

# **ZONING ORDINANCE**

## **FOR THE**

# **TOWN OF DANBURY, NC**

This is to certify that this document is a true and accurate copy of the Zoning Ordinance for the Town of Danbury, North Carolina as amended through March 28, 2018.

Given under seal April 25, 2018

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Dianne B. Starnes, Town Clerk

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# **ARTICLE I**

## **General Provisions**

### **Section 1-1 Short Title**

This ordinance shall be known as the “Zoning Ordinance of Danbury, North Carolina.”

### **Section 1-2 Authority**

In accordance with Article 19, Part 3, Chapter 160A of the General Statutes of North Carolina, the Town of Danbury is given the authority to adopt and enforce this zoning ordinance.

### **Section 1-3 Purpose**

The purpose of this ordinance shall be to promote the public health, safety, morals and general welfare; provide for the orderly development of the Town of Danbury and its extraterritorial planning area; secure safety from fire, panic and other dangers; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; and facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

### **Section 1-4 Jurisdiction**

This ordinance shall apply to all lands within Danbury and its extraterritorial planning area.

### **Section 1-5 Adoption and Effective Date**

The provisions of this ordinance were originally adopted and became effective on *December 6, 1993*.

### **Section 1-6 Relationship to Land-Use Policies**

The Town Council of Danbury intends that this ordinance implement its planning policies, whether or not the Town has an officially adopted land-use plan.

### **Section 1-7 Fees**

Reasonable fees sufficient to cover the costs of administration inspection, publication of notice and similar matters may be charged to applicants for various permits. The amount of the fees charged shall be established by the Town Council. Fees shall be paid upon submission of a signed application or notice of appeal.

### **Section 1-8 Zoning Impacts on Existing Regulations, etc.**

This ordinance is not intended to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. Whenever regulations imposed by this ordinance are less restrictive than regulations imposed by any governmental authority through regulations, rule or restriction, the regulations imposed by that authority shall govern. Regardless of any other provisions, no land shall be developed or used, and no structure shall be erected or maintained in violation of any state or federal regulations.

### **Section 1-9    Miscellaneous**

- 1-9.1    As used in this ordinance, words importing the masculine gender include the feminine and neuter.
- 1-9.2    Words used in the singular in this ordinance include the plural and words used in the plural include the singular.

### **Section 1-10    Manufactured Homes as Commercial Use**

All permanent commercial structures shall comply with the North Carolina State Building Codes. Manufactured units (mobile homes) may be used as temporary facilities until permanent structures can be built.

## **ARTICLE II**

### **Administrative Structure**

#### **Planning Board**

##### **Section 2-1 Powers and Duties of the Planning Board**

- 2-1.1 There shall be a planning board consisting of 5 members. The Town Council shall appoint 3 members from the town and the Stokes County Board of Commissioners shall appoint 2 members from the extraterritorial planning jurisdiction.
- 2-1.2 Planning Board members shall be appointed for three (3) year staggered terms, but members may continue to serve until their successors have been appointed.
- (a) Two members appointed for 4 years;
  - (b) One member appointed for 3 years;
  - (c) One member appointed for 2 years
  - (d) One member appointed for 1 year.
- 2-1.3 Members may be appointed to successive terms without limitation.
- 2-1.4 Planning Board members may be removed by the Town Council any time for failure to attend three (3) consecutive meetings or for failure to attend 30 percent or more of the meetings within any 12-month period or for any other good cause related to performance of duties. Upon request of the member proposed for removal, the Town Council shall hold a hearing on the removal before it becomes effective.
- 2-1.5 If a member moves outside the planning jurisdiction of Danbury, that shall constitute a resignation from the Planning Board, effective upon the date a replacement is appointed by the Town Council.

##### **Section 2-2 Meetings of the Planning Board**

- 2-2.1 The Planning Board shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with Section 3-22 (Application to be Processed Expeditiously).
- 2-2.2 Since the Board has only advisory authority; it need not conduct its meetings strictly in accordance with the quasi-judicial procedures set forth in Articles IV, V, and VI. However, it shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.
- 2-2.3 Minutes shall be kept of all Board proceedings.
- 2-2.4 All Board meetings shall be open to the public and, whenever feasible, the agenda for each Board meeting shall be made available in advance of the meeting.
- 2-2.5 Whenever the Board is called upon to make recommendations concerning a conditional-use permit request, special-use permit request, or a zoning amendment proposal, the planning staff

shall post on or near the subject property one (1) or more notices that are sufficiently conspicuous in terms of size location, and content to provide reasonably adequate notice to potentially interested persons of the matter that will appear on the Board's agenda at a specified date and time. Such notices(s) shall be posted at least seven (7) days prior to the meeting at which the matter is to be considered.

### **Section 2-3 Quorum and Voting**

- 2-3.1 A quorum for the Planning Board shall consist of a majority of the board membership (excluding vacant seats). A quorum is necessary for the Board to take official action.
- 2-3.2 All actions of the Planning Board shall be taken by majority vote, a quorum being present.
- 2-3.3 A roll call vote shall be taken upon the request of any member.

### **Section 2-4 Planning Board Officers**

- 2-4.1 At its first meeting in \_\_\_\_\_ of each year, the Planning Board shall, by majority vote of its membership (excluding vacant seats) elect one (1) of its members to serve as Chairman and preside over the board's meetings and one (1) member to serve as Vice-Chairman. The people so designated shall serve in these capacities for terms of one (1) year. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the board membership (excluding vacant seats).
- 2-4.2 The Chairman and Vice-Chairman may take part in all deliberations and vote on issues.

### **Section 2-5 Powers and Duties of Planning Board**

- 2-5.1 The Planning Board may:
  - (a) Make studies and recommend to the Council plans, goals, and objectives relating to the growth, development, and redevelopment of the Town.
  - (b) Develop and recommend to the Town Council policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
  - (c) Make recommendations to the Town Council on special-use and conditional-use permits and proposed zoning map changes.
  - (d) Perform any other duties assigned by the Town Council.
- 2-5.2 The Planning Board may adopt rules and regulations governing its procedure and operations not inconsistent with the provisions of the ordinance.

## **Board of Adjustment**

### **Section 2-6 Appointment and Terms of Board of Adjustment**

- 2-6.1 There shall be a Board of Adjustment consisting of five (5) regular members.

- 2-6.2 Board of Adjustment regular members shall be appointed for three (3) year staggered terms, but regular members may continue to serve until their successors have been appointed. Two (2) members shall be appointed for three (3) year terms, two (2) members shall be appointed for two (2) year terms, and one (1) member shall be appointed for a one (1) year term. Vacancies may be filled for the unexpired terms only.
- 2-6.3 Members may be reappointed to successive terms without limitation.
- 2-6.4 Regular members may be removed by the Council at any time for failure to attend three (3) consecutive meetings or for failure to attend 30 percent or more of the meetings within any 12 month period or for any other good cause related to performance of duties. Alternate members may be removed for repeated failure to attend or participate in meetings when requested to do so in accordance with regularly established procedures. Upon request of the member proposed for removal, the Town Council shall hold a hearing on the removal before it becomes effective.
- 2-6.5 If a regular member moves outside the town or its extraterritorial planning area, that shall constitute a resignation from the Board, effective upon the date a replacement is appointed.

### **Section 2-7 Meetings of the Board of Adjustment**

- 2-7.1 The Board of Adjustment shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with Section 3-22 (Applications to be Processed Expeditiously).
- 2-7.2 The Board shall conduct its meetings in accordance with the quasi-judicial procedures set forth in Articles IV, V, and VI.
- 2-7.3 All meetings of the Board shall be open to the public, and whenever feasible the agenda for each board meeting shall be made available in advance of the meeting.

### **Section 2-8 Quorum**

- 2-8.1 A quorum for the Board of Adjustment shall consist of the number of members equal to four-fifths (4/5) of the regular board membership (excluding vacant seats). A quorum is necessary for the Board to take official action.
- 2-8.2 A member who has withdrawn from the meeting without being excused as provided in Section 2-10 voting, shall be counted as present for purposes of determining whether a quorum is present.

### **Section 2-9 Voting**

- 2-9.1 The concurring vote of four-fifths (4/5) of the regular board membership (excluding vacant seats) shall be necessary to reverse any order, requirement, decision, or determination of the administrator or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance (including the issuance of a special use permit) or to grant any variance. All other actions of the Board shall be taken by majority vote, a quorum being present.
- 2-9.2 Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with Subsection 2-9.3 or has been allowed to withdraw from meeting in accordance with Subsection 2-9.4.

- 2-9.3 A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:
- (a) If the member has a direct financial interest in the outcome of the matter at issue, or
  - (b) If the matter at issue involves the member's own official conduct, or
  - (c) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility, or
  - (d) If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.
- 2-9.4 A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.
- 2-9.5 A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.

#### **Section 2-10 Board of Adjustment Officers**

- 2-10.1 At its first regular meeting in each year, the Board of Adjustment shall, by majority vote of its membership (excluding vacant seats) elect one (1) of its members to serve as Chairman and preside over the Board's meetings and one (1) member to serve as Vice-Chairman. The persons so designated shall serve in these capacities for terms of one (1) year. Vacancies may be filled for the unexpired terms only by majority vote of the Board membership (excluding vacant seats).
- 2-10.2 The Chairman or any member temporarily acting as chairman may administer oaths to witnesses coming before the board.
- 2-10.3 The Chairman and Vice-Chairman may take part in all deliberations and vote on all issues.

#### **Section 2-11 Powers and Duties of the Board of Adjustment**

- 2-11.1 The Board of Adjustment shall hear and decide:
- (a) Appeals from any order, decision, requirement, or interpretation made by the administrator, as provided in Article IV;
  - (b) Applications for special-use permits, as provided in Article III;
  - (c) Applications for variances, as provided in Article IV;
  - (d) Questions involving interpretations of the zoning map, including disputed district boundary lines and lot lines, as provided in Article IV; and
  - (e) Any other matter the board is required to act upon by any other ordinance.

- 2-11.2 The Board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this ordinance.

### **Land- Use Administrator**

#### **Section 2-12 Duties of the Land-Use Administrator**

Except as otherwise specifically provided, primary responsibility for administering and enforcing this ordinance may be assigned by the Danbury Town Council to one or more individuals. The person or persons to whom these functions are assigned shall be referred to in this ordinance as the “land-use administrator” or “administrator”. The term “staff” or “planning staff” is sometime used interchangeable with the term “administrator”.

### **Town Council**

#### **Section 2-13 Powers and Duties of the Town Council**

- 2-13.1 The Town Council, in considering conditional-use permit applications, acts in a quasi-judicial capacity and, accordingly, is required to observe the procedural requirements set forth in Article III.
- 2-13.2 In considering proposed changes in the text of this ordinance or in the zoning map, the Town Council acts in its legislative capacity and must proceed in accordance with the requirements of Article VIII.

# **ARTICLE III**

## **Permits and Certifications**

### **Section 3-1 Permits Required**

No person shall undertake any development activity or use of land that is subject to this ordinance without a permit.

### **Section 3-2 General Requirements**

- 3-2.1 All applications shall be submitted by the owner of the property or his authorized agent. The Administrator may require reasonable proof from any person submitting an application.
- 3-2.2 An application for any permit shall be submitted in such form, number of copies and format as prescribed in this ordinance.
- 3-2.3 The Administrator may waive submission of required elements of information when in his opinion such information is otherwise available or is not necessary. He may return any application that is not complete.
- 3-2.4 All applications for permits shall be submitted, reviewed and processed in accordance with the requirements specified in this ordinance.
- 3-2.5 A copy of required permits, along with any plans submitted, shall be returned to the applicant after the review process marked approved or disapproved. A similarly marked copy shall be retained in the Town Hall.
- 3-2.6 Any permit issued shall expire unless the work begins within one (1) year of the date of issue. Written notice shall be given by the Zoning Administrator.

### **Section 3-3 Zoning Permit**

- 3-3.1 No building, sign, or other structure shall be erected moved, extended, enlarged, or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be started until a zoning permit has been issued by the Administrator.
- 3-3.2 A zoning permit form, specifying the required information, shall be obtained from the Town Hall and submitted to the administrator for action.
- 3-3.3 If the use is listed in the Table of Permitted Uses and complies with all the development standards in this ordinance, the Administrator shall issue a zoning permit. However, if the Administrator determines the use:
  - (a) Is not a permitted use in a particular district, the applicant may appeal his interpretation to the Board of Adjustment or seek a zoning amendment from the Town Council;
  - (b) Cannot comply with all dimensional requirements the applicant may appeal to the Board of Adjustment for a variance;

- (c) Is indicated in the Table of Uses by districts as a special use it shall be submitted to the Board of Adjustment for action; or
- (d) Is indicated in the Table of Uses by districts as a conditional use, it shall be submitted to the Town Council for action.

#### **Section 3-4 Special Use Permits**

3-4.1 The development and execution of this ordinance is based upon the division of the planning area into districts where the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for that use in that particular location.

3-4.2 The Board of Adjustment shall grant special use permits.

3-4.3 The procedure for obtaining a permit is as follows:

- (a) A special use zoning permit shall be required for any use listed as a special use in the Table of Permitted Uses.
- (b) Applications for a permit approval shall be addressed to the Board of Adjustment and presented to the Administrator. Each application shall contain or be accompanied by a site plan. Copies of the application are forwarded to the Planning Board for review and to the Board of Adjustment for action.
- (c) The Planning Board shall review the application and shall present its recommendations to the Board of Adjustment prior to or at the public hearing held by the Board of Adjustment. The Planning Board may revise its recommendations following the public hearing and present such recommendations to the Board of Adjustment before final action is taken.
- (d) The Board of Adjustment shall issue a special use permit, if after a public hearing and input from the Planning Board, the use:
  - 1. Is listed among the special uses in the district for which application is made;
  - 2. Is essential or desirable to the public convenience or welfare;
  - 3. Will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare;
  - 4. Will minimize any negative impact on the transportation system, schools, recreational areas, and the natural resources of the community;
  - 5. Will be adequately served by utilities, access roads, drainage, sanitation, and/or other necessary facilities; and
  - 6. Will have ingress and egress designed to minimize traffic congestion in the public streets.

- 3-4.4 Granting a special use permit does not exempt applicants from complying with other requirements of this ordinance. In any case where the conditions of a permit have not been or are not being met, the Administrator shall give the grantee notice of intention to revoke approval. Said notice shall be given at least ten (10) days prior to any action by the Board of Adjustment.

### **Section 3-5 Conditional Use Permit**

- 3-5.1 The development and execution of this ordinance is based upon the division of the planning area into districts where the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for that use in that particular location.
- 3-5.2 The Town Council shall grant conditional use permits.
- 3-5.3 The procedure for obtaining a permit is as follows:
- (e) A conditional use zoning permit shall be required for any use listed as a conditional use in the Table of Permitted Uses.
  - (f) Applications for a permit approval shall be addressed to the Town Council and presented to the Administrator. Each application shall contain or be accompanied by a site plan including anything required by the conditional use proposed. Copies of the application are forwarded to the Planning Board for review and to the Town Council for action.
  - (g) The Planning Board shall review the application and shall present its recommendations to the Town Council prior to or at the public hearing held by the Town Council. The Planning Board may revise its recommendations following the public hearing and present such recommendations to the Town Council before final action is taken.
  - (h) The Town Council shall issue a conditional use permit, if after a public hearing and input from the Planning Board, the use:
    - 7. Is listed among the conditional uses in the district for which application is made;
    - 8. Is essential or desirable to the public convenience or welfare;
    - 9. Will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare;
    - 10. Will minimize any negative impact on the transportation system, schools, recreational areas, and the natural resources of the community;
    - 11. Will be adequately served by utilities, access roads, drainage, sanitation, and/or other necessary facilities; and
    - 12. Will have ingress and egress designed to minimize traffic congestion in the public streets.

- 3-5.4 The granting of a conditional use permit does not exempt applicants from complying with other requirements of this ordinance. In any case where the conditions of a permit have not been or are not being met, the Administrator shall give the grantee notice of intention to revoke approval. Said notice shall be given at least ten (10) days prior to any action by the Town Council.

(Section 3-5 Adopted by Amendment 5-19-2010)

### **Section 3-6 Temporary Use Permit**

The Town Council shall issue temporary use permits on a case-by-case basis. Specific time limits shall be stated for each use. Temporary permits may be renewed by the Council.

### **Section 3-7 Certification of Zoning Compliance**

No land, building, or sign shall be structurally altered, erected, moved, occupied, or its use changed until a Certificate of Compliance is issued by the Administrator. This Certificate shall state that the building and/or site complies with the provisions of this ordinance.

# **ARTICLE IV**

## **Appeals, Variances, and Interpretations**

### **Section 4-1 Appeals**

- 4-1.1 An appeal from any final order or decision of the Administrator may be taken to the Board of Adjustment by any person aggrieved. An appeal is taken by filing with the Administrator and the Board of Adjustment a written notice of appeal specifying the grounds. A notice of appeal shall be considered filed with the Administrator and the Board of Adjustment when delivered to the Administrator.
- 4-1.2 An appeal must be taken within 30 days after the date of the decision or order is made.
- 4-1.3 Whenever an appeal is filed, the Administrator shall transmit to the Board of Adjustment all the materials of the case.
- 4-1.4 An appeal stays all actions by the Administrator enforcing the requirements of this ordinance.
- 4-1.5 The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement or decision or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the Board shall have all the powers of the officer from whom the appeal is taken.

### **Section 4-2 Variances**

- 4-2.1 An application for a variance shall be submitted to the Board of Adjustment by filing a copy of the application with the Administrator.
- 4-2.2 A variance may be granted by the Board of Adjustment if it concludes that strict enforcement of the ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it finds that:
  - (a) If the applicant complies strictly with the provisions of the ordinance, he can make no reasonable use of his property;
  - (b) The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public;
  - (c) The hardship relates to the applicant's land, rather than personal circumstances;
  - (d) The hardship is unique, or nearly so, rather than one shared by many surrounding properties;
  - (e) The hardship is not the result of the applicant's own actions; and
  - (f) The variance will neither result in the extension of a nonconforming situation in violation of Article VII nor authorize the initiation of a nonconforming use of land.

4-2.3 A variance may be issued for an indefinite duration or for a specified duration only.

### **Section 4-3 Interpretations**

- 4-3.1 The Board of Adjustment is authorized to interpret the zoning map and to pass upon disputed questions of lot lines or district boundary lines and similar question. If such questions arise in the context of an appeal from a decision of the Administrator, they shall be handled as provided in section 4-1.
- 4-3.2 An application for a map interpretation shall be submitted to the Board of Adjustment by filing a copy of the application with the Administrator. The application shall contain sufficient information to enable the Board to make the necessary interpretation.
- 4-3.3 Where uncertainty exists as to the boundaries as shown on the Official Town of Danbury Zoning Map, the following rules shall apply:
- (a) Boundaries indicated as approximately following the centerlines of alleys, street highways, streams, or railroads shall be construed to follow such centerlines.
  - (b) Boundaries indicated as approximately following lot lines, town limits or extraterritorial boundary lines, shall be construed as following such lines, limits or boundaries;
  - (c) Boundaries indicated as following shorelines shall be constructed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such shorelines; and
  - (d) Where a district boundary divides a lot or where distances are not specifically indicated, the boundary shall be determined by measurements from the Official Town of Danbury Zoning Map.

### **Section 4-4 Requests to be Heard Expeditiously**

The Board of Adjustment shall hear and decide all appeals, variance requests, and requests for interpretations as expeditiously as possible, consistent with the need to follow regularly established agenda procedures, and obtain the necessary information to make sound decisions.

### **Section 4-5 Burden of Proof in Appeals and Variances**

- 4-5.1 When an appeal is taken to the Board of Adjustment in accordance with Section 4-1, the Administrator shall have the initial burden of presenting to the Board sufficient evidence and argument to justify the order or decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.
- 4-5.2 The burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions on those issues, remains with the applicant seeking the variance.

#### **Section 4-6     Board Action on Appeals and Variances**

- 4-6.1    With respect to appeals, a motion to reverse, affirm , or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of facts that support the motion. If a motion to reverse or modify is not made or fails to receive the four-fifths (4/5) vote necessary for adoption, then a motion to uphold the decision appealed from shall be in order. This motion is adopted as the Board's decision if supported by more than one-fifth (1/5) of the Board's membership (excluding vacant seats).
- 4-6.2    Before granting a variance, the Board must take a separate vote and vote affirmatively (by a four-fifths majority) on each of the required findings stated. Insofar as practicable, a motion to make an affirmative finding on each of the requirements set forth in subsection 4-2.2 above shall include a statement of the specific reasons or findings of fact supporting such motion.

