" means that the cost of restoring the vehicle to an operating condition exceeds the market value of the vehicle.

Vehicle, Overhang: The portion of a vehicle extending beyond the wheel stoops or curbs. Note: Since the overhanging car can interfere with pedestrian travel, the adjacent sidewalk should be made wider by at least two feet.

Vested Right: The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or an approved phased development plan. Vested rights are rights that cannot be changed or altered by changes in regulation.

Visual Impact: A modification or change that could be incompatible with the scale, form, texture, mass, or color of the natural or built environment.

Wading Pool: An above-ground or in-ground structure containing less than 18 inches of water.

Wall: (1) The vertical exterior surface of a building; (2) one of the vertical interior surfaces that divide a building's space into rooms.

Water Tower: A water storage facility, usually above ground and often spherical or cylindrical in shape.

Warehouse: A building used primarily for the storage of goods and materials.

Working Drawings: Detailed, precise drawings by an engineer or architect from which construction may be undertaken. Note: Working drawings for buildings are required for issuance of a building permit. For roads and other structures, working drawings are usually required as part of the final process.

Yards: The land area immediately adjacent to a building or structure. Yards are broken into front, rear, and side. Front yards extend from the architectural front of a building to the fronting street or right of way. Side yards extend from the sides of a building to the property lines or a street right of way. Rear yards extend from the back of a building to a property line or a right of way. Yard configurations establish building typologies. There are four typologies into which most buildings can be classified: perimeter yard buildings, side yard buildings, rear yard buildings, and courtyard buildings. See Figures 6 and 27.

Yard, Front: A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line. Note: Realize that this term defines a space and not a required setback. The definition specifies that the line of measurement is perpendicular to the building and extends to the lot line. If the line of measurement were perpendicular to the lot line, there would be problems with pie-shaped and irregular lots. See Figures 6 and 27.

Yard, Rear: A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line. Note: Realize that this term defines a space and not a required setback. The definition specifies that the line of measurement is perpendicular to the building and extends to the lot line. If the line of measurement were perpendicular to the lot line, there would be problems with pie-shaped and irregular lots. See Figures 6 and 27.

Yard, Side: A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building. See Figures 6 and 27.

Yard Depth: The shortest measured distance between a lot line and a yard line. See Figure 6.

Yard Line: A line drawn parallel to a lot line at a distance there from equal to the depth of the required yard.

Yard Sale: The term “Yard Sale” means and includes such terms as Garage Sale, Basement Sale, Carport Sale, Moving Sale, Rummage Sale, or any other type of residential sale of tangible personal property, such as, but not limited to, household items, clothing, tools, toys, books/magazines, recreation/exercise equipment, or other used items normally found in and about the home.

Yards, Transitional: The area of a property, used as a buffer, running along the side or rear yard of a nonresidential lot when it abuts a residential lot. Transitional yards are planted with trees and landscaping to reduce noise and other impacts on less intense land uses.

Zone: A specifically delineated area or district in a municipality within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings.

Zoning: The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and building.

Zoning Board: See Board of Adjustment.

Zoning District: See Zone.

Zoning Envelope: The three-dimensional space within which a structure is permitted to be built on a lot; it is defined by maximum height regulations, minimum yard setbacks, and sky exposure plane regulations when applicable. See Figure 11.

Zoning Map, Official: The map or maps that are a part of the zoning ordinance and delineate the boundaries of zone districts.

Zoning Officer: The person or official or their authorized representative, whom the Town Board has designated as its agent for the administration of this Zoning Ordinance.

Zoning Permit: Written permission, issued by the Zoning Officer, for the construction or enlargement of a structure, including signs, or the grading or excavation of a site in preparation of construction or for the installation of underground utilities. Note: This is a document signed by the zoning officer, as required in the Town of Coats Zoning Ordinance, as a condition *precedent* to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure, or building complies with the provision of the Town of Coats zoning ordinance or an authorized variance there from.

LAND MEASURES

-----Equals-----

1 mile	5, 280 feet 1,760 yards 320 rods 80 chains
<i>1 chain</i>	66 feet 100 links 4 rods
<i>1 rod</i>	25 links 16.5 feet 1 perch 1 pole
<i>1 link</i>	7.92 inches
<i>1 township</i>	36 sections
<i>1 full section</i>	640 acres
<i>1 square mile</i>	640 acres (1 full section)
<i>1 acre</i>	43,560 square feet 4,840 square yards 160 square rods 10 square chains
<i>1 square chain</i>	10,000 square links
<i>1 square rod</i>	30.25 square yards
<i>1 square yard</i>	9 square feet
<i>1 square foot</i>	144 square inches

DEFINITIONS AMENDMENTS

Date of Adoption	Section Reference Number(s)	Comments
*4/13/2006	*N/A	* Add: Grandfather Clause, Cultural Institution and/or Use, and Educational Institution and/or Use.
*9/8/2011	*N/A	* Amend: Garage Sale and Yard Sale definitions.

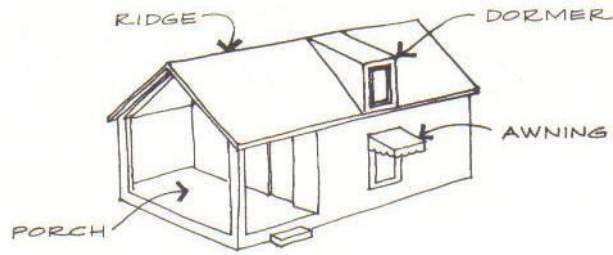


Figure 1

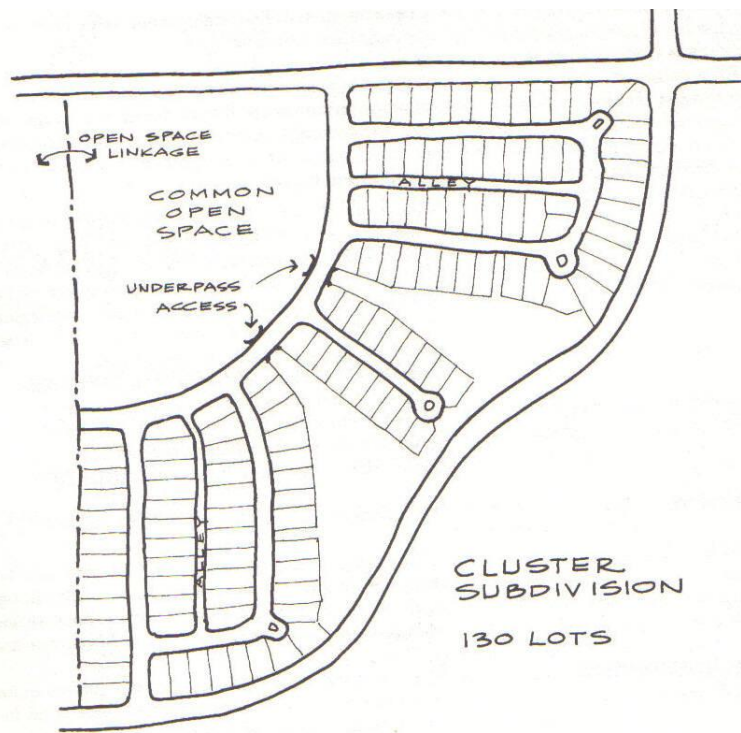


Figure 2

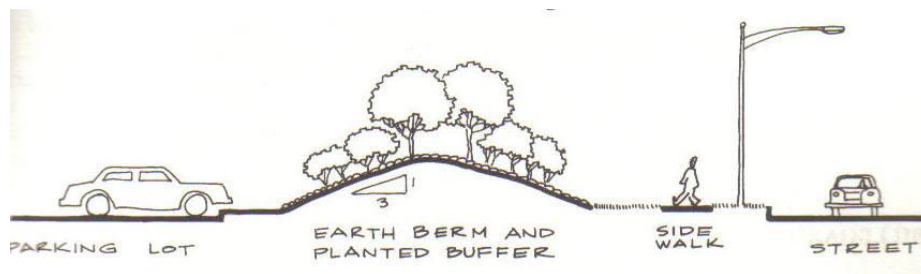


Figure 3



BLADE SIGN
(PROJECTING SIGN)

Figure 4

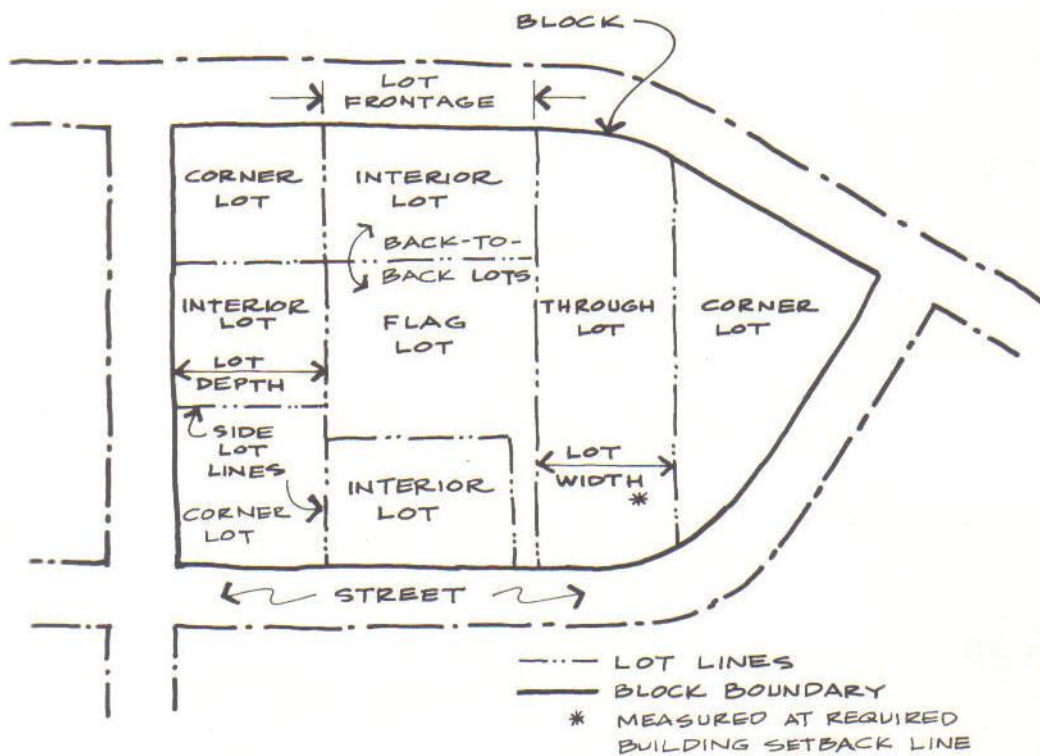


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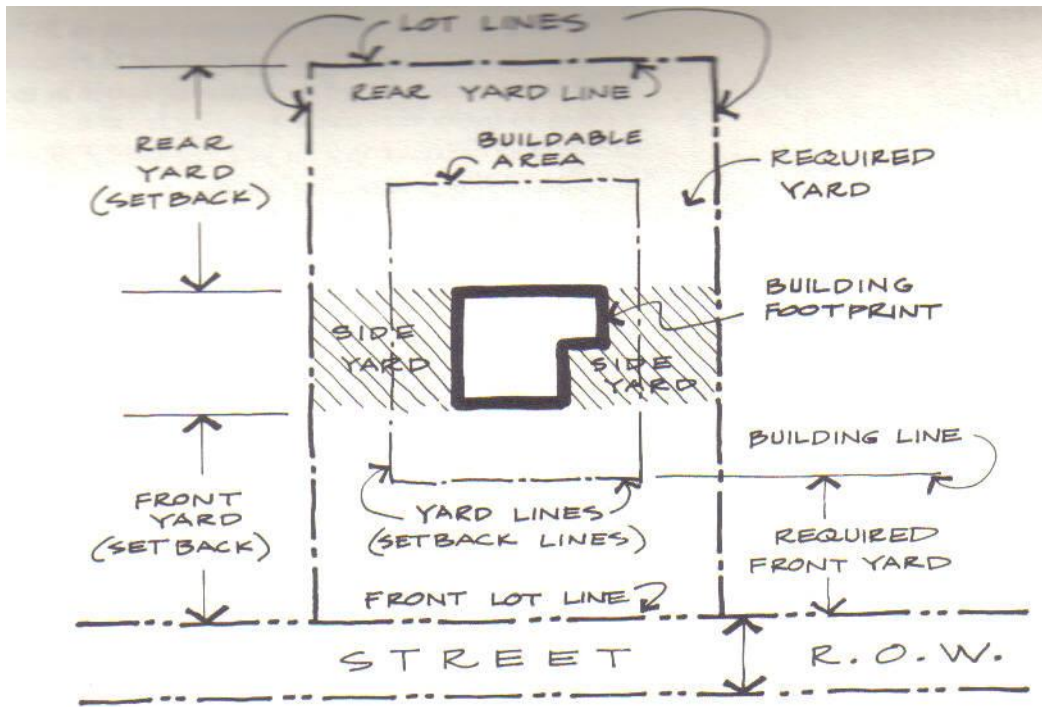
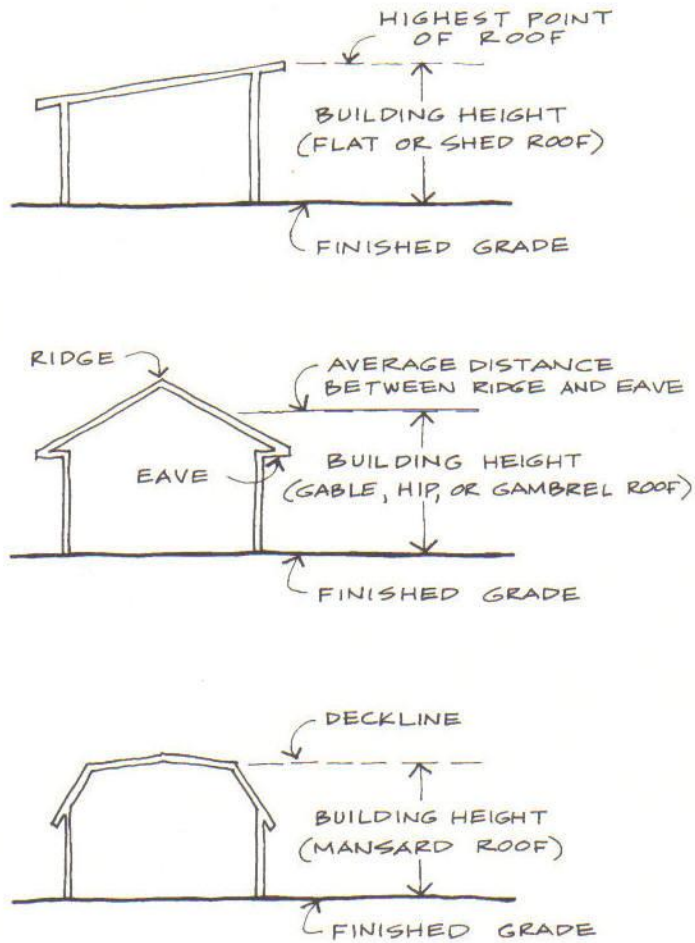
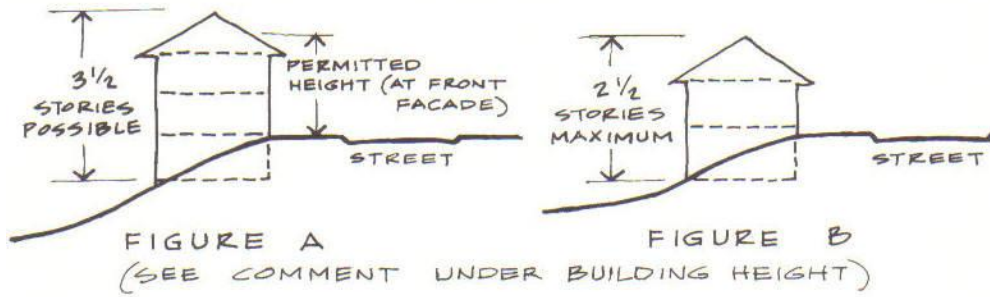
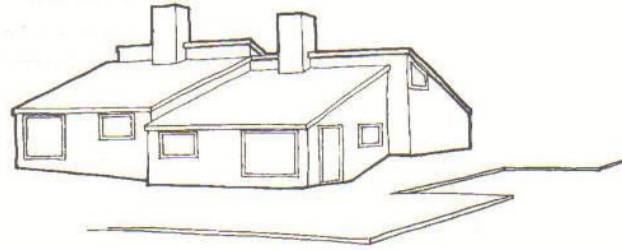
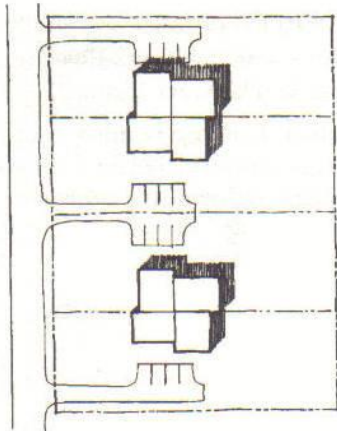


Figure 6



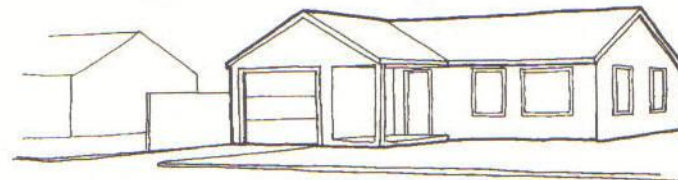
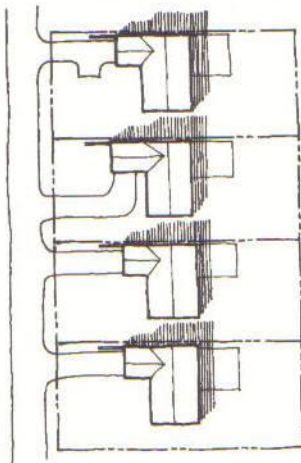
BUILDING HEIGHT

Figure 7



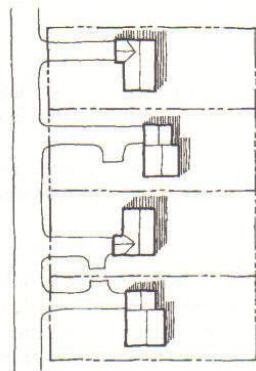
DWELLING, QUADRUPLEX

Figure 8



DWELLING, PATIO HOME

Figure 9



DWELLING, SINGLE-FAMILY DETACHED

Figure 10

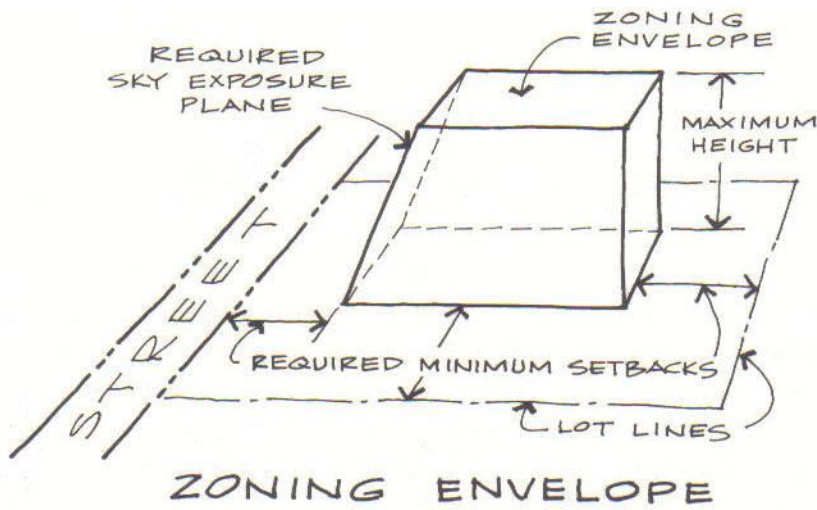
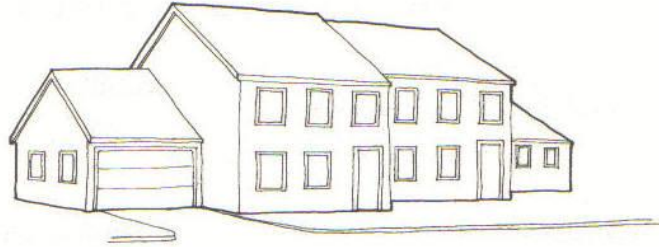
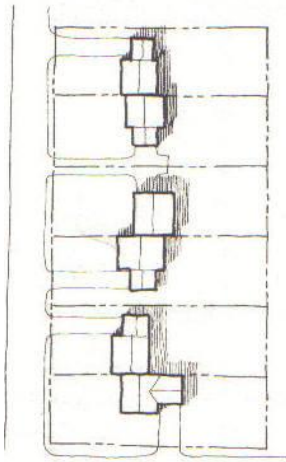
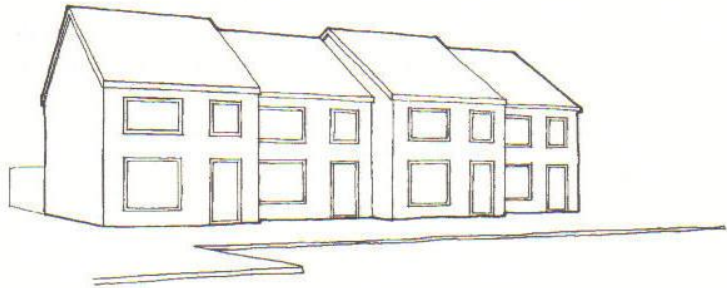
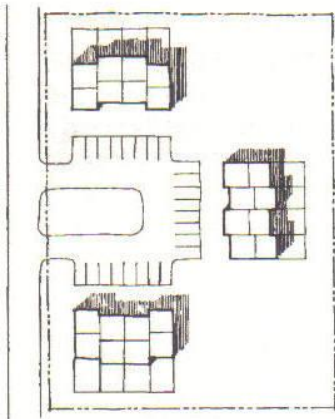


