



ZONING ORDINANCE

TOWN OF VANCEBORO

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ZONING ORDINANCE

Be it ordained by the Board of Commissioners of the Town of Vanceboro:

ARTICLE 1. PURPOSE AND AUTHORITY

Section 1.1 Purpose

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

Section 1.2 Authority

The provisions of this ordinance are adopted pursuant to authority granted by the General Assembly of the State of North Carolina, particularly Chapter 160D of the North Carolina General Statutes (“NCGS”).

Section 1.3 Plan

- (a) The Town shall have an adopted, reasonably maintained comprehensive plan or land use plan that corresponds to this Ordinance and is consistent with N.C.G.S. 160D-501. The Town of Vanceboro’s section within Craven County’s Coastal Area Management Act (“CAMA”) Core Land Use Plan may serve as this required land use plan.
- (b) Any plan adoption or plan update shall be made as a legislative decision following the process specified in N.C.G.S. 160D-501(c).

ARTICLE 2. ESTABLISHMENT OF DISTRICTS

Section 2.1 Establishment of Districts

In order to implement the intent of this Ordinance as set forth in Article 1, the Town of Vanceboro is hereby divided into six (6) districts with the designations and general purposes listed below and the specifically permitted use in each district listed in Article 5 of this Ordinance. Overlay districts are hereby established, and where an overlay district is applied to the

underlying base district, the standards governing development in the overlay district shall apply in addition to the standards governing development in the underlying zoning district.

Districts	Purpose
Residential 10S	A single-family residential district allowing only a single-family dwelling on a lot.
Residential 10	A residential district allowing a single-family dwelling, a two-family dwelling and a multi-family dwelling.
Residential 8	A residential district allowing single family dwellings.
Mobile Home Overlay	An overlay district that allows mobile homes.
Institutional	A district which allows institutional use such as offices and clubs.
Industrial	An industrial district having only limited contact with the general public and which allows manufacture and/or assembly of parts.
Commercial	A commercial district allowing retail trade.

ARTICLE 3. DISTRICT BOUNDARIES; ZONING MAP ADOPTED

Section 3.1 District Boundaries

The boundaries of the districts are shown upon the map accompanying this Ordinance entitled "Zoning Map, Town of Vanceboro, North Carolina," dated June 8, 1977. The Zoning Map and all the notations, references and all amendments thereto, and other information shown thereon, are hereby made a part of this Ordinance. The current Zoning Map, properly attested, shall remain on file in the office of the Town Clerk and be available for inspection by the public. All prior zoning maps shall also be available for public inspection.

ARTICLE 4. GENERAL PROVISIONS

Section 4.1 Zoning Effect on Buildings and Use

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

Section 4.2 Definitions

1. Accessory Use. Use customarily incidental and subordinate to the principal use of land or building, and located on the same lot with such principal use.
2. Administrative Decision. Decision made by the Administrative Official / Enforcement Officer in the implementation, administration, or enforcement of this

Ordinance that involve the determination of facts and the application of objective standards set forth in NCGS 160D or this Ordinance. These are sometimes referred to as ministerial decisions or administrative determinations.

3. Alley. A public way which affords only secondary means of access to abutting property and not intended for general traffic circulation.
4. Building. A structure designed to be used for occupancy, storage, or shelter.
5. Building Accessory. A subordinate building on the same lot as the principal building, consisting of walls or supporting members and a roof, the use of which is customarily incidental to the use of a principal building on the same lot.
6. Building, Principal. A building in which is conducted the principal use of the lot on which it is located.
7. Building Setback Line. A line establishing the minimum allowable distance between the nearest portion of any building, excluding the outermost three (3) feet of any uncovered porches, steps, eaves, gutters, and similar fixtures, and the right-of-way of any street when measured perpendicularly thereto.
8. Commercial Use. Any use permitted by this Ordinance in a commercial district.
9. Determination. A written, final, and binding order, requirement, or determination regarding an administrative decision.
10. Development. Per NCGS 160D-102, this includes any of the following:
 - a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
 - b. The excavation, grading, filling, clearing, or alteration of land.
 - c. The subdivision of land as defined in NCGS 160D-802.
 - d. The initiation or substantial change in the use of land or the intensity of use of land.
11. Development Approval. An administrative or quasi-judicial approval made pursuant to NCGS 160D that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. They include, but are not limited to, zoning permits and variances. The term also includes all other regulatory approvals required by regulations adopted pursuant to NCGS 160D, including building permits issued.
12. Dwelling. Any building, structure, manufactured home, or mobile home, or part thereof, that is used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. For the purposes of Article 12 of NCGS 160D, the term does

not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose. The term "Dwelling" in this Ordinance shall not be deemed to include a motel, hotel, tourist home, house trailer, or any other structures or vehicles designed for transient residence. A Dwelling consists of one or more Dwelling Units.

13. Dwelling, Single Family. A building used or designated as a residence for a single family.
14. Dwelling, Two-Family. A building or portion thereof used or designed as a residence for two families living independently of each other and doing their own cooking therein.
15. Dwelling, Multiple. A building or portion thereof used or designed as a residence for three or more families living independently of each other and doing their own cooking therein, including apartment houses.
16. Dwelling Unit. A single unit providing complete, independent living facilities for one or more persons (a housekeeping unit), including permanent provisions for living, sleeping, eating, cooking, and sanitation.
17. Evidentiary Hearing. A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under NCGS 160D.
18. Family. Any number of individuals living together as a single housekeeping unit.
19. Incidental Home Occupation. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no display upon the premises, and no person not a resident on premises is employed specifically in connection with the home occupation. No more than 25% of the floor area of the dwelling may be devoted to such incidental home occupation.
20. Industrial Use. Any use permitted by this Ordinance in an industrial district.
21. Institutional Use. Any use permitted by this Ordinance in an institutional district.
22. Junkyard. Any land or area used, in whole or in part for commercial storage and/or sale of wastepaper, rags, scrap metal or other junk, and including commercial storage of inoperative motor vehicles and boats, and dismantling of such vehicles or machinery.

23. Legislative Decision. The adoption, amendment, or repeal of a regulation under N.C.G.S. 160D.
24. Legislative Hearing. A hearing to solicit public comment on a proposed legislative decision.
25. Lot. A parcel of land in single ownership occupied or intended for occupancy by a principal building, together with its accessory buildings; including the open space required under this Ordinance. For the purpose of this Ordinance the word "lot" shall be taken to mean any number of contiguous lots of record for location of one principal building and its accessory buildings.
26. Lot, Corner. A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than forty-five (45) degrees and less than one hundred and thirty-five (135) degrees with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case the owner shall be required to specify which is the front when requesting a building permit.
27. Lot of Record. A lot which is a part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Craven County, or a lot described by metes and bounds, the description of which has been recorded.
28. Lot, Depth. The depth of a lot is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front lot line to the midpoint of the rear lot line.
29. Lot Width. The distance between side lot lines as measured at the building line.
30. Mobile Home (Includes Double-Wide and Triple-Wide Homes). A portable, manufactured housing unit built on a chassis, with body width exceeding 8 feet or body length exceeding 32 feet, designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities. A travel trailer is not to be considered as a mobile home.
31. Mobile Home Park. A mobile home park is any site or tract of land which accommodates, or is designed to accommodate mobile homes, and shall include any structure or enclosure intended for use as, part of the equipment of such site.
32. Nonconforming Use. The use of a building or land which does not conform to the use or dimensional regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance, or as a result of subsequent amendments which may be incorporated into this Ordinance.

33. Parking Space. The storage space of not less than ten (10) feet by twenty (20) feet for one (1) automobile, plus the necessary access space.
34. Quasi-Judicial Decision. A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. This term includes, but is not limited to, decisions involving variances and appeals of administrative determinations. Every quasi-judicial decision requires an evidentiary hearing.
35. Residential Use. Any use permitted by this Ordinance in a residential district.
36. Sign.
- (a) Advertising Sign. A sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered (i) only elsewhere than upon the premises where the sign is displayed, or (ii) is [as] a minor and incidental activity upon the premises where the sign is displayed.
 - (b) Business Sign. A sign which directs attention to a business, profession, or industry located upon the premises where the sign is displayed, to type of products sold, manufactured, or assembled, and/or to service or entertainment offered on said premises, but not a sign pertaining to the preceding if such activity is only minor and incidental to the principal use of the premises.
 - (c) Freestanding Sign. A sign that (i) is permanent, and (ii) is attached to, erected on, or supported by some structure such as a pole, mast, or frame that is not itself an integral part of a building or other structure having a principal function other than the support of a sign.
 - (d) Off-Premises Sign. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located. This definition shall include the terms "outdoor advertising sign" or "billboard".
 - (e) Temporary Sign. A sign that (i) is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (ii) is intended to remain on the location where it is erected or placed for a period of generally not more than 15 days, or (iii) is displayed on a premises only during normal operating hours and then removed from that location. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

37. Street. A roadway which affords the principal means of access to abutting property and has been dedicated to public use.
38. Tourist Home. A dwelling wherein rooms are rented to provide overnight accommodations for transient guests.
39. Yard. An open space on the same lot which a principal building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.
40. Yard, Front. A yard across the full width of the lot, extending from the front building setback, line to the Street upon which the lot fronts.
41. Yard, Rear. A yard extending across the full width of the lot from the rear building setback line to the rear lot line.
42. Yard, Side. An open unoccupied space on the same lot with a principal building, situated between the side building setback line and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot; and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot

Section 4.3 Nonconforming Uses

The lawful use of "land and/or buildings" existing at the time of adoption of this Ordinance, although such use does not conform to the provisions of this Ordinance, shall not be affected by this Ordinance; provided, however that no such nonconforming use shall be enlarged or increased, nor shall any nonconforming use be extended to occupy a greater area of land than that occupied by such use at the time of the passage of this Ordinance. If such nonconforming use is discontinued for a continuous period of more than one hundred and eighty (180) days, any future use of said land and/or building shall be in conformity with the provisions of this Ordinance.

A nonconforming use shall not be changed to another nonconforming use. Any change in use must be permitted in the schedule of district regulations for the district in which such use is proposed.

No provision in this Ordinance shall prevent the restoration of a nonconforming building destroyed to the extent of not more than seventy per cent (70%) of its physical structure by fire explosion, other casualty or act of God or the public enemy, if the restoration of such building is commenced within one hundred eighty (180) days of the date of such damage and completed within the period of validity of the building permit issued therefore; provided, however, no provision in this Ordinance shall prevent the reconstruction by the owner of a nonconforming residence occupied by its owner at the time of its destruction as herein set forth, regardless of the degree of destruction.

Section 4.4 Relationship of Buildings to Lot

Every building hereafter erected shall be located on a lot of record as defined in Section 4.2. There shall be no more than one principal residential building and its accessory buildings on one lot except as permitted herein.

Section 4.5 Street Access

No building shall be erected on a lot which does not abut a street as defined in Section 4.2 of this Ordinance; except in a designed shopping center or highway business area in a commercial district or neighborhood shopping district, a building may be erected on a lot which adjoins a parking area, private access road or other open space used in common with other lots.

Section 4.6 Reduction of Lot Size Prohibited

No lot, as defined in Section 4.2, shall be reduced so that yards, width, or area below the minimum required under this Ordinance shall result.

Section 4.7 Vacant Lot Below Minimum Size

Vacant adjoining lots that are too small to meet the yard, width and area requirement of the district in which they are located and are in single ownership shall be considered as a single lot or several lots subject to the requirements of this Ordinance.

Section 4.8 Required Parking Areas

Parking areas required by commercial and institutional uses are permitted only in districts which allow commercial and institutional activities.

ARTICLE 5. PERMITTED USES

Section 5.1 Tabulation of Permitted Uses

Uses permitted in the various districts are indicated by an "X" mark in the appropriate column(s) of the permitted use table. Any use not specifically designated as permitted shall be deemed to be prohibited. (See table at the end of this Ordinance in Appendix A).

ARTICLE 6. DIMENSIONAL REQUIREMENTS

Section 6.1 Residential 10S and Residential 10 Dimensional Requirements

Within the Residential 10S and Residential 10 districts, as shown on the Official Zoning Map, the following dimensional requirements shall be complied with:

- (a) Minimum lot area 10,000 - square feet.
- (b) Minimum lot area for multi-family residential use:
 - First dwelling unit - 10,000 square feet
 - Each additional unit - 3,000 square feet
- (c) Minimum required lot width at setback line - 90 feet.
- (d) Minimum required setback - Every building shall be set back at least 30 feet from the right-of-way line upon which the lot fronts and 20 feet from the right-of-way line of any adjoining side street.
- (e) Minimum side yard - 10 feet.
- (f) Minimum rear yard - 10 feet.
- (g) Accessory building location - No accessory building shall be erected in any setback or required side yard or within three (3) feet of any rear lot line.
- (h) Minimum distance between multi-family residential buildings - 20 feet.
- (i) Corner visibility (sight line) - On any corner lot designated by the Town Board of Commissioners as having visibility hazard, there shall be no obstruction to vision between a height of 3 feet and 10 feet within the area formed in the center lines of the intersecting streets and a line adjoining points on the street center lines located at a distance of 80 feet from the street's center line intersection.
- (j) Minimum required off street parking spaces - Two spaces per residential unit.

Section 6.2 Residential 8 Dimensional Requirements

Within the Residential 8 district, as shown on the Official Zoning Map, the following dimensional requirements shall be complied with:

- (a) Minimum lot area - 8,000 square feet.
- (b) Minimum required lot width at setback line - 80 feet.
- (c) Minimum required setback - Every building shall be set back at least 25 feet from the right-of-way line upon which the lot fronts and 20 feet from the right-of-way line of any adjoining side street.
- (d) Minimum side yard - 10 feet.
- (e) Minimum rear yard - 10 feet.
- (f) Accessory building location - No accessory building shall be erected in any setback or required side yard or within three (3) feet of any rear lot line.
- (g) Corner visibility (sight line) - On any corner lot there shall be no obstruction to vision between a height of 3 feet and 10 feet within the area formed in the center lines of the intersecting streets and a line adjoining points on the street center lines located at a distance of 80 feet from the street's center line intersection.
- (h) Minimum required off street parking spaces - Two spaces per residential unit.

Section 6.3 Mobile Home Overlay Dimensional and other Requirements

Within the mobile home district, as shown on the Official Zoning Map, the following dimensional requirements shall be complied with:

- (a) Minimum lot area - 8,000 square feet.

- (b) Minimum required setback - Every building shall be set back at least 20 feet from the right-of-way line upon which the lot fronts and 20 feet from the right-of-way line of any adjoining side street.
- (c) Minimum side yard. - 10 feet.
- (d) Minimum rear yard - 10 feet.
- (e) Accessory building location - No accessory building shall be erected in any setback or required side yard or within 3 feet of any rear lot line.
- (f) Corner visibility (sight line). On any corner lot, there shall be no obstruction to vision between a height of 3 feet and 10 feet within the area formed by the center lines of the intersecting streets and a line adjoining points on the street center lines located at a distance of 80 feet from the street's center line intersection.
- (g) Minimum required off street parking spaces - Two spaces per mobile home unit.

In addition to the above dimensional requirements, mobile homes must conform to the following regulations:

- (a) is placed upon mortared masonry piers meeting state building code requirements, and a mortared brick masonry wall is constructed under the edge of all four (4) sides of said mobile home in accordance with the standards set forth by the North Carolina Department of Insurance and the Town of Vanceboro;
- (b) has stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the manufactured home installed or constructed in compliance with the standards of the North Carolina State Building Code, attached firmly to the primary structure and be anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet. It is the intent of this subsection to prohibit the use of wood stairs only at any entrance to a manufactured home.
- (c) has the towbar and transporting lights removed or concealed from public view by skirting or landscaping;
- (d) is constructed with a gable or hip roof design in accordance with standard residential construction in the town; and,
- (e) is not used primarily for storage;
- (f) shall have the pitch of the roof to be a minimum vertical rise of three and one-half (3 1/2) feet for each twelve (12) feet of horizontal run;
- (g) shall have all roof structures to provide an eaves projection of no less than six (6) inches;
- (h) shall permanently connect the manufactured home to local utilities;
- (i) is the only one mobile home allowed per lot.

Section 6.4 Institutional Dimensional Requirements

Within the Institutional districts as shown on the Official Zoning Map, the following dimensional requirements shall be complied with:

- (a) Minimum required setback - Every building shall be set back 20 feet from the right-of-way line upon which the lot fronts and 15 feet from the right-of-way line of any adjoining side street.

- (b) Minimum side yard - 10 feet.
- (c) Minimum rear yard - 10 feet.
- (d) Minimum required off street parking:
 1. Civic Clubs - For each 200 square feet of floor area in each building not used for storage, there shall be three parking spaces.
 2. Offices - For each 200 square feet of office floor area there shall be two parking spaces.

Section 6.5 Industrial Dimensional Requirements

Within an industrial district as shown on the Official Zoning Map, the following dimensional requirements shall be complied with:

- (a) Minimum required lot area - 20,000 square feet.
- (b) Minimum required setback - Every building shall be set back 40 feet from the right-of-way line upon which the lot fronts and 30 feet from the right-of-way line of any adjoining side street.
- (c) Minimum side yard - 10 feet.
- (d) Minimum rear yard - 10 feet.
- (e) Minimum required off street parking - One space for every two employees on the longest shift.

Section 6.6 Commercial Dimensional Requirements

Within a commercial district, as shown on the Official Zoning Map, the following dimensional requirements shall be complied with:

- (a) Minimum required setback - Every building shall be set back 20 feet from the right - of - way line upon which the lot fronts and 15 feet from the right-of-way of any adjoining side street.
- (b) Minimum side yard - When a side lot line abuts a residentially or institutionally zoned lot, there shall be a minimum side yard of 10 feet.
- (c) Minimum rear yard - When a rear lot line abuts a residentially or institutionally zoned lot, there shall be a minimum rear yard of 10 feet.
- (d) Minimum required off street parking - For each 200 square feet of commercial floor area there shall be two parking spaces.

ARTICLE 7. ADMINISTRATION AND ENFORCEMENT

Section 7.1 Administrative Official / Enforcement Officer

- (a) The Town Board of Commissioners shall designate an Enforcement Officer to administer and enforce this Ordinance. He may be provided with the assistance of such other persons as the Town Board may direct.

- (b) Inspections. The Enforcement Officer may conduct inspections in conformance with NCGS 160D-403(e). Any inspection must occur during reasonable hours. The Enforcement Officer must present credentials. In order to inspect an area not open to the public, the Enforcement Officer must either have appropriate consent or obtain an administrative search warrant.
- (c) Notice of violations. If the Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, upon the direction of the Town Board of Commissioners, he shall notify in writing the person responsible for such violations, the landowner, and holder of the development approval (if different) indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.
- (d) The Enforcement Officer shall file written certification that a notice of violation was provided.
- (e) All other notices of determination. Any other notice of determination must be provided in writing to the applicant and property owner. The notice must be sent by personal delivery, electronic mail, or first-class mail.
- (f) Time to appeal. An applicant has thirty (30) days from receipt of written notice of any administrative determination to file an appeal. If the notice is sent by first-class mail, it is presumed to have been received on the third business day after mailing.

Section 7.2 Zoning Permit

- (a) It shall be unlawful to use or permit the use of any building or premises or part thereof until a Zoning Permit has been issued by the Town Clerk; provided, however, no Zoning Permit shall be required for the continuance of a use in effect at the time of adoption of this Ordinance.
- (b) A Zoning Permit expires 12 months after issuance if no work has commenced.
- (c) If work has commenced, a Zoning Permit expires 24 months after work is discontinued.

Section 7.3 Building Permits

Before the erection, construction, or alteration of any building or structure, or part of same, a Building Permit shall be obtained from the Craven County Inspector. A Zoning Permit must be

presented to the Craven County Inspector before a Building Permit can be issued. A Building Permit expires six months after issuance if no work has commenced. If work has commenced, a Building Permit expires 12 months after work is discontinued.

Section 7.4 Remedies

This Ordinance may be enforced by any and every remedy provided by the General Statute of North Carolina.

Section 7.5 Decisions of the Town Board of Adjustments

- (a) In general.
 - (1) The Town Board of Adjustments (“Board” in this Section) shall follow statutory procedures specified in NCGS 160D-406 for all quasi-judicial decisions.
 - (2) Any quasi-judicial decision by the Board shall be preceded by an evidentiary hearing used to gather competent, material, and substantial evidence.
 - (3) Any witness at an evidentiary hearing must testify under oath.
 - (4) Any quasi-judicial decision by the Board must be in writing.
 - (5) The Board chair at an evidentiary hearing shall rule on objections to the inclusion or exclusion of administrative material.
 - (6) The applicant, Town, and any person with standing to appeal a quasi-judicial decision under NCGS 160D-1402(c) shall have to right to participate as a party in an evidentiary hearing.
- (b) Appeals of administrative decisions.
 - (1) The Board shall hear and decide appeals where it is alleged by the appellant that there is error in any decision made by the Enforcement Officer or other administrative officials in the carrying out or enforcing of any provision of this Ordinance. To this end, the Board may reverse or affirm the decision made and instruct its administrative officer accordingly.
 - (2) The Enforcement Officer or other administrative official who made the decision being appealed must appear as a witness. Their successor shall appear instead if the person who made the decision is no longer employed.

- (3) Enforcement actions, such as fines, must be paused during the appeals process.
- (c) Variances.
 - (1) Standards. The Board shall hear and decide applications for modifications from the dimensional requirements of this Ordinance. In granting a variance, the Board shall show all conditions in NCGS 160D-705(d) are met:
 - (i) Unnecessary hardship would result from the strict application of this Ordinance. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - (ii) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
 - (iii) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
 - (iv) The requested variance is consistent with the spirit, purpose, and intent of this Ordinance such that public safety is secured and substantial justice is achieved.
 - (2) In granting a variance, the Board may attach appropriate conditions that are reasonably related to the variance.

Section 7.6 Requirements for All Boards

- (a) Each board shall record the minutes of their proceedings.
- (b) Each board member shall take an oath of office before starting their duties.
- (c) If a board chooses to adopt rules of procedure, those rules shall be maintained by the Town Clerk and publicly available on the Town's website.

Section 7.7 Requirements for All Development Approvals

- (a) Any development approval shall be provided in writing.
- (b) Any development approval shall run with the land per NCGS 160D-104.
- (c) Revocation of any development approval shall follow the same process used for their approval.
- (d) An application for a development approval can only be made by a property owner, person with a contract to purchase the property in question, or an authorized agent.
- (e) Site-specific vesting plan. No development approval specified in this Ordinance constitutes a site-specific vesting plan.
- (f) Permit choice. An applicant for a development approval (development permit) shall have the right to permit choice as detailed in NCGS 160D-108(b) and 143-755 once a complete application is submitted to Town staff. Town staff shall determine if an application is complete.
- (g) Application completeness. An application is determined to be complete if the following are provided:
 - (1) Any relevant information necessary to determine if a proposed development and/or use meets the requirements of this Ordinance. This could include, but are not limited to, property identification (valid street address and/or property identification number), a clear description of the proposed development and/or use, and specification of relevant dimensions.
 - (2) A dated signature by the applicant.
 - (3) Payment of an application fee.

Section 7.8 Fees

Fees charged through this Ordinance shall be used solely for support, administration, and enforcement of this Ordinance or other Town development regulations per NCGS 160D-402(d).

ARTICLE 8. AMENDMENTS

Section 8.1 General

- (a) No regulation or map in this Ordinance shall be amended, supplemented, changed, modified, or repealed until after a legislative hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.
- (b) Proposed amendments may be initiated by the Town Board of Commissioners or by an interested party through a petition.
- (c) Third-party down-zonings are prohibited per NCGS 160D-601(d). Down-zonings are allowed if initiated by the Town or if written consent of all affected property owners has been obtained.
- (d) Any amendment to this Ordinance, including the Zoning Map, is a legislative decision and shall be adopted by ordinance.

Section 8.2 Petition and Fee

- (a) Persons requesting a zoning change shall file an application with the Town Clerk.
- (b) Such petitions shall be accompanied by a fee of \$25.00 to partially defray the public expense in advertising the requested change and keep records thereof. The petition will not be considered submitted until this fee is paid.

Section 8.3 Planning Board Review

- (a) The Town Clerk shall submit the proposed amendment by petition or Town Board of Commissioners to the Planning Board for their review and written recommendation.
- (b) The Town Board of Commissioners shall not serve as the Planning Board in this capacity per NCGS 160D-604(e).
- (c) Plan consistency statement requirement. As part of the written recommendation, the Planning Board must state whether the proposed amendment is consistent with any land use plan, comprehensive plan, or any other plan adopted under NCGS 160D-501 by the Town.

Section 8.4 Legislative Hearing Notice Requirements

- (a) A legislative hearing by the Town Board of Commissioners is required for amending this Ordinance.

- (b) Published notice requirement. A notice of such legislative hearing shall be given once a week for two (2) successive calendar weeks in a newspaper of general circulation in the Town of Vanceboro; said notice to be published the first time not less than fifteen (15) days nor more than twenty-five (25) days prior to the date fixed for such hearing.
- (c) Additional requirements for map amendment (rezoning, zoning change).
 - (1) Notice posted on site. A notice of a request for a legislative hearing for a zoning change shall be posted on the property not less than fifteen (15) days nor more than twenty-five (25) days prior to the legislative hearing stating the nature of the requested change and the time and place of the public hearing.
 - (2) Mailed notice. A notice of a legislative hearing for a zoning change shall be mailed to all owners of affected properties and owners of abutting properties. Abutting properties include properties separated only by street, railroad, or other transportation corridor. The notice must be mailed at least ten (10) but not more than twenty-five (25) days prior to the legislative hearing.

Section 8.5 Decision by Town Board of Commissioners

- (a) An amendment to this Ordinance is adopted on first reading by simple majority.
- (b) Plan consistency statement requirement. When deciding on an amendment to this Ordinance, the Town Board of Commissioners shall approve a statement of whether the proposed amendment is consistent with any land use plan, comprehensive plan, or any other plan adopted under NCGS 160D-501 by the Town.
- (c) Additional requirement for map amendment (rezoning, zoning change). Included along with the plan consistency statement above, the Town Board of Commissioners shall specify reasonableness for map amendments that can include, but are not limited, to the following factors:
 - (1) Size, physical conditions, and other attributes of the area proposed to be rezoned.
 - (2) Benefits and detriments to landowners, neighbors, and larger community.
 - (3) Relationship between the current actual and permissible development on the property and adjoining areas and development that would be permissible under the proposed amendment.

- (4) Why the action taken is in the public interest.
- (5) Any changed conditions warranting the amendment.
- (d) Effect on future land use map. If the Town Board of Commissioners adopts a zoning map amendment that is also deemed inconsistent with an adopted plan, then the future land use map in that adopted plan is also amended. The Town shall not require a separate application or fee for this plan amendment.
- (e) CAMA plan. An amendment to the Town's future land use map in a CAMA land use plan is not considered effective until completion of the CAMA plan amendment process.
- (f). No application for any change in the zone of property for the same property or any part thereof shall be filed until the expiration of one year from the date of last determination by the Town Board of Commissioners, provided that, the one year waiting period for filing a petition shall not be applicable for rezoning all or any part of property previously considered by the Town Board of Commissioners where the new petition requests rezoning to a different zone district than previously requested.

ARTICLE 9. LEGAL PROVISIONS

Section 9.1 Conflict with other Ordinances

This Ordinance shall not repeal, annul, or impair any existing provisions of law, ordinance or rules or regulations previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of building or premises provided, however, wherever the terms of this chapter require a greater width or size of yards, courts or other open spaces, or impose other higher standards than are required in any other statute or local ordinance or regulations, the provisions of this chapter shall govern. Wherever the provisions of any other statute, local ordinance or regulation require a greater width or size of yards, courts or other open space, or require a greater percentage of plot to be left unoccupied, or impose other higher standards than are required in this chapter, the provisions of such statute, local ordinance, or regulation shall govern. All modifications heretofore granted by the Town Board of Commissioners shall remain in effect and be binding. This chapter shall remain in effect insofar as required for the initiation of any proceedings against such violations and for the prosecution of any violations heretofore commenced.

Section 9.2 Effect of Invalidity of One Section

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

Section 9.3 Penalty

Any person, firm, or corporation who violates the provisions of this Ordinance shall upon conviction, be guilty of a misdemeanor and shall be fined not exceeding fifty dollars (\$50.00) or imprisoned not exceeding thirty (30) days. Each day a violation shall continue to exist shall be considered a separate offense.

Section 9.4 Effective Date

This Ordinance shall be in full force and effect from and after the 13th day of September 1977 at twelve zero one (12:01) o'clock. A copy shall be posted on the town hall bulletin board upon its adoption. This Ordinance was originally adopted on the 12th day of September 1977.

ARTICLE 10. SIGN REGULATIONS

Section 10.1 Prohibited Signs

The following signs are prohibited in the Town.

- (a) Signs that imitate, or in any way approximate, official highway signs, or that are erected in a way that obscures a sign displayed by a public authority.
- (b) Signs that are erected in a street right-of-way, or placed in a street right-of-way, or placed in such a manner as to obstruct driver vision of any vehicle entering a roadway from any street, alley, driveway, or parking lot.
- (c) Advertising signs on public utility poles, telephone poles, and trees.
- (d) Any sign located in such a way as to intentionally deny an adjoining property owner visual access to an existing sign.
- (e) Off-premises signs
- (f) Any sign in a residential zoned area that exceeds the total sign surface area of 18 inches by 24 inches

Section 10.2 Permit Required For Signs

- (a) (With the exception of temporary signs, permit exceptions and additional regulations), No sign may be erected, moved or enlarged or substantially altered except in accordance with the following provisions
 - 1. Signs that are not exempted, may be erected, moved, enlarged or substantially altered only in accordance with a zoning sign permit issued by the Town of Vanceboro and approved for recommendation by a designated member of the zoning committee.
 - 2. Sign permits must be issued in the name of the property owner rather than in the name of the individual business and it shall be the responsibility of such owner that the sign is compliance with such sign ordinances
 - 3. All sign applications must include a master sign plan that includes the following:
 - i) Sketch outlining the sign
 - ii) Calculation of total sign surface areas
 - iii) Details regarding sign installment, type of sign and other considerations

Section 10.3 Total Sign Surface Area

- (a) Subject to any and all other provisions in this section, the total surface area devoted to all signs on any lot zoned agricultural, office, industrial and institutional shall not exceed the total sign surface area of 32 square feet.

Section 10.4 Free Standing Sign Surface Area

- (a) For the purposes of this section, a free-standing sign which typically have sides (back-to-back), although four sided and other multisided signs are common.
- (b) A single side of a free-standing sign may not exceed the total sign surface area of 32 square feet
- (c) Free standing signs cannot exceed the height of 18 feet
- (d) No development may have more than one free standing sign
- (e) If a development is located on a lot that is bordered by two public streets, then one free standing sign is allowed on facing the development bordered by the street.

ARTICLE 11. CONFLICTS OF INTEREST STANDARDS

- (a) Familial relationship. For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.
- (b) Governing board and appointed boards. Members of these boards shall not vote on any legislative decision regarding a development regulation adopted pursuant to NCGS 160D where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.
- (c) Administrative staff. No staff member shall make a final decision on an administrative decision required by NCGS 160D if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person.

No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under NCGS 160D unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the Town of Vanceboro, as determined by the Town.

- (d) Quasi-judicial decisions. A member of any board exercising quasi-judicial functions pursuant to NCGS 160D shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.
- (e) Resolution of objection. If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

APPENDIX A. PERMITTED USES TABLE

Permitted Uses

Permitted uses within zoning districts:

	R10S	R10	INT	COM	MH	IND	R8
Accessory Buildings				X	X	X	
Accessory uses and structures incidental to any permitted residential use, such as servants quarters, garages, greenhouses or workshops, provided that none shall be rented or occupied for gain, that no accessory building shall be inhabited by other than employees of the owner.	X	X	X				X
Agencies and offices rendering specialized services in the professions, finance, real estate and brokerage, including service agencies not involving on premises retail trade or on premises services with and to the general public, nor wholesale trade on premises, nor maintenance of a stock of goods for sale to the general public		X					
Agricultural uses	X	X	X	X	X	X	X
Alcohol beverage packaged retail sales			X				
Amusement enterprises similar to billiards, pool, bowling, roller rink, dance hall			X				
Antiques and gift retail sales			X				
Art supply retail sales			X				

Assembly halls, coliseums, gymnasiums, and similar structures		X	X				X
Automobile (new and used) and accessory sales			X				X
Automobile parking operated in conjunction with permitted uses	X	X	X	X	X	X	
Automobile repair garages				X			
Automobile service stations				X			
Bakery shops and confectioneries operating both wholesale and retail business				X			
Banks			X	X			
Barber, beauty and other similar personal services				X			
Bicycle sale and repair				X			
Book and stationery stores				X			
Bus passenger stations				X			
Churches	X	X	X	X	X	X	X
Condominium		X	X				
Convalescent and nursing homes			X	X			
Country clubs, golf clubs, for the exclusive use of the property owners of the platted subdivision and their invited guests	X	X	X	X	X	X	X

Curb markets				X			
Day nurseries and kindergartens			X	X			
Drugstores				X			
Dry cleaning				X			
Dwelling, multi-family		X					
Dwellings, single family	X	X				X	X
Dwellings, two-family		X			X		
Feed and seed retail sale				X		X	
Fertilizer retail sales				X		X	
Finance and loan companies			X	X			
Florist: greenhouses, cultivations facilities and warehousing for whole sale and retail trade				X			
Food stores; grocery				X			
Fuel storage in bulk for sale				X			
Furniture retail sales				X			
Gardens	X	X	X	X	X	X	X
Grounds and facilities for open air games and sports			X				
Group housing projects		X					

Hardware, appliances, and electrical items retail sale				X			
Heating fuel for on-site heating purposes	X	X	X	X	X	X	X
Hospitals			X	X			
Hotels and inns				X			
Ice manufacture, storage and sales				X		X	
Incidental home occupations as defined in Article 4	X	X	X		X		X
Kennels				X		X	
Laundries				X			
Launderette service				X			
Libraries, museums and art galleries			X	X			
Lock and gunsmiths				X			
Manufacturing and/or assembly						X	
Mobile homes					X		
Motels and motor courts				X			
Music stores				X			
Musical, dramatic and other artistic programs or events			X	X			
Newsstands				X			

Non-conforming uses and buildings	X	X	X	X		X	X
Office buildings			X	X			
Office equipment and supplies sales and service				X			
Parking lots, commercial				X			
Pet shops, bird stores, taxidermists				X			
Photographic studios and camera supply stores				X			
Plumbing shop and yard				X		X	
Police and fire stations	X	X	X	X	X	X	X
Printing, publishing and reproduction establishments				X			
Public utility distribution lines, transformer stations, transmission lines and towers and telephone exchanges but not service or storage yards	X	X	X	X	X	X	X
Public utility storage yards				X		X	
Radio, television, retail sales and service				X			
Recreational vehicle park					X		
Restaurants				X			
Restaurants, when used as an accessory to a motel or hotel				X			

Sawmills						X	
Swimming pools	X	X	X	X	X	X	X
Theaters -- indoor				X			
Town Use	X	X	X	X	X	X	X
Woodworking shop				X		X	

APPENDIX B. ZONING MAP