# **ARTICLE V**

## **Hearing Procedures for Appeals and Applications**

### **Section 5-1 Hearing Required on Appeals and Applications**

- 5-1.1 Before making a decision on an appeal or an application for a variance, a special use permit, or conditional use permit, or petition from the Administrator to revoke a special use permit or conditional use permit, the Board of adjustment or the Town Council, as the case may be, shall hold a hearing on the appeal or application.
- 5-1.2 The hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.
- 5-1.3 The Board of Adjustment or Town Council may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross-examination of witnesses so that the matter at issue may be heard and decided without undue delay.
- 5-1.4 The hearing board may continue the hearing until a subsequent meeting to take additional information. No further notice of a continued hearing need be published unless a period of six (6) weeks or more elapses between hearing dates.

### **Section 5-2 Notice of Hearing on Appeals and Applications**

- 5-2.1 Notice shall be given to the appellant or applicant and any other person who makes a written request for such notice by mailing to such persons a written notice not later than ten (10) days before the hearing.
- 5-2.2 Notice shall be given to the neighboring property owner by mailing a written notice not later than ten (10) days before the hearing to those persons who have listed for taxation real property, any portion of which is located within 150 feet of the lot that is the subject of the application or appeal. Notice shall also be given by prominently posting signs in the vicinity of the property that is the subject of the application or appeal. Notice shall also be given by prominently posting signs in the vicinity of the property that is the subject of the proposed action. Such signs shall be posted not less than seven (7) days prior to the hearing.
- 5-2.3 The notice required by this section shall state the date, time, and place of the hearing, reasonably identify the lot that is the subject of the application or appeal, and give a brief description of the action requested or proposed.

### **Section 5-3 Evidence**

- 5-3.1 The provisions of this section apply to all hearings for which a notice is required by Section 5-1.
- 5-3.2 All persons who intend to present evidence to the permit issuing board, rather than arguments only, shall be sworn.

- 5-3.3 All findings and conclusions necessary to the issuance or denial of the requested permit or appeal (crucial findings) shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available.

#### **Section 5-4 Modification of Application at Hearing**

- 5-4.1 In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Town Council or Board of Adjustment, the applicant may agree to modify his application, including the plans and specifications submitted.
- 5-4.2 Unless such modifications are so substantial or extensive that the board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the board may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the Administrator.

#### **Section 5-5 Record**

- 5-5.1 A tape recording should be made of all hearings required by Section 5-1 and such recordings shall be kept for at least two (2) years. Accurate minutes shall also be kept of all such proceedings, but a transcript need not be made.
- 5-5.2 Whenever practicable, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept from at least two (2) years.

#### **Section 5-6 Written Decision**

- 5-6.1 Any decision made by the Board of Adjustment or Town Council regarding an appeal or variance or issuance or revocation of a conditional use permit or special use permit shall be reduced to writing and served upon the applicant or appellant and all other persons who make a written request for a copy.
- 5-6.2 In addition to a statement of the board's ultimate disposition of the case and any other information deemed appropriate, the written decision shall state the board's findings and conclusions as well as supporting reasons or facts, whenever this ordinance requires the same as a prerequisite to taking action.

# **ARTICLE VI**

## **Enforcement and Review**

### **Section 6-1 Complaints Regarding Violators**

- 6-1.1 Whenever the Administrator receives a written, signed complaint alleging a violation of this ordinance, he shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.

### **Section 6-2 Liability**

- 6-2.1 The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

### **Section 6-3 Procedures Upon Discovery of Violation**

- 6-3.1 If the Administrator finds that a provision of this ordinance is being violated, he shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Administrator's discretion.
- 6-3.2 The final written notice (and the initial written notice may be the final notice) shall state what action the Administrator intends to take if the violation is not corrected and shall advise that the Administrator's decision or order may be appealed to the Board of Adjustment in accordance with Section 4-1.
- 6-3.3 Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this ordinance or pose a danger to the public health, safety, or welfare, the Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 6-4.

### **Section 6-4 Penalties and Remedies for Violation of the Ordinance**

- 6-4.1 Violations of the provisions of this ordinance or failure to comply with any of these requirements, including violations of any conditions and safeguards established in connection with grants of variances or special use or conditional use permits, shall constitute a Class 3 misdemeanor, punishable in accordance with N.C.G.S. §14-4. The maximum fine shall not be more than five hundred dollars (\$500.00).  
(6-4.1 Adopted by Amendment 4-27-98, and amended 06-23-2010)
- 6-4.2 Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special use or conditional use permits, shall also subject the offender to a civil penalty of \$50.00 per day for each day the violation exists. If the offender fails to pay within ten (10) days after being cited for a violation, this penalty may be recovered in a civil action in the nature of debt. A civil penalty may not be appealed to the Board

of Adjustment if the offender was sent a final notice of violation in accordance with Section 6-3 and did not take an appeal to the Board of Adjustment within the prescribed time.

(6-4.2 Adopted by Amendment 4-27-98)

- 6-4.3 This ordinance may also be enforced by any appropriate equitable action, including but not limited to injunctive relief, both mandatory and prohibitive.

(6-4.3 Adopted by Amendment 4-27-98)

- 6-4.4 Each day that any violation continues after notification by the Administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

- 6-4.5 Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this ordinance.

- 6-4.6 If the Town of Danbury is the prevailing party in a civil action to enforce this ordinance in any court action or administrative proceeding, including, but not limited to actions or claims under Paragraphs 6-4.2, 6-4.3, and 6-4.5, the Town of Danbury shall have the right to recover as a part of the court or administrative costs, from the person, firm or corporation violating this ordinance, reasonable attorney's fees, court costs, and other expenses and costs of litigation incurred by the Town of Danbury in enforcing this ordinance.

(6-4.6 Adopted by Amendment 4-27-98)

#### **Section 6-5 Permit Revocation**

- 6-5.1 A zoning, special use, or conditional use permit may be revoked by the permit-issuing authority if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this ordinance, or any additional requirements lawfully imposed by the permit-issuing board.

- 6-5.2 Before a conditional use or special use permit may be revoked, all of the notice and hearing and other requirements of Article V shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.

- (a) A motion to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
- (b) Before a zoning permit may be revoked, the Administrator shall give the permit recipient ten (10) days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the permit is revoked, the Administrator shall provide to the permittee a written statement of the decision and the reasons therefore.
- (c) No persons may continue to make use of land or buildings in the manner authorized by any zoning, special use or conditional use permit after such permit as been revoked in accordance with this section.

**Section 6-6      Judicial Review**

6-6.1    The petition for the writ certiorari must be filed with the Stokes County Clerk of Court within 30 days after the later of the following occurrences:

- (a)      A written copy of the board's decision has been filed in the Town Hall;
- (b)      A written copy of the board's decision has been sent to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case; and
- (c)      A copy of the writ of certiorari shall be served upon Stokes County.

# ARTICLE VII

## Nonconforming Uses and Buildings

### **Section 7-1 General**

Any parcel of land, use of land, building or structure existing at the time of the adoption of this ordinance, or any amendment, that does not conform to the use or dimensional requirements of the district in which it is located may be continued and maintained subject to the following categories of nonconforming uses.

### **Section 7-2 Nonconforming Vacant Lots**

Nonconforming vacant lots are ones that have been platted and recorded in the office of the Register of Deeds of Stokes County, which at the time of adoption of this ordinance fail to comply with the minimum area and/or width requirements of the districts where they are located. Any such nonconforming lot may be used for any of the uses permitted in the district where it is located provided that:

- (a) Where the lot area is no more than 20 percent below the minimum specified in this ordinance, and other dimensional requirements are met, the Administrator is authorized to issue a zoning permit.
- (b) Where the lot area is more than 20 percent below the minimum specified in this ordinance or other dimensional requirements cannot be met, the Board of Adjustment is authorized to approve as a variance such dimensions as shall conform as closely as possible to the required dimensions.
- (c) Notwithstanding the foregoing, whenever two (2) or more adjoining vacant lots of record are in single ownership at any time after the adoption of this and such lots individually have less area or width than the minimum requirements of the district where such lots are located, such lots shall be considered as a single lot or several lots which meet the minimum requirements of this ordinance for the district where such lots are located.

### **Section 7-3 Nonconforming Occupied Lots**

Nonconforming occupied lots are ones occupied by buildings or structures at the time of the adoption of this ordinance that fail to comply with the minimum requirements for area, width, yard and setbacks for the district where they are located. These lots may continue to be used without complying with the specific requirements for use or dimensional requirements.

### **Section 7-4 Nonconforming Open Uses of Land**

Nonconforming open uses of land are lots used for storage yards, used car sales, auto wrecking, junkyards, and similar open spaces where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use of the land is not permitted to be established hereafter, under this ordinance, in the district in which it is located. A legally established nonconforming open use of land may be continued except as follows:

- (a) When a nonconforming open use of land has been changed to conforming use, it shall not there after revert to any nonconforming use.
- (b) Nonconforming open uses of land shall be changed only to a conforming use.

- (c) A nonconforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became nonconforming.
- (d) When any nonconforming open use of land is discontinued for a period in excess of 180 days, any future use of the land shall be limited to those uses permitted in the district where the land is located. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

#### **Section 7-5 Nonconforming Uses of Structures**

Nonconforming uses of structures are ones used at the time of enactment of this ordinance for purposes or uses not permitted in the district in which they are located. Such uses may be continued as follows:

- (a) An existing nonconforming use may be changed to another nonconforming use of the same or higher classification, provided that the other conditions in this article are met. For the purpose of this ordinance, the rank order of uses from higher to lower shall be: 1) residential, 2) public, 3) commercial, and 4) industrial;
- (b) When a nonconforming use has been changed to a conforming use, it shall not thereafter be used for any nonconforming use;
- (c) A nonconforming use may not be extended or enlarged, nor shall a structure containing a nonconforming use be altered except:
  - 1. Structural alterations as required by law or ordinance to secure the safety of the structure; or
  - 2. Maintenance and repair necessary to keep a structure in sound condition; or
  - 3. Expansion of a nonconforming use of building or structure into portions of the structure which, at the time the use became nonconforming, were already erected and arranged or designed for such nonconforming use.
- (d) When any nonconforming use of a building or structure is discontinued for a period in excess of 180 days, the building or structure shall not hereafter be used except in conformance with the regulations of the district where it located.

#### **Section 7-6 Reconstruction of Damaged Buildings or Structures**

Any nonconforming use, except manufactured dwelling units, (see Section 7-7 below) which has been damaged by fire, wind, flood or other causes, may be repaired and used as before provided:

- (a) The damage to the building does not exceed 75% of its assessed value;
- (b) Repairs are initiated within twelve (12) months and completed within two (2) years of such damage;
- (c) The total amount of space devoted to a nonconforming use may not be increased; and
- (d) Reconstructed buildings may not be more nonconforming with respect to dimensional restrictions.

**Section 7-7      Nonconforming Manufactured Homes**

Any nonconforming manufactured home may be used indefinitely. Existing manufactured units may be replaced if the present unit is damaged, or destroyed, or if the owner wants to replace his unit with a Class A or Class B manufactured dwelling unit. However, if a lot where a nonconforming manufactured home is located is subsequently abandoned for more than 180 days, the reestablishment of a manufactured home on the lot shall not be permitted.

# ARTICLE VIII

## Amendments

### **Section 8-1 Authority**

The Town Council shall have the authority to amend the zoning text and map in accordance with the provisions of this article.

### **Section 8-2 General Procedures**

8-2.1 **Initiation.** Any amendment to the zoning text or map may be initiated by:

- (A) The Town Council or the Planning Board.
- (B) The property owner(s), upon filing an official petition including a complete application.
- (C) A petitioner other than the Town Council or property owner.

8-2.2 **Application for a Text Amendment.** A petition for amendment to the text of this ordinance shall consist of:

- (A) A completed application form.
- (B) A written justification for the requested amendment including consistency of the proposal with the Town's long-range plans.
- (C) All appropriate fees.
- (D) Any other information deemed necessary by the Zoning Administrator.

8-2.3 **Application for a Map Amendment.** A petition for an amendment to the zoning map shall consist of:

- (A) A completed application form.
- (B) A written justification for the requested amendment including consistency of the proposal with the Town's long-range plans.
- (C) A list of the record owners including tax parcel numbers and addresses of each owner for tax purposes of all properties whose zoning classification is proposed to be changed as a result of the map amendment.
- (D) A list of the record owners including tax parcel numbers and addresses of the owners of all properties adjoining or within 300 feet of the property or properties whose zoning classification is proposed to be changed.
- (E) A map of the parcel and its relationship to the general area in which it is located.
- (F) All appropriate fees.

(G) Any other information requested by the Zoning Administrator.

- 8-2.4 **Copies.** The Zoning Administrator shall determine the number of copies of each petition and other required documentation to be submitted by the petitioner so that copies may be circulated to all appropriate staff, agencies, and boards for review and comment.

### **Section 8-3 Withdrawal or Amendment of Petition**

- 8-3.1 A petition filed according to this article may be withdrawn by the petitioner at any time before the scheduling of a public hearing on the petition by the Town Council.
- 8-3.2 If the petitioner wishes to withdraw the petition after the scheduling of the public hearing, the petitioner may file a request to withdraw with the Town Clerk. On the date scheduled for the hearing, the Town Council may approve the request for withdrawal if it finds that there are substantial circumstances favoring the withdrawal and that the withdrawal will not be detrimental to the interests of citizens affected by the petition.
- 8-3.3 Once the petition has been filed, the petitioner shall, with the permission of the Town Administrator, be allowed to amend the petition prior to the scheduling of the public hearing by the Town Board. Once the public hearing has been scheduled by the Town Council, no amendments may be made to the petition.

### **Section 8-4 Submission to the Planning Board**

- 8-4.1 Upon receipt of a petition for a text amendment pursuant to 8-2.2, or a map amendment pursuant to 8-2.3, (including proposed amendments initiated by the Town Council), the Zoning Administrator shall place the proposed amendment on the Town Council agenda for the next regularly scheduled Town Council meeting and shall transmit copies of the proposed amendment to all Planning Board members and to the Town Attorney.
- 8-4.2 At the next Town Council meeting following the filing of a petition, the Town Council may either: 1) schedule a public hearing on the proposed ordinance, or; 2) postpone the decision of whether or not to call a public hearing until after receiving a recommendation from the Planning Board. The Town Council may require a recommendation on the proposed amendment from the Planning Board prior to the scheduled hearing date or at some date more than 30 days in the future if no public hearing has been scheduled.
- 8-4.3 The Zoning Administrator shall transmit a copy of the petition to the Town Attorney for review at the time the petition is submitted to the Planning Board.
- 8-4.4 The planning Board shall be notified by the Town Clerk of the date of the scheduled public hearing or whether the scheduling of a public hearing has been deferred, and, if the Town Council elects to do so, the date by which the Town Council is requesting a recommendation.

### **Section 8-5 Recommendations and Decisions**

- 8-5.1 No proposed amendment shall be approved unless it has been submitted to the Planning Board for a recommendation. If the Planning Board fails to make a recommendation to either approve, approve with conditions, deny, or defer a decision on the proposed amendment prior to the scheduled public hearing date (or the date requested by the Town Council for receiving a

recommendation), then the Planning Board shall be deemed not to have made a recommendation and the petition shall be placed on the agenda of the next regular Town Council meeting.

- 8-5.2 If no hearing has been scheduled prior to receiving a recommendation from the Planning Board, or if the Planning Board fails to make a recommendation, the Town Council may either: 1) set a public hearing on the proposed amendments, or; 2) decline to schedule a public hearing if, in the Council's opinion, the petition lacks merit.
- 8-5.3 The Town Council, after submitting the petition to the Planning Board, and after a public hearing on the proposed amendment, shall within a reasonable time either reject the proposed amendment or approve the proposed amendment, with or without modifications.
- 8-5.4 In considering any petition to reclassify property, the Planning Board in its recommendation, and the Town Council in its decision, shall consider all of the following:
- (A) Whether the proposed reclassification is consistent with the purposes, goals, objectives, and policies of adopted plans for the area.
  - (B) Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property.
  - (C) The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, storm water drainage systems, water supplies, and wastewater and refuse disposal.
  - (D) Whether the proposed reclassification will adversely affect a known archaeological, environmental, historical, or cultural resource.
- 8-5.5 When considering a petition to reclassify property to a general use district, the Planning Board and the Town Council shall not evaluate the petition based on any specific proposal for a use of the property or design of the site.
- 8-5.6 In approving an amendment to reclassify property to a general use district the Town Council may change the existing classification of the property, or any part of the property covered by the petition, to the classification requested or to any other classification or classifications permitted by this article.
- 8-5.7 The Town Attorney shall review and approve the form of all proposed amendments prior to the adoption by the Town Council so that the proposed amendment can be integrated into the Zoning Ordinance.

## **Section 8-6 Notice and Public Hearings**

- 8-6.1 Notice of public hearings required under these regulations shall be in accordance with the North Carolina General Statutes. At a minimum the Town shall:

- (A) Provide notice of a public hearing once a week for two (2) successive calendar weeks in a newspaper of general circulation in the Town of Danbury, said notice to be published for the first time not less than ten (10) nor more than 25 days prior to the date fixed for said hearing.
- (B) Mail first class written notice of the public hearing to the record owners for tax purposes of all properties whose zoning classification is to be changed by the proposed amendment.
- (C) Mail first class written notice of the public hearing to the record owners for tax purposes of all properties adjoining or within 300 feet of the property or properties whose zoning classification is to be changed.
- (D) In addition to the newspaper notice and individual mailed notice, notice shall also be made by prominently posting the property proposed for rezoning or on an adjacent public street or highway right-of-way with a poster indicating the proposed zoning change and date and time of the public hearing when the public hearing is for a change to the Danbury Zoning Map. 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.
- (E) The notice by first class mail required under subsections (B) and (C) 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, the Town may elect to either utilize the mailed notice as provided in subsections (B) and (C) of this section or, as an alternative, publish a notice of public hearing as required by N.C.G.S. 160A-364. In this case, 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 properties shall be notified according to the provisions of subsections (B) and (C) of this section.

8-6.2 Amendments to the Zoning Ordinance Text and Official Zoning Map shall be made in accordance with any adopted plans of the Town. Prior to adopting or rejecting any zoning amendment, the Town Council shall adopt a statement describing whether its action is consistent with adopted plans and explain why the Council considers the action taken to be reasonable and in the public interest.

**8-6.3 Conduct of public hearing.**

- (A) No amendment shall be adopted until after the Town Council has held a public hearing on the proposed amendment.
- (B) The hearing shall be conducted in accordance with rules and procedures established by the Mayor and Town Council.

- (C) When presenting a petition for the reclassification of property to a general-use district, the petitioner shall refrain from using any graphic materials or descriptions of the proposed use or development site design, except for those which would apply to any use or development site design permitted in the requested district.
- 8-6.4 The Town Council may modify any proposed text amendment upon adoption of an ordinance enacting the amendment, without the withdrawal or modification of the petition or further public hearings, when, in the opinion of the Council, such a change would not require a separate public hearing.
- 8-6.5 If the Town Council deems any amended petition to be a substantial change to the petition, it may defer action on the petition until its next regularly scheduled meeting to allow interested parties the opportunity to comment on the amended petition, or, if the Town Council deems it appropriate, resubmit the amendment to the Planning Board and schedule a second public hearing.

#### **Section 8-7 Effect of the Denial of a Petition**

- 8-7.1 A petition for a reclassification of property that has been denied in whole or in part shall not be re-submitted within one (1) year of the date of the Town Council's action on the original petition.
- 8-7.2 The Town Council may, however, allow re-submission of a petition within the one (1) year restricted period if it determines that, since the date of action on the prior petition, one of the following criteria has been met:
  - (A) There has been a similar change in the zoning district classification of an adjacent property.
  - (B) The Town Council has adopted a new or amended plan for the area that changes public policy regarding how the property affected by the amendment should be developed.
  - (C) Construction or expansion of a road, water line, sewer line, or other infrastructure has occurred or is to occur in such a time frame as to serve the property and comfortably accommodate the intensity of development allowed under the proposed classification.
  - (D) There has been a substantial change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one (1) year restriction on a new petition. This shall not include a change in ownership of the subject property.

#### **Section 8-8 Protest Petitions**

- 8-8.1 In the event of a qualified protest against a zoning map amendment, that amendment shall not become effective except by favorable vote of three-fourths (3/4) of all the members of the Town Council. Vacant positions on the Council and members who are excused from voting shall not be considered 'members of the Council' for calculation of the requisite three-fourths (3/4) supermajority.