Figure 11



DWELLING, SEMIDETACHED

Figure 12



DWELLING, TOWN HOUSE

Figure 13

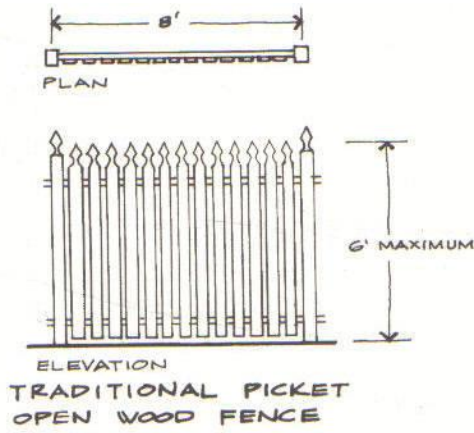


Figure 14

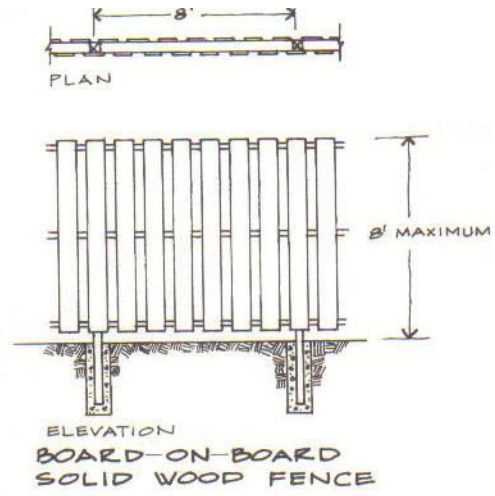


Figure 15

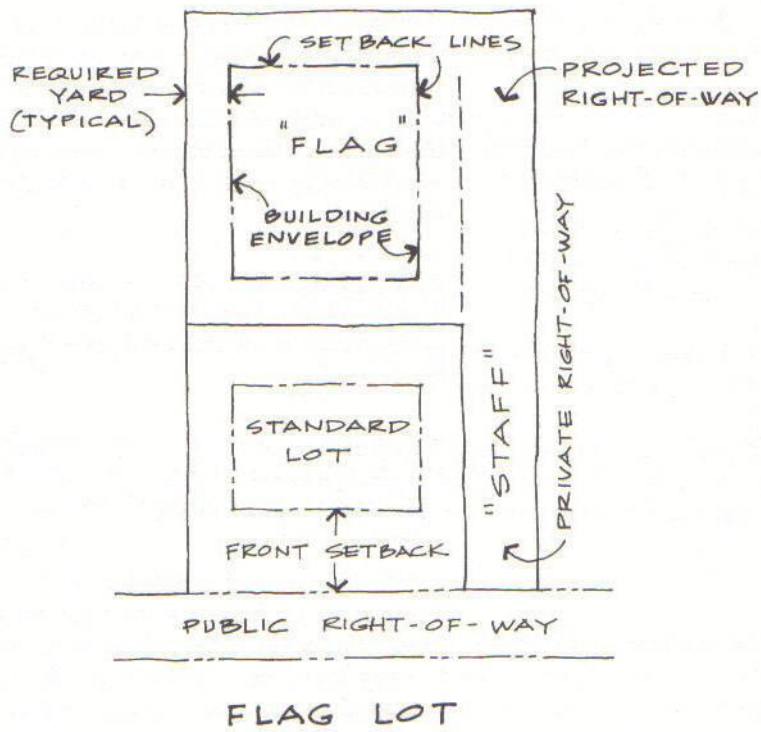


Figure 16

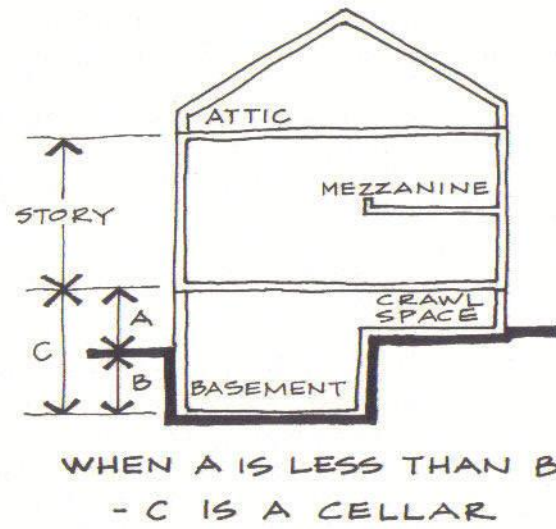


Figure 17

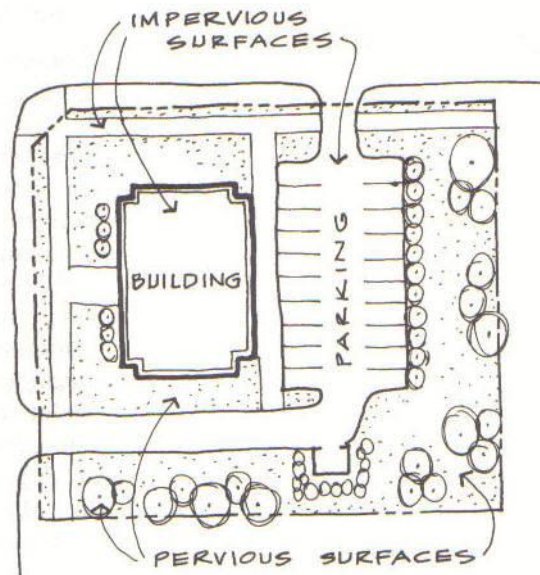
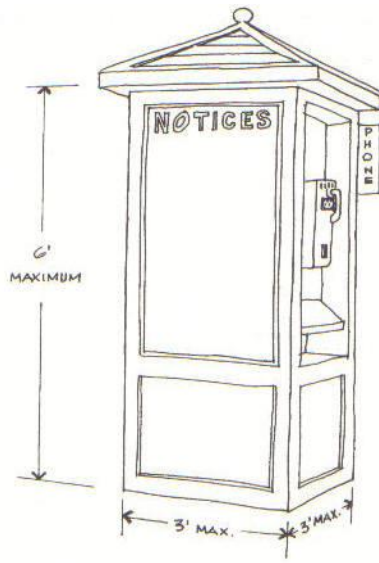


Figure 18



KIOSK

Figure 19

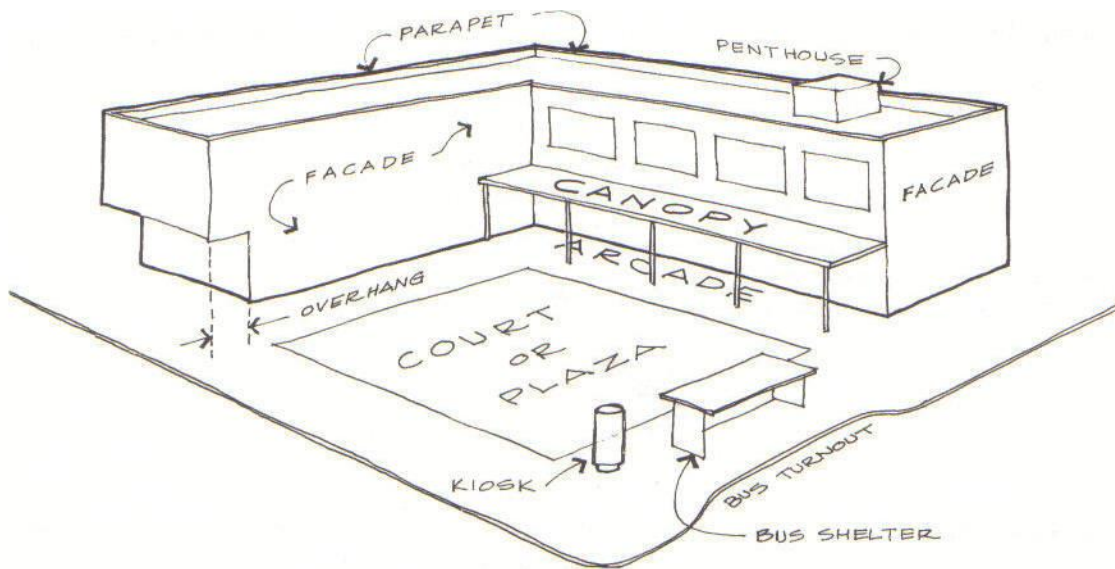
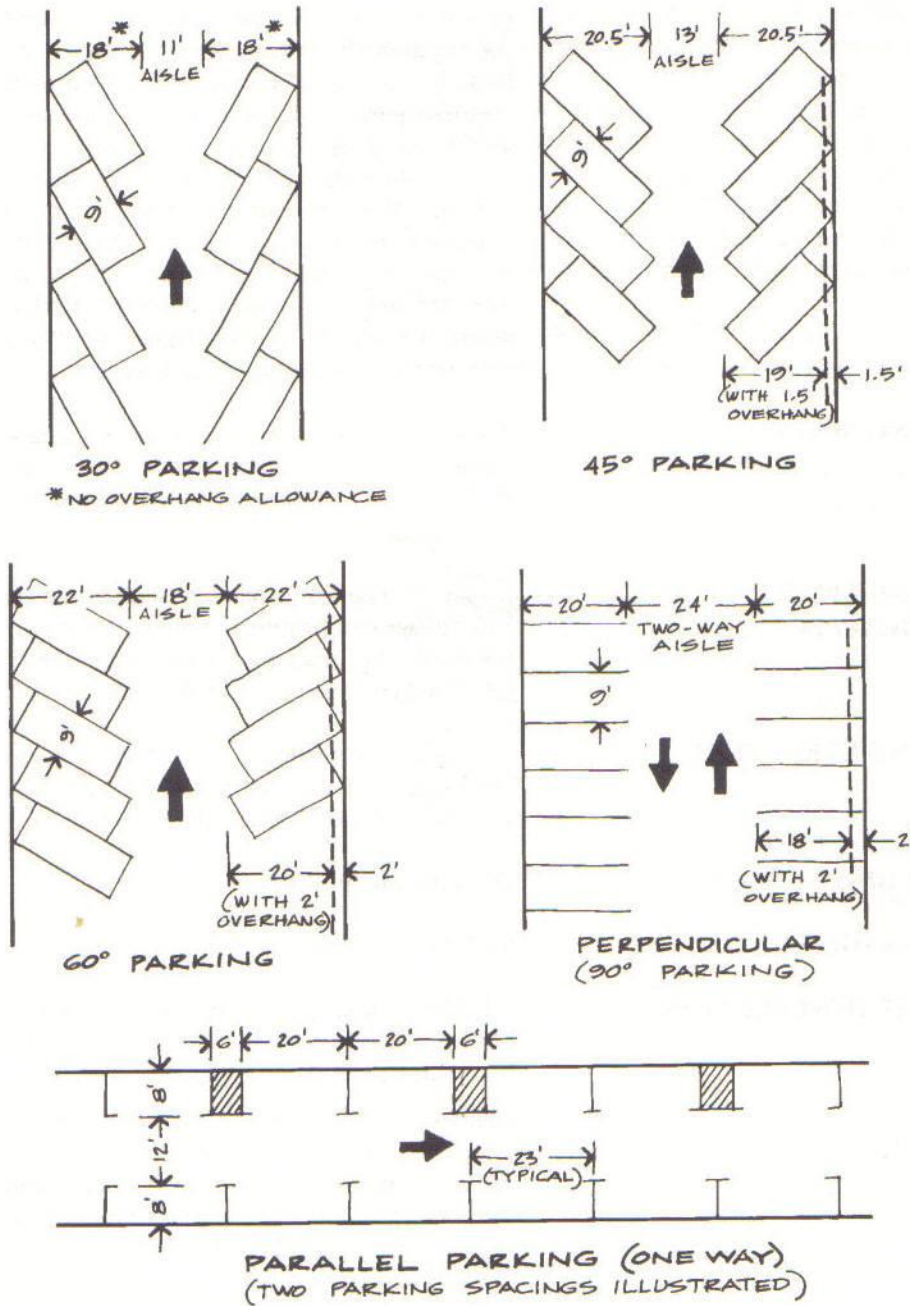


Figure 20



**PARKING AREA DIMENSIONS
(FOR STANDARD-SIZE VEHICLES)**

Figure 21

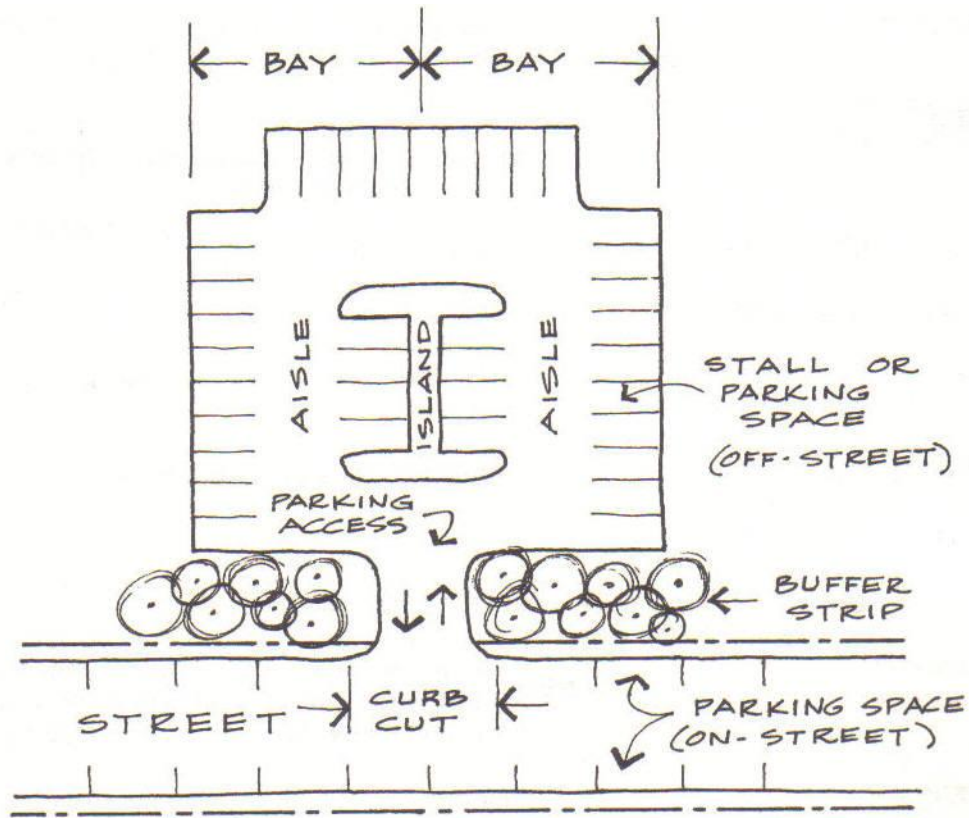


Figure 22

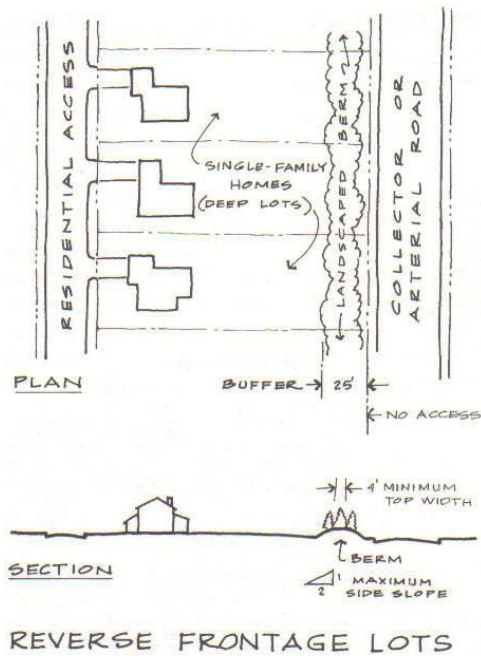


Figure 23

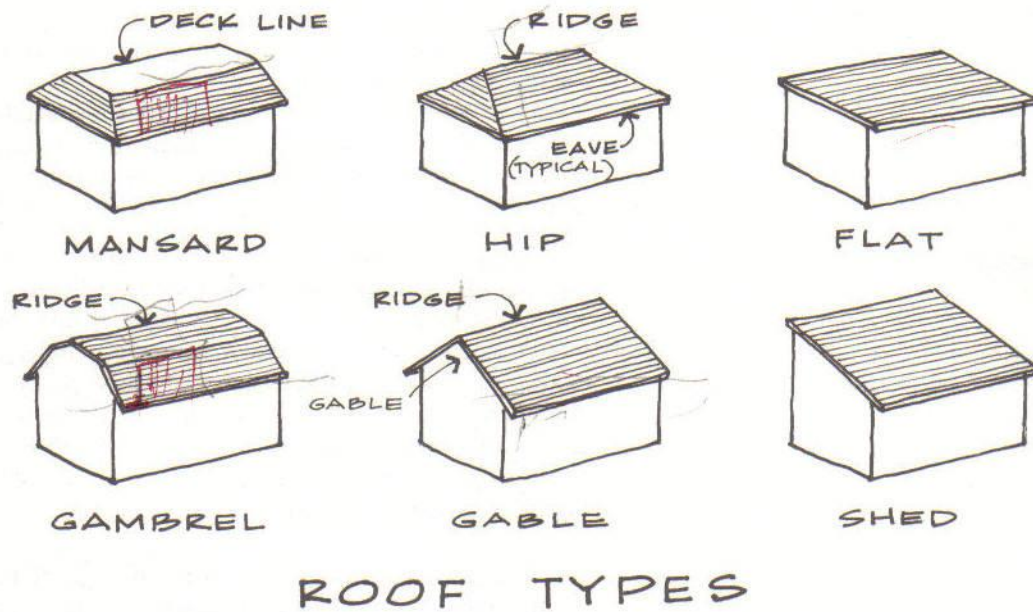
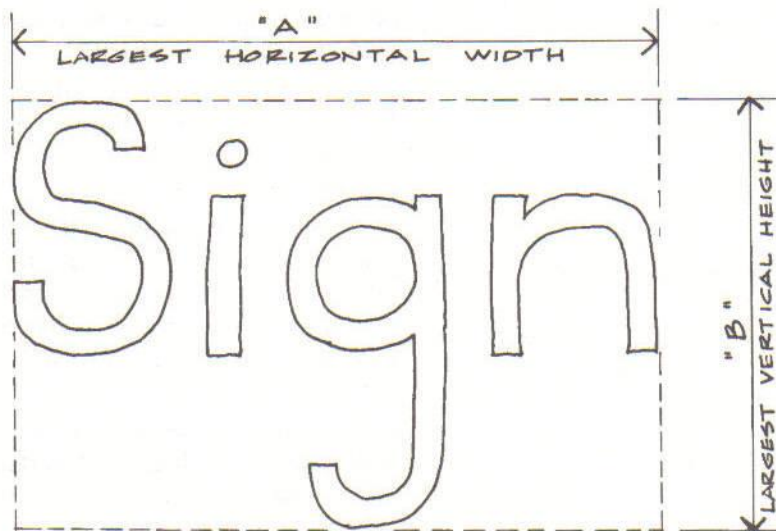


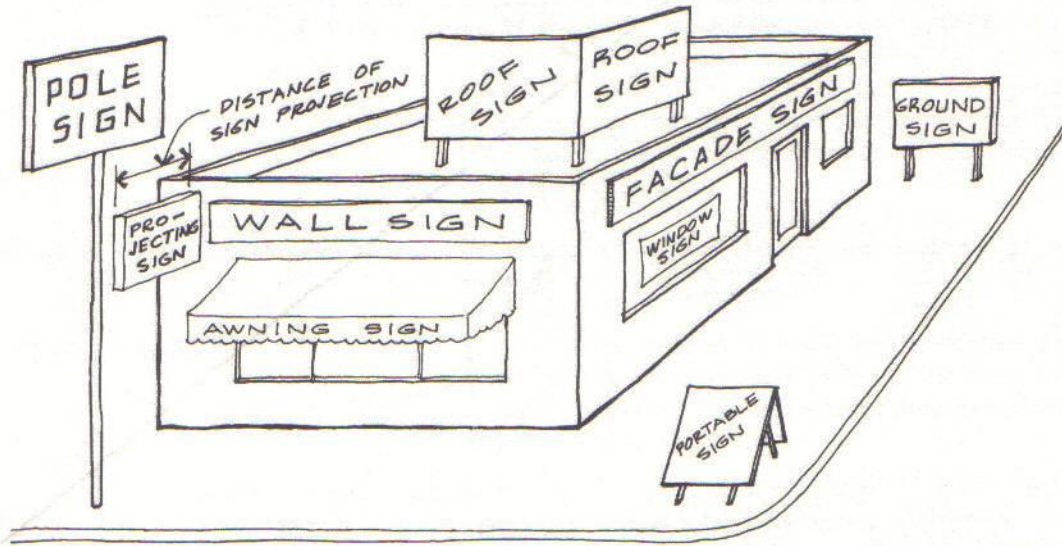
Figure 24



MEASUREMENT OF WALL SIGN AREA WHERE THERE IS NO DEFINED SIGN BACKGROUND

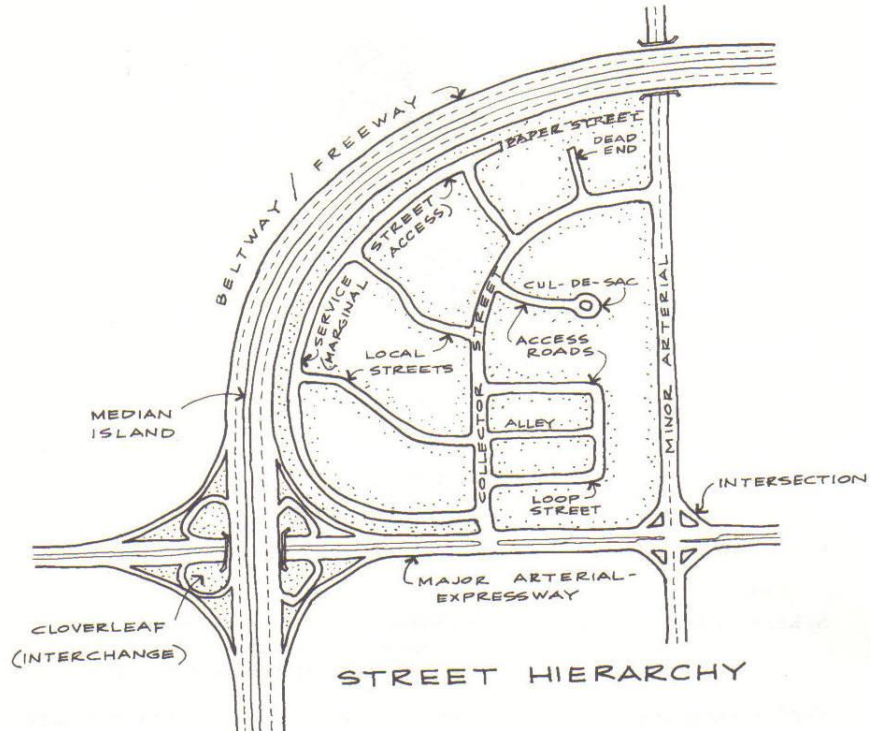
"A" x "B" = SIGN AREA

Figure 25



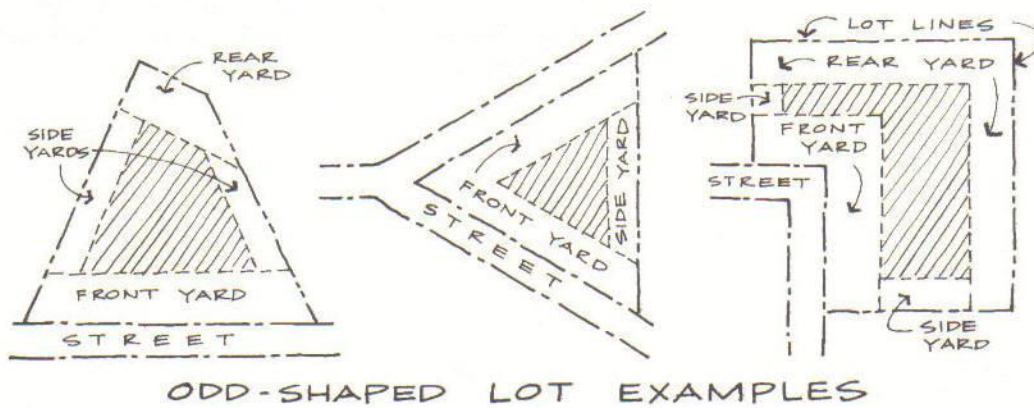
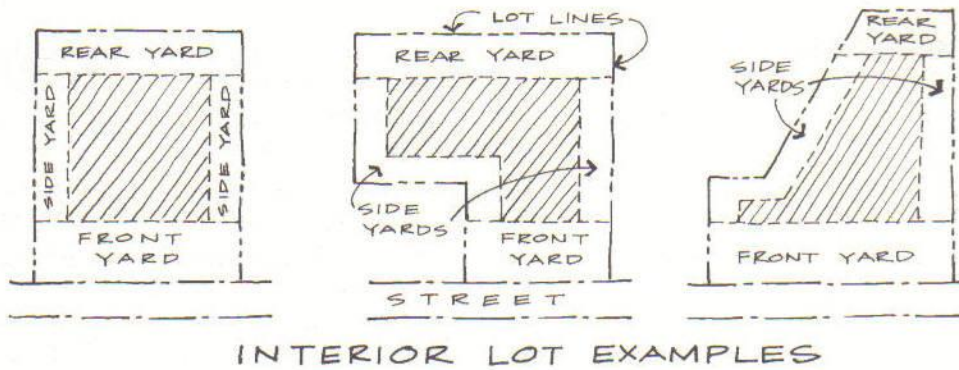
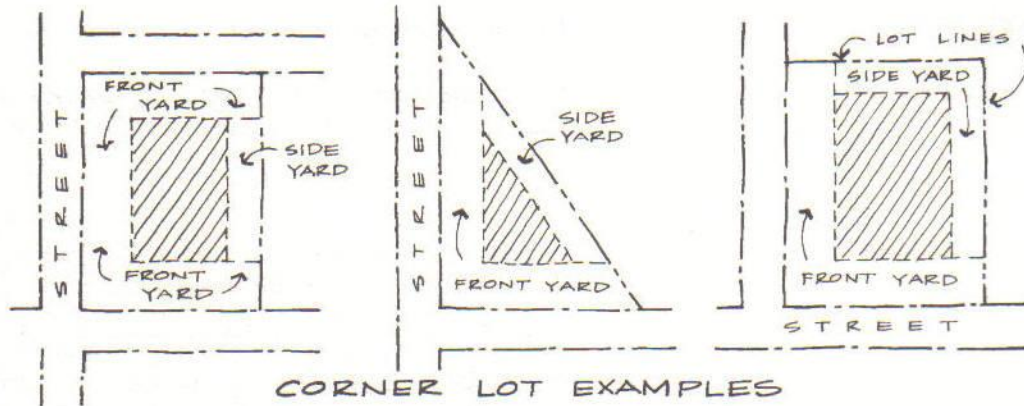
SIGN TYPES

Figure 26



STREET HIERARCHY

Figure 27



REQUIRED YARDS

 BUILDING (ZONING) ENVELOPE (TWO DIMENSIONAL)

Figure 28

FIGURES AND DIAGRAMS AMENDMENTS

Date of Adoption	Section Reference Number(s)	Comments