

# **TOWN OF ST. PAULS**

# **ZONING ORDINANCE**

(Revised: September 2021)

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ORDINANCE PROVIDING FOR THE ZONING OF  
THE TOWN OF ST. PAULS, NORTH CAROLINA

IN PURSUANCE OF AUTHORITY CONFERRED BY ARTICLE 19 OF CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, AND FOR THE PURPOSE OF PROMOTING THE PUBLIC HEALTH, SAFETY, MORALS AND GENERAL WELFARE, PROMOTING THE ORDERLY GROWTH, EXPANSION AND DEVELOPMENT OF THE TOWN OF ST. PAULS; LESSENING CONGESTION IN THE ROADS AND STREETS; SECURING SAFETY FROM FIRE, PANIC AND OTHER DAMAGES; PROVIDING ADEQUATE LIGHT AND AIR; PREVENTING THE OVERCROWDING OF LAND; AVOIDING UNDUE CONCENTRATION OF POPULATION; AND FACILITATING THE ADEQUATE PROVISION OF TRANSPORTATION, WATER, SEWAGE, SCHOOLS, PARKS AND OTHER PUBLIC REQUIREMENTS; ALL IN ACCORDANCE WITH A WELL-CONSIDERED COMPREHENSIVE PLAN, NOW THEREFORE,

THE BOARD OF COMMISSIONERS OF ST. PAULS, NORTH CAROLINA,  
DO ORDAIN AS FOLLOWS:

**SECTION 1.**     **TITLE AND JURISDICTION**

**1.1     Title**

This Ordinance shall be known as the “Zoning Ordinance” and the map herein referred to, which is identified by the title “Zoning District Map”, shall be known as the “Zoning Map”.

**1.2     Jurisdiction**

The provisions of this Ordinance shall be applicable within the corporate limits of the municipality.

## **SECTION 2. DEFINITIONS AND WORD INTERPRETATIONS**

Except where specifically defined herein, all words used in this Ordinance shall carry their customary dictionary definitions:

All words used in the present tense shall include the future tense; all words in the singular number shall include the plural number; and all words in the plural number shall include the singular number unless the natural construction of the wording indicates otherwise; the words “used for” shall include the meaning “designed for”; the word “structure” shall include the word “building”, the word “lot” shall include the words “plot” and “tract” and the “shall” is mandatory.

1. **Accessory Building**. A subordinate use building customarily incidental to and located upon the same lot occupied by the main use building.

Accessory buildings shall meet the following requirements and standards:  
(amended 10/29/18)

- a. Must be built on site, pre-constructed or engineered for such use.
  - b. Materials shall not be deteriorated or substandard quality
  - c. Accessory building shall be maintained in good repair and sound/safe structural condition
  - d. Accessory building shall meet the NC State Building code, Zoning Ordinance requirements and other applicable codes.
  - e. Applicable permits must be obtained from the Town and County
  - f. The following are PROHIBITED for usage as an accessory building:
    - (a) Mobile Homes
    - (b) Conex containers
    - (c) Semi- Trailers, Van/Truck Boxes, Vans or any product that was not originally intended for the sole purpose of an accessory building or designed for the purpose of an accessory building.
- EXCEPTION:* Industrial District Zoning

2. **Accessory Use.** A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.
3. **Alley.** A roadway which affords only a secondary means of access to abutting property and not intended for general circulation.
4. **Antiques.** Objects made fifty (50) years ago or more
5. **Apartment.** A room or suite of one or more persons in a multiple dwelling intended for use as a residence by a single family.
6. **Apartment House.** See Dwelling, Multiple
7. **Boarding House.** A building other than a hotel or motel where for compensation, meals and/or lodging are provided.
8. **Bona Fide Farm.** Any tract of land containing at least three acres which is used for dairying or for the raising of agriculture products, forest products, livestock or poultry, and including facilities for the sale of such products on the premises where produced, provided that a farm shall not be construed to include commercial poultry and swine production, cattle feed lots, and fur bearing animals.
9. **Buffer Strip.** A dense evergreen hedge to enclose, screen, or separate certain uses as specified in this Ordinance.



10. **Building**. Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, and including tents, trailers, or mobile homes, free standing signs, and similar structures whether stationary or movable.
11. **Building (Height of)**. The vertical distance from the average sidewalk grade or street grade, or finished grade at the building.
12. **Building Setback Line**: A line establishing the minimum allowable distance between the nearest portion of any building, excluding uncovered porches, steps, eaves and gutters, and the nearest right-of-way of any street when measured perpendicularly thereto.
13. **Carport (Attached)**. A shelter for a vehicle that is connected by a roofline to the primary structure/residence. When built/added/placed at a later date than the primary structure all zoning requirements and dimensional setbacks must be met. Permits required for building/adding/placement. (amended 3/4/19)

**Carport (Detached)**. A shelter built/placed for a car/truck beside or in the rear yard of a primary residence. A structure consisting of a roof supported by posts. Carports shall be open on not less than 2 sides. Carport floor surfaces shall be of *approved* noncombustible material. Carports not open on two or more sides shall be considered as a garage and shall comply with the provisions of a garage. Permits are required for building, adding, or placement. (amended 8/13/2020)

**Carport (Detached Pre-Fab Metal)**: A metal shelter built off site and installed onsite that is open on all 4 sides. Pre-Fab Carports can be installed in the rear of property and front side yard of property on the driveway side provided it is a minimum of 3' from the side property line. Carports placed in front yard must be to the side of the structure not in the middle of the structure and not closer than 15' to the front property line. Pre-Fab Metal Detached Carports CANNOT be enclosed for any purpose. (amended 8/13/2020)

14. **Club or Lodge.** An association of persons who are bona fide members paying dues, which owns, hires or leases a building, or portion thereof; the use of such premises being restricted to members and their guests. The affairs and management of such “club or lodge” are conducted by a board of directors, executive committee or similar body chosen by the members. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available.
15. **Conditional Use.** See Use, Conditional.
16. **Curb Cut.** A lowered or cut-away curb for purposes of vehicle ingress or egress to property abutting a public street.
17. **District.** Any territorial division of the Town of St. Pauls and its extraterritorial jurisdiction area in which zoning regulations are uniform.
18. **Dwelling.** Any building structure or portion thereof, which is designed, arranged, or used for permanent residential occupancy. The term “dwelling” shall not be deemed to include a motel, hotel or tourist home, or other structures designed for transient residence.
19. **Dwelling-Multi-Family.** A building arranged or designed for occupancy by two or more families, with separate housekeeping and cooking facilities for each.

20. **Dwelling, Single Family**. A detached residential unit, other than a mobile home, designed for and occupied by one family only.
21. **Drive-In**. Is one which accommodates the patron's automobile from which the occupant may bank, watch, purchase, eat, etc.
22. **Extra Territorial Jurisdiction**. The enforcement of the Town's Zoning Ordinance and Minimum Housing Ordinance one (1) mile outside/beyond the Town City Limits perimeter.
23. **Family**. Any number of individuals living together as a single housekeeping unit.
24. **Fences or Walls**. Any natural or artificial constructed of any allowable material erected for the purpose of providing a boundary, as a means of protection, to prevent uncontrolled access, for decorative purposes or to screen property from outside view. Allowable material and location is set forth in Fences or Walls Ordinance.
25. **Fences or Walls – Vision Clearance Area**. Establishes restrictions for visual safety of pedestrians, motorists, emergency personnel and vehicles: starting from the corner point where the two intersecting roads meet, measure 20 feet along the border of each right-of-way. From these two points, draw a diagonal line across the property to complete a corner triangle. This area must be kept free of fences or wall that obstruct motorist views of oncoming traffic. See "Corner Visibility" definition.
26. **Filling Station**. See Service Stations.

27. **Flea Market/Flea Mall/Swap Shop**. Individual spaces that are rented or provided to people to sell or barter merchandise. (amended 3/4/19)
28. **Floor Area**. The sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use. However, for the purposes of measurement for off-street parking spaces, floor area devoted primarily to storage purposes, loading facilities, or to basement floor area other than that area devoted to retailing activities.
29. **Frontage**. All the property abutting or on one (1) side of a street measured along the street line.
30. **Garage Commercial**. Any building or premises. Except those described as a private or parking garage, used for the storage or care of motor vehicles, for where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.
31. **Garage, Parking**. Any building or premises, other than a private or commercial garage, used exclusively for the parking of, or storage of motor vehicles.
32. **Garage, Private**. A building or space used as an accessory to or a part of the main building permitted in any residential district, and providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted.
33. **Guest House (Tourist Home)**. Any dwelling occupied by owner or operator in which rooms are rented for guests and for lodging of transients and travelers for compensation.

34. **Home Occupation.** Any profession or occupation carried on entirely within a dwelling by one or more occupants thereof, providing that such use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, that no more than twenty-five percent (25%) of the total floor area is used for such purposes, that there is no outside or window display, that no merchandise or commodity is sold on the premises, that no mechanical equipment is installed or used other than is normally used for domestic or professional purposes, and providing that no person not a resident of said dwelling is employed in connection with the home occupation.
35. **Hotel (Motel).** A building or other structure kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, where rooms are furnished for the accommodation of such guest; and having or not having one or more dining rooms, restaurants, or cafes where meals or lunches are served to such transient or permanent guest, such sleeping accommodations and dining rooms, restaurants, or cafes, if existing, being conducted in the same building or buildings in connection therewith.
36. **Inoperative Vehicle.** Any vehicle, designed to be self-propelled, which, by virtue of broken or missing component parts, is no longer capable of self propulsion. For the purpose of this Ordinance, any vehicle which is registered with the N.C. Division of Motor Vehicles and has a current North Carolina Motor Vehicle Registration License affixed to it shall not be considered inoperative.
37. **Junk Yard.** Any land or area used, in whole or in part, for storage and/or sale of wastepaper, rags, scrap metal, vehicles or other junk, and including storage of motor vehicles and dismantling of such vehicles or machinery.

38. **Lot.** A parcel of land occupied or to be occupied by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, lot width and lot area as are required by this Ordinance, and having not less than the minimum required frontage upon a street, either shown on a plat or record, or considered as a unit of property and described by metes and bounds.
39. **Lot. Corner.** A lot abutting upon two (2) or more streets at their intersection.
40. **Lot. Interior.** A lot other than a corner lot.
41. **Lot. Through.** An interior lot having frontage on two parallel streets.
42. **Lot. Depth.** The depth of a lot is the average distance measured at right angles to the frontage.
43. **Lot Lines.** Any boundary line of a lot.
44. **Lot Width.** The straight-line distance between the points where the building setback line intersects the two (2) side lot lines.
45. **Lot of Record.** A lot which is a part of a subdivision, a plat of which has been recorded in the office of the county Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds.

46. **Mini-Storage Warehouse**. A building or buildings designed to provide separate access to individually rented storage compartments used exclusively for storing nontoxic and nonhazardous materials.