- 8-8.2 To qualify as a protest under this section, the petition must be signed by the owners of either 20% or more of the area included in the proposed change, or five percent (5%) of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100 foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100 foot buffer shall be measured from the property line of that parcel.
- 8-8.3 The Town may use the county tax listings to determine the owners of potentially qualifying areas.
- 8-8.4 The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved.
- 8-8.5 No protest against any amendment to a zoning ordinance or zoning map shall be valid or effective unless it be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed amendment, and unless it shall have been received by the Town Clerk in sufficient time to allow the Town at least two (2) full normal work days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed amendment to determine the sufficiency and accuracy of the petition.
- 8-8.6 All protest petitions shall be on a form prescribed and furnished by the Town, and such form may prescribe any reasonable information deemed necessary to permit the Town to determine the sufficiency and accuracy of the petition.
- 8-8.7 A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed zoning amendment.
- 8-8.8 Only those protest petitions that meet the qualifying standards set forth in **G.S. 160A-385** at the time of the vote on the zoning amendment shall trigger the supermajority voting requirement.
- (Article VIII Adopted by Amendment 7-29-2009)

# ARTICLE IX

## Zoning Districts and Zoning Map

### **Section 9-1 Residential Districts Established**

9-1.1 The Danbury planning jurisdiction is hereby divided into the following zoning districts. All districts are either general-use or conditional-use districts.

9-1.2 The following procedures shall be followed:

- (a) A person petitioning for rezoning of a tract of land may elect or request general use district zoning or conditional use district zoning. If the petitioner elects to seek a general use district zoning, he may refer, either in his petition or at any hearings related to the petition, to the use intended for his property. The Town Council, however, shall consider the full range of uses within that particular zoning district when approving or disapproving the petition. If approved, the rezoned property may be used for any of the uses permitted in the applicable general use district.
- (b) If the petitioner elects to petition for conditional use district zoning, he must specify the actual use intended for the property, and the intended use must be one permitted in the corresponding general use district. If the petition is for conditional use district zoning, the Town Council shall approve or disapprove the petition on the basis of the specific use requested.
- (c) If the petition is approved, the Town Council shall issue a conditional use permit authorizing the requested use with such reasonable conditions as the Town Council determines to be desirable in promoting public health, safety, and general welfare. The conditions contained in the permit may include: (1) location of the proposed use on the property; (2) the number of dwelling units; (3) the location and extent of support facilities such as parking lots, driveways, and access streets; (4) location and extent of buffer areas and other special purpose areas; (5) the timing of development; (6) a statement that petitioners shall incorporate in any future conveyance of this property a detailed description of this conditional use permitted and all the conditions imposed; and (7) such other matters as the petitioners may propose or the Town Council may find appropriate, but not to include architectural review or controls.
- (d) The Administrator shall file a copy of the conditional use permit in the Town Hall.
- (e) If the petitioners want to change the conditional use permit from one use to another, he must reapply for another conditional use zoning permit.

9-1.3 The following residential districts are hereby established:

R-1 or R-1 CU  
R-2 or R-2 CU  
R-3 or R-3 CU  
R-4 or R-4 CU

#### 9-1.4 **R-1 Residential District**

Area inside the town established for single-family residential units on individual lots (site-built or modular units only) in the core residential area along both sides of NC #8 and #89 between the Dan River on the East and the old Danbury School on the West. Lots are smaller than in other areas of Danbury. Compatible uses such as churches and bed and breakfast homes may be allowed provided the residential character of the community is not harmed.

#### 9-1.5 **R-2 Residential District**

Areas inside the town established for single-family residential units on individual lots (site-built and modular units only). The area is outside the core residential district, but still inside the corporate limits of Danbury. Lots are larger than in the core residential district. Compatible uses such as churches and bed and breakfast homes may be allowed provided the residential character of the community is not harmed.

#### 9-1.6 **R-3 Residential District**

Areas outside the corporate limits of Danbury established primarily for single-family housing and agriculture uses. Site-built, modular and Class A manufactured units are allowed, provided certain development criteria are met. Compatible uses such as churches and bed and breakfast homes may be allowed provided the residential character of the community is not harmed.

#### 9-1.7 **R-4 Residential District**

High-density residential area established to accommodate multi-family housing provided a site plan is approved and certain development standards are met.

### **Section 9-2 Business Districts Established**

9-2.1 The following business districts are hereby established:

B-1 and B-1 CU  
B-2 and B-2 CU  
B-3 CU

#### 9-2.2 **B-1 Business District**

Areas within the town designated to provide for limited commercial development on small lots with limited onsite parking. Only uses that are compatible with the goal of preserving the small town character of Danbury while providing goods and services to tourists as well as residents of the community will be allowed. Because of limited parking areas high impact activities which generate a large volume of traffic shall be discouraged.

#### 9-2.3 **B-2 Business District**

Areas within the town as well as in the extraterritorial planning area established for commercial activities that cater to the traveling public. Lots are generally larger with on-site parking provided.

#### 9-2.4 **B-3 CU Business District**

Areas of the town designated to provide for conditional use commercial development on larger lots which have dimensions to facilitate onsite or off-street parking. Only uses that are compatible with the goal of preserving the small town character of Danbury while providing goods and services to tourists as well as residents of the community will be allowed.

(9-2.4 Adopted by Amendment 12-21-2005)

### **Section 9-3 Institutional District Established**

9-3.1 The following Institutional District is hereby established:

I-1 and I-1 CU

#### 9-3-2 **I Institutional District**

Areas within town established primarily for government offices, court systems, and medical services (hospital etc.)

### **Section 9-4 Manufacturing District Established**

9-4.1 The following manufacturing district is hereby established

M-1 and M-1 CU

#### 9-4.2 **M-1 Light Manufacturing District**

Areas established for limited manufacturing, wholesale, warehouse and related business uses/services, which in their normal operation, have little or no adverse effect upon adjoining properties. Conversely, uses that have a detrimental impact on adjoining uses shall be prohibited such as scrap and waste materials salvage yards (SIC 5015), chemical, paints, and allied products manufacturing (SIC 2800), and metal fabrication products (SIC 3400). These activities need to be located in areas better suited to accommodate heavy industrial uses in other parts of the county.

### **Section 9-5 Wellhead Protection Overlay District Established**

#### 9-5.1 **District.**

The following wellhead protection overlay district is hereby established, which shall hereafter be designated by the following abbreviation:

WPD

#### 9-5.2 **Purpose.**

The purpose of the Wellhead Protection Overlay District is to:

- (a) Promote the health, safety and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institution and businesses of the Town of Danbury;
- (b) Preserve and protect the public, municipal water supply for the Town of Danbury;
- (c) Conserve the natural resources of the Town; and
- (d) Prevent temporary and permanent contamination of the environment, water supply and aquifer within the designated wellhead protection overlay district.

9-5.3 **Scope.** The Wellhead Protection District is an overlay district superimposed on the zoning districts. This overlay district shall apply to all new construction, reconstruction, or expansion of existing building and new or expanded uses. Applicable activities or uses in a portion of one of the underlying zoning districts which fall within the Wellhead Protection District must additionally comply with the requirements of this district. Uses that are prohibited in the underlying zoning districts shall not be permitted in the Wellhead Protection District.

9-5.4 **Definitions.** For the purposes of this section, the following words and phrases shall have the following meanings:

- (a) Aquifer. A water bearing geologic formation or formations that will yield water in a usable quantity to wells and springs.
- (b) Hazardous Substance. Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water of the Town. Hazardous Substances include all Regulated Substances.
- (c) Impervious Surface. Material or structure on, above or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.
- (d) Potable Water. Water that is intended for drinking, culinary and domestic purposes, subject to compliance with County, State or Federal drinking water standards.
- (e) Recharge Area. An area that collects precipitation or surface water and carries it an aquifer.
- (f) Regulated Substance. Regulated substances are those defined in the Superfund Amendments and Re-authorization Act (SARA) in the U. S. Code at Title 42, Section 9601 (14) except that Regulated Substances shall not include hazardous air pollutants referenced therein.
- (g) Restricted Use Pesticide. All those pesticides which have designated as such by the North Carolina Pesticides Board, as authorized in N.C.G.S. § 143-440.
- (h) Underground Storage Tank. Any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of underground storage tank regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent (10%) or more beneath the surface of

the ground. Underground storage tank may hereafter be designated “UST”. This term does not include any:

- i. Septic tank;
  - ii. Surface impoundment, pit, pond or lagoon;
  - iii. Stormwater or wastewater collection system;
  - iv. Flow-through process tank;
  - v. Storage tank situated in an underground area (such as a basement, cellar, etc.) if the storage tank is situated upon or above the surface of the floor provided the tank shall meet all building codes, safety codes, and other applicable regulations;
  - vi. Farm or residential tank of 1000 gallons or less capacity used for storing motor fuel for noncommercial purposes, provided the tank shall meet all building codes, safety codes, and other applicable regulations; or
  - vii. Tank used for storing heating oil or fuel for consumptive use on the premises where stored provided the tank shall meet all building codes, safety codes, and other applicable regulations.
- (i) Wellhead. The specific location of a well (a hole or shaft dug or drilled to obtain water) including any structure built over or extending from a well.
- (j) Wellhead Protection Area. The surface and subsurface area surrounding a water well or well field, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or well field (See the Safe Drinking Water Act).

9-5.5 **Establishment and Delineation of Wellhead Protection District**. For the purposes of this district, there are hereby established within the Town certain wellhead protection areas consisting of aquifers or recharge areas of the Town of Danbury, Well No. 1 and No. 2. The aquifers and recharge areas are within the boundaries which are delineated on the map entitled “Wellhead Protection District, Town of Danbury,” dated July 27, 2004. This map is hereby made a part of the Zoning Ordinance of the Town of Danbury and a copy is on file in the Town Hall.

Any lot or tract of land that is within the aquifer or recharge areas of the Town of Danbury Wells No. 1 and No. 2 is subject to the provisions of this ordinance. If a lot or parcel of land is not within the aquifer or recharge area of the Town of Danbury Wells No. 1 and No. 2, it shall not be subject to the provisions of this ordinance. The following describes the boundaries of the Wellhead Protection Overlay District:

**BEGINNING** at a point in the center line of Main Street at the Western most point of the city limits of Danbury; thence in a Southwesterly direction with the line of the city limits of Danbury through the property of Dan River shores to the Western most corner of the city limits of Danbury located on the property of Susan Montague; thence in a Southeasterly direction of the city limits with the Town of Danbury to a point in the center line of Hanging Rock Forest Road to the point in the center of Hanging Rock Forest Road where the city limits of Danbury cross said road; thence with the curves and meanders of Hanging Rock Forest Road in a Southerly direction to the end of Hanging Rock Forest Road at its intersection with Juniper Road and Nellie Moon Circle; thence with Nellie Moon Circle in a Southeasterly direction and then turning North into the intersection of Nellie Moon Circle with Alpine Drive; thence with the center line of Alpine Drive to the end thereof then in a due Easterly direction to the Western

property line of the Petree Heirs; thence with the Western property line of the Petree Heirs to a corner thereof in the line of the State of North Carolina, Hanging Rock State Park; thence with the Southern line of Petree Heirs in a Easterly direction to the Northwest corner of Sarah M. Tuttle in the line of Hanging Rock State Park and the Petree Heirs; thence with the Southern line of the Petree Heirs in an Easterly direction to a point in the center of the road bed of Sheep Rock Road in the line of Sarah M. Tuttle and the Petree Heirs; thence with the center of Sheep Rock Road in a Northerly direction then turning in a Easterly direction and continuing to the center line intersection of Sheep Rock Road and Main Street (NC 8-89); thence with the center line of Main Street in a Northwesterly direction to the center line intersection of Main Street with Seven Island Road; thence with the center line of Seven Island road in an Easterly direction and thence turning in a Northerly direction to a point in Seven Island Road where the property line between Stokes County and Ruth O'Neal Pepper extended in a Easterly direction would cross the center line of Seven Island Road; thence with the property line between Stokes County and Ruth O'Neal Pepper and the property line of Stokes County and Ruth E. Mabe and the property line of William M. Nelson, Jr. and Ruth E. Mabe in a Westerly direction to the center line of Crestview Road; thence with the center line of Crestview Road in a Northerly direction to the point where the property line between William M. Nelson and Clara B. Nelson and Eunice Fagg extended in the Easterly direction would intersect with the center line of Crestview Drive; thence with the line of William M. Nelson and Clara B. Nelson and Eunice Fagg in a Westerly direction to the Northwest corner of William M. Nelson and Clara B. Nelson in the line of Eunice Fagg and Susan Montague; thence in a Southerly direction with the line of William M. Nelson and Clara B. Nelson and Susan Montague and the line of William M. Nelson and Clara B. Nelson and Nancy Louise Mabe to the corner of the western line of William M. Nelson and Clara B. Nelson in the Northern line of the city limits of Danbury; thence with the Northern line of the city limits of Danbury to the Northwest corner of the city limits of Danbury in the property of Nancy Louise Mabe; thence with the Western line of the city limits of Danbury on the property of Nancy Louise Mabe in a Southerly direction to a corner of the city limits of Danbury and in Main Street (NC 8-89); thence with the center line of Main Street in a Northwesterly direction to the point of the **BEGINNING**.

This description is prepared from a map prepared by the Stokes County GIS Department and is the area under consideration for the proposed Town of Danbury Wellhead Protection Zoning Overlay District. A copy of the same is on file in the Town Hall of the City of Danbury.

Any modifications to the boundaries of the Wellhead Protection Overlay District shall be adopted in accordance with the procedures for other amendments to the Danbury Zoning Ordinance, Article VIII.

- 9-5.6 **Determination of Applicability.** If a lot or parcel of land lies within the boundaries of the Danbury Wellhead Protection Overlay District described above, upon application for a certificate of zoning compliance, the Zoning Enforcement Officer shall determine whether or not the lot or parcel is located within the aquifer or recharge areas of the Town of Danbury Wells No. 1 and 2. If the applicant is not in agreement with the determination of the Zoning Enforcement Officer as to the location of the property within the aquifers or recharge areas of the Town of Danbury Wells No. 1 and 2, then the resolution of boundary shall be through a special use permit

application to Zoning Board of adjustment. Any application for a special use permit for this purpose shall be accompanied by complete documentation.

The burden of proof shall be upon the property owner or applicant to show that the property is not within the aquifers or recharge areas of the Town of Danbury Wells No. 1 and 2. At the request of the property owner or applicant, and if the owner or applicant shall pay the cost of the investigation, the Town may engage a professional engineer, hydrologist, geologist, or soil scientist to determine whether a lot or parcel of land is within the aquifers or recharge areas of the Town of Danbury Wells No. 1 and 2.

#### 9-5.7 **Use Regulations.**

- (a) **Permitted Uses.** The permitted uses, bulk and yard requirements within the Wellhead Protection District shall be those of the underlying zoning district. Site plans submitted for permitted and conditional uses shall include additional details as outlined in this section.
- (b) **Prohibited Uses.** The following uses and structures which pose known groundwater contamination threats are specifically prohibited, except in accordance with 9.2-9 (b) below:
  - i. Use or production of Hazardous Substances in industrial, processing, manufacturing or commercial operations;
  - ii. Any waste treatment or disposal activity requiring a permit under any of the following State regulations:
    - (1) 15A NCAC 13B, Solid Waste Management Permits; primarily landfills;
    - (2) 15A NCAC 13A Hazardous Waste Management Permits;
    - (3) 15A NCAC 1E, Construction and Operation of an Oil Refining Facility;
    - (4) 15A NCAC 5B, Mining Permit;
    - (5) 15A NCAC 5D, Permit to Drill Exploratory Oil or Gas Well;
    - (6) 15A NCAC 2H, Pretreatment Permit; and
    - (7) 15A NCAC 2H.0202, Waste Not Discharged to Surface Waters, including waste lagoons, spray and infiltration systems, and the land application and subsurface disposal of wastes, but excluding system extension lines.
  - iii. Animal feed lots;
  - iv. Automobile junkyards;
  - v. Battery recycling and reprocessing;
  - vi. Cemeteries and graveyards, provided that family graveyards in existence at the time of adoption of this ordinance may continue to be used for burial of family members in graves meeting state regulations so long as the area encompassed by the graves does not exceed one (1) acre;
  - vii. Dumpsters or trash containers unless covered so as to be impervious to precipitation;

- viii. Earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material to within six (6) feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the U.S. Geological Survey, except for excavation for building foundations, roads, or utility works;
- ix. Golf courses or any part thereof;
- x. Impervious surfaces covering more than 25% of the lot, provided that impervious surfaces may cover more than 25% of a lot if the property owner or other applicant submits a storm water runoff plan, and pays the cost or expense thereof. Such plan shall be prepared by a qualified engineer and shall provide for a storm water runoff system that will not endanger the water sources within the WPD, and will not deplete the groundwater supply. After review, a conditional use permit for impervious surfaces covering more than 25% of the lot may be issued at the discretion of the Town Council;
- xi. Industrial and commercial uses which discharge processed wastewater on-site;
- xii. Lakes, ponds, or any impoundment of surface water;
- xiii. Manufacturing and production of paving, roofing, and other construction materials, using asphalt and petroleum based coating and preserving materials;
- xiv. Primary and secondary metal industries that manufacture, produce, smelt, or refine ferrous and non-ferrous metals;
- xv. Retail gas stations and truck stops;
- xvi. Septic tanks, provided that those constructed and installed prior to the adoption of this ordinance may be used for one (1) year if sewer service is available to the building or property served by the pre-existing septic tank and the property owner shall have one (1) year to tap on to the sewer systems and discontinue the use of the of the septic tank;
- xvii. Storage of animal manure unless covered or contained in accordance with the specification of the United States Natural Resources Conservation Service;
- xviii. Storage or application of Restricted Use Pesticides;
- xix. Wells, other than those punched, drilled or constructed by the State of North Carolina, or a municipal subdivision thereof for the use of a public water system; provided that those wells drilled, punched or constructed and put into use prior to the adoption of this ordinance may be used provided said wells are equipped with backflow protection devices to protect the aquifers;
- xx. Wood-preserving operations using formulations of Chrome-Copper-Arsenate (CCC), pentachlorophenol (PENTA), creosote and related chemicals;

- xxi. Underground Storage Tanks, unless equipped with secondary containment structures;
- (c) Use List Not Exhaustive. The uses prohibited in this district represent the state of present knowledge and most common description of said uses. As other polluting uses are discovered, or other terms of description become necessary, these shall be added to the list of uses prohibited by this district.
- (d) Changing Technology. The uses prohibited by this district are prohibited based upon the combined pollution experience of many individual uses, and the technology generally employed by that class of uses, that causes the uses as a class to be groundwater pollution risks. As the technology of identified use classes changes to non-risk materials or methods, upon petition from such a use, and after conferring with expert geological and other opinion, it is the intention to delete uses from the prohibited list, or allow them conditionally, those which demonstrate convincingly that they no longer pose a pollution hazard.
- (e) Limited Exemptions. The following activities or uses are exempt from the provisions of this Ordinance:
  - i. The transportation of any Hazardous Substance through a Wellhead Protection Overlay district, provided the transporting vehicle is in transit;
  - ii. The use of any Hazardous Substance solely as a fuel in a vehicle fuel tank or as a lubricant in a vehicle;
  - iii. Retail sales establishments that store and handle Hazardous Substances for resale in their original unopened containers;
  - iv. Office supplies that are used solely for the operations of on-site administrative offices, provided such supplies are prepackaged in a form ready for use; and
  - v. Hazardous substances which are packages for personal or household use and present in the same form and concentration as packaged for use by the general public. The aggregate inventory of such substances shall not exceed 100 gallons or 800 pounds at any time.

9-5.8 **Requirements for Existing Prohibited Uses.** All uses and structures specifically prohibited in Subsection 6.b. may continue beyond the effective date of this Ordinance only if, within 90 days after the effective date of this Ordinance, the Mayor and Town Council approve an Operating and Monitoring Plan for each prohibited use or structure.

#### 9-5.9 **Plan Submission for Existing Prohibited Uses.**

- (a) Site Plan Requirements. In addition to the requirements specified in Article III, Sections 3-2 and 3-3, the following materials or information shall be provided on the site plan when it is submitted to the Zoning administrator for review:
  - i. The location of public water supply wells within 1,000 feet of the site.

- ii. The location of the adjacent (within 200 feet of a property line) private drinking water supply wells.
  - iii. A complete list of the types and volumes of all Hazardous Substances (including fuels) used, stored, processed, handled or disposed, other than those volumes and type associated with normal household use.
  - iv. Description of types of wastes generated and method of disposal including: solid wastes, hazardous wastes, sewage and non-sewage wastewater discharges.
  - v. Provisions for management of storm water runoff.
- (b) Operating and Monitoring Plan Requirements. At a minimum, an Operating and Monitoring Plan (or “Plan”) shall contain the following elements, for approval by the Town Council:
- i. General Information.
    - (1) Name, title and address of owner of the land on which the prohibited use or structure is located.
    - (2) Name, title and address of the operator, authorized agent or other responsible person if different from the owner of the land.
    - (3) Name of business.
    - (4) Address of the prohibited use or structure.
    - (5) Type of facility, operation or site.
    - (6) Size of the prohibited use or structure, including, where applicable, lot acreage, square footage of any buildings, number of employees, etc.
  - ii. Operating or Performance Standards.
    - (1) The plan must specify under what standards the prohibited operation, facility or site will be operated or performed. These standards must ensure that all possible efforts are made to reduce the likelihood of contamination of the groundwater supply.
    - (2) If any state or federally promulgated environmental protection standards exist for a particular site, industry, business, facility or operation, then the Plan must specify what those standards are, and how they will be implemented.
    - (3) If no state or federally promulgated standards exist, or in addition to such standards, the Plan must indicate what the most current Best Management Practices (BMP) are for that particular site, industry, business, facility, or operation and how those Best Management Practices will be implemented.
  - iii. Monitoring Provisions.
    - (1) If state or federal laws, rules or regulations require groundwater monitoring by a particular site, industry, business, facility or operation then the plan must specify what those requirements are and how they will be implemented.

- (2) If no state or federal laws, rules or regulations require groundwater monitoring by a particular site, industry, business, facility, or operation, then the Plan must specify by whom, by what method, where and how frequently the groundwater under the property will be monitored.

iv. Reporting Schedule.

- (1) The owners or operators of any prohibited use or structure are required to submit to the Zoning Administrator annually summarizing the monitoring results for the year, including any contamination that may have occurred and the remedies that were undertaken to protect the groundwater.
- (2) No annual report is required for preexisting septic tanks serving property where sewer service is not available to the building or impervious surfaces located within Wellhead Protection Overlay Districts. Septic tank usage may continue until one (1) year after sewer service becomes available. Use of impervious surfaces will be allowed to continue indefinitely. No expansion of either a preexisting septic tank or impervious surface will be allowed.

v. Performance Bond. The owner and operator of any prohibited use or structure are required to supply an approved performance bond to ensure complete compliance with the terms of the approved operation, Monitoring and Amortization Plan. The Plan must specify the name and address of the surety bond, as well as the amount of the insurance obtained.

vi. Other Requirements. Additional requirements may be imposed if further protection of the Town's groundwater supply to the public well system is warranted, including groundwater monitoring beyond the amortization period specified in the Plan. Factors which shall be considered include but are not limited to the toxicity of the substance, the amount of the substance, proximity of the condition to the well, soil conditions, topography and other factors pointing to the degree of risk posed to the public water supply.

(c) Approval Process for Operating and Monitoring Plan.

- i. Plan Submission. The owner or developer shall submit ten (10) copies of the Operating and Monitoring Plan to the Zoning Enforcement Officer for consideration by the Town Council.
- ii. Plan Review. The Zoning Enforcement Officer shall review the Operating and Monitoring Plan and prepare a recommendation for the Town Council, based on the Plan's compliance to the regulations specified in this Ordinance and the potential threat to the Town's public water supply. The recommendation shall be made within 30 calendar days of the Plan's submission date.
- iii. Plan Approval. The Town Council shall approve the Plan if it is in compliance with this Ordinance and contains sufficient precautions and remedies to protect the Town's public water supply. Operating and Monitoring Plans not approved by the Town Council shall be revised and re-submitted within 30 days.

- 9-5.10 **Administration and Enforcement.** The policies and procedures for administration of any wellhead protection overlay zones established under this Ordinance, including without limitation those applicable to non-conforming uses, exceptions, enforcement and penalties, shall be the same as provided in Article IV of the Zoning Ordinance of the Town of Danbury.

(Section 9-5 Adopted by Amendment 10-5-2005)

#### **Section 9-6 Official Zoning Map**

- 9-6.1 There shall be a map known and designed as the Official Danbury Zoning Map, which shall show the boundaries of all zoning districts within the town's planning jurisdiction. This map shall be drawn on acetate or other durable materials from which prints can be made, shall be dated, and shall be kept in the Danbury Town Hall.
- 9-6.2 Should the Official Danbury Zoning Map be lost, destroyed or damaged, the administrator may have a new map drawn on acetate or other durable material from which prints can be made. No further authorization or action by the Town Council is required so long as no district boundaries are changed in this process.

#### **Section 9-7 Amendments to Official Zoning Map**

- 9-7.1 Amendments to the Official Danbury Zoning Map are accomplished using the same procedures that apply to other amendments to this ordinance, (see Article VIII).
- 9-7.2 The Administrator shall update the Official Danbury Zoning Map as soon as possible after amendments to it are adopted by the Town Council. Upon entering any such amendment on the map, the Administrator shall change the date of the map to indicate its latest revision. New prints of the updated map may then be issued.
- 9-7.3 No unauthorized person may alter or modify the Official Danbury Zoning Map.
- 9-7.4 The Administrator shall keep copies of superseded prints of the zoning map for historical reference.

# ARTICLE X

## Uses by Zoning Districts

### **Section 10-1 Permissible Uses and Specific Exclusions**

- 10-1.1 Because the list of permissible uses set forth in the Table of Uses by Districts cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed ones.
- 10-1.2 Uses that are not listed in the Table of Uses by Districts even with the liberal interpretation mandated by subsection 10-1.1 are prohibited.
- 10-1.3 Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts: None specified

### **Section 10-2 Accessory Uses**

- 10-2.1 The Table of Uses by Districts classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in this table) is conducted in conjunction with another principal use and the former use (i) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (ii) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. For example, a swimming pool/tennis court complex is customarily associated with a residential subdivision or multi-family development and would be regarded as accessory to such principal uses.
- 10-2.2 The following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to residential principal uses:
- (a) Office or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation.
  - (b) Hobbies or recreational activities of a noncommercial nature; and
  - (c) The renting out of one or two rooms within a single-family residence to not more than two persons who are not part of the family that resides in the single-family dwelling.
- 10-2.3 The following activities shall not be regarded as accessory to a residential principal use and are prohibited in residential districts:
- (a) Motor vehicles which are unlicensed and not operational; and
  - (b) Parking of more than four motor vehicles between the front building line and the road right-of-way.

### **Section 10-3 Permissible Uses Not Requiring Permits**

10-3.1 Notwithstanding any other provisions of this ordinance, no zoning, special, or conditional-use permit is necessary for the following uses:

- (a) Roads;
- (b) Electric power, telephone, cable television, gas, water and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way.
- (c) Neighborhood utility facilities located within a public right-of-way with the permission of the owner (state or town) of the right-of-way.

### **Section 10-4 Use of the Designations P, D, S, C in Table of Permissible Uses**

(B-3 District Added 12-21-2005)

(Telecommunications Retail added 7-22-2015)

10-4.1 When used in connection with a particular use in the Table of Uses by Districts, the letter “**P**” means that the use is permissible in the indicated zone with a zoning permit issued by the Administrator; the letter “**D**” means the use is permissible with certain development standards as stated in Article XIII; the letter “**S**” means a special use permit shall be obtained from the Town Council as specified in Article III; and the letter “**C**” means a conditional use permit shall be obtained from the Town Council as specified in Article III.

### **Section 10-5 Table of Uses by District**

Permitted Uses	SIC	R-1	R-2	R-3	R-4	B-1	B-2	B-3	I	M-I
<b>Accessory Uses and Structure</b>										
Accessory Uses and Structures (customary)	0000	P	P	P	P	P	P	C	P	P
Home Occupation	0000	D	D	D	D					
Satellite Dish	0000	P	P	P	P	P	P			
Yard Sales (see temporary uses)	0000	P	P	P	P	P	P	P		
<b>Agriculture Uses</b>										
Agriculture Production (Crops)	0110		P	P	P		P		P	
Agriculture Production (livestock)	0210			P						
Horticulture (including nursery operations and Forestry)	0810			P	P		P			
<b>Education/Institutional</b>										
Cemeteries	0000		P	P				C		
Churches	0000	P	P	P	P	P	P		P	
Court Facilities						P			P	
Day Care Homes, Adult (5 or less)	8322		D	D	D	D	D		D	
Day Care Centers, Adult (6 or more)	8322			D	D		D	C	D	
Day Care Home, Children (5 or less)	8351		D	D	D	D	D		D	

Day Care Centers, Children (6 or more)	8351			D	D		D	C	D	
Fire Station	9224					P	P		P	
Government Offices	9000					P	P	C	P	
Hospital	8062								P	
Learning Centers, Community College Satellite Campus								C		
Library	8231								P	
Nursing/Convalescent Center	8050			S	S		P	C		
Post Office						P			P	
School	8211									
Sheriffs Administrative Offices/Jail						P			P	

Permitted Uses	SIC	R-1	R-2	R-3	R-4	B-1	B-2	B-3	I	M-I
<b>Manufacturing</b>										
Contractors – General (see retail sales and services)	1500			D		D	P			P
Fuel Dealers (wholesale)	5980									P
Pottery and Related Products	3260									P
<b>Recreation Uses</b>										
Day Camps				P				C		
Public Parks (town, county)		P	P	P	P			C	P	
Campgrounds				C						
Rental facilities for Bicycles, Canoes, and tubes							P			
<b>Residential</b>										
Bed and Breakfast Dwellings	7011	D	D	D		D	D	C		
Boarding and Rooming Houses	7021		S	S	S					
Dwellings, Single Family, Detached (site-built and modular unit only)		P	P	P	P	P	P	C	P	P
Dwellings, Single-Family, Manufactured Home, Class A only (see definition of Class A, B, and C manufactured dwelling units in Article XVII)				D						
Dwelling, Class A or B Manufactured Dwelling Unit – Temporary Uses (see Temporary Use/Events)		T	T	T	T					
Dwellings, Two Family, Attached (duplex)			P	P	P	P				
Dwellings, Multi-Family (including townhouses)	0000				D			C		
Family Care Facilities	0000	D	D	D	D			C		
Planned Unit Developments (PUD)			D	D	D			C		
Retirement Centers	0000			D	D			C		
<b>Retail Sales/Services</b>										
Accounting and Bookkeeping	8720					P	P	C		
Apparel and Accessory Store	5610					P	P	C		
Art Galleries						P	P	C		

# **Section 10-5 Table of Uses by District**

Permitted Uses	SIC	R-1	R-2	R-3	R-4	B-1	B-2	B-3	I	MI
Antique Stores						P	P	C		
Auto Repair Shops (garage)	7530						D			
Auto Towing Shops	7530						D			
Bail Bondsman						P	P			
Bakeries	5461					P	P	C		
Banks	6000					D	D	C		
Beauty shops/Barber shops/Stylists, including tanning salons licensed by the State of North Carolina						P	P	C		
Bookstores	5942					P	P	C		
Cabinet, Woodworking, and Upholstery shops						P	P	C		
Car Washes	9542						P			
Craft/Curio shops						P	P	C		
Convenience Stores with Gas Pumps	5411						P			
Drug Stores	5912					P	P	C		
Farmer's Market									P	
Florist (but no commercial greenhouses)	5992					P	P	C		
Furniture Stores							P	C		
Gift Shops						P	P	C		
Hotel/Motels	7011							C	P	
Insurance Agencies						P	P	C		
Restaurants, <b>including</b> drive-thru							P			
Restaurants, <b>excluding</b> drive-thru						P	P	C		
Medical Offices and Clinics	8010 8020 8030 8040					P	P	C	P	
Movies Rental Stores						P	P	C		
Newspaper Offices						P	P	C		
Office Supply, Sales and Service							P	C		
Planned Business Developments								C		
Professional Offices (lawyers, surveyors architects, engineering, etc.	8111					P	P	C		
Real Estate, Sales and Rental Offices	6500					P	P	C		
Rental Facilities for Bicycles, Canoes, Tubes							P			
Tanning Salons						P	P	C		
Telecommunications Sales and Service						P	P	C		

Permitted Uses	SIC	R-1	R-2	R-3	R-4	B-1	B-2	B-3	I	MI
<b>Temporary Uses/Events</b>										
Temporary Construction, Storage or Office		P	P	P	P	P	P		P	P
Temporary Manufactured Dwelling, Class A, B, C		D	D	D	D	D	D		D	D
Yard sales		P	P	P	P	P	P		P	P
<b>Transportation and Utilities</b>										
Sewage Treatment Plant	4952			D						
Utility Lines and Appurtenances	0000	P	P	P	P	P	P	C	P	P
Utility Substation	0000			D	D		D		D	D
Water Treatment Plant	0000		D	D	D	D	D	C	D	D

**P** = Permitted By Right; **D** = Permitted but shall comply with development requirements in Article XIII; **S** = Special Use Permit Approved by Board of Adjustment as specified in Article III; **C** = Conditional Use Permit approved by Town Council as specified in Article III.

**SIC** = Standard Industrial Classification. The 4 numbers after each permitted use represents the classification given to various business or services by the United States Department of commerce. It is given to help define or clarify various activities.

(B-3 Zoning District established by Amendment 12-21-2005)

# ARTICLE XI

## Dimensional Requirements

### Section 11-1 Single-Family and Duplex Residential Dimensional Requirements

Districts	Minimum Lot Area (a) Sq. ft	Minimum Yard Requirements				Maximum Coverage by Principal and All Accessory Uses	Maximum Height
		Lot Width at the Building Line (ft)	Front (b) (ft)	Side (ft)	Rear (ft)		
<b>R-1 Residential</b>	16,000	80	30	10, except 15 when abutting a public road	20%(c)	30%	40
<b>R-2 Residential</b>	SF 20,000 Duplex 30,000	100	30	10, except 15 when abutting a public road	20%(c)	30%	40
<b>R-3</b>	<b>SF 20,000</b> Duplex 30,000	100	30	10, except 15 when abutting a public road	20%(c)	30%	40

- (a) The Stokes County Health Department may impose a larger lot size on a case-by-case situation for individual septic tank systems.
- (b) Front setback measured from the R-O-W or the front property line, PPPP whichever is greater.
- (c) 20% of mean depth except that such rear yard need not exceed 30 feet.

## **Section 11-2 Nonresidential Dimensional Requirements**

<b>Districts</b>	<b>Minimum Lot Area (a) Sq. ft</b>	<b>Minimum Yard Requirements</b>				<b>Maximum Coverage by Principal and all Accessory Uses</b>	<b>Maximum Height</b>
		<b>Lot Width at the building line</b>	<b>Front (b) ft.</b>	<b>Side (c) (ft)</b>	<b>Rear (c) ft)</b>		
<b>B-1</b>		50		O(d)	O(d)		40
<b>B-2</b>	20,000	100	30	10/25(e)	20/30(e)	60%	40
<b>B-3</b>	40,000	200	30	25/50(a)	25/50(e)	60%	40
<b>I Institutional</b>	20,000	100	30	10/25(e)	10/25(e)	60%	40
<b>M-I Manufacturing</b>	40,000	200	50	15/50(e)	20/50(e)	60%	40

- (a) The Stokes County Health Department may impose a larger lot size on a case-by-case situation for septic tank systems. Also individual lots may be smaller in a cluster development or larger in areas of steep slope.
- (b) The front setback line is measured from the R-O-W or the front property line, whichever is greater.
- (c) When business, institutional, or manufacturing uses adjoin a residential district, a buffer as specified in Article XVI shall be provided.
- (d) No side or rear yards are required, but if one is provided it shall be at least 10 ft or 15ft if the use is adjoining a residential district.
- (e) The larger setback is required when adjoining a residential district.

# **ARTICLE XII**

## **Site Plan**

### **Section 12-1 Site Plan Required**

A site plan clearly indicating the developer's intention to comply with the provisions of this ordinance shall be submitted to the planning board for approval for the following type of projects:

- (a) Commercial developments (retail sales/services or manufacturing) involving two (2) or more principal uses on an individual lot (i.e. shopping center);
- (b) Multi-family developments;
- (c) Planned unit developments; and
- (d) Any development within the B-3 zoning district. (Added 12-21-2005)

### **Section 12-2 Graphic Materials Required for Plans**

- (a) The plans shall include a location map that shows the project in relation to the overall planning area.
- (b) Development site plans shall be drawn to scale. A scale shall be used where all features are readily discernible.
- (c) Development site plans should show on the first page the following information:
  - 1. Name of applicant;
  - 2. Name of development;
  - 3. North arrow;
  - 4. Legend; and
  - 5. Scale

### **Section 12-3 Existing Conditions on Site**

Development plans shall show existing natural, man-made, and legal features (zoning, property lines, rights-of-way and easements) on the site including, but not limited to the following:

- (a) Existing natural features:
  - 1. Natural cover (woods, pastureland, etc.);
  - 2. Streams, ponds, or rivers;
  - 3. Historic sites;
  - 4. Fragile environmental areas; and
  - 5. Contour lines (shown as dotted line) at no more than 2 foot intervals.
- (b) Existing man-made features:

1. Parking and loading areas;
2. Streets;
3. Drainage facilities;
4. Utilities; and
5. Buildings and signs (including dimensions of each).

(c) Existing legal features:

1. The zoning of the property, including zoning district lines;
2. Property lines;
3. Street right-of-way lines; and
4. Utility or other easements.

#### **Section 12-4 Proposed Changes in Existing Features or New Features**

The proposed development plans shall show changes in existing natural, man-made and legal features as well as show proposed new legal features, (particularly new property lines, street right-of-way lines and utility and other easements) as well as proposed man-made features, including, but not limited to the following:

1. Lot dimensions;
2. Location and dimensions of all buildings and freestanding signs;
3. Location and dimensions of all recreational areas;
4. Areas intended to remain as usable open space. The plan shall clearly indicate such open space areas are intended to be offered for dedication to public use or remain privately owned;
5. Streets;
6. Drainage facilities;
7. Utilities (including water, sewer, electric, power, and telephone);
8. Dimensions and layout of parking areas;
9. Proposed planting to comply with buffering requirements;
10. New contour lines (shown as solid lines) resulting from earth movement with no larger than two (2) foot intervals.

#### **Section 12-5 Documents and Written Information in Addition to Plans**

In addition to the written application and the plans, other relevant information or documents shall be provided, such as sedimentation and erosion control plans, all environmental permits, and evidence that the North Carolina Department of Transportation and any other North Carolina regulatory agency having jurisdiction over some aspect of the development has granted or will grant the required permits. Any zoning compliance certificate issued will be conditional on the applicant obtaining all necessary permits for completion of the project.

## ARTICLE XIII

### Development Standards for Specific Uses

The development standards listed herein are in addition to the requirements listed elsewhere in this ordinance. The development standards listed below are use specific and apply only to their uses designated with a “D” in the Table of Uses by Districts. In addition, uses requiring a special-use or conditional-use permit shall meet these standards as minimum permit conditions.

#### **Section 13-1 Auto Storage**

- (a) Junked Vehicles: No motor vehicles that do not have a valid state inspection sticker or tag shall be stored on-site of any business.

#### **Section 13-2 Bed and Breakfast**

- (a) Resident Operators: The facility is operated by someone who resides full time in the house.
- (b) Dwelling Only: The use shall be located in a structure which originally constructed as a dwelling.
- (c) Food: Meals served on the premise shall only be for guests.
- (d) Public Health Rules: All facilities shall comply with the rules governing the Sanitation of Bed and Breakfasts as specified in 15A NCAC 18A.2200; and
- (e) Signs: Signage shall be limited to one home occupation sign not to exceed 2 square feet in area, which shall be mounted or freestanding.

#### **Section 13-3 Campgrounds**

13-3.1 Conditional Use Permit Required. Campgrounds are permissible uses only after a conditional use permit is approved, a zoning compliance permit is issued, the campground is constructed in accordance with this section, a final inspection by the zoning administrator, and a certificate of occupancy is issued by the zoning administrator.

##### 13-3.2 Campground Plan Submission

- (a) Prior to the construction of a campground or the expansion of an existing campground, the developer shall submit six copies of the proposed campground plan to the Town of Danbury
- (b) All campground plans shall be prepared by a registered land surveyor currently licensed and registered in the State of North Carolina, or the owner or his/her authorized agent and shall be drawn legibly at a scale of one hundred (100) feet to one (1) inch, or larger, and shall include the following:

##### 13-3.3 Plan Requirements:

- (a) Name of the campground, developer, scale, date, and tax map, block and parcel number.

- (b) Vicinity Map, sketch showing relationship between campground and surrounding area.
- (c) The location of existing property lines, streets, service buildings, natural and manmade water courses, existing wells and septic tanks, railroads, transmission lines, sewers, bridges, culverts and drain pipes, water mains, city and county lines (if adjoining), drainage easements and public utility easements, all structures to be located on the site.
- (d) The outside boundaries of the tract of land on which the campground will be built and approximate bearings and distances of each line.
- (e) Proposed camper spaces well defined, indicating accurate dimensions and site numbers.
- (f) All existing structures and proposed structures.
- (g) The proposed location of all streets, driveways, open recreational areas, parking areas, service buildings, easements, and camper spaces.
- (h) Water distribution system which will connect to county system, if applicable (should be designed to minimum county standards and submitted for review).
- (i) Surface and/or subsurface drainage plan.
- (j) Zoning classification of the property.
- (k) Site data:
  - (1) Acreage in total tract.
  - (2) Acreage in campgrounds, if applicable.
  - (3) Total number of spaces.
  - (4) Lineal feet in streets.
- (l) Flood plain information, if necessary.
- (m) Landscaping and buffering.
- (n) Adjoining property owners.
- (o) Sign location, setback and dimensions.
- (p) Title, date, graphic scale, north arrow.
- (q) Sedimentation control plan information in accordance with N.C. State Law.
- (r) Uses on adjacent properties.
- (s) Off-street parking, loading areas and their dimensions.
- (t) The location and dimensions of present and proposed campground streets and adjacent highways.

- (u) Method of Garbage Disposal.
- (v) Water/Utility Systems.

#### 13-3.4 Review of the Proposed Campground Plan.

- (a) Upon receipt of an application for a conditional use permit for a campground and the plans pursuant to subsection 13-3.1, the administrator shall place the application on the Town Council agenda for the next regularly scheduled Town Council meeting and shall transmit copies of the application to all Planning and Zoning Board members and to the Town Attorney for review. The plan will be reviewed at the next regular meeting of the Planning and Zoning Board. If deficiencies are found with the plan, the plan will then be returned to the developer for correction. If the Planning and Zoning Board review determines that there are no inconsistencies with applicable regulations, the Planning and Zoning Board will recommend approval of the plans and make a report to the administrator.
- (b) At the next Town Council meeting following the review and recommendation by the Planning and Zoning Board of the application for a conditional use permit for a campground, the Town Council shall hold a quasi-judicial public hearing to review the proposed conditional use application. If the Town Council finds deficiencies with the proposed conditional use, and is unable to determine that the proposed campground meets the required findings listed in section 3-5.3 (d), the developer shall be allowed to amend or modify their plans. The Town Council may also attach reasonable and appropriate conditions to the conditional use permit. When the Town Council determines that the proposed campground meets the required findings listed in 3-5.3 (d), the conditional use permit shall be approved and the administrator is authorized to issue the zoning compliance permit. If the Town Council is unable to add reasonable and appropriate conditions to ensure that the developer's plans meet the required findings listed in section 3-5.3 (d), the Town Council shall deny the conditional use permit application.
- (c) The Planning and Zoning Board shall determine if the proposed campground plan is in accordance with the design standards set forth in this Ordinance, including, but not limited to, the following:
  - (1) Title information.
  - (2) Location map.
  - (3) Recreation areas.
  - (4) Street and lot design.
  - (5) Surface water drainage.
  - (6) Other features of the campground.
  - (7) Stokes County Health Department report.
  - (8) County Engineering and Water Department report.
  - (9) Buffering.
  - (10) Other approvals as may be required.
- (d) The Stokes County Health Department shall review the proposed campground plan to determine if the plan is in accordance with the minimum health standards and regulations:
  - (1) Source of water and water distribution system.
  - (2) Sanitary sewage system. The owner/developer shall submit plans for proposed sanitary sewage system to the Health Department for its review. Each campground intended for

the use of septic systems will require an application for a site evaluation. An operations permit must be maintained in order for the Campground to remain operational.

- (3) Adequate space size, if septic tanks are to be used.
  - (4) Each well location so as to provide a minimum pollution-free radius as specified in Title 15A, Subchapter 18C, Section .0203 of North Carolina Administrative Code.
- (e) Should any agency find deficiencies in the proposed campground plan, the developer or his agent shall be directed by the Zoning Administrator to correct such deficiencies in the plan.

#### 13-3.5 Final Approval

- (a) When the developer has completed the construction of the campground, the developer shall apply to the Zoning Administrator for a Certificate of Occupancy.

#### 13-3.6. Development Time Frame:

- (a) If the construction of the campground has not begun within twelve (12) months from the issue date of the zoning compliance permit, the developer may apply to the Town Council for an extension of the permit with good cause. If cause is not shown, the developer must resubmit the plans.
- (b) When a campground is to be developed in stages, the preliminary campground plan shall be submitted for the entire development, and an application for approval shall be made for each stage of development.

13-3.7 Design Standards. The following standards shall be considered the minimum requirements for all campgrounds:

#### (a) General Requirements

- (1) No more than one camper may be parked on any one space. Campers shall not be permitted on parcels, lots, or spaces other than those approved through these regulations.
- (2) No space shall have direct vehicular access to a public road.
- (3) All spaces shall be located on sites with elevations that are not susceptible to flooding. The spaces shall be graded to prevent any water from ponding or accumulating within the park (unless engineered retention ponds or water gardens are utilized). Each space shall be properly graded to obtain a reasonably flat site for a camper space and to provide adequate drainage away from the space. Where feasible, low-impact construction techniques such as: retention ponds, water gardens and permeable surfaces should be utilized. These requirements are not intended to circumvent FEMA regulations or the county Flood Management Ordinance.
- (4) Pursuant to N.C. State Building Code, each Campground shall have at least one service building to provide necessary sanitation and laundry areas. This structure may also contain retail sales and/or coin operated machine areas, provided there is no exterior advertising. Vending machines are also permitted in sheltered areas. All service buildings shall be provided and maintained in a clean and sanitary condition and kept in good repair at all times. They shall be safely and adequately lighted. Facilities shall be easily accessible and conveniently located. All service buildings shall be accessible to the Stokes County Health Department and shall conform to all state and county codes. All buildings shall be constructed in accordance with the N.C. State Building Code, and shall meet N.C. State Building Code setback requirements.

- (5) No swimming pool or bathing area shall be installed, altered, improved, or used without compliance with applicable health department regulations. No bathing area shall be used without the approval of the Stokes County Health Department
- (6) The campground owner is responsible for refuse collection. Garbage and refuse disposal dumpsters shall be provided and each dumpster shall be enclosed by a wooden fence of at least six (6) feet in height to prevent trash, garbage and debris from being scattered. The dumpster or dumpsters shall be placed on a concrete pad and shall comply with all North Carolina and Stokes County health regulations. The storage, collection, and disposal of refuse shall be so managed as not to create health hazards, rodent harborage, insect-breeding areas, accident, fire hazards, or air pollution. The method of garbage disposal shall be noted on the plan and approved by the Danbury Planning Board.
- (7) The campground owner shall provide a recycling depository for plastics, aluminum, paper, clear glass, brown glass and green glass. The campground owner is responsible for ensuring that collected recycling materials are handled and disposed of properly.
- (8) It shall be unlawful to park or store a manufactured home in a campground.
- (9) The transfer of title of a camper space or spaces either by sale or by any other manner shall be prohibited within a campground as long as the campground is in operation.
- (10) All campgrounds must comply with zoning regulations for signs within the zoning district they are located.
- (11) All campers must be placed individually on approved camper spaces where all design standards and utilities have been completed.
- (12) Unregistered, unlicensed, inoperable, junked or wrecked vehicles are prohibited in Campgrounds. All vehicles must be current regarding inspection and must be insured.
- (13.) Camper spaces and any appurtenant structures such as showers, bathhouses, restrooms, or other buildings, shall be set back at least 75 feet from any highway or street right-of-way, at least 50 feet from adjoining property, and at least 75 feet from any river, waterway, creek or stream.
- (14) No porches, decks or wooden shelters shall be erected on the camper spaces.
- (15) The central service building must contain all necessary toilets, bathhouses, and other plumbing fixtures specified in the most current edition of the North Carolina Building Code, as amended, and shall be located within a radius of 300 feet of any camper space.
- (16) No porta johns or portable toilets shall be erected or placed within the campground.
- (17) At least 50% of the total campground area must utilize natural landscaping with native vegetation.

#### 13-3.8 Streets and Parking

##### (a) Off-Street Parking Requirements

- (1) Two (2) off-street parking spaces shall be provided and maintained for each camper space. Required parking spaces may be included within the minimum required space area for each camper space.
- (2) The campground operator shall not permit the use of any public street, sidewalk, right-of-way, or any adjoining properties to be used for parking. All parking shall be on a site in a designated area for that purpose.

##### (b) Streets and Parking

No camper space within a campground shall directly access a public road. Access to all campers and accessory structures within the campground shall be made using internal streets.

##### (c) Internal Street Standards

- (1) One or two-way streets shall be used throughout the campground. One-way streets shall have a minimum width of twelve (12) feet. Two-way streets shall have a minimum width of eighteen (18) feet. Such streets shall be all-weather, well maintained and clearly identified. All streets within the campground shall be privately owned and maintained. Each camper space shall abut an internal street within the campground.
  - (2) All internal streets that dead-end shall be provided with a permanent turnaround that will accommodate emergency vehicles.
  - (3) All parking within the campground shall take place off the internal street within designated parking areas only. All internal streets within the campground shall be equipped with adequate and suitable drainage facilities.
  - (4) Maintenance of all internal streets and drainage facilities shall be the responsibility of the campground owner. Such streets shall be maintained in a manner to be free from pot holes, breaks in the pavement, rough surfaces, ponding of water and associated problems which would impede or cause hazards to motor vehicles.
- (e) Egress and Egress  
Campgrounds shall not be located on through lots unless the campground is designed in a manner which does not encourage motorists from using the campground as a means of traveling from one public street to another.

#### 13-3.9 Campground Space

- (a) Minimum Campground Area  
A minimum of 10% of the total land area shall be devoted to accessible common open space intended for recreational use. These areas are separate from the camper spaces, and shall be grouped and of character suitable for active and passive recreation and shall be reasonably located for safe and convenient access to residents.
- (b) Minimum Campsite Size  
Each camper space shall be at least 1,800 square feet.
- (c) Spaces Numbered  
Each camper space shall be identified by a permanent number which shall not be changed. The appropriate number of each camper space must be permanent and visibly displayed in the same location at each space. Each number shall be placed on a concrete, wood, metal, or any permanent post and conspicuously located on the lot.
- (d) Fire  
Fire rings that comply with the laws and regulations of the State of North Carolina and Stokes County shall be provided at each camper space. Fire rings must be 36 inches in diameter, made of durable metal at least 6 inches in depth and be permanently attached to a concrete pad with dimensions of at least 45" x 45". Fires are only permitted in fire rings or charcoal grills. No flames shall reach higher than 3ft. Bonfires and barrel fires are prohibited. All foliage shall be kept trimmed away at least 10 feet from any fire ring or grill.

#### 13-3.10 Utility Requirements

- (a) An accessible, adequate, safe and potable supply of water shall be provided in each campground. Water for tent and pop-up campers shall be provided at the central service building or buildings. Where a public water supply is available, connection shall be made thereto and its supply used

exclusively. When a public water supply is not available, a community water supply shall be developed and its supply used exclusively in accordance with local and state regulations and standards of the Division of Environmental Management, NC Department of Environment, Health, and Natural Resources codified in 15A NCAC 2C. Well locations shall be approved by the Stokes County Health Department.

- (b) Adequate and safe sewage disposal facilities shall be provided in all campgrounds. A public sewage disposal system and sewage treatment plant complying with the requirements of the North Carolina Department of Environment, Health and Natural Resources shall be provided in every campground. Individual septic tank systems are permissible in accordance with the requirement of the State Health Sewage Disposal Regulations.
  - (1) Sewage dumping stations shall be approved by the Stokes County Health Department. Each campground shall provide at least one (1) sewage dumping station for each 100 camper spaces, which are not equipped with individual sewer and water connections. Any dumping facility shall be located no closer than one hundred (100) feet from any adjoining property line, structure or campsite. This sewage dumping requirement only applies to those campgrounds which allow motor homes, travel trailers, recreational vehicles, or other vehicles more than 20 feet in length. On-site water or sewer connections shall be permitted. Toilet facilities for tent and pop-up campers shall be provided at the central service building or buildings. Any sewage disposal for tent and pop-up campers shall be provided at the central service building or buildings.
  - (2) No method of sewage disposal shall be installed, altered, or used without the approval of the Stokes County Health Department. All sewage wastes from each park, including wastes from toilets, showers, bathtubs, lavatories, wash basins, sinks, and water using appliances not herein mentioned, shall be piped into an approved sewage disposal system.
- (c) The campground, camper spaces and other areas therein shall comply with the Town of Danbury noxious weeds and debris ordinances.

#### 13-3.11 Buffering

Exterior buffers shall be erected or planted along the exterior property lines regardless of how adjoining property is zoned, in accordance with Article XVI (Buffers) of this ordinance.

#### 13-3.12 Registration of Occupants

- (a) Every campground owner or operator shall maintain an accurate register containing a record of all occupants and owners of campers in the campground. The register shall be available for inspection at all times by authorized town representatives. The register shall contain the following information:

- (1) Name and address of the occupants of each space.
- (2) Camper space number.
- (3) Date when occupancy within the campground begins and date when occupancy within the campground ceases.

#### 13-3.13 Permanent Occupancy Prohibited

No individual person, tent, travel trailer, or camper shall be permitted to occupy a campsite in the campground for more than 30 continuous days. No individual person, tent, travel trailer or

camper shall be permitted to occupy the campground for more than 60 days total per calendar year. No camper space shall be used as a permanent place of abode. Any action toward removal of wheels of a camper except for temporary purposes of repair is hereby prohibited.

#### 13-3.14 Inspection

- (a) The Stokes County Health Department, the Stokes County Building Inspections Department and the Town of Danbury Zoning Administrator are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance. If connecting to the county water system, the developer must comply with minimum county standards. It shall be the duty of the owners of campgrounds to give these agencies free access to such premises at reasonable times for inspections.
- (b) The person to whom an operating permit for a campground is issued shall operate the campground in compliance with this Ordinance and shall provide adequate supervision to maintain the campground, its facilities and equipment in good repair and in a clean and sanitary condition.
- (c) The campground owner shall notify campground visitors of all applicable provisions of this Ordinance and inform them of their responsibilities under this Ordinance.

#### 13-3.15 Operational Requirements

- (a) All pets in the campground must remain on leashes at all times. A register shall be maintained of all pets in the campground at all times and shall contain: the owners name, address, phone number, campsite number, proof of current vaccinations, and other contact information for the owner. The register shall be available for inspection by any authorized town or county representative at all times. Pets shall not be left unattended or tethered. Exotic animals are not allowed (per the Stokes County Exotic Animal Ordinance). Pet owners are responsible for collecting and disposing of their pet's waste in a manner that is approved by the Stokes County Health Department.
- (b) Any onsite entertainment shall be limited to unamplified music only.

(Section 13-3 adopted by amendment 5-19-2010)

### **Section 13-4 Contractor's Office**

- (a) Vehicles: No more than 3 commercial vehicles associated with the business shall be parked on a residential lot.
- (b) Outside Storage: All equipment associated with the business shall be stored indoor in a residential district.

### **Section 13-5 Day Care Center, Child and Adult**

- (a) Licensing: All day care centers shall be licensed by the State of North Carolina.

### **Section 13-6 Day Care Home, Child or Adult**

- (a) Licensing: All day care homes shall be licensed by the State of North Carolina.

### **Section 13-7 Family Care Facility**

- (a) Use Separation: No such facility shall be located within a half-mile radius of an existing group care facility.
- (b) Licensing: All family care facilities shall be licensed by the appropriate county and/or state agencies.

### **Section 13-8 Home Occupation**

- (a) Maximum Area: Area set aside for home occupations can only occupy 25 percent of the gross floor area of the residence.
- (b) Outside Storage: No outside storage of items associated with the home occupation is permitted
- (c) Inside Building: The home occupation must be conducted entirely within the residence and be a use which is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character of the residence. Home occupations are not permitted in a detached garage or other accessory buildings.
- (d) Types: Examples of uses permitted include, but are not limited to: telephone sales, barber/beauty services, doctor/dentist office, accountants, family day care, and handcrafting etc.
- (e) Limited Sales Items: No display, stock-in-trade, nor commodity sold, not made on the premise, shall be permitted.
- (f) Employees: Only one person may be employed who is not an occupant of the residence.
- (g) Limited Activities: Any activity shall not generate traffic, parking, noise, vibration, glare , fumes, odors, or electrical interference beyond what normally occurs in the district where it is located.

### **Section 13-9 Manufactured Housing Unit, Class A**

- (a) Mobile Home, Class A: A mobile 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 each of the following additional criteria:
- (b) Ratio: The home has a length not exceeding four times its width (**double wide units only**);
- (c) Pitch: The pitch of the home's roof has a minimum vertical rise of one foot for each 5 feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- (d) Exterior: The exterior siding consist of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;

- (e) Foundation: A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home; and
- (f) Materials Removed: The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy;
- (g) Location: No unit shall be located within 500 feet of the right-of-way of North Carolina highway 8, 89, SR 1001 and 2018 within the Danbury planning area.

### **Section 13-10 Multi-Family Dwelling**

- (a) Density: 8,000 square feet shall be provided for the first dwelling unit; 4,000 square feet shall be provided for the second dwelling unit; and 3,000 square feet for each additional dwelling units in the same building. The overall density of development shall not exceed 12 units per acre where public water and sewer is available. When public sewer is not available the Stokes County Health Department may require a lower density;
- (b) Mean Lot Width: 80 feet minimum required mean lot width for the first dwelling unit with an additional 10 feet shall be provided for each unit in excess of one. However, the mean lot width shall not be required to exceed 120 feet.
- (c) Building Setback Lines: All principal buildings shall have a minimum front yard setback of 40 feet. In all other cases, principal buildings shall be located, at least, 30 feet from any property lines;
- (d) Buffers: Landscape buffers as specified in article XVI.
- (e) Control of Potential Nuisance Uses: Mechanical equipment rooms, air conditioning units or cooling towers, swimming pools, water filtration systems, children's play areas, and sporting facilities shall not be placed within 50 feet of adjacent land used or anticipated to be used as single-family residential areas.
- (f) Internal Relationships: Structures, uses, and facilities shall be group in a safe, efficient convenient and harmonious relationship in order to preserve desirable natural features and minimum disturbances of the natural topography.
- (g) Interior Circulation System: Streets, drives, parking and service areas shall provide safe and convenient access to dwelling units. Specifically, streets should be laid out not to encourage outside traffic to traverse the development on minor streets, and streets should not create unnecessary fragmentation of the development into small blocks;
- (h) Vehicular Access to Public Roads: When possible, vehicular access to a public road from off-street parking or service areas shall be so combined, limited, located, designed and controlled as to channel traffic from and to such areas in a manner which minimizes the number of access points and promotes the free flow of traffic on streets without excessive interruption.
- (i) Signs: Signage shall comply with the requirements specified in article XIV Signs.
- (j) Off-Street Parking: Off-street parking standards shall comply with Article XV.
- (k) Open Space: A minimum of 15 percent of the gross acreage's shall be reserved as open space.

- (l) Recreation Facilities: Family oriented multi-family projects shall provide family oriented space based on the number of bedrooms as established in the following table:

Number of Bedrooms Per Apartment	Minimum space Per Bedroom (in square feet)
1 Bedroom apartment	0
2 Bedroom apartment	25
3 Bedroom apartment	50
4 Bedroom apartment	100

These recreational areas shall be reasonably located to assure safe and convenient access. These areas shall not be less than 30 feet times 30 feet or 900 square feet in area. Projects which would provide less than 900 square feet based on the above formula shall be exempt from this requirements.

- (m) Spacing Between Circulation System and Buildings: Automobile parking spaces and drives shall not be located closer than 10 feet to the front, side, or rear of any building.
- (n) Building Relationships: One building wall that has both window and door openings shall be located no closer than 50 feet to another building. Two building walls that have only window openings or only door openings shall be located no closer than 25 feet to another building.
- (o) Courtyard: Any group of buildings forming a courtyard shall have at least 25 percent of the perimeter of such courtyard open for access by emergency vehicles.
- (p) Streets (Interior): Streets shall either be public or private. However all streets shall be paved and built to the minimum construction standards of the North Carolina Department of Transportation, Division of Highways.

### **Section 13-11 Planned Business Developments**

- (a) Definition: A tract of land at least 5 acres in area devoted by its owner to development as a single entity for a number of commercial uses and a limited number of accessory dwelling units in accordance with a plan which does not necessarily comply with the provisions of this ordinance. The developer may be allowed to deviate from the strict application of use, setback, height and minimum lot size requirements of zoning districts in order to permit a creative approach to the development of commercial land. In exchange for the flexibility, the developer shall have a conditional use permit and associated site plan approved by the Town Council. This approach is a voluntary alternative for the development of commercially zoned property.
- (b) Site Plan Review: A site plan as specified in Article XII and a conditional use permit as specified in Section 3-5 shall be approved by the Town Council prior to the development of a planned business development.
- (c) Permitted Uses: The developer shall propose a list of uses that would be permitted in the planned business development. The proposed list of uses would be subject to Town Council approval and would be made part of the conditional use permit. In submitting the proposed list of uses, the developer shall consider the potential negative impacts of each proposed use.

- (d) Accessory Uses: Accessory uses clearly subordinate to the principal use of the property and located entirely within an enclosed structure shall be permitted. Outdoor storage of goods and materials is not permitted.
- (e) Location: Planned business developments are permitted in the B-3 zoning district as designated in the Table of Permitted Uses.
- (f) Dimensional Requirements: Yard setbacks, lot sizes, and frontage requirements are waived, provided that the spirit and intent of this subsection are met in the total development plan. The Town Council may determine that certain setbacks be required within all or a portion of the perimeter of the site.
- (g) Maximum Impervious Area: The maximum impervious area for each planned business development shall not exceed 50 percent on a project basis, except that all developments located within the Wellhead Protection District shall be subject to the 25% maximum impervious limits of the overlay district. Maximum impervious limits may be calculated for the overall project regardless of future subdivision of the development provided a plat or document is submitted and approved by the town and recorded in the Stokes County Register of Deeds Office.
- (h) Conveyance and Maintenance of Common Open Space: Common open space shown on the final development plan shall be conveyed in accordance with one of the following methods:
  - (1) By dedication to the town and maintained as common open space.
  - (2) By leasing or conveying the title (including beneficial ownership) to a corporation, association, or other legal entity.

The Town has the right to accept or reject the dedication of any common open space. The developer shall file in the Stokes County Register of Deed's Office legal documents restricting the use of common open space for the designated purposes. The Town shall review and approve these documents before they are submitted to the Register of Deeds Office.
- (i) Utilities: Whenever the Town Council determines it is reasonable, a planned business development shall provide for underground installation of utilities (including electricity and telephone). All installation of utilities and maintenance of utilities shall be in accordance with the requirements and regulations of the Town. Public water and sanitary sewer shall be required unless the developer can show good cause that these requirements should be waived without being inconsistent with the spirit and intent of the Town's water and sewer policies.
- (j) Signage: A uniform sign plan for the planned business development shall be included with the corresponding conditional use permit application. The uniform sign plan shall consist of five (5) elements that shall govern all signs within the development: location, materials, size, color and illumination. One (1) freestanding identification sign is allowed per planned business development unless the development has frontage on three (3) or more streets.
- (k) Outdoor Lighting: Lighting fixtures for buildings and landscaping shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building facade, plantings, and away from adjoining properties, public or private rights-of-way, and the night sky. All wall fixtures shall be full cutoff fixtures. Lighting of outdoor areas and parking lot lighting fixtures shall also utilize full cutoff fixtures, with a mounting height no more than 30 feet above finished grade.

- (l) Open Space and Landscaping: Within a planned business development, screening, landscaping, and preservation of wooded natural areas shall be integral parts of the development plan. Existing vegetation and new plantings shall be utilized to perform the combined functions of acting as buffers between different land uses, facilitating control of stormwater run-off and soil erosion and providing aesthetic benefits. Topography, natural site features, walls and fences may also be utilized in the plan for screening and landscaping.
- (m) Buffers: Buffers shall be provided when required by Article XVI – Buffers. Alternative methods for compliance with Article XVI may be considered by the Town Council. Developers are encouraged to preserve existing vegetation to meet the requirements of Article XVI.
- (n) Parking: Parking areas shall be separated from the exterior wall of a structure, exclusive of a pedestrian entranceway or loading area by a landscaped planting area at least five (5) feet in width. It is strongly encouraged that parking areas be located to the front, side, and rear of buildings and that large parking areas be broken up with landscaped islands and areas retaining trees and improved natural vegetation.
- (o) Driveways and Street Access: All lots within the development shall be accessed solely by interior streets. Primary access to the planned business development site shall be from a state thoroughfare capable of handling the projected increase in traffic generated by the development.
- (p) Dumpsters: Dumpsters shall be screened from view of passing motorists and adjacent lots through the use of acceptable screening material such as decorative masonry, stone, wood, and natural vegetation.
- (q) Phasing: Planned business developments may be designated to be constructed and platted in phases. Provided, however, the Town Council may not approve a phasing plan when in its opinion such phasing will not provide for adequate public facilities to support any such phase or phases independent of the overall development plan. In approving phases, the Town Council may require that additional streets, water and sewer facilities or other required public facilities be constructed as part of the phase or phases in order to ensure that sufficient public facilities will be in place to support such phase or phases independent of any future development.
- (r) Permit Applications: Applications for a conditional use permit shall be accompanied by supporting material sufficient to determine compliance with the development standards outlined in this section.
- (s) Subdivision Approval: Planned business developments may be subdivided in accordance with the provisions of Section 6-17 of the Town of Danbury Subdivision Regulations.

### **Section 13-12 Planned Unit Development (PUD)**

- (a) Definition: When a tract of land is under unified control and contains at least five (5) acres, the developer may be allowed to deviate from the strict application of use, setback, height and minimum lot size requirements of zoning districts in order to permit a creative approach to the development of residential land. In exchange for the flexibility, the developer must have a site plan approved by the planning board. This approach is a voluntary alternative for the development of any parcel of land.

- (b) Site Plan Review: A site plan as specified in Article XII shall be approved by the Planning Board.
- (c) Location: Planned unit developments are permitted in any residential zoning district as designated in the Table of Permitted Uses.
- (d) Permitted Uses: All the permitted, conditional and special uses are allowed in the zoning district where the PUD is located. In addition, two-family and multi-family residential uses may be permitted. Commercial and office space will be permitted if primarily for the convenience and service of the residents of the development and represent no more than 10 percent of the total development.
- (e) Dimensional Requirements: Yard setback, lot size, and frontage requirements are waived, provided that the spirit and intent of this subsection are met in the total development plan. The planning board may determine that certain setbacks be required within all or a portion of the perimeter of the site.
- (f) Density: The density of development (units per acre) may not exceed the density allowed in the district where the PUD is located except under the bonus provisions explained below. If the development falls into more than one zoning district, the overall density will be the combined proportion of each district.
- (g) Density Bonus: A density bonus of up to 25 percent over the density normally allowed in the basic zoning district may be approved based on the provision of common open space as listed below.

#### **Density Bonus Scale**

Percent of Residential Area to be common Open Space	Percent Density Bonus
10-19	4
20-29	8
30-39	11
40-49	15
50-59	18
60-69	22
70 or more	25

- (h) Conveyance and Maintenance of Common Open Space: A common open space shown on the final development plan shall be conveyed in accordance with one of the following methods:

1. By dedication to the town and maintained as common open space.
2. By leasing or conveying the title (including beneficial ownership) to a corporation, association, or other legal entity.

The town has the right to accept or reject the dedication of any common open space. The developer shall file in the Stoke County Register of Deed's Office legal documents restricting

the use of common open space for the designated purposes. The town shall review and approve these documents before they are submitted to the register of deeds office.

- (i) Utilities: Whenever the planning board determines it is reasonable, a planned unit development shall provide for underground installation of utilities (including electricity and telephone). All installation of utilities and maintenance of utilities shall be in accordance with the requirements and regulations of the town council. Public water and sanitary sewer service shall be required unless the developer can show good cause that these requirements should be waived without being inconsistent with the spirit and intent of planned unit development.

### **Section 13-13 Retirement Center**

- (a) Lighting: Lighting shall be located so as to cast no direct light upon adjacent property.
- (b) Operation:
  - 1. A facility shall provide centrally located shared food preparation, service and major dining areas.
  - 2. Common recreation, social and service facilities shall be provided. These facilities shall be solely for the use of residents and their guests.
  - 3. Facilities for resident managers or custodians providing administrative services and limited medical services for the exclusive use of the residents shall be located on the site.

### **Section 13-14 Temporary Manufactured Home in Zoning Districts**

- (a) Residential District: In any residential district a manufactured dwelling unit may be used as a secondary use to a principal dwelling when a personal hardship exists. Hardship includes the following situations: destruction or partial destruction of an existing structure; caring for an elderly parent or dependent relative with medical problems.
- (b) Commercial and Industrial District: Unit may be used to provide temporary quarters for on-site construction projects or emergency oriented operations.
- (c) Temporary-Use Permits: Permits may be issued for one year initially and may be renewed for successive one year periods so long as the hardship continues to exist. Once the hardship ceases to exist, the permit is automatically voided and the applicant shall remove the manufactured home from the property within 30 days from the date the hardship was terminated.

### **Section 13-15 Uses in B-3 Zoning District**

(Added 12-21-2005)

Developers of property located within B-3 Conditional Use Zoning Districts may submit development plans to comply with impervious surface requirements, buffer and setback requirements, and any other such requirements of this ordinance or other regulations on the proposed development by setting aside areas which are restricted from development so that the lots or parcels to be developed can meet

impervious surface requirements, buffer and setback requirements, or any other requirements of this ordinance or other regulations.

**Section 13-16 Utility Substation, Transformer Station, Telephone Exchange, Pump and Lift Station**

- (a) Setbacks: All structures shall meet the setback requirements for the district where they are located.
- (b) Lighting: Lighting shall be located so as not to cast direct lighting on adjacent properties.
- (c) Dust: All non-paved storage areas shall be maintained in a manner to limit dust from leaving the storage area
- (d) Fencing: Security fencing shall be provided around any outside storage areas.

**Section 13-17 Public Parks (Town, County)**

(Added 1-28-2009)

Public Parks may include as a part thereof one or more amphitheaters, and a Public Park may include an amphitheater as its sole function. A Public Park is one that is owned and operated by the Town of Danbury or the County of Stokes.

# **ARTICLE XIV**

## **Signs**

### **Section 14-1 Findings**

The Town Council hereby finds as follows:

1. Danbury residents are free to express a message, manifested through signage, with only reasonable governmental control of type, size and placement.
2. Signs have a substantial impact on the character and quality of the environment.
3. Signs provide an important medium through which individuals may convey a variety of messages.
4. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public safety, health and welfare.
5. The town's zoning ordinance has included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the town and its residents from a proliferation of signs of a type, size, and location that would adversely impact upon the aesthetics of the community and threaten the safety, health and welfare of the community.

### **Section 14-2 Purpose**

This Article is intended to regulate signage type, size and placement throughout the Town of Danbury and its extraterritorial jurisdiction while, at the same time, respecting and protecting the right of free speech.

All regulations are for the following purposes:

1. To provide a pleasing overall environmental setting and good community appearance, which is deemed vital to the continued economic attractiveness of the Town;
2. To create a more productive, enterprising, professional business atmosphere;
3. To allow signs which are of appropriate type, size and location for the planned character and development of each zoning district;
4. To ensure that signs do not become a hazard or nuisance;
5. To promote traffic safety;
6. To prevent signs from conflicting, or being confused, with public safety signs; and
7. To protect the value of properties.

### **Section 14-3 Severability**

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this Article is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the Article.

### **Section 14-4 Definitions**

The following definitions shall apply to this Article:

Abandoned sign – any sign and/or its supporting structure which remains without a message or whose display surface remains blank for a period of 180 days or more.

A-frame sign – see Sandwich Board.

Animated sign – a sign that uses movement, or change of lighting to depict action or to create a special effect or scene.

Awning – a roof-like cover attached to a wall at a doorway or window and providing protection from the weather. For calculating wall sign area, an awning face takes the place of the wall space covered by the awning.

Awning sign – calculated as a wall sign.

Building – any structure used or intended for supporting or sheltering any use or occupancy.

Canopy – a roof-like cover detached from a wall at a doorway and providing protection from the weather. Also located over service areas such as fuel pumps.

Canopy sign – calculated as a freestanding sign.

Celebratory display – any combination of alpha-numeric characters, lighting, decorations and traditional character likenesses temporarily displayed to bring attention to a specific celebration.

Electronic Messaging Center (EMC) – a computerized programmable electronic visual communication center designed to appear as a large outdoor sign.

Freestanding sign – a sign having supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure. Refer to Sign Grid 14-25.

Governmental sign – a sign erected and maintained in a public right-of-way by a governmental agency for the purpose of providing emergency or public service guidance to the community as a whole. Examples include street names, speed limits, cautionary symbols and warnings.

Ground sign – a freestanding sign.

Human sign – a type of temporary sign worn or carried by a person.

Marquee – a permanent roof-like structure projecting out from a wall, typically a theater, and may display a message.

Marquee sign – calculated as a wall sign.

Message – for the purposes of this Article, a communication displayed on a sign surface in written or pictorial form.

Monument sign – a type of freestanding sign.

Multi-unit sign – a sign frame that contains the names of more than a single business or institutional office. This type of sign can be freestanding or wall-mounted. Refer to Sign Grid 14-25.

Mural – a type of wall sign. The message is applied directly to the surface of the wall.

Nonconforming sign – a sign which was lawfully erected but does not comply with the provisions of this Article adopted at a later date, or later fails to comply with this Article due to changed conditions. Changed conditions, by example, include lawfully erected signs in existence in a business district which at a later date becomes a non-business district, or a set-back that later does not meet minimum requirements due to a right-of-way widening.

Permanent sign – a sign constructed of durable materials and anchored in the ground or affixed to a building or other structure.

Portable sign – a sign designed to be movable. May be transported by trailer or on its own wheels or skids even though the wheels or skids may be removed.

Projecting sign – a sign typically mounted on a building surface, perpendicular to the wall face. Refer to Sign Grid 14-25.

Residential/Business Number – a unique sequential set of numerals that identifies a specific property especially for responding emergency services personnel such as police, fire or medical.

Right-of-way – a publicly dedicated and controlled area set aside for a street or utilities.

Roof sign – a sign mounted on or over the roof of a building or erected above the eave line or parapet.

Sandwich Board sign – a small portable sign, usually hinged at the top and not anchored to the ground. Displayed only during business/event hours so that it does not become a hazard to motorists or pedestrians during dark hours or inclement weather. Calculated as a single surface.

Sight Distance – the length of roadway visible to a driver without obstruction. Also a factor in calculating the sight triangle.

Sight Triangle – Absent four-way control at an intersection, the driver of a vehicle approaching or departing from an intersection should have an unobstructed view of the intersection with sufficient roadway length to anticipate and avoid a collision. The area inside of a line drawn from one driver's eye-level to the front of an approaching vehicle after determining the safe stopping distance and a potential point of collision creates a triangle within which all obstructions, e.g. shrubbery, trees, signs, etc., should be prohibited. See Section 14-26 Sight Triangle Illustration.

Sign – A physical thing, whether permanent or temporary, for the purpose of displaying a message.

Structure – a building or other substantial permanent thing constructed for a specific purpose, e.g., a stone wall or fence.

Temporary sign – a sign not permanently anchored in the ground or affixed to any structure or building and displays a message for a date-certain event or self-limiting period of time. May be constructed of less-durable materials, including wire-legged devices, usually at less cost with a limited lifespan and reduced capability of withstanding inclement weather conditions.

Total sign area – The maximum sign area, permanent and temporary, allowed for all messaging on a single property within a specific zoning district.

Wall sign – a sign attached parallel to, or painted on, a wall surface and confined within the physical limits of the wall. Refer to Sign Grid 14-25.

Window sign – A sign placed directly upon or against window glass and meant to be visible from the exterior of the structure.

#### **Section 14-5 Substitution**

The owner of any sign allowed by this ordinance may substitute commercial or non-commercial messaging in lieu of any other commercial or non-commercial messaging. This substitution of messaging may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of one type of messaging over another.

#### **Section 14-6 Permit Required**

With the exception of those signs specifically authorized in Section 14-21, it shall be unlawful to construct, enlarge, structurally modify, move, or replace any sign or cause the same to be done, without first obtaining a permit from the Town of Danbury. A change of message does not require a permit.

#### **Section 14-7 Permit Application**

Applications for permits shall be submitted on forms obtained at Town Hall. Each application shall be accompanied by plans which:

- (a) Indicate the proposed site by identifying the property by ownership and location.
- (b) Show the placement of the sign on the lot in relation to property lines and buildings, zoning district boundaries, right-of-way lines, and any existing signs.
- (c) Show size, character, complete structural specifications, and methods of anchoring and support.

#### **Section 14-8 Permit Fee**

A non-refundable fee, as outlined in the Danbury Fee Schedule, is due and payable upon issuance of the sign permit.

#### **Section 14-9 Enforcement**

The Town Administrator is responsible for the management and day to day enforcement of this Article. Another agency or other qualified official may be utilized to enforce this Article, upon majority vote of the Town Council.

#### **Section 14-10 Construction Requirements**

- 1. All permanent signs shall be constructed and installed in accordance with all applicable provisions of the North Carolina State Building Code.
- 2. All banners, flags and temporary signs shall be constructed of materials and printed with inks that are capable of withstanding normal weather conditions.
- 3. All signs, except for banners, flags and temporary signs, shall be constructed of durable materials and shall be permanently attached to the ground, a building, or another structure.

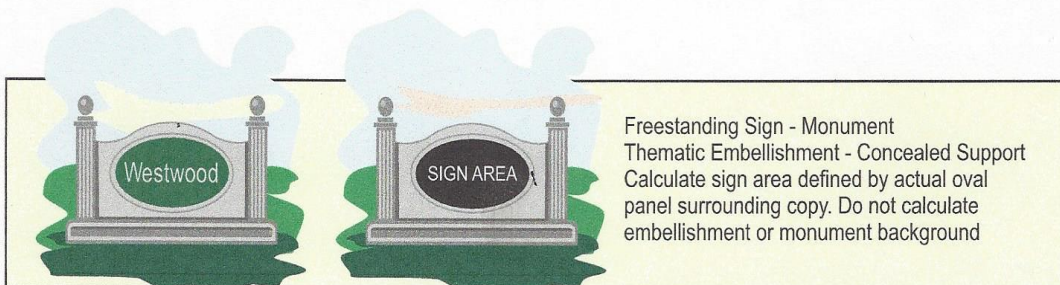
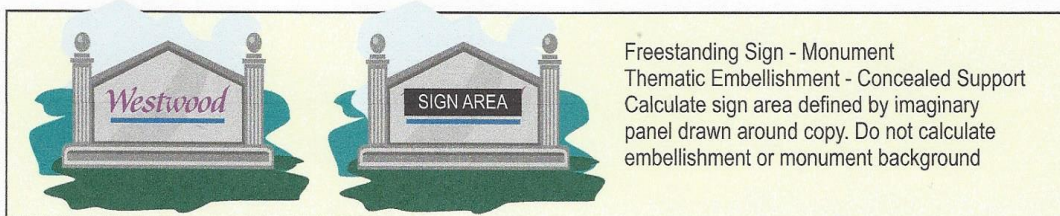
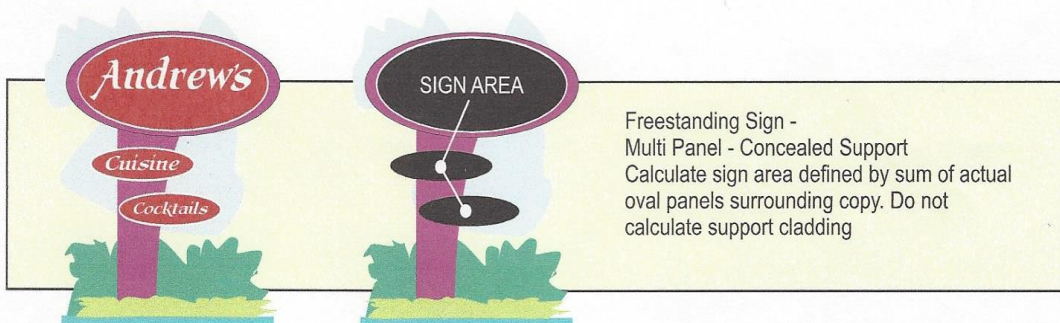
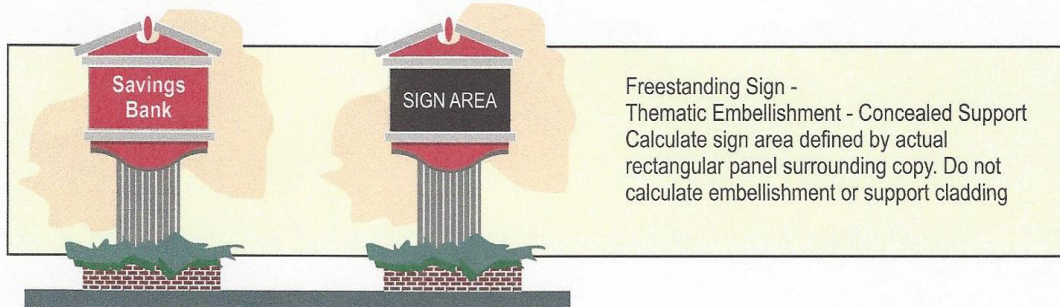
4. All illuminated signs shall be installed in accordance with the applicable provisions of the North Carolina State Electrical Code and all detached signs, if illuminated, shall have its wiring located underground.

#### **Section 14-11 Sign Area Calculation**

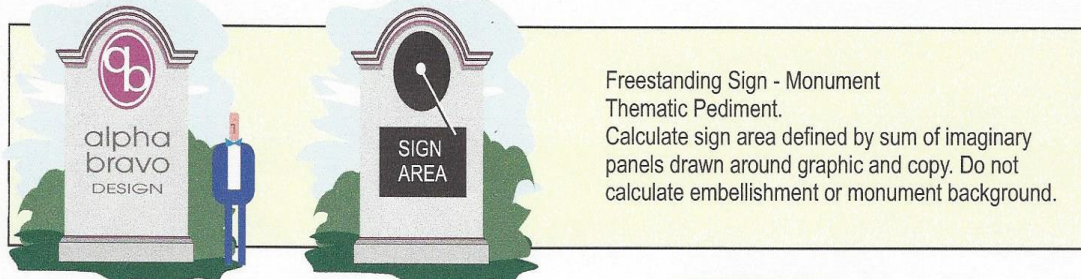
1. Sign area shall be calculated by the smallest square, triangle, rectangle, circle, or any combination thereof which will encompass the entire message area including graphics, but not including backing, frame, or supports. See illustrations 14-12.
2. In computing the area, only one side of a solid or enclosed structure shall be considered.
3. In the event there is unenclosed space between the front side and back side of a sign, it shall be considered two signs.
4. Windows and doors are included in the total wall area calculation.
5. Temporary signs are included in total sign area calculations.

#### **Section 14-12 Sign Area Calculation - Illustrations**

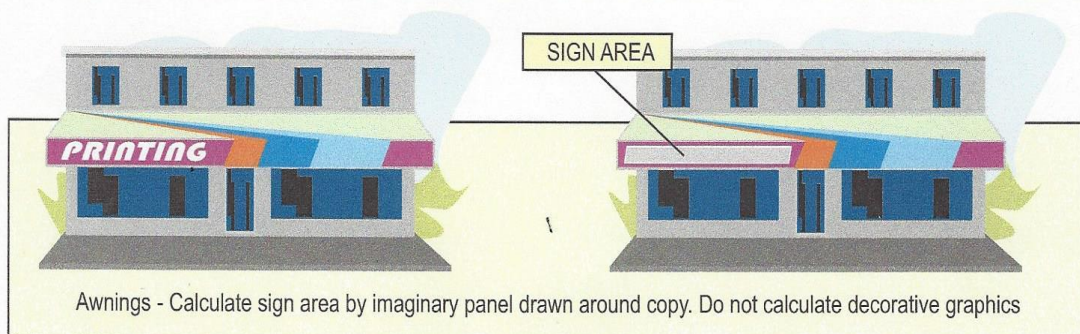
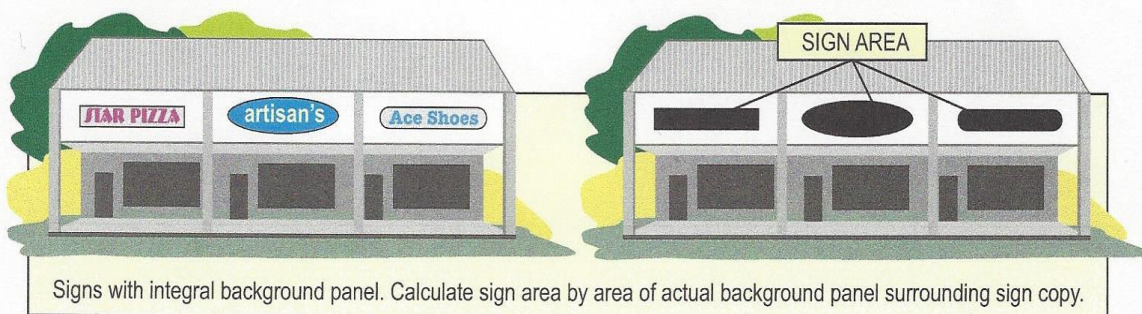
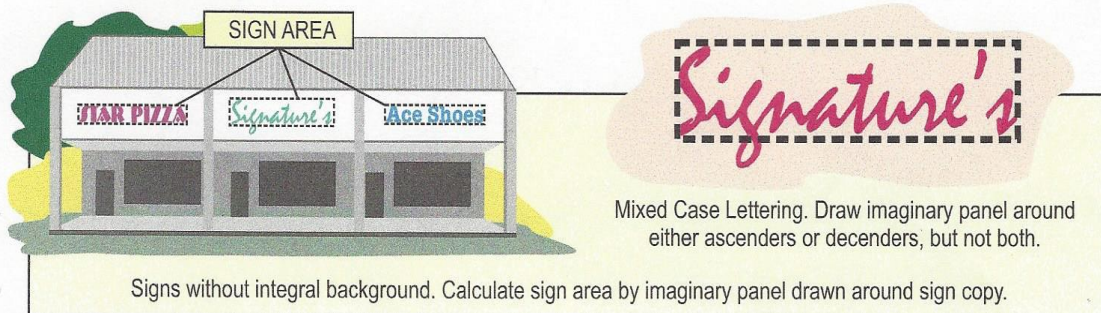
## Sign Area Computational Methodology / Ground Signs



## Sign Area Computational Methodology / Ground Signs



### Wall / Fascia Signs



### **Section 14-13 Maintenance**

All signs, together with all supports and braces, shall be kept in good repair and in neat and clean condition. Deficiencies such as chipped paint, broken plastic, missing letters and exposed light bulbs shall be evidence of a lack of maintenance. The zoning administrator may order the removal of any sign that is not maintained in accordance with the provisions of this Article. Such removal shall be at the expense of the owner or lessee and shall occur within ten (10) days after written notification has been issued.

### **Section 14-14 Placement**

The following provisions shall apply to the placement of signs in all Districts.

1. When placed adjacent to a public right-of-way, all parts of a freestanding sign, including projections, must be set back a minimum of five feet or a distance equal to the height of the sign, whichever is greater.
2. No sign may affect the line of sight within the sight triangle<sup>1</sup> at the intersection of any two public streets or a driveway egressing to a public street.
3. No sign shall be located in a public right-of-way, except that A-frames may be placed on sidewalks during business hours as long as a walkway four feet in width is maintained free of obstruction.
4. No sign attached to a building shall project beyond the street curb or hang lower than eight (8) feet above ground level.
5. Signs must be located entirely on private property, unless expressly permitted by this Article.
6. A wall mounted sign shall not extend above the eave or parapet of any building.
7. A sign intended to be placed adjacent to a state-maintained highway may also require approval of NCDOT<sup>2</sup>
8. No permanent sign shall be placed within a water, sewer, telephone, cable, fiber-optic, or other such easement without authorization from the company or government entity having control of the easement.
9. Placement exception: The Town of Danbury may place temporary banners and flags above the Town streetscape or public right-of-way in celebration of traditional holidays and seasons.

### **Section 14-15 Off-Premises Placement**

Any sign, permanent or temporary, intended to be placed off-premises, is prohibited without the written permission of the affected property owner. Proof of authorization is required prior to the issuance of a permit.

### **Section 14-16 Motorist Safety**

No sign shall be erected that would, by its location, color or nature, be confused with or obstruct the view of traffic signs or signals, or, by its color, motion, or nature, be confused with the lighting or appearance of an emergency vehicle.

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<sup>1</sup> Policy on Street and Driveway Access to NC Highways

<sup>2</sup> NC Outdoor Advertising Control Act

### **Section 14-17 Illumination**

A continuously illuminated sign may be allowed on the exterior of a structure or anywhere outside of the structure, depending on zoning district. Refer to Sign Grid 14-25 for zoning district restrictions. No flashing effects or fluctuation in intensity is allowed. Illumination devices such as, but not limited to, floodlights and spotlights shall be placed and shielded to prevent the illumination from being cast upon neighboring buildings and/or vehicles approaching from any direction.

### **Section 14-18 Electronic Messaging Centers**

Streaming text may be allowed depending on zoning district. See Sign Grid 14-25 for zoning district restrictions. Streaming video (non-text) is prohibited in all districts.

### **Section 14-19 Non-Conforming Signs**

Legal nonconforming signs are allowed to remain in service if in good repair. In addition, a nonconforming sign shall comply with all requirements of this Article regarding construction and maintenance.

Any nonconforming sign on a lot where the principal structure is vacant for a period of 180 days shall be modified to conform to the requirements of this Article.

- (a) Any modification or change of a nonconforming sign, except for painting or a change of message, shall make that sign conform to the requirements of this Article.
- (b) Any nonconforming sign damaged over sixty percent (60%) by any means, shall be either removed or repaired to conform to the requirements of this Article.
- (c) A Nonconforming sign, when removed for other than normal maintenance, may not be erected again, nor may such signs be replaced with another nonconforming sign.
- (d) Any sign not meeting the requirements of this Article that had been illegally erected at any time prior to the latest revision of this Article is not eligible as a grandfathered nonconforming sign. (See definitions Section 14-04).

### **Section 14-20 Abandoned Signs**

Any sign structure that remains without a message for a period of 180 days or more shall be deemed abandoned. A sign which is nonconforming or a sign which has required a conditional use permit or a variance shall be subject to the definition of an abandoned sign and may be ordered removed.

### **Section 14-21 Signs Allowed In All Districts Without Permit**

The signs listed below are allowed in all zoning districts without a permit. All signs using electrical wiring and connections may require an electrical permit from another regulatory agency. Refer to Sign Grid 14-25.

- (a) Residential/Business Number: A sign bearing only property number. Not calculated in total sign area.
- (b) Governmental: Signs erected and maintained in the public rights-of-way by governmental agencies. Examples include street names, directional signs and traffic control signs, and emergency or public service messaging. Signage may or may not be permanently affixed and may be electronic and/or portable. Not calculated in total sign area.

- (c) Celebratory display. Not calculated in total sign area. (See definitions Section 14-04).
- (d) Temporary Signs: Signs not permanently affixed and placed for a limited period of time. Calculated in total sign area. NOTE: A-frames, while considered temporary due to not being permanently affixed, must have a permit.

#### **Section 14-22 Permanent Signs - Descriptors**

14-22.1 Wall Sign (Flush Mount): attached parallel to, or painted on, a wall surface and confined within the physical limits of the wall. Refer to Sign Grid 14-25.

14-22.2 Wall Sign (Projecting): mounted on a building surface, perpendicular to the wall face. Refer to Sign Grid 14-25.

14-22.3 Freestanding Sign: having supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure. Refer to Sign Grid 14-25.

14-22.4 Multi-Unit Sign (shopping center, industrial park, institutional campus, etc.): A Multi-unit sign is typically described as multiple individual business or institutional office identifier panels mounted on a single large frame. This type of sign can be freestanding or wall mounted. The size of an individual identifier panel is not regulated. Refer to Sign Grid 14-25.

#### **Section 14-23 Temporary Signs – Time Limit**

Unless otherwise allowed by state law, a temporary sign may be placed thirty (30) days prior to an event and shall be removed no later than seven (7) days after its purpose has expired.

#### **Section 14-24 Prohibited Signs And Conditions – All Districts**

The following signs, both permanent and temporary, are prohibited in all zoning districts:

1. Any sign extending into or placed upon the public right-of-way other than those expressly permitted by this Article.
2. A sign placed on any post, pole, hydrant, bridge, tree, or other structure or surface located on, over, or across any public right-of-way or property unless expressly authorized by this Article.
3. Portable signs, EXCEPT for: 1) A-frames, and 2) public emergency/service signs erected by, or at the direction of, a government agency for the purpose of providing public guidance messaging.
4. Streaming video.
5. Any sign which obstructs the view of motorists, pedestrians, or cyclists using any street, sidewalk, bike path, or driveway, or which obstructs the approach to any street intersection or railroad crossing, or which interferes with the effectiveness of any traffic sign, device, or signal.
6. Illuminated or highly reflective signs that impair the vision of motorists or cyclists.
7. Any sign that resembles a traffic signal, traffic sign, or emergency vehicle lights and any other sign not erected by a public authority which may be mistaken as a governmental sign or emergency warning sign.
8. Any sign that interferes with free passage or obstructs any sidewalk, fire escape, window, door, stairway, ladder, or opening intended as a means of ingress or egress.
9. Roof signs.
10. High intensity searchlights.

**Section 14-25 Sign Requirements and Restrictions Grid**

**SIGN REQUIREMENTS and RESTRICTIONS  
R-1, R-2, R-3 DISTRICTS**

TYPE	DESCRIPTION	MAX SINGLE SIGN AREA	TOTAL SIGNAGE AREA	SIGN SETBACK	MATERIAL	MAX HEIGHT	LIGHTING	PERMIT REQ.
Permanent		15 sq. ft.	15 sq. ft.	5 feet	Durable		No	Yes
	Wall - Flush Mount	20% of wall				Below eave line		
	Wall - Projecting	6 sq. ft.				Below eave line		
	Freestanding	15 sq. ft.				6 feet above ground		
Temporary	Same as Permanent				All	Below eave line on wall or 6 feet above ground	No	No
Temporary	A-frame	8 sq. ft.		Out of R/W	Durable	42"	No	Yes
Prohibited	Roof sign							
	Portable sign							
	*Except A-frames							
	and governmental							
	Swinging, rotating							
	EMCs, Flashing							
	Animated signs, electronic time/temperature							
	Streaming video							
	Search lights							

NOTE: A total of 15 square feet inclusive of all signs and sign types is allowed in R Districts.

## SIGN REQUIREMENTS and RESTRICTIONS

### B-1, B-2, B-3 DISTRICTS

TYPE	DESCRIPTION	MAX SINGLE SIGN AREA	TOTAL SIGNAGE AREA	SIGN SETBACK	MATERIAL	MAX HEIGHT	LIGHTING	PERMIT REQ.
Permanent			80 Sq. Ft.	5 feet	Durable		Yes	Yes
	Wall - Flush Mount	20% of wall				Below eave line or parapet top		
	Wall - Projecting	8 sq. ft.				Below eave line or parapet top		
	Freestanding	1/2 sq. ft. per linear ft. of property frontage to max 80 sq ft				16 ft above ground		
Temporary	Same as Permanent				All	Below eave line or parapet top	Yes	No
Temporary	A-frame	8 sq. ft.		Out of R/W	Durable	42"	No	Yes
All	Roof sign	Prohibited						
	Streaming video	Prohibited						
	Portable sign	Prohibited						
	*Except A-frames							
	and governmental							

NOTE: A total of 80 square feet inclusive of all signs and sign types is allowed in B Districts.

## SIGN REQUIREMENTS and RESTRICTIONS

### I-1, M-1 DISTRICTS

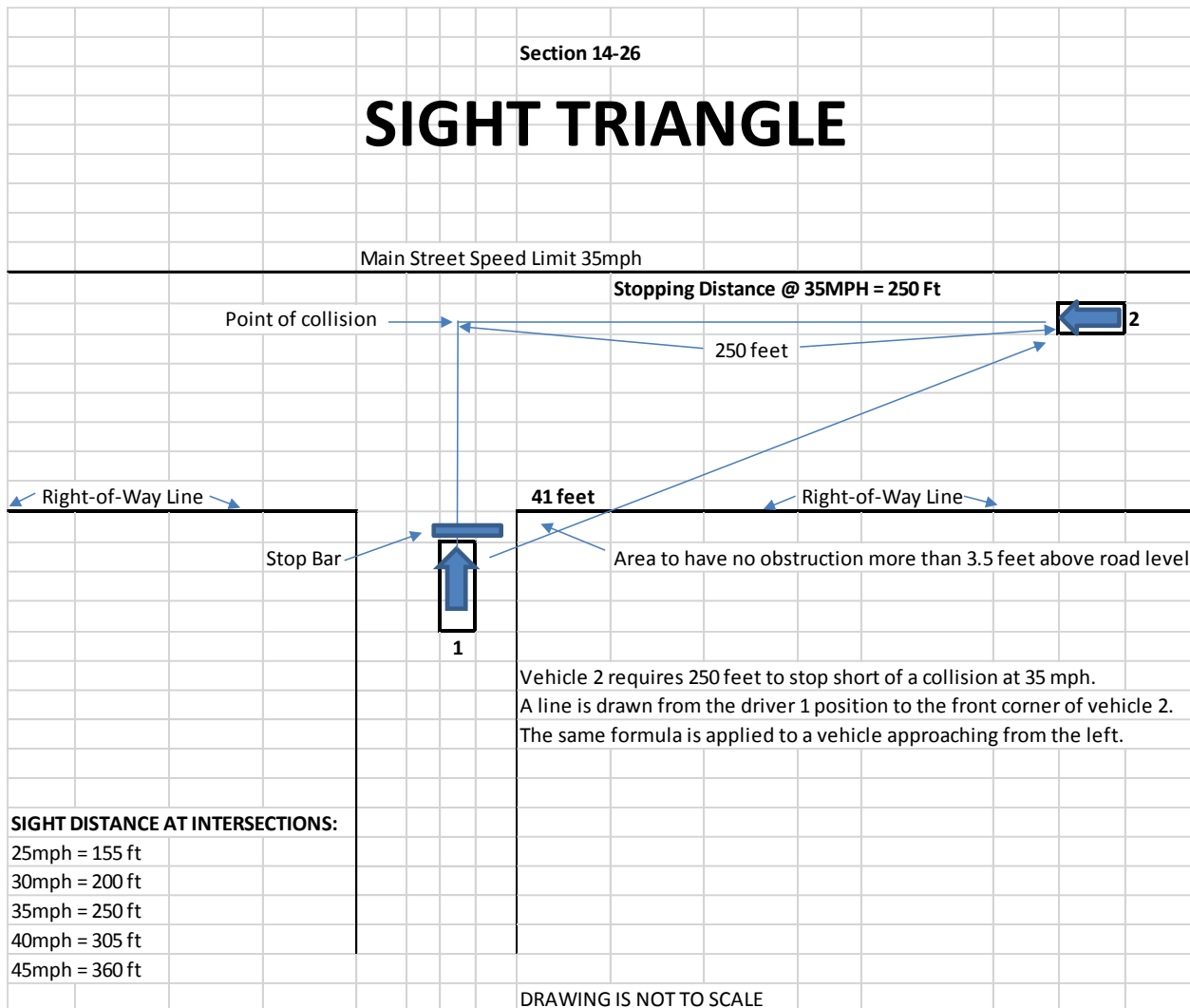
TYPE	DESCRIPTION	MAX SINGLE SIGN AREA	TOTAL SIGNAGE AREA	SIGN SETBACK	MATERIAL	MAX HEIGHT	LIGHTING	PERMIT REQ.
Permanent			100 Sq. Ft.	5 feet	Durable		Yes	Yes
	Wall - Flush Mount	20% of wall				Below eave line or parapet top		
	Wall - Projecting	10 sq. ft.				Below eave line or parapet top		
	Freestanding	1/2 sq. ft. per linear ft. of property frontage to max 100 sq ft				16 ft above ground		
Temporary	Same as Permanent				All	Below eave line or parapet top	Yes	No
Temporary	A-frame	8 sq. ft.		Out of R/W	Durable	42"	No	Yes
All	Roof sign	Prohibited						
	Streaming video	Prohibited						
	Portable sign	Prohibited						
	*Except A-frames and governmental							

NOTE: A total of 100 square feet inclusive of all signs and sign types is allowed in I and M Districts.

## SIGN REQUIREMENTS and RESTRICTIONS ALL DISTRICTS

TYPE	DESCRIPTION	MAX SINGLE SIGN AREA	TOTAL SIGNAGE AREA	SIGN SETBACK	MATERIAL	MAX HEIGHT	LIGHTING	PERMIT REQ.
Permanent	House # and Occupant	3 sq. ft.		5 feet unless on mailbox	Durable	Below eave or parapet top	Yes	No
Permanent	Governmental, streets, regulatory	Per NCDOT sign standards		In R/W	Durable	Per NCDOT sign standards	No	No
Temporary	A-frame	8 sq. ft.		Out of R/W	Durable	42" above ground	No	Yes
Temporary	Celebratory			Out of R/W	All		Yes	No
Temporary	Governmental emergency/public service			5 feet	All		Yes	No

## Section 14-26 Sight Triangle



## Section 14-27 Scope of Interest

The Town's interest in regulating signs is limited to those observable from the public right-of-way and areas open to the public such as parking lots.

## Section 14-28 Penalty

A violation of Article XIV is subject to enforcement under Article VI of the Danbury Zoning Ordinance.

## Section 14-29 Effective Date

This amendment to the Danbury Zoning Ordinance shall be in full force and effect upon adoption.

(Entirety of Article XIV repealed and re-adopted on March 28, 2018)

# ARTICLE XV

## Parking and Loading Requirements

### Section 15-1 Parking

#### 15-1.1 Off-Street Parking Required

When a building is erected or a principal building is enlarged or increased in capacity by adding dwelling units, seats, or floor area, or before conversion from one type of use to another, permanent off-street parking space shall be provided in a parking garage or on a graded open space.

#### 15-1.2 Parking Design Criteria

- (a) Each parking space shall be not less than 8- ½ by 18 feet, exclusive of adequate egress and ingress drives, landscaping, and maneuvering space.
- (b) Parking spaces shall be permanent and shall not be used for any other purposes.
- (c) The required parking space for any number of separate uses may be combined in one lot. The required space assigned to only one use may not be assigned to another use except that one-half (½) of the parking spaces required for churches, theaters, or assembly halls where attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.
- (d) If the off-street parking space required by this ordinance cannot reasonable be provided on the same lot where the principal use is located, such space may be provided on any land within 500 feet of the main entrance to such principal use provided the land is in the same ownership as the principal This land cannot be used for any other purposes as long as the on-site parking requirements are not met.
- (e) The following provisions must be met where parking lots for more than five (5) automobiles are permitted in residential district:
  - 1. The lot may be used only for parking in relation to the principal use of the lot and not for any type of loading, sales, repair work, dismantling, or servicing.
  - 2. All entrances, exists, barricades at sidewalks, and drainage works shall be approved by the Administrator prior to construction.
  - 3. Only one (1) entrance and one (1) exit sign no larger than four (4) square feet in area prescribing parking regulations may be erected at each entrance or exit. No other signs shall be permitted.

### 15-1.3 Enforcement

- (a) Each application for a zoning permit or certificate of occupancy shall include information regarding location and dimensions of off-street parking space and the means of ingress and egress between such space and a street. This information shall be in sufficient detail to enable the administrator to determine whether or not the requirements of this ordinance are met.
- (b) The certificate of occupancy of the use of any structure or land where off-street parking space is required shall be withheld by the administrator until the provisions of this ordinance are fully met. If at any time such compliance ceases, any certificate of occupancy which has been issued for the use of the property shall immediately become void.

### 15-1.4 Schedule of Parking Spaces

The required number of off-street parking spaces for each land use are specified below:

<u>LAND USE</u>	<u>REQUIRED PARKING SPACES</u>
Auto washes	Three stacking spaces (approaching lanes) stall; plus 2 drying spaces/stall.
Campus for tents and camping trailers	One parking space for each site provided for site provided or tents and camping trailers plus 10 additional parking spaces.
Barber/beauty shops	Three spaces/operator.
Banks and other financial	One space/200 square feet cross floor Area (GFA); plus institutions stacking for 4 vehicles at each drive thru window.
Convenience store with gas sales	One space/200 square feet GFA; plus 4 stacking spaces at pump island
Fire Stations	One space/employee on largest shift; plus adequate parking for emergency vehicles.
Group camp facility	One space for each camper in which the facility is designed.
Hospitals	One space for each 4 patient beds; plus one space for each staff or visiting doctor; plus one space for each 4 employees.
Hotels	One for each 2 rooms, plus one additional space for each 5 employees.
Day care centers	One space for each employee and 4 spaces for off-street drop off and pickup.

Jails	One space/10 inmates; plus one space/2 employees; one space /vehicle used in operation.
Libraries	One space/450 sq ft GFA; plus one space/2 employees on largest shift
Medical offices and clinics	Four spaces for each doctor practicing at the clinic, plus one space for each employee.
Manufactured homes	One space for each mobile home.
Motel, tourist homes	One space/room; plus, one space/two employees.
Office, business professional or public	One space for each 200 square feet of gross floor area.
Outdoor recreation areas	One space for each 3 persons able to use such facility at its maximum capacity, plus 10 spaces for waiting plus one space for each 2 employees.
Residential dwellings, single-family and two-family	Two spaces/dwelling unit
Residential dwellings, multi-family	One and one-half spaces/ dwelling unit
Restaurants, drive-thru	One space/3 seats or stools; plus one space/2 employees on largest shift; plus 5 stacking spaces at each ordering station.
Restaurants, in-door	On space for each 3 seat or stools, plus one/ space/2 employees on the shift with the largest employment.
Retail business and consumer service outlets	One space for each 200 square feet of gross floor area.
Rooming and boarding house	One space/room.
Service stations	Two spaces for each gas pump; plus, three Spaces for each grease rack or similar facility.
Shopping center	One space/200 sq ft gross floor area
Wholesaling and industrial uses	One space for each 2 employees at maximum employment on a single shift.

## **Section 15-2 Loading and Unloading**

### **15-2.1 Area to Be Required**

- (a) At the time of the erection or expansion of any main building or part which is used for commercial or industrial use, off-street loading and unloading space shall be required as specified in this section.
- (b) Off-street loading and unloading spaces shall be designed and constructed so that all maneuvering to park vehicles for loading and unloading can take place entirely within the premises. These spaces; shall be provided so as not to interfere with the free, normal movement of vehicles and pedestrians on the public right-of-way.

### **15-2.2 Schedule of Loading Spaces**

- (a) For purposes of this section, an off-street loading berth shall have minimum dimensions of 12 feet by 30 feet and 14 feet overhead clearance with adequate means of ingress and egress.
- (b) For any structure containing less than 20,000 square feet of gross floor area, no berths shall be required. Large structures, however, shall provide berths as specified below:

<b>Floor Area of Commercial or Industrial Uses</b>	<b>Required Berths</b>
0-19,999	0
20,000 - 39,999	1
40,000 – 59,999	2
60,000 – 109,999	3
110,000 -159,000	4
160,000+	Add one (1) berth for each additional 80,000 square feet.

### **15-2.3 Enforcement**

- (a) Each application for a zoning permit or certificate of occupancy shall include information as to the location and dimensions of off-street loading and unloading space and the means of ingress and egress between such space and a street. This information shall be in sufficient detail to enable the Administrator to determine whether or not the requirements of this ordinance are met.
- (b) The certificate of occupancy for the use of a structure of land where off-street loading and unloading space is required shall be withheld by the Administrator until the provisions of this ordinance are fully met. If at any time such compliance ceases, any certificate of occupancy which has been issued for the use of property shall immediately become void and of no effect.

# **ARTICLE XVI**

## **Buffers**

### **Section 16-1 Purpose**

The buffer standards are designed to provide for visual separation of different land uses in order to reduce potential nuisances, such as glare, dirt, noise, unsightly views, and other adverse impacts of one land use upon another.

### **Section 16-2 When Buffer is Required**

To minimize the impact between land uses or to screen uses from the general driving public, a continuous buffer shall be provided along the property line or right-of-way as specified in this ordinance.

### **Section 16-3 Buffer Standards**

A buffer shall consist of a strip at least ten (10) feet in width, consisting of a compact evergreen hedge, or other type of evergreen foliage screening fence, or wall constructed to provide at least equivalent screening from adjoining properties. When a fence is used, the ten (10) foot width shall be waived.

If a fence is used, it shall be at least eight (8) feet in height. If hedges or plantings are used, they shall have an initial height of six (6) feet and be expected to reach eight (8) feet within two (2) years from the time of planting. No building, driveway, or parking area shall occupy any part of the buffer strip.

A plan demonstrating compliance with this buffering requirement shall be submitted to the Danbury Planning Board for their review and approval.

# ARTICLE XVII

## Definitions

**Accessory Use.** A use that is secondary to a principal use

**Administrator.** Land use administrator appointed by the elected board to implement the zoning ordinance.

**Antenna.** Equipment designed to transmit or receive electronic signals.

**Boarding House.** A residential use consisting of at least one (1) dwelling unit together with more than two (2) rooms that are rented or are destined or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from a tourist home is that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

**Building.** A structure designed to be used as a place of occupancy, storage or shelter.

**Building, Accessory.** A minor building that is located on the same lot as a principal building and that is used incidentally to a principal building or that houses an accessory use.

**Building, Principal.** The primary building on a lot or a building that houses a principal use.

**Camper.** A folding structure manufactured of metal, wood, canvas, plastic, or other materials, or any combination thereof, mounted on wheels and designed for travel, recreation, or vacation use. A camper is not designed or intended to be used as a permanent dwelling.

Campers may also include the following:

**Travel trailer:** A vehicular, portable structure built on chassis, designed to be towed by a self-propelled vehicle for use for travel, recreation, or vacation purposes. A travel trailer is not designed or meant to be used as a permanent dwelling.

**Recreational Vehicle:** A self-propelled vehicle or portable structure mounted on such a vehicle designed as a temporary dwelling for travel, recreation, and vacation.

**Tent:** A portable shelter of canvas, plastic, or skins stretched over a supporting framework of poles with skins stretched over a supporting framework of poles with ropes and pegs.

**Camper Space:** A plot of land within a campground designed for the accommodation of one (1) camper or tent.

**Campground:** Any lot upon which two (2) or more camper or tent spaces are provided for temporary occupancy according to requirements as set forth in this Ordinance. A campground shall also be known as a recreational vehicle park, or travel trailer park.

(Camper Definition added by amendment 5-19-2010)

**Combination Use.** A use consisting of a combination on one (1) lot of two (2) or more principal uses separately listed in the Table of Permissible Uses. (Under some circumstances, a second principal use may be regarded as accessory to the first and thus a combination use is not established. In addition, when two (2) or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this shall not constitute a combination use).

**Conditional Use Permit.** A permit issued by the governing body that authorizes the recipient to make use of property in accordance with the requirements of this ordinance as well as any additional requirements imposed by the governing board.

**Day Care Center, (Adult or Child).** Any adult/child care arrangement that provides day care on a regular basis for more than four hours per day for more than five (5) adults or children of preschool age.

**Dimensional Nonconformity.** A nonconforming situation that occurs when the height size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

**Duplex.** See *Residence, Duplex*.

**Dwelling Unit.** An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one (1) family.

**Family.** One (1) or more persons living together as a single housekeeping unit.

**Family Care Home.** A residence within a single dwelling unit for at least six (6) but not more than nine (9) persons who are physical or mentally handicapped or infirm, together with not more than two (2) persons providing care or assistance to such persons, all living together as a single housekeeping unit. Persons residing in such homes, including the aged and disabled, principally need residential care rather than medical treatment.

**Farmer's Market.** An enterprise or association that consistently occupies a given site on a seasonal basis, operating principally as a common marketplace for the sale of locally-grown fresh produce and farm products, where the farm products sold are produced by the participating farmers who have obtained grower certification from the NC Department of Agriculture or NC Cooperative Extension.

**Governing Body.** Danbury Town Council

**Home Occupation.** A commercial activity that: (i) is conducted by a person on the same lot (in a residential district) where such person resides, and (ii) is not so insubstantial or incidental or is not so commonly associated with the residential use as to be regarded as an accessory use but that can be conducted without any significantly adverse impact on the surrounding neighborhood.

**Kennel.** A commercial operation that: (i) provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or be associated with a veterinarian), or (ii) engages in the breeding of animals for sale.

**Lot.** A parcel of land whose boundaries have been established by some legal instrument such as a record deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

**Lot Area.** The total area circumscribed by the boundaries of a lot, except that: (i) when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street, and (ii) in a residential district, when a private road that serves more than three (3) dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area the lot area shall be the inside boundary of the traveled portion of that road.

**Mobile Home.** A dwelling unit that: (i) is not constructed in accordance with the standards set forth in the state building code applicable to site-built homes, and (ii) is composed of one (1) 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 40 feet in length and eight feet width.

**Mobile Home, Class A.** A mobile 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 each of the following additional criteria:

- (a) The home has a length not exceeding four times its width (**double wide units only**);
- (b) The pitch of the home's roof has a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- (c) The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of glass paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
- (d) A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home; and
- (e) The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

**Mobile Home, Class B.** A mobile 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 but that does not satisfy the criteria necessary to qualify the house as a Class A mobile home.

**Mobile Home Class C.** Any mobile home that does not meet the definitional criteria of a Class A or Class B mobile home.

**Mobile Home Park.** A residential use in which more than one (1) mobile home is located on a single lot.

**Modular Home.** A dwelling unit constructed in accordance with the standards set forth in the state building code applicable to site-built homes 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 (2) sections transported to the site in a manner similar to a mobile home except that the modular home meets the state building code applicable to site-built homes, or a series of panels or rooms sections transported on a truck and erected or joined together on the site.

**Nonconforming Lot.** A lot existing at the effective date of this ordinance (and not created for the purposes of evading the restrictions of this ordinance) that does not meet the minimum area requirement of the district in which the lot is located.

**Nonconforming Project.** Any structure, development, or undertaking that is incomplete at the effective date of this ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

**Nonconforming Situation.** A situation that occurs when, on the effective date of this ordinance, any existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a non-conforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this ordinance, or because land or buildings are used for purposes made unlawful by this ordinance.

**Nonconforming Use .** A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with operating a retail clothing store in a residentially zoned area constitutes a nonconforming use).

**Parking Space.** A portion of the vehicle accommodation area set aside for the parking of one (1) vehicle.

**Person.** An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

**Planned Business Development.** A tract of land at least five (5) acres in area devoted by its owner to development as a single entity for a number of commercial uses and a limited number of accessory dwelling units in accordance with a plan which does not necessarily comply with the provisions of this ordinance. The developer may be allowed to deviate from the strict application of use, setback, height and minimum lot size requirements of zoning districts in order to permit a creative approach to the development of commercial land. In exchange for the flexibility, the developer must have a conditional use permit and associated site plan approved by the Town Council. This approach is a voluntary alternative for the development of commercially zoned property.

**Planned Residential Development.** A development constructed on a tract of at least five (5) acres under single ownership, planned and developed as an integral unit, and consisting of single-family detached residences combined with either two-family residences or multi-family residences, or both.

**Planned Unit Development (PUD)** A development constructed on a tract of land under single ownership, planned and developed as an integral unit, and consisting of a combination of residential and nonresidential uses of land.

**Planned Jurisdiction.** The area which the community is authorized to plan for and regulate development, as set forth in Article I, Section 1-3.

**Public Water Supply System.** Any water supply system furnishing portable water to ten (10) or more dwelling units or businesses or any combination thereof.

**Residence, Duplex.** A two- family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

**Residence, Multi-Family.** A residential use consisting of a building containing three (3) or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch).

**Residence, Multi-Family Conversion.** A multi-family residence containing not more than four (4) dwelling units and results from the conversion of a single building containing at least 2,000 square feet of gross floor area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence.

**Residence, Multi-Family Townhouses.** A Multi-family resident use in which each dwelling unit shares a common wall (including without limitation the wall of an attached garage or porch) with at least one (1) other dwelling unit and in which each dwelling unit living space on the ground floor and a separate, ground floor entrance.

**Residence, Single-Family Detached, One Dwelling Unit Per Lot.** A residential use consisting of a single detached building containing one (1) dwelling unit and located on a lot containing no other dwelling units.

**Residence, Two-Family.** A residential use consisting of a building containing two (2) dwelling units. If two (2) dwelling units share a common wall, even the wall of an attached garage or porch, the dwelling units shall be considered to be located in one (1) building.

**Residence, Two-Family Conversion.** A two-family residence resulting from the conversion of a single building containing at least 2,000 square feet of gross floor area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence.

**Road.** All ways (public or private) used to provide motor vehicle access to (i) two (2) or more lots or (ii) two (2) or more distinct areas or buildings in unsubdivided developments.

**Rooming House.** See *Boarding House*.

**Sign.** See Article XIV for comprehensive listing of sign-related definitions.

**Special Events.** Circuses, fairs, carnivals, festivals, or other types of special events that (i) run for longer than one (1) day but not longer than two (2) weeks, (ii) are intended to, or likely to attract substantial crowds, and (iii) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

**Special Use Permit.** A permit issued by the Board of Adjustment that authorizes the recipient to make use of property in accordance with the requirements of this ordinance as well as any additional requirements imposed by the Board of Adjustment.

**Street.** A public street or a street with respect to which an offer of dedication has been made.

**Street (Road), Arterial.** A major street (road) in the jurisdiction's street system that serves as an avenue for the circulation of traffic onto, out, or around the community and carries high volumes of traffic.

**Street (Road), Collector.** A street (road) whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than 100 dwelling units and is designed to be used or is used to carry more than 800 trips per day.

**Street (Road), Cul-de-sac.** A street that terminates in a vehicular turnaround.

**Street, Local.** A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least ten (10) but not more than 25 dwelling units and is expected to or does handle between 75 and 200 trips per day.

**Street (Road) Marginal Access.** A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

**Street (Road), Minor.** A street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than nine (9) dwelling units and is expected to or does handle up to 75 trips per day.

**Street, Subcollector.** A street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least 26 but not more than 100 dwelling units and is expected to or does handle between 200 and 800 trips per day.

**Structure.** Anything constructed or erected.

**Subdivision.** The division of a tract of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and including all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations of this chapter applicable strictly to subdivisions: (i) the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the minimum standards set forth in this ordinance, (ii) the division of land into parcel greater than ten (10) acres where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the minimum standards set forth in this ordinance.

**Telecommunications Sales and Service.** An enterprise that includes the installation, repair and maintenance of telecommunications equipment including telecommunications services provided by electronic, electric or optical means, as through telephone, telegraph, television, computers, or mobile devices. Services include voice, internet, television, security monitoring or other services transmitted by electrical impulses, electromagnetic waves, or optical pulses. (Added 7-22-2015)

**Temporary Emergency, Construction, or Repair Residence.** A residence (which may be a mobile home) that is: (i) located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster, or (ii) located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the person intending to live in such permanent residence when the work is completed, or (iii) located on a

nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site.

**Tower.** Any structure whose principal function is to support an antenna.

**Tract.** A lot (see definition of lot). The term tract is used interchangeably with the term lot, particularly in the context of subdivision, where one “tract” is subdivided into several “lots”.

**Travel Trailer.** A structure that (i) is intended to be transported over the streets and highways either as a motor vehicle or attached to or hauled by a motor vehicle) and (ii) is designed for temporary use as sleeping quarters but that does not satisfy one (1) or more of the criteria of a mobile home.

**Use.** The activity or function that actually takes place or is intended to take place on a lot.

**Use, Principal.** A use listed in the Table of Uses by District.

**Utility Facilities.** Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose by [the appropriate provision of state law] and used in connection with the production, generation, transmission, delivery collection, or storage of water, sewage, electricity, gas, oil, or electronic signals.

**Utility Facilities, Neighborhood.** Utility facilities that are designed to serve the immediate surrounding neighborhood where such facilities are proposed to be located.

**Variance.** A grant of permission by the Board of Adjustment that authorizes the recipient to do that which, according to the strict letter of this ordinance, he could not otherwise legally do.

**Zoning Permit.** A permit issued by the Land Use Administrator that authorizes the recipient to make use of property in accordance with the requirements of this ordinance.

**NOTE:** A certified copy of the original Danbury Zoning Ordinance, adopted in December of 1993, and all Amendments since that time are found in the official Danbury Ordinance Book at Town Hall.

The original Zoning Ordinance and all original amendments are stored in accordance with requirements of N.C.G.S. 132-7.

END OF DOCUMENT