47. **Manufactured Home**. A dwelling unit that is not constructed in accordance with the standards set forth in the North Carolina State Building Code, and is composed of one or more components, each of which was Substantially assembled in a manufacturing plan and designed to be transported to the home site on its chassis, and exceeds 850 feet of living area.

Mobile Home:    ***Single Wide***: 18 feet or less in width and 90 feet or less in length and can be towed to their sight in a single unit.

***Double Wide***: 20 feet or more in width and 90 feet or less in length and towed to their site in two separate units. (amended 3/4/19)

48. **Manufactured Home, Double Wide/Class A**. A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of housing and Urban Development that were in effect at the time of construction and that satisfies the additional following criteria:

A. The manufactured home has a length not exceeding four times its width, with length measured at the narrowest part of the axis;

B. The manufactured home has a minimum width of 28 feet and a minimum length of 60 feet. (amended 3/4/19).

C. The pitch of the roof of the manufactured home has a minimum vertical rise of two and two tenths for each twelve feet of horizontal run (202 feet and 12 feet) and the roof is finished with a type of shingle that is commonly used in standard residential construction;

- D. All roof structures shall provide an eave projection of no less than six inches, which may include a gutter;
- E. The exterior siding consists predominantly of vinyl, wood, or hardboard durability to the exterior siding commonly used in standard residential construction; (amended 3/4/19)
- F. The manufactured home is set up in accordance with the standards set by North Carolina Department of Insurance and a continuance, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home; (amended 3/4/19)  
**Exception:** A manufactured home on a rented lot in a Mobile Home Park can have a vinyl continuance skirting/underpinning approved by the Code Enforcement Officer. Underpinning must be approved by the Code Enforcement Officer “prior” to placement. Underpinning must be inspected AFTER installation by the Code Enforcement Officer. Manufactured Homeowner AND Mobile Home Park Owner will be held responsible/liable for maintenance, repair, replacement if underpinning becomes dilapidated, damaged, missing unsecure or found to be insufficiently maintained by the Code Enforcement Officer. (amended 6/13/19)
- G. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the North Carolina Department of Insurance, attached firmly to the primary structure and constructed of concrete or masonry. (amended 3/4/19)
- H. The moving hitch, wheels, and axles, and transporting lights have been removed.
- I. All manufactured homes, except originally titled new manufactured homes, must meet minimum, HUD certification as of 1976 and must be inspected by the St. Pauls Code Enforcement Officer meet minimum housing requirements as defined by the Town Code, Section 6-8-13. A thorough



inspection shall be made before delivery of any manufactured home except originally titled new manufactured homes. The inspection shall include both an interior and exterior inspection and must meet requirements as set forth by the Town of St. Pauls Minimum Housing Code. A fee will be assessed per the current hourly rate of the code enforcement officer for inspection. As a part of any inspection of a manufactured home, prior to location within the Town of St. Pauls zoning jurisdiction, the home shall be inspected to also verify it is of uniform exterior color with no more than three (3) different colors used as a part of the exterior. Furthermore, there shall be no significant appearance of rust on the exterior, sheathing, or trim of the manufactured home. Appearance of significant rust is defined as ten percent (10%) or more of the exterior displaying rust.

49. **Manufactured Home –Single Wide/Class B.** A manufactured home constructed after July 1,1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction, and that meet or exceeds criteria ( C), (D), (E), (F), (G), (H), and (I) for Class A Manufactured homes and has a minimum dimension of 14 feet in width and 70 feet in length. (amended 3/4/19)
50. **Mobile Home Park.** Any site or tract of land, of contiguous ownership, upon which mobile home spaces are provided for mobile home occupancy according to the requirements set forth in this Ordinance whether or not a charge is made for such service.
51. **Mobile Home Space.** A plot of land within a mobile home park designed for the accommodation of one mobile home in accordance with the requirements set forth in this Ordinance.
52. **Mobile Home Stand.** That portion of the mobile home space intended for occupancy by the mobile home placement, consisting of a rectangular plat of ground at least 14 feet by 70 feet. (amended 3/4/19)

53. **Modular Structure**. A factory manufactured structure designed for year-round residential or commercial use with major components or modules pre-assembled and transported to a site for final assembly and utility connection.
54. **Nonconforming Use**. The use of a building, mobile home, or land which does not conform to the use regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments which may be incorporated into this Ordinance.
55. **Open Space**. Land held and developed as permanent open space or any land dedicated to the public as parks, playgrounds, parkway median, landscaped green space, or other similar area held in public ownership or covered by an open space easement.
56. **Parking Lot**. An area or plat of land used for the storage or parking of vehicles.
57. **Parking Space**. A storage of not less than eight (8) feet by twenty (20) feet for one automobile, plus the necessary access space.
58. **Portable Classroom**. (also known as a demountable or relocatable **classroom**, portables), is a type of portable building installed at a school to temporarily and quickly provide additional classroom space where there is a shortage of capacity.
59. **Principal Building**. The main building for which a lot is designed, arranged, or intended, and for which it is or may be used, occupied, or maintained.

60. **Private Road or Street.** Any road or street within a mobile home park, group housing project, commercial center, industrial park or other development which is not publicly maintained and is used for access by the occupants of the development, their guest and the general public,
61. **Professional Offices.** For the purposes of this Ordinance, professional offices are defined as offices for licensed medical doctors, dentists, and lawyers.
62. **School.** An institution for the teaching of students. A school does not include day care center, day nurseries, pre-schools and other similar uses.
63. **Service Station,** Any building or land used for the dispensing, sale or offering for sale at retail, any automobile fuels, lubricants, tires and accessories, except that car washing, mechanical and electrical repairs are only performed incidental to the conduct of the service station and performed indoors. Incidental activities shall not include tire retreading, major body work, or major mechanical work.
64. **Setback Line.** The minimal horizontal distance between the front line of a building or structure and the property line.
65. **Shopping Center.** A single parcel of land, or several contiguous parcels of land, under the same ownership designed to accommodate, or accommodating, several different business entities with shared parking, landscaping and other common facilities.
66. **Sign.** An advertising device used to disseminate information concerning a person, place or thing.

67. **Sign Flashing**. Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Ordinance, any moving, illuminated sign shall be considered a “flashing sign”.
68. **Sign, Gross Area**. The entire area within a regular geometric form or combination of regular geometric forms comprising all of the elements of the matter displayed. However, such display area shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.
69. **Sign, Outdoor Advertising**. A standard structural poster panel or painted sign either free-standing or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the premises upon which located.
70. **Solar Farm**. A use where a series of ground mounted solar collectors (minimum 3) are placed in an area for the purpose of generating photovoltaic power for resale purposes. Solar farms must meet the following standards:
- A. **Setbacks** – minimum of 100 feet where abutting residential property; 50 feet from roadways.
  - B. **Visibility and Buffers** – where property abuts residential property a evergreen buffer is required to grow to 6 feet in height within 3 years, with at least 75 % opacity at the time of planting. Panels to be located and situated so glare is not offensive to traffic or residences. An engineer or qualified consultant statement that glint and glare will not be offensive to residence and traffic must be submitted.
  - C. **Density** – Solar panels and accessory structures such as buildings and road shall not cover more than 30% of lot (s) in use for farm. Covering is defined as impervious surface, using the base support structure as the measure, rather than the panels themselves, and other impervious surfaces such as roads and mechanical equipment.

- D. **Height** – No structure shall achieve a height greater than 20 feet, except for poles and overhead wiring, which must receive building inspector approval as to stability to withstand adverse weather conditions, before operation can begin.
- E. **Site Plan** – Must be submitted denoting the dimensions of the parcel, proposed solar farm location (arrangement of panels), distance from the proposed area to all property lines and location of the driveway (s). Must include all structures such as substations, inverter, transformers and existence of overhead and underground utility and transmission lines. Site plan to include buffers and fencing,
- F. **Storm Drainage** – A pre/post installation storm water plan must be submitted such that the storm water run-off rate onto neighboring properties or road right-of-way is no greater, or minimal, after installation than existed pre-installation. All applicable storm drainage state permits must be obtained prior to operation. Owner or developer must install all applicable infrastructure to mitigate or abate run-off, at their own cost, should run-off increase after installation.
- G. **Set up** – Must include approved Solar Components – components must have UL listing and must be designed with anti-reflective coating(s). Compliance with Building and Electrical Code – All solar farms shall meet all requirements of the International Building Code with North Carolina Amendments, with a goal of immovability in heavy rains and wind. Set up must comply with the Code, as approved by Robeson County Building Inspectors.
- H. **Wind** – Compliance with Building Code must include compliance with wind load requirements for Robeson County of 110 MPH.

- I. **Flooding** – Prohibited in the FEMA 100 year flood plan. A flood plan must be submitted indicating the expected impacts of intense rain, with the potential for flooding, on the surrounding properties, roadways and environment, and how potential flooding will be mitigated and/or abated. Developer is responsible for all installing and financing any infrastructure to mitigate and preclude flooding occurring after installation.
- J. **Safety** – The electrical disconnect switch shall be clearly identified and unobstructed, and the owner must file a map with the Police and Fire Departments (St. Pauls and Big Marsh) showing where the disconnect switch is located. Owner to supply all emergency contact information on file with the Police Department and Fire Departments.
- K. **Fencing** – Access to site must be controlled by a fence at least 6’ in height with emergency access allowed 24/7 by governmental authorities. Mechanical equipment and inverter shall be fenced by a minimum 6’ fence with 3 strand barbed wire or razor wire or an 8’ fence.
- L. **Noise** – inverter noise shall not exceed 40dBA at the property line.
- M. **Hazardous Chemicals** – Must be approved by the Fire Department. If in question, the Fire Chief must approve.
- N. **Completion and Decommissioning** – Must be completed within 18 months. Should delays occur, Town must approve. Should project cease operation as an ongoing business entity, site must be restored to original agricultural natural state. A plan must be filed with the Town within 180 days after cessation. A date for final removal must be given and approved by the Town of St. Pauls in the plan. A \$50.00 per day fine will be assessed each day that the site is not restored beyond approved deadline for final removal.

71. **Story**. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and ceiling next above it.
72. **Street**. A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties, including avenue, place, way, drive, land, boulevard, highway, road, and any other throughfare except an alley.
73. **Street line**. The line between the street and abutting property.
74. **Structure**. Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including buildings, fences, and signs.
75. **Structural Alterations**. Any change, except for repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders.
76. **Teller Machine**. (Automatic Freestanding) A machine or device through which a customer can conduct certain banking transactions and that is not located on the same lot as the bank or financial institution with which the machine is associated. The purpose of this definition is to distinguish between teller machines operated as accessory uses to banks located in principal buildings/structures where customers can choose to do their banking either inside the building or at the teller machine, and teller machines that are totally separate from bank buildings and therefore generate additional traffic.  
(amended 12/14/17)

77. **Temporary Operating Permit.** A certificate issued by the Board of Commissioners authorizing a nonconforming mobile home park to be maintained and operated for a period of six (6) months subject only to the provisions of this Ordinance made expressly applicable to the park.
78. **Tiedowns.** Galvanized steel cables or strapping which “tie” a mobile home and its steel frame to anchors embedded in the ground.
79. **Tourist Home.** See Guest House.
80. **Town Board.** The Board of Commissioners of the Town of St. Pauls, North Carolina.
81. **Travel Trailer.** Any vehicle or structure originally designed to be transported and intended for human occupancy for short periods of time, such vehicle usually containing limited or no kitchen and bathroom facilities. Travel Trailers shall include the following:
- A. **House Trailer.** A vehicular, portable structure built on a wheeled chassis, designed to be towed by a self-propelled vehicle for the use of travel, recreation, and vacation purposes, having a body width eight (8) feet or less or a body length thirty-two (32) feet or less when equipped for road travel.
  - B. **Pick-Up Coach.** A portable structure for use as a temporary dwelling for travel, recreation, and vacation, designed to be mounted on a truck chassis for a temporary dwelling while either mounted or dismounted.
  - C. **Motor Home.** A portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle. This definition shall include vans or panel trucks equipped for camping.



- D. **Camping Trailer.*** A folding structure manufactured of metal, wood, canvas, and/or other material, mounted on wheels and designed for travel, recreation, and vacation use.
82. **Use.** Any continuous or continual occupation or activity taking place upon a parcel of land.
83. **Use, Accessory.** A subordinate building or use, the use of which is incidental to that of the principal building or use on the same lot. Under no circumstances shall an accessory building be used for residential occupancy.
84. **Use, Conditional.** A use which is unusual or not customarily permitted in a district and is only allowed if expressly recommended by the Planning Board and/or authorized by the Board of commissioners.
85. **Use, Principal.** A use which is permitted outright in a district for which a Building or Zoning Permit may be issued by the Town Administrator.
86. **Variance.** A modification of the existing Zoning Ordinance when strict enforcement of this Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.
87. **Yard.** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

88. **Yard, Front.** A yard across the full width of the lot, extending from the front line of the building, excluding steps and uncovered porches, to the front lot lines.
89. **Yard, Rear.** A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

## **SECTION 3. GENERAL PROVISIONS.**

### **3.1 Zoning Affects Every Building and Use**

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

### **3.2 Required Yards Not to be Used by Another Building**

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

### **3.3 Relationship of Building to Lot**

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

### **3.4 Street Access**

No building shall be erected on a lot which does not abut a street or public alley for a distance of at least twenty (20) feet provided, that in a designed shopping center in the commercial district, or a planned project in a residential district, a building may be erected adjoining a parking area or other dedicated open space.

### 3.5 **Reduction of Lot and Yard Areas**

No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein.

Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

### 3.6 **Business Uses of Mobile Homes and Travel Trailers**

No mobile home or travel shall be used as an office or in any manner for business or commercial purposed except when used for temporary purposes, such as construction offices, blood mobiles, book mobiles, traveling museums, and political offices for no more than forty-eight (48) hours at one site unless obtaining a storage permit from the Building Inspector, unless in conjunction with a permanent mobile home sales lot.

### 3.7 **Fences and Walls**

#### **Basic requirements:**

Setback requirements of other zoning ordinances for building structures *shall not apply* to any fence or wall; However, all fences or walls must meet minimum vision clearance area setback requirements.

**Open Fences** may be erected to a height not to exceed six (6) feet. Open fences must be less than or equal to 50% opaque (degree to which a person cannot see through an object).

**Solid fences or Walls** are limited to a height of six (6) feet, or four (4) feet in height when projecting into a front yard, but not within the established Vision Clearance Area.

**Front yard** is defined as the portion of property facing a road right-of-way. If facing a public right-of-way, see “location” definition. If a corner lot, see “Corner Visibility” section.

No Fence or Wall can be within five **(5) feet of a fire hydrant**.

Fences or Walls **cannot prohibit access to meters** read by Town Staff.

No Fence or Wall shall **obstruct vision for ingress or egress** of owner’s or neighboring property driveways.

A stand-alone Fence or Wall **requires a Fence Permit**.

Other Requirements:

### **Privacy Fences:**

Rear and side yards not adjoining a public right-of-way may have a privacy fence erected up to the property line.

A privacy fence is generally considered to be a structure built to screen property from outside view and has an opacity greater than 50% and may not exceed six (6) feet in height. When a principal structure is located closer than 20 feet to a public right-of-way, the privacy fence or wall may be located up to a perpendicular line drawn from the side property line to the permanent walls of the principal structure excluding porches but not closer to the right-of-way.

**Corner Visibility:** Fences on property that is at the intersection of two streets must allow for a clear line of sight. The special vision clearance triangle is defined above under Vision Clearance Area. This special vision clearance triangle must be kept free of fences or walls that would obstruct the view of pedestrians, motorists or emergency personnel. A solid fence or wall up to three (3) feet in height or a six (6) foot open fence and less than 50% opacity is allowed provided underlying land is at road level. If land is higher than road, total combined height of wall/fence plus land cannot exceed (3) feet for a solid wall, or six (6) feet for an open fence.

**Utility Easement:** Fences are permitted in utility easements located in the side yard and/or rear yard. Residents must obtain permission from the utility company. The placement of a fence in the utility easement is at the risk of the property owner as the utility companies have no responsibility for repair of any fence damaged by the utility company's construction or maintenance activities on the property.

**Materials:** Fences must be constructed of wood, metal, bricks, masonry, plastic or other materials designed for permanent outdoor fencing. Wood fences are to be constructed of cedar, redwood or other decay resistant wood. Chain link fencing of less than 11 ½" gauge is prohibited. Fences may not be constructed of razor wire, snow fencing, chicken wire, weld wire, plywood or materials intended for other purposes. Above ground electric fencing is not permitted. Barbed wire is permitted only on top of fences in non- residential areas, and a minimum of six (6) feet above natural grade. Exceptions: temporary fences made of chicken wire or other substandard wire materials in residential districts are permitted for seasonal garden purposes only. Enclosures for domesticated animals are subject to the same right-of-way setback requirements and material restrictions as outlined above for permanent fences. Chain link fencing must be installed with same like post. Fencing must be stretched appropriately to prevent sagging. Post must be of same like material and buried/secured in ground. No wood post is allowed to be installed with chain link fencing. (5/10/18)

### **Restrictions:**

**Location:** All fences must be located entirely on fences owner's property, including the post footers. No fence can be erected on public property or right-of-way without the Town Administrator's written approval. All fences shall be no closer than one foot (12") from a public sidewalk and no closer than two (2') from a public right-of-way. See "Corner Visibility" section for corner parcel requirements.

**Installation:** All fences must be permanent and installed in a secure manner except for seasonal gardening as outline in materials. The smooth, finished side of the fence must face outward towards the public right-

of-way or adjacent properties with the support posts on the inside except where both sides have a common exposed post and are identical in nature.

**Maintenance:** All fences and wall must be kept in good repair; dilapidated deteriorated, peeling, chipped coating, insecure footings are prohibited. Brick walls must not have broken brick or cement; vegetative walls must be kept trimmed and not overgrown so as to attract insects, animals and rodents.

**Gates:** Pedestrian gates to fences must be at least three feet wide to allow for passage of emergency personnel and equipment. Back yards that are completely enclosed by a fenced must be at least one gated entrance within the fence structure to allow access for emergency personnel and equipment.

**Temporary Fence:** Temporary fencing, such as plastic silt fences or safety fences, is allowable for construction projects, and may be required for active construction projects by the County Building Inspector.

### 3.8 **Care of Premises and Buildings** (added 2/11/2021)

#### All Non-Residential Properties

It shall be the responsibility and duty of the property owner to:

- (a) Keep the premises of all non-residential properties clean and to remove any rubbish, trash, garbage, junked vehicles, vehicle parts and other similar material.
- (b) Premises grass/weeds or other ground cover shall not exceed 6" on height.
- (c) Any outside storage must be kept within an enclosed area or area obscured with fencing of a minimum height of 6'.
- (d) Trash, garbage, or any debris shall be contained so as to not encroach on surrounding properties. This shall include litter from parking lots.

## **SECTION 4. ZONING DISTRICTS AND BOUNDARIES**

### **4.1 Zoning Districts**

In order to achieve the purposes of this Ordinance as set forth in the introduction, the St. Pauls Zoning area is hereby divided into the zoning districts listed below:

<b>RA-20:</b>	Residential Agricultural District	<b>P:</b>	Professional District
<b>R-16:</b>	Residential District	<b>CB:</b>	Central Business District
<b>R-12:</b>	Residential District	<b>HB:</b>	Highway Business District
<b>R-10:</b>	Residential District	<b>HSP:</b>	Hospitality District
<b>R-8:</b>	Residential District	<b>NB:</b>	Neighborhood Business
<b>I:</b>	Industrial District	<b>R:</b>	Recreation/Conservation

### **4.2 District Boundaries**

The boundaries of the zones are shown upon the map accompanying this Ordinance and made a part hereof, entitled “Zoning District Map, Town of St. Pauls, North Carolina”. 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 same as if such information set forth on the map were all fully described and set out herein. The Zoning Map properly attested is on file in the office of the Town Clerk and is available for inspection by the public.

### **4.3 Interpretation of District Boundaries**

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

- A. Where such zone boundaries are indicated as approximately following street lined, alley lines, and lot lines, such lines shall be construed to be such boundaries.



- B. In unsubdivided property or where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map.
- C. In case any further uncertainty exists, the Planning Board of Adjustment shall interpret the intent of the map as to location of such boundaries.
- D. Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of being vacated or abandonment.

## **SECTION 5. DISTRICT REGULATIONS**

Within the districts as indicated on the Zoning Map, no building or land shall be used and no building shall be erected or altered which is intended or designed to be used in whole or in part for any use other than those listed for that district in this section,

Moving any pre-existing, built residential structure onto property in the Town of St. Pauls or the ETJ is a **conditional use**, no matter what the zoning district is.

5.1 **RA-20 RESIDENTIAL —AGRICULTURAL DISTRICT**

This district is established to promote low density residential and agricultural uses. The regulations of this district are intended to protect the agricultural sections of the community from an influx of uses likely to render them undesirable for farms and future development, and to insure that residential developments on private wells and septic tanks will occur at sufficiently low densities to insure a healthful environment. In promoting the general purposes of this Ordinance, the specific intent of this subsection is as follows:

- A. To encourage the construction of and continued use of the land for low density residential and light agricultural purposes.
- B. To prohibit commercial and industrial use of the land and to prohibit any other use which would substantially interfere with the development or continuation of dwellings and light agriculture in the district.
- C. To encourage the discontinuation of existing uses that would not be permitted as new uses under the provisions of this subsection.
- D. To discourage any use which would generate traffic on minor streets other than normal traffic to serve the residences and small farms on those streets.
- E. To ensure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at sufficiently low densities to insure a healthful environment.
- F. Any commercial livestock or poultry growing operation will be limited to a density of **forty (40) animals per acre for livestock** and **one hundred (100) birds for poultry**, neither of which can be congregated on a smaller parcel of land, with the balance of the land used for other purposes.

## **Permitted Uses**

- Single Family Dwellings.
- Any form of agricultural, horticultural, or husbandry uses including the sale of products on the property where produced, provided that no retail stand or other commercial structure shall be located thereon, and no greenhouse heating plant shall be operated within fifty (50) feet of any front property line and not less than within ten (10) feet from any other property line.
- Churches
- Grounds and facilities for recreation and community center building, lakes, parks and similar facilities operated on a nonprofit basis, not including miniature golf courses.
- Hospitals, nursing homes or sanitariums provided no buildings so used shall be within three (300) feet of any lot line.
- Public or private stables
- Home occupations
- Day nurseries
- Municipal or County owned buildings
- Public schools and private schools

- Public utility distribution lines. But no service, storage yards, or transformer substations
- Radio and television transmitting stations and towers
- Type A Manufactured homes with the exception of the RA-20 zone in the NW quadrant of the Town, bordered by Veterans Road and I-95, prohibits the location of manufactured homes (type A or B) or any mobile home park.
- Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard.

### **Conditional Uses**

The following uses may be permitted as conditional uses by the Town Board subject to the provisions of Section 12:

- Cemeteries
- Funeral Homes
- Type B Manufactured homes (single wide), with the exception of the RA-20 zone in the NW quadrant of the Town, bordered by Veterans Road and I-95, prohibits the location of manufactured homes (type A or B) or any mobile home park.
- Mobile home parks (refer to Section13)
- Planned unit developments

- Solar Farms
- An existing building that has been used for the purpose of a business may be reopened for a similar use.

### **Dimensional Requirements**

Within the **RA-20 district** as shown on the Zoning Map, all of the following dimensional requirements shall be complied with:

- Minimum lot area - 20,000 square feet (without public water and sewer).  
10,000 square feet (with public water and/or sewer)
- Minimum additional lot area for each dwelling unit in excess of one: 5,000 square feet.
- Minimum lot width: **75 feet**
- Minimum living area in any dwelling shall be 700 square feet.
- Minimum required **front** yard: 30 feet measured from the front property line.
- Minimum required **side** yard: 15 feet measured from the side property line.
- Minimum required **rear** yard: 25 feet measured from the rear property line.
- Maximum permissible lot coverage: The total ground area covered by the principal building and all accessory buildings shall not exceed twenty (20) percent of the total lot area.

- Building Height Limits: 35 feet

### **Location of Accessory Buildings**

No accessory building shall be erected in any required front or side yard or within **five (5) feet of any lot line**. An accessory building shall not be located **closer than five (5) feet to any other building**. (amended 5/13/21)

### **Corner Visibility**

On a corner lot, within the triangular area formed by the inside curb lines or the edge of the payment lines of the intersecting streets and line joining points on such lines at a distance of forty (40) feet from their intersection, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average center line grade of each street.

**Signs.** See Section 7

**Off-Street Parking.** See Section 8

## 5.2 **R-16 RESIDENTIAL DISTRICT**

This district is established as a district in which the principal use of land is for medium density residential purposes.

### **Permitted Uses**

- Single Family Dwellings
- Home Occupations
- Churches
- Municipal or county owned buildings – Town, County, State, or Federal grounds and facilities for recreation and community center buildings, lakes, parks, and similar facilities operated on a non-profit basis, but not including miniature golf courses.
- Public schools and private schools
- Public utility distribution lines and easements but not transmission lines or substations.
- Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard.



## **Conditional Uses**

The following uses may be permitted as conditional uses by the Town Board subject to the provisions of Section 12:

- Planned unit developments (See additional regulations in Section 13).
- Tennis and Swim Clubs

## **Dimensional Requirements**

Within the **R-16 District** as shown on the Zoning Map, all of the following dimensional requirements shall be complied with;

- Minimum lot area - 20,000 square feet (without public water and sewer).  
10,000 square feet (with public water and/or sewer)
- Minimum additional lot area for each dwelling unit in excess of one: 5,000 square feet.
- Minimum lot width: **75 feet**
- Minimum living area in any dwelling shall be 1600 square feet.
- Minimum required **front** yard: 30 feet measured from the front property line.
- Minimum required **side** yard: 15 feet measured from the side property line.
- Minimum required **rear** yard: 25 feet measured from the rear property line.

- Maximum permissible lot coverage: The total ground area covered by the principal building and all accessory buildings shall not exceed thirty-five (35) percent of the total lot area.

### **Location of Accessory Buildings**

No accessory building shall be erected in any required front or side yard or within **five (5) feet of any lot line**. An accessory building shall not be located closer than **five (5) feet to any other building**. (amended 5/13/21)

### **Corner Visibility**

On a corner lot, within the triangular area formed by the inside curb lines or the edge of the payment lines of the intersecting streets and line joining points on such lines at a distance of forty (40) feet from their intersection, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average center line grade of each street.

**Signs.** See Section 7

**Off-Street Parking.** See Section 8

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### 5.3 **R-12 RESIDENTIAL DISTRICT**

This district is established as a district in which the principal use of land is for medium density residential purposes.

#### **Permitted Uses**

- Single Family Dwellings
- Home Occupations
- Churches
- Municipal or county owned buildings – Town, County, State, or Federal grounds and facilities for recreation and community center buildings, lakes, parks, and similar facilities operated on a non-profit basis, but not including miniature golf courses.
- Public schools and private schools
- Public utility distribution lines and easements but not transmission lines or substations.
- Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard.

#### **Conditional Uses**

The following uses may be permitted as conditional uses by the Town Board subject to the provisions of Section 12:

- Planned unit developments (See additional regulations in Section 13).
- Tennis and Swim Clubs

### **Dimensional Requirements**

Within the **R-12 District** as shown on the Zoning Map, all of the following dimensional requirements shall be complied with;

- Minimum lot area - 20,000 square feet (without public water and sewer).  
10,000 square feet (with public water and/or sewer)
- Minimum additional lot area for each dwelling unit in excess of one: 5,000 square feet.
- Minimum lot width: **75 feet**
- Minimum living area in any dwelling shall be 1,250 square feet.
- Minimum required **front** yard: 30 feet measured from the front property line.
- Minimum required **side** yard: 15 feet measured from the side property line.
- Minimum required **rear** yard: 25 feet measured from the rear property line.
- Maximum permissible lot coverage: The total ground area covered by the principal building and all accessory buildings shall not exceed thirty-five (35) percent of the total lot area.

### **Location of Accessory Buildings**

No accessory building shall be erected in any required front or side yard or within **five (5) feet of any lot line**. An accessory building shall not be located **closer than five (5) feet** to any other building. (amended 5/13/21)

### **Corner Visibility**

On a corner lot, within the triangular area formed by the inside curb lines or the edge of the payment lines of the intersecting streets and line joining points on such lines at a distance of forty (40) feet from their intersection, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average center line grade of each street.

**Signs.** See Section 7

**Off-Street Parking.** See Section 8

### 5.3 **R-10 RESIDENTIAL DISTRICT**

This district is established as a district in which the principal use of land is for medium density residential purposes.

#### **Permitted Uses**

- Single Family Dwellings
- Home Occupations
- Churches
- Municipal or county owned buildings – Town, County, State, or Federal grounds and facilities for recreation and community center buildings, lakes, parks, and similar facilities operated on a non-profit basis, but not including miniature golf courses.
- Public schools and private schools
- Public utility distribution lines and easements but not transmission lines or substations.
- Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard.

#### **Conditional Uses**

The following uses may be permitted as conditional uses by the Town Board subject to the provisions of Section 12:

- Planned unit developments (See additional regulations in Section 13).
- Tennis and Swim Clubs
- Duplex Apartments

## **Dimensional Requirements**

Within the **R-10 District** as shown on the Zoning Map, all of the following dimensional requirements shall be complied with;

- Minimum lot area - 20,000 square feet (without public water and sewer).  
10,000 square feet (with public water and/or sewer)
- Minimum additional lot area for each dwelling unit in excess of one: 5,000 square feet.
- Minimum lot width: **75 feet**
- Minimum living area in any dwelling shall be 1,000 square feet.
- Minimum required **front** yard: 30 feet measured from the front property line.
- Minimum required **side** yard: 15 feet measured from the side property line.
- Minimum required **rear** yard: 25 feet measured from the rear property line.
- Maximum permissible lot coverage: The total ground area covered by the principal building and all accessory buildings shall not exceed thirty-five (35) percent of the total lot area.

## **Location of Accessory Buildings**

No accessory building shall be erected in any required front or side yard or within **five (5) feet of any lot line**. An accessory building shall not be located **closer than five (5) feet** to any other building. (amended 5/13/21)

### **Corner Visibility**

On a corner lot, within the triangular area formed by the inside curb lines or the edge of the pavement lines of the intersecting streets and line joining points on such lines at a distance of forty (40) feet from their intersection, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average center line grade of each street.

**Signs.** See Section 7

**Off-Street Parking.** See Section 8



## 5.5 **R-8 RESIDENTIAL DISTRICT**

This district is established as a district in which the principal use of land is for a mixture of single-family dwelling units and mobile homes.

### **Permitted Uses**

- Single – Family Dwelling Units
- Duplexes - Two Family Dwelling Units
- Multi-Family Dwelling Units
- Grounds and facilities for recreation and community center building, lakes, parks, and similar facilities operated on a non-profit basis, but not including miniature golf courses.
- Home Occupations
- Churches
- Schools
- Public utility distribution lines and easements but not transmission lines or substations.
- Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard

### **Conditional Uses**

The following uses may be permitted as Conditional Uses by the Town Board subject to the provisions of Section 12:

- Planned unit developments (see additional regulations in Section 13).

- Mobile Home Parks (upon consent of all property owners within 200 feet, see additional regulations in section 13)
- Tennis and Swim Clubs Parks
- Day Care Centers
- Boarding House
- Type A Mobile Homes (Double Wide) - Individual Mobile Homes must meet tie down and underpinning requirements contained in Section 13.
- Type B Mobile Homes (Single Wide) are allowed only in the R8 zoning district of Woodside Avenue. Lots must front Woodside Avenue. *At the time of this amendment Single Wide Mobile Homes are the dominant residences located in this zoning district.* .(amended 3/4/19)

### **Dimensional Requirements**

Within the **R-8 District** as shown on the Zoning Map, all of the following dimensional requirements shall be complied with;

- Minimum lot area - 8,000 square feet
- Minimum additional lot area for each dwelling unit in excess of one: 5,000 square feet.
- Minimum lot width: **75 feet**
- Minimum living area in any dwelling shall be 700 square feet.

- Minimum required **front** yard: 30 feet measured from the front property line.
- Minimum required **side** yard: 15 feet measured from the side property line.  
*If the side abuts a residential zone & the development exceeds the 35' height, the setback increases by 2' for every extra foot in height.*  
*(amended 12/14/17)*
- Minimum required **rear** yard: 25 feet measured from the rear property line.  
*If the side abuts a residential zone & the development exceeds the 35' height, the setback increases by 2' for every extra foot in height.*  
*(amended 12/14/17)*
- Maximum permissible lot coverage: The total ground area covered by the principal building and all accessory buildings shall not exceed thirty-five (35) percent of the total lot area.
- Building Height Limits: 35 feet *may be raised to **40'** with special buffering requirements: Vegetation must exceed 25' in height within 3 years; also a solid 6' fence must be installed.* *(amended 9/14/14)*  
***SEE DIAGRAM ON NEXT PAGE FOR MEASURING HEIGHTS***

### **Corner Visibility**

On a corner lot, within the triangular area formed by the inside curb lines or the edge of the payment lines of the intersecting streets and line joining points on such lines at a distance of forty (40) feet from their intersection, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average center line grade of each street.

### **Location of Accessory Buildings**

No accessory building shall be erected in any required front or side yard or within **five (5) feet of any lot line**. An accessory building shall not be located **closer than five (5) feet** to any other building. *(amended 5/13/21)*

**Signs.** See Section 7

**Off-Street Parking.** See Section 8

## 5.6 **P. PROFESSIONAL DISTRICT**

This district is established as a district in which the principal use of land is for professional offices.

### **Permit Uses**

- Offices of licensed medical doctors
- Dentist offices
- Lawyers offices
- Single family dwellings – minimum 1,600 square feet heated area
- Home Occupations
- Churches

### **Dimensional Requirements**

Within the **P District** as shown on the Zoning Map, all of the following dimensional requirements shall be complied with;

- Minimum lot area - 10,000 square feet
- Minimum lot width: **75 feet**
- Minimum required **front** yard: 30 feet measured from the front property line
- Minimum required **side** yard: 15 feet measured from the side property line.

- Minimum required **rear** yard: 25 feet measured from the rear property line.
- Maximum permissible lot coverage: The total ground area covered by the principal building and all accessory buildings shall not exceed thirty-five (35) percent of the total lot area.
- Building Height Limits: 35 feet

### **Corner Visibility**

On a corner lot, within the triangular area formed by the inside curb lines or the edge of the pavement lines of the intersecting streets and line joining points on such lines at a distance of forty (40) feet from their intersection, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average center line grade of each street.

### **Buffers**

Buffer strips shall be required where a professional office abuts land zoned residential.

The buffer strip shall be of continuous evergreen composition and grow to a height of six (6) feet within a three (3) year period.

The buffer requirements may be waived by the Board of Adjustment upon recommendation of the Planning Board along any boundary which is naturally screened by evergreen plant materials or topography, or may be deferred in isolated areas.

**Signs.** See Section 7.

**Off-Street Parking.** See Section 8. Also, one off-street space required for every 200 gross feet of floor area for any non-residential use.

## 5.7 **CB** **CENTRAL BUSINESS DISTRICT**

The CB District is designed to accommodate those retail and office uses which are Characteristic of the major business center of the Town.

### **Permitted Uses**

- Banks, financial institutions
- Professional and business offices
- Retail sales establishments
- Parks and playgrounds
- Dry cleaning and laundry pick-up stations, laundry and dry cleaning establishments
- Publishing and printing establishments
- Restaurants, except drive-ins
- Motels, hotels and guest houses
- Florist shops
- Food stores
- Indoor theaters
- Laboratories
- Repair shops for radios and televisions, for small appliances, shoes, and the like.
- Artist and craftsmen studios, displays, or shops

- Municipal or County Owned Buildings
- Taxi stands
- Funeral homes
- Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard.
- Personal service establishments
- Consignment shop (flea markets, flea malls. Swap shops are prohibited) (amended 3/4/19)
- Antique shops

### **Conditional Uses**

The following uses may be permitted as conditional uses by the Town Board subject to the provisions of Section 12:

- Auction House
- Automobile service stations and garages
- Cartage and express facilities
- Civic, charitable, political, fraternal and social organizations  
(amended 4/12/18) No Churches
- Drive-in type facilities and other financial institutions
- Family dwelling on upper floors of commercial buildings
- Public Utility and service uses



- Warehousing and wholesale establishments and storage other than accessory to permitted retail uses.
- Pawn Shops (also required: a Town Pawn Application to be approved by the Town Board.)
- Video Game Rooms. (Arcades and Video Game Rooms cannot be located within 1500 feet of each other.)

#### RULES FOR OPERATON OF A GAME ROOM

1. Game Rooms may not open before 12:00 noon on any day of the week.
2. Game rooms may open on Sunday only between the hours of 1:00 pm and 6:00 pm.
3. Game rooms to close at 11:00 pm on Monday, Tuesday, Wednesday and Thursday.
4. Game Rooms to close at 12;00 midnight on Friday and Saturday nights.
5. Game rooms shall be closed to all minors during normal school hours (that is, while any public school is in session)
6. There must be an adult (21 years of age or older) managing a game room business at all times.

## **Dimensional Requirements**

Within the **CB District** as shown on the Zoning Map, all of the following dimensional requirements shall be complied with;

- Minimum lot area - There shall be no minimum area requirement for lots in this district
- Minimum required **front** yard: The minimum front yard depth shall be the average of the front yard depths which have been established by buildings in one or both adjoining side lots. In all cases there shall be sufficient setback from the street curb line to provide space for a minimum eight (8) foot sidewalk.
- Minimum required **side** yard: No side yard is required, except where a lot abuts a residentially zoned lot. In such an instance, the abutting side yard shall be at least fifteen (15) feet wide.
- Minimum required **rear** yard: Ten (10) feet measured from the rear property line. No rear yard is required where a public alley abuts the rear property line.
- Building Height Limits: 35 feet

## **Buffers**

Buffer strips shall be required where any use permitted in this district abuts land zoned residential.

The buffer strip shall be of continuous evergreen composition and grow to a height of six (6) feet within a three (3) year period. If the evergreen buffer does not reach the required height of six (6) feet within the 3 year required period a six (6) foot privacy fence of treated material or masonry construction shall be installed. Installation shall be of commercial quality to insure longevity. Fence maintenance will be required.

The buffer requirements may be waived by the Board of Adjustment upon recommendation of the Planning Board along any boundary which is naturally screened by evergreen plant materials or topography, or may be deferred in isolated areas.

**Signs.** See Section 7.

**Off-Street Parking.** See Section 8.

**Off-Street Loading.** See Section 9

## 5.8 **HB** **HIGHWAY BUSINESS DISTRICT**

The HB District is intended for the use of those businesses which are properly and necessarily located along major highways. Business uses permitted in this district are those retail and service facilities that provide goods and services for the traveling public.

### **Permitted Uses**

All uses permitted in the CB-Central Business District, with the exception that residential uses, including homes for the aged, nursing homes and the like are not permitted.

- Restaurants, including drive-ins
- Drive-in theaters
- Greenhouses
- Warehouses
- Professional Offices
- Wholesale merchants
- Public utility storage or service yards and substations
- Building materials sale and storage
- Radio and television transmitting stations and towers
- Animal Hospitals
- Motels
- Bus Stations

- Automobile sales and service
- Mobile home, travel trailer, boat, and motorcycle sales and service
- Travel Trailer campgrounds
- Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard.

### **Conditional Uses**

The following uses may be permitted as conditional uses by the Town Board subject to the provisions of Section 12:

- Body repair Garages
- Car Washes
- Day Care Centers
- Planned Unit Development
- Auction Houses (with the following requirements):
  1. All operations and storage take place indoors;
  2. Operation may not take place after 10:00 p.m. on Monday through Thursday and 11:00 p.m. on Friday and Saturday. No operations to be allowed on Sunday and;
  3. The building the auction house is located in may not be within 300 feet of any church or residency.

## **Dimensional Requirements**

Within the **HB District** as shown on the Zoning Map, all of the following dimensional requirements shall be complied with;

- Minimum lot area - 20,000 square feet (without public water and sewer)  
10,000 square feet (with public water and/or sewer).t
- Minimum lot area for planned unit developments which are conditionally approved: 10,000 square feet plus 5,000 square feet for each dwelling unit in excess of one.
- Minimum lot width: **100 feet**
- Minimum **front** yard: 30 feet measured from the front property line
- Minimum **side** yard: No side yard is required, except where a lot abuts a residentially zoned lot. In such an instance, the abutting side yard shall be at least 15 feet.
- Minimum **rear** yard: 20 feet measured from the rear property line.
- Maximum permissible lot coverage: The total ground area covered by the principle building (or buildings in the case of a conditionally approved planned unit development) and all accessory buildings shall not exceed thirty-five (35) percent of the total lot area.

- Building Height Limits: 35 feet

### **Location of Accessory Buildings**

No accessory building shall be erected in any required front or side yard or within ten (10) feet of any lot line.

### **Corner Visibility**

On a corner lot, within the triangular area formed by the inside curb lines or the edge of the payment lines of the intersecting streets and line joining points on such lines at a distance of forty (40) feet from their intersection, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average center line grade of each street.

### **Buffers**

Buffer strips shall be required where any use permitted in this district abuts land zoned residential. The buffer strip shall be of continuous evergreen composition and grow to a height of six (6) feet within a three (3) year period; or a fifteen (15) foot wide strip of natural wooded area; or a twenty-five (25) foot wide area landscaped with grass or other ground cover and at least three (3) trees and five (5) shrubs for each one hundred (100) feet, or portion thereof, of boundary abutting property zoned residential.

Existing trees and shrubs in the buffer area may be used toward the required landscaping. Planted trees which are of an evergreen variety must be at least three (3) feet in height. Other trees which are of an evergreen variety must be at least three (3) feet in height. Other trees must be at least four (4) feet in height. Planted shrubs must be at least twelve (12) inches in height.

Any non-decorative fence or wall, such as a chain-link fence or concrete block wall, shall be located between the commercial or industrial use and the

buffer, rather than along the property line.

The buffer strip shall be of continuous evergreen composition and grow to a height of six (6) feet within a three (3) year period. If the evergreen buffer does not reach the required height of six (6) feet within the 3 year required period a six (6) foot privacy fence of treated material or masonry construction shall be installed. Installation shall be of commercial quality to insure longevity. Fence maintenance will be required.

**Signs.** See Section 7.

**Off-Street Parking.** See Section 8.

**Off-Street Loading.** See Section 9



## 5.9 **HSP** **HOSPITALITY DISTRICT**

The Hospitality District is designed for commercial establishments serving transients using only the major highway systems traversing the Town. The range of retail and service uses in this district are restricted to those essential to the traveler. The district is customarily located near the intersection of limited access facilities and major arterial streets.

### **Permitted Uses**

Accessory uses already incidental to a permitted use and which will not create a nuisance or hazard.

- Automobile off-street parking, commercial lots
- Automobile and Truck Rental
- Automotive Service Stations Operations
- Churches and similar religious facilities
- Curio and Souvenir Sales
- Delicatessen Operations, including catering
- Eating or Drinking Facilities, operated as commercial enterprises.
- Motels, Hotels and other transient lodging (excluding trailer parks, RV parks or campgrounds)
- News Stand Sales
- Public and community utility stations or substations
- Recreation or Amusement Enterprise – conducted inside a building and for profit, and not otherwise listed herein

- Swimming Pools, incidental to a permitted principal use\
- Temporary Construction Buildings
- Theater Productions, indoor, which show only films previously submitted to and rated by the Motion Picture Association of America.

### **Conditional Uses**

The following uses may be permitted as conditional uses by the Town Board subject to the provisions of Section 12:

- Beauty Shops
- Manufacturer's Outlet Sales
- Day Care Centers
- Retail Florist Shops

### **Dimensional Requirements**

Within the **HSP District** as shown on the Zoning Map, all of the following dimensional requirements shall be complied with;

- Minimum lot area - 20,000 square feet (without public water and sewer)  
10,000 square feet (with public water and/or sewer).

- Minimum lot area for planned unit developments which are conditionally approved: 10,000 square feet plus 5,000 square feet for each dwelling unit in excess of one.
- Minimum lot width: **100 feet**
- Minimum **front** yard: 30 feet measured from the front property line  
:
- Minimum **side** yard: 5 feet except where a lot abuts a residentially zoned lot. In such an instance the abutting side yard shall be at least fifteen (15) feet wide.  
.
- Minimum **rear** yard: 20 feet excepts where a lot abuts a residentially zoned lot. In such instances the abutting rear yard shall be at least fifty (50) feet wide..
- Maximum permissible lot coverage: The total ground area covered by the principle building and all accessory buildings shall not exceed thirty-five (35) per cent of the total lot area.
- Building Height Limits: 35 feet

### **Location of Accessory Buildings**

No accessory building shall be erected in any required front or side yard or within ten (10) feet of any lot line.

### **Corner Visibility**

On a corner lot, within the triangular area formed by the inside curb lines or the edge of the payment lines of the intersecting streets and line joining points on such lines at a distance of forty (40) feet from their intersection, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average center line grade of each street.

### **Buffers**

Buffer strips shall be required where any use permitted in this district abuts land zoned residential. The buffer strip shall be at least two (2) feet high when planted, and grow to a height of six (6) feet within a three (3) year time period; or a fifteen (15) foot wide strip of natural wooded area; or a twenty-five (25) foot wide area landscaped with grass or other ground cover and at least three (3) trees and five (5) shrubs for each one hundred (100) feet, or portion thereof, of boundary abutting property zoned residential.

Any non-decorative fence or wall, such as a chain-link fence or concrete block wall, shall be located between the commercial or industrial use and the buffer, rather than along the property line.

The buffer strip shall be of continuous evergreen composition and grow to a height of six (6) feet within a three (3) year period. If the evergreen buffer does not reach the required height of six (6) feet within the 3 year required period a six (6) foot privacy fence of treated material or masonry construction shall be installed. Installation shall be of commercial quality to insure longevity. Fence maintenance will be required

**Signs.** See Section 7.

**Off-Street Parking.** See Section 8.

**Off-Street Loading.** See Section 9

## 5.8 **NB** **NEIGHBORHOOD BUSINESS DISTRICT**

The NB District is established as a district in which the principal use of land is for commercial and service uses to serve the surrounding residential district.

### **Permitted Uses**

- Branch Banks
- Barber and Beauty shops
- Drug Stores
- Professional Offices
- Grocery Stores (convenience type)
- Laundry facilities

Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard.

### **Conditional Uses**

The following uses may be permitted as conditional uses by the Town Board subject to the provisions of Section 12:

- Automobile service stations
- Craft and antique shops
- Day Care Centers
- Retail Florist Shops

## **Dimensional Requirements**

Within the **NB District** as shown on the Zoning Map, all of the following dimensional requirements shall be complied with;

- Minimum lot area - 20,000 square feet (without public water and sewer)  
10,000 square feet (with public water and/or sewer).t
- Minimum lot area for planned unit developments which are conditionally approved: 10,000 square feet plus 5,000 square feet for each dwelling unit in excess of one.
- Minimum lot width: 50 feet
- Minimum **front** yard: 20 feet measured from the front property line
- Minimum **side** yard: No side yard is required, except where a lot abuts a residentially zoned lot. In such an instance, the abutting side yard shall be at least 15 feet wide
- Minimum **rear** yard: 20 feet measured from the rear property line.
- Maximum permissible lot coverage: The total ground area covered by the principle building and all accessory buildings shall not exceed thirty-five (35) per cent of the total lot area.
- Building Height Limits: 35 feet

### **Location of Accessory Buildings**

No accessory building shall be erected in any required front or side yard or within ten (10) feet of any lot line.

### **Corner Visibility**

On a corner lot, within the triangular area formed by the inside curb lines or the edge of the pavement lines of the intersecting streets and line joining points on such lines at a distance of forty (40) feet from their intersection, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average center line grade of each street.

### **Buffers**

Buffer strips shall be required where any use permitted in this district abuts land zoned residential. The buffer strip shall be of continuous evergreen composition and grow to a height of six (6) feet within a three (3) year period. If the evergreen buffer does not reach the required height of six (6) feet within the 3 year required period a six (6) foot privacy fence of treated material or masonry construction shall be installed. Installation shall be of commercial quality to insure longevity. Fence maintenance will be required

The buffering requirements may be waived by the Board of Adjustment upon recommendation of the Planning Board along any boundary which is naturally screened by evergreen plant materials or topography, or may be deferred in isolated areas.

**Signs.** See Section 7.

**Off-Street Parking.** See Section 8.

**Off-Street Loading.** See Section 9

## **Conditional Uses**

The following uses may be permitted as conditional uses by the Town Board subject to the provisions of Section 12:

- Automobile service stations
- Craft and antique shops
- Day Care Centers
- Retail Florist Shops

## **Dimensional Requirements**

Within the **NB District** as shown on the Zoning Map, all of the following dimensional requirements shall be complied with;

- Minimum lot area - 20,000 square feet (without public water and sewer)  
10,000 square feet (with public water and/or sewer).t
- Minimum lot area for planned unit developments which are conditionally approved: 10,000 square feet plus 5,000 square feet for each dwelling unit in excess of one.
- Minimum lot width: **50 feet**
- Minimum **front** yard: 20 feet measured from the front property line
- Minimum **side** yard: No side yard is required, except where a lot abuts a residentially zoned lot. In such an instance, the abutting side yard shall be at least 15'



- Minimum **rear** yard: 20 feet measured from the rear property line.
- Maximum permissible lot coverage: The total ground area covered by the principle building and all accessory buildings shall not exceed thirty-five (35) per cent of the total lot area.
- Building Height Limits: 35 feet

### **Location of Accessory Buildings**

No accessory building shall be erected in any required front or side yard or within ten (10) feet of any lot line.

### **Corner Visibility**

On a corner lot, within the triangular area formed by the inside curb lines or the edge of the payment lines of the intersecting streets and line joining points on such lines at a distance of forth (40) feet from their intersection, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average center line grade of each street.

### **Buffers**

Buffer strips shall be required where any use permitted in this district abuts land zoned residential. The buffer strip shall be of continuous evergreen composition and grow to a height of six (6) feet within a three (3) year period. If the evergreen buffer does not reach the required height of six (6) feet within the 3 year required period a six (6) foot privacy fence of treated material or masonry construction shall be installed. Installation shall be of commercial quality to insure longevity. Fence maintenance will be required

The buffering requirements may be waived by the Board of Adjustment

upon recommendation of the Planning Board along any boundary which is naturally screened by evergreen plant materials or topography, or may be deferred in isolated areas.

**Signs.** See Section 7.

**Off-Street Parking.** See Section 8.

**Off-Street Loading.** See Section 9

## 5.11 **I. INDUSTRIAL DISTRICT**

The I District is established to promote and [protect both existing industrial activities and sites where urban services are available and which are considered suitable for future industrial use.

### **Permitted Uses**

Manufacturing, assembling and processing industries provided that all operations are conducted within an enclosed structure and that there is no outside storage except in the rear yard.

- Industrial Parks
- Wholesale, warehouse, and transfer activities
- Farms and agricultural uses
- Service stations and other auto-oriented business establishments
- Public utility lines and facilities
- Municipal or County owned buildings
- Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard.

### **Conditional Uses**

The following uses may be permitted as conditional uses by the Town Board subject to the provisions of Section 12:

- Outdoor Advertising Signs (See Section 7)

- Junkyards. Junkyards along interstate and primary highways shall meet the requirements of the Junkyard Control Act of 1967.
- Automobile wrecking yards and similar types of used material industries when conducted within a structure or on a lot enclosed by a solid fence at least six (6) feet in height.
- Circuses, carnivals, and fairs.
- Fertilizer manufacture or sale
- Wholesale storage of gasoline or bulk terminal plants provided no above-ground storage tank shall be closer than fifty (50) feet to any property lines, and that the uses are in conformity with the state and local regulations governing the storage of combustible fuels.

### **Dimensional Requirements**

Within the I District as shown on the Zoning Map, all of the following dimensional requirements shall be complied with;

- Minimum lot area - 1 acre
- Minimum lot width: 150 feet
- Minimum **front** yard: 25 feet measured from the front property line
- Minimum **side** yard: 15 feet except where a lot abuts a residentially zoned lot. In such an instance, the abutting side yard shall be at least 50 feet wide.

- Minimum **rear** yard: 20 feet except where a lot abuts a residentially zoned lot. In such an instance, the abutting rear yard shall be at least 50 feet wide.
- Building Height Limits: 50 feet

### **Location of Accessory Buildings**

No accessory building shall be erected in any required front or side yard or within ten (10) feet of any lot line.

### **Corner Visibility**

On a corner lot, within the triangular area formed by the inside curb lines or the edge of the pavement lines of the intersecting streets and line joining points on such lines at a distance of forty (40) feet from their intersection, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average center line grade of each street.

### **Buffers**

Buffer strips shall be required where any use permitted in this district abuts land zoned residential. The buffer strip shall be of continuous evergreen composition and grow to a height of six (6) feet within a three (3) year period. If the evergreen buffer does not reach the required height of six (6) feet within the 3 year required period a six (6) foot privacy fence of treated material or masonry construction shall be installed. Installation shall be of commercial quality to insure longevity. Fence maintenance will be required

The buffering requirement may be waived by the Board of Adjustment upon recommendation of the Planning Board along any boundary which is naturally screened by evergreen plant materials or topography, or may be deferred in isolated areas.

**Signs.** See Section 7.

**Off-Street Parking.** See Section 8.

**Off-Street Loading.** See Section 9

## 5.12 **R. RECREATION/CONSERVATION DISTRICT**

The Recreation/Conservation District is established as a district in which the primary use of land is reserved for flood control, public recreations, natural or man-made bodies of water, forests, and other similar open spaces uses. In promoting the general purposes of this Ordinance, the specific intent of this subsection is as follows:

1. To encourage the preservation of, and continued use of the land for conservation purposes.
2. To prohibit residential, commercial, and industrial use of land, and to prohibit any other use which would substantially interfere with the preservation of this district.
3. To encourage the discontinuance of uses that would not be permitted as uses in the district.

### **Permitted Uses**

The following uses shall be permitted in the Recreation/Conservation district subject to the various provisions of this section:

- Golf Courses
- Parks and recreational activity
- Municipal or County owned buildings
- Nature preserves
- Farming
- Parking Facilities
- Open space land

### **Conditional Uses**

The following uses may be permitted as conditional uses by the Town Board subject to the provisions of Section 12:

- Cemeteries

### **Dimensional Requirements**

Within the Recreation/Conservation District as shown on the Zoning Map, there shall be no minimum lot areas, widths, or yards required due to the exceptional physical characteristics of this district.

### **Signs**

One per lot which may be illuminated if no direct light is cast on the adjoining property and if all lighting is non-flashing in design. Maximum surface area:

- Cemeteries and parks – 15 square feet
- Real Estate – 6 square feet



## **SECTION 6. EXCEPTIONS AND MODIFICATIONS**

The dimensional requirements of this Ordinance shall be complied with in all respects except that under the specific conditions as outlined in this Section, the requirements may be waived or modified as stated; and in addition, the dimensional requirements may be changed or modified by the Planning Board as provided for in Section 14.

### **6.1 Front Yard Modifications in Residential Districts**

Where forty (40) percent or more of the frontage in any block face is composed of lots which have been developed with buildings whose front yards are less than the minimum required front yard as specified in the District Regulations, the required front yard shall be the average depth of front yards of the developed lots, or the minimum front yard as specified in

Section 5, District Regulations, whichever is less. Provided further that if any lot lies between two buildings which are less than 100 feet apart, the required front yard for such lot shall be no greater than the average front yard of the two adjoining lots.

### **6.2 Other Yard Modifications**

Where forty (40) percent or more of the frontage in any block face is composed of lots which have been developed with buildings whose front yards are less than the minimum required front yard as specified in the District Regulations, the required front yard shall be the average depth of front yards of the developed lots, or the minimum front yard as specified in Section 5, district Regulations, whichever is less. Provided further that if any lot lies between two buildings which are less than 100 feet apart, the required front yard for such lot shall be no greater than the average front yard of the two adjoining lots.

### 6.3 **Height Limit Exceptions**

Chimneys, water tanks or towers, ornamental towers or spires, wireless or broadcasting towers, monuments, cupolas, domes, false mansards, parapet walls, and similar structures and necessary mechanical appurtenances may be erected to heights exceeding the maximum of this Ordinance, upon recommendation of the Building Inspector and approval of the Town Board of Commissioners.

### 6.4 **Lot Of Record**

Except as set forth in 6.5 below, if a lot which was recorded prior to the passage of this Ordinance, fails to meet lot area or width requirements or both in a district where single family residences are permitted, such lot may be used as the location of a single-family dwelling with related accessory buildings. However, there shall be no alteration of minimum yard requirements on such lots except where the Planning Board finds, after public hearing, that the value of neighboring properties would not

be unduly depreciated nor the public safety or welfare unduly affected by such an action. In no case shall the Planning Board reduce the yard requirements by more than twenty (20) percent.

### 6.5 **Adjoining and Vacant Lots of Record**

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

**ST. PAULS**

**SIGN**

**ORDINANCE**

## **SECTION 7.0 SIGN REGULATIONS** (amended 4/11/19)

The purpose of these regulations is to minimize any detrimental effects of signs on adjacent land uses, and to insure that permitted signs do not become a public nuisance or hazard. These regulations are to help promote, compliment, and provide a systematic consistency of standards that will be anesthetically pleasing to the Town. All signs erected, altered, relocated or maintained shall be in accordance with the provisions of this Section. Where there is conflict between the provisions of this section and the provision for signs elsewhere within the Town's Code of Ordinances, the more restrictive standard shall apply. Signs not listed in this ordinance or signs to be considered an asset to the Town that are not addressed in this ordinance may submit a sign review application to the Town Planning Board for consideration.

### **7.1 GENERAL SITE AND SIGN SPECIFICATIONS**

**A. Zoning Permit Required.** No sign shall be erected, attached to, suspended from or supported on a structure nor shall any sign be replaced, enlarged or re-located without a sign permit issued by the Zoning Officer.

**B. Sign Material.** All materials used for permanent signs shall be those that, as determined by the Zoning Officer, maintain their original appearance well over an extended period of time. Examples of materials which do not endure an extended period of time include but are not limited to particle board, OSB, plywood, and other similar materials. The external painting/coating of signs using methods that are not durable are not allowed. Enamels must be applied appropriately to help retain a new look and proper sealing from the weather is required.

**C. Cessation of Purpose and Removal.** Any sign now or hereafter existing which no longer advertises any bona fide business conducted or a product sold, shall be taken down and removed by the owner/ agent or person having the beneficial use of the building or land or structure upon which such sign may be

found. Such sign shall be removed thirty (30) days after written notification from the Zoning officer except that temporary sign posting shall be removed by the permittee within seven (7) days following the date of termination of such events. Upon failure to comply with any notice with the time specified the Zoning Officer is authorized to cause removal of such sign, and any expense incidental thereto shall be paid by the owner of the sign, or the property owner of the land/business on which the sign is located.

**D.Maintenance and Appearance.** All signs together with braces, guys and supports shall at all times be maintained in a safe condition and kept in good repair, free from excessive rust, corrosion, peeling paint, or other surface deterioration. All signs must be kept in legible and aesthetically pleasing condition. Any unsightly, blemished or tarnished signs will not be allowed to remain on the land/business.

E. **Unsafe and Unlawful Signs.** If the Zoning Officer shall find that any sign is unsafe or is a menace to the public or has been constructed, erected or is being maintained in violation of this ordinance the Zoning Officer shall give written notice of such violation to the owner of the sign or the owner of the property where the sign is located. If the owner of the sign, or the property owner, fails to remove or alter the sign/structure so as to comply with the required standards within thirty (30) days after such notice, such sign may be removed or altered to comply by the Zoning Officer at the expense of the owner of the sign or the property owner. The Zoning Officer may cause any sign or other advertising structure which is an immediate peril to persons or property to be promptly removed by the sign owner or the property owner.

F. **Signs Facing Residential Districts.** Illuminated signs cannot be placed to hinder or become a nuisance to resident(s) of neighboring residential property

- G. **Roofline Projection.** No signs shall project above the roofline except for parapet walls.
- H. **Sign Extending Down from Roof, Porch or Walkway.** A sign may extend down from a roof, porch, or walkway overhang not more than eighteen inches (18”) to the bottom of the sign, provided there is a minimum clearance of nine feet (9’) between the bottom of the sign and the walking surface.
- I. **Measurement of Sign.** The measureable area of the sign Mounted on a Board or within a Frame Box shall be the areas of the board, frame or box. The measurable area of a sign mounted directly on the Wall of a Building shall be the area within the outline of the actual shape of the sign. For Individual Letters mounted on the wall of the building the sum of the area measuring the first letter (outer edge) to the last letter (outer edge) horizontally giving the width then measuring vertically from the top of the first letter down to the last letter (outer edge) is the measurable sign area.
- J. **Projecting Signs.** Signs shall not project more than four feet (4’) from any building wall or canopy. Projecting signs shall not exceed forty square feet (40’) in display area or be within one foot (1’) of a lot line. Projecting signs are only allowed on buildings that exceed one (1) story in height.

## 7.2 PROHIBITED SIGNS

**A. Signs not to Constitute Traffic Hazards** – No sign or advertising structure shall be erected or maintained at the intersection of any streets or roads so as to obstruct free and clear vision; or at any location where, by reason of the position, illumination, shape or color, it may impair, obstruct the view or be confused with any authorized traffic sign, signal, or device; or which makes use of the words “stop”, “look”, “drive-in”, “danger”, or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

**B. Signs Erected on Public Streets** – No sign shall be erected or maintained within any public street right-of-way nor be allowed to extend over or into any public street, provided that this section shall not apply to public signs necessary in the performance of a governmental function or required to be posted by law.

**C. Obstruction of Ingress or Egress of Building** – No sign shall be erected or maintained that obstructs ingress and/or egress to or from any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress to or from any room or building as required by law.

**D. Obstruction of Traffic or Pedestrian View.** No sign shall be placed or installed where there is no clear view of traffic or pedestrians while entering a street or business.

**E. Obscene Matter Prohibited** – No sign shall be erected or maintained which bears or contains statements, words, or pictures of an obscene character.

**F. Signs on Private Property** - Consent Required – No sign may be erected by any person on private property of another person without obtaining written consent of such owner.

**G. Mobile/Portable Signs** – Signs or advertising structures having the capability of being transported from one site to another shall be prohibited. Any sign not permanently attached to the ground or to a building or other structure and which

because of its relatively light-weight is meant to be transported from place to place. Such sign may or may not be wired for lighting and may or may not have wheels. This includes mobile signs placed on streets, right of ways, and private property.

*Exception: Event mobile/portable signs approved by Town Board may be placed for semi-annual/annual events that are non-profit, church events, school exhibitions, festivals, etc. All functions must be within the town limits of St. Pauls. An application and processing fee must be submitted to the Zoning Officer for approval prior to placement.7/11/19*

H. **Flashing Signs** – Flashings signs (any moving, illuminated sign shall be considered a “flashing sign”). Such signs shall not be deemed to include time and temperature signs or public message displays using electronic switching, provided the message remains displayed for a minimum of eight (8) seconds.

I. **Roof Signs**. No signs shall be placed on roofs.

J. **Signs on Fences**. No signs shall be placed on fences.

K. **Signs on Public Streets**. No signs shall be placed on a public street right of way or on or attached to public street signs, utility poles etc.

L. **Off Premises Signs**. No signage is allowed on properties that do not directly pertain to that property/business. Signage must be for business that property is located on.

K. **Lighting**. No rope, chain, string, or similar lighting may be installed on exterior of business premises to include the installing on the interior/exterior of windows.



### 7.3 TEMPORARY SIGNS

#### Temporary Signs Must be “ALLOWED” in the Zoning District

A. **Feather Sign** – A sign mounted on one pole and with a height ratio of more than 4 times its width as measured at the width’s greatest dimension. Feather signs shall be permitted only in Highway Business and Hospitality zones as temporary signs to promote a new promotional program. No more than one (1) sign shall be displayed on any lot. No such sign may be displayed for a period exceeding thirty (30) days and a sign permit must be obtained. If sign is not removed within the permitted period, the owner of the sign and the owner of the lot upon which it is displayed shall each be subject to a civil penalty of ten dollars (\$10.00) per day. A feather sign may be displayed on a lot no more three (3) times a year. **A permit must be obtained for each time period.**

B. **Figure Sign** – A sign defined as any object filled with hot air blown into it that either can move or not move that is used to draw attention to a commercial business. Figure signs shall be permitted in the Central Business, Highway Business and Hospitality zones as temporary signs to promote a grand opening, anniversary sale and any special promotions. **A permit must be obtained** and the signs may only be up for thirty (30) days and are considered a temporary sign. Up to two (2) figures may be allowed on a commercial location as long as the figures are not within the sight distance or on the public right of way. . If signs are not removed within the permitted period, the owner of the sign and the owner of the lot upon which it is displayed shall each be subject to a civil penalty of ten dollars (\$10.00) per day. A figure sign may be displayed on a lot no more three (3) times a year.

C. **Temporary Banners**. Temporary banners are allowed for a thirty (30) day period provided a sign permit is obtained from the Zoning Official. No more than one (1) banner can be displayed and no more than two (2) temporary banners will be allowed in a one (1) year period.

## 7.4 SIGNS PERMITTED BY ZONING DISTRICT

### (A.) RESIDENTIAL AND AGRICULTURAL DISTRICT

**A. Dwelling Identification Sign.** One identification sign not exceeding two square feet (2') in area is permitted for each residential dwelling. For one and two family dwelling units identifications signs shall be at least five feet (5') from any street or property line. For multi-family dwelling units, identification signs shall be mounted flat to the main wall of the building.

**B. Large-Scale Residential Development Signs.** A permanent sign is permitted as an integral part of an entrance structure which identifies a subdivision, group development or other special development, estate, farm or other residential entity, provided there are not more than two (2) signs for each main entrance, with a total sign area for each such entrance not to exceed thirty-two square feet (32') in area. Such signs may be lighted, but non-flashing and motionless and located according to the criteria in Section 7.1 but not less than five feet (5') from any street right-of-way.

**C. Agricultural Product Signs.** In the zoning districts that allow agricultural or rural farm use, signs advertising agricultural products produced on the premises are permitted, provided there are not more than two (2) such signs, each of which shall not exceed twelve feet (12') in area. In any instance where the products sold are seasonal or temporary, such signs shall be removed within thirty (30) days of cessation of the activity advertised. This section shall not apply to any property exempt under the bona fide farm provisions.

**D. Church Signs. Ground/Freestanding.** One (1) sign per entrance (not to exceed fifty square feet (50')) is allowed not to exceed a total of two (2) signs. **Attached.** One (1) sign not to exceed fifty square feet (50') including frame.

**L. Institutional, Commercial and Industrial Signs located in Residential and Agricultural Districts.** Any institutional, commercial or industrial use which is a permitted, special or conditional use in a residential or agricultural district may erect and maintain a sign as follows:

**(a)** One (1) freestanding/ground sign not to exceed one-hundred square feet (100') in area shall be permitted. If more than one principal use is conducted on the same site, or in the same building, each additional principal use shall be permitted one (1) freestanding/ground sign not to exceed fifty square feet (50') in area. Signs may be located in accordance of Section 7.1.

**(b)** One (1) ground/freestanding sign shall be permitted at entrance not to exceed 150 square feet (150') in area and a maximum of two (2) entrances. Signs may be located in accordance of Section 7.1.

**(c)** Attached signs for all principal uses on the site shall not exceed fifty square feet (50') in area. If there is more than one principle use, the property owner will determine the allocation of the attached sign area.

## 7.5 CENTRAL BUSINESS DISTRICT

Signs in the Central Business District and other districts that adjoin/tie to the same development (such as retail or shopping centers or continuous building with wall separation) must be of similar graphic character and material. Business signs and name signs shall be permitted on the premises of the business in which the principal use is permitted subject to the following limitations:

**Businesses located in attached buildings** may display not more than one (1) business sign.

**Projecting Signs**. Projecting business signs shall not project more than four feet (4') from any building, wall or canopy. Signs total surface area shall not exceed forty square feet (40'). Projecting signs are only allowed on buildings that exceed one (1) story in height. Signs shall meet criteria in Section 7.1.

**Attached Signs**. One (1) attached sign per occupant is allowed. Attached signs shall have a total surface area in square feet per establishment no greater than 2 times the street frontage of the lot/business in feet, but in no case greater than 40 (40') square feet (including frame, etc.) unless design, location, and placement is approved by the Town Board. Signs shall meet criteria in Section 7.1.

**Freestanding/Ground Signs**. Signs including overhang, shall be no closer than ten feet (10') off the curb line, and shall not encroach upon any street right-of-way. The surface area of a freestanding/ground sign shall be no greater than fifty square feet (50') including frame, etc. Signs shall be set back from other property lines a minimum of five feet (5'). Signs placed where there is interference or obstruction with the view of traffic or pedestrians is prohibited. The location and structural design shall be of such as to not interfere with the safe and efficient use of on-street parking and loading areas including aisle ways and access driveways. Signs shall meet criteria in Section 7.1.

**Pole Signs**. Signs including overhang, shall be no closer than ten feet (10') off the

curb line, and shall not encroach upon any street right-of-way. The surface area of freestanding/ground sign shall be no greater than fifty square feet (50') including frame, etc. Signs shall be set back from other property lines a minimum of five feet (5'). Pole signs shall have a minimum clearance of nine feet (9') over any pedestrian areas and fourteen feet (14') over any vehicular paths. Pole signs shall not exceed a height of 30 feet unless approved by the Town Board.

**Sandwich Signs:** Sign shall not exceed 12 square feet in area. Sign cannot be placed beyond the two foot (2') allowable distance from store front. Obstruction of sidewalk is prohibited.

**Signs In Store Front Glazed Area/Glass Fronts.** Signs, posters, promotions, etc. shall be placed in glass front areas provided they do not occupy no more than twenty percent (20%) of the glass/glazed area. Business names shall be etched, painted, decals, etc. provided they are professionally created or are of the same, like and kind of quality provided by a professional. ***Business names will be considered signage and cannot exceed the twenty percent (20%) glass area coverage allowed and no other Business Name Signage can be attached to the building. One (1) Business Name Signage is allowed.***

**Corner Lot Businesses (That Border Two Streets).** Business that border two (2) streets may have an additional business name sign displayed on the corner wall of the building, provided the sign does not exceed more than 40 square feet (including frame, etc.) Signs shall be meet criteria in Section 7.1.

**Temporary Banners.** Temporary banners are allowed for a thirty (30) day period provided a sign permit is obtained from the Zoning Official. No more than one (1) banner can be displayed and no more than two (2) temporary banners will be allowed in a one (1) year period.

**Mural.** Murals must be presented to Town Board for approval.

**Non-Illuminated Signs.** Signs shall have a total surface area in square feet per establishment no greater than two (2) times the street frontage of the lot, in feet, but in no case greater than forty square feet (40'). Signs shall be meet criteria in Section 7.1.

**Illuminated Signs.** Signs shall have a total surface area in square feet per establishment no greater than two (2) times the street frontage of the lot, in feet, but in no case greater than forty square feet (40'). No intermittent lighting effects may be utilized. Signs shall be meet criteria in Section 7.1.

## **7.6 HIGHWAY BUSINESS DISTRICT/NEIGHBORHOOD BUSINESS**

Business and name signs shall be permitted on the premises of the business in which the principal use is permitted subject to the following limitations:

**Projecting Signs.** Projecting business signs shall not project more than four feet (4') from any building, wall or canopy. Signs total surface area shall not exceed fifty square feet (50'). Projecting signs are only allowed on buildings that exceed one (1) story in height. Signs shall be meet criteria in Section 7.1.

**Attached Signs.** One (1) attached sign per occupant is allowed. Attached signs shall have a total surface area in square feet per establishment no greater than 2 times the street frontage of the lot/business in feet, but in no case greater than 40 square feet (including frame, etc.) unless design, location, and placement is approved by the Town Board. Signs shall be meet criteria in Section 7.1.

**Freestanding/Ground Signs.** Signs including overhang, shall be no closer than ten feet (10') off the curb line, and shall not encroach upon any street right-of-way. The surface area of a freestanding/ground sign shall be no greater than one-hundred square feet (100') including frame, etc. Signs shall be set back from other property lines a minimum of five feet (5'). Signs placed where there is interference or obstruction with the view of traffic or pedestrians is prohibited. Signs shall be meet criteria in Section 7.1.

**Pole Signs.** Signs including overhang, shall be no closer than ten feet (10') off the curb line, and shall not encroach upon any street right-of-way. The surface area of a freestanding/ground sign shall be no greater than fifty square feet (50') including frame, etc. Signs shall be set back from other property lines a minimum of five feet

(5'). Pole signs shall have a minimum clearance of nine feet (9') over any pedestrian areas and fourteen feet (14') over any vehicular paths. Pole signs shall not exceed a maximum sign height of thirty feet (30') unless otherwise authorized by the Town Board. Signs shall meet criteria in Section 7.1.

**Non-Illuminated Signs.** Signs shall have a total surface area in square feet per establishment no greater than three (3) times the street frontage of the lot, in feet, but in no case greater than one-hundred square feet (100').

**Illuminated Signs.** Signs shall have a total surface area in square feet per establishment no greater than three (3) times the street frontage of the lot, in feet, but in no case greater than one-hundred square feet (100'). Display lighting shall be shielded so as to prevent a direct view of the light source from a residence in a residential district. No intermittent lighting effects may be utilized.

**Sandwich Signs:** Shall not exceed 12 square feet in area. Sign shall not be placed in areas of traffic obstruction/view.

**Signs in Store Front Glazed Area/Glass Fronts.** Signs, posters, promotions, etc. shall be placed in glass front areas provided they do not occupy no more than twenty percent (20%) of the glass/glazed area. Business names shall be etched, painted, decals, etc. provided they are professionally created or are of the same, like and kind of quality provided by a professional.

Business names will be considered signage and cannot exceed the twenty percent (20%) glass area coverage allowed and no other Business Name Signage can be attached to the building. One (1) Business Name Signage is allowed

**Signs in Shopping Centers.**

(A) Each shopping center may provide not more than one freestanding sign that displays the name of the shopping center.

(B) Detached buildings that are designed to contain not more than one business, may display not more than two (2) business signs.

(C) Businesses located in attached buildings may display not more than one business sign.

## **7.7 INDUSTRIAL BUSINESS DISTRICT**

**Freestanding/Ground Signs.** One freestanding sign is allowed at each main entrance to the site. The total entrance signage shall not exceed a maximum sign area of five-hundred (500) square feet with each individual entrance sign not exceeding a maximum area sign area of three-hundred (300) square feet. On corner lots, one additional freestanding sign is allowed on the side street frontage, not to exceed one-hundred (100) square feet in area. Freestanding signs shall be located in accordance with Section 7.4.

**Attached Signs.** One (1) attached sign is allowed per occupant, not to exceed two (2) square feet in area for each front foot of structure that the tenant/occupant occupies. On sites where a canopy exceeds the building size, the canopy size may be used to determine the permitted attached sign area. Attached signs may be placed on the side of the building.



## 7.8 HOSPITALITY DISTRICT

Signs in the Hospitality District shall be subject to the following limitations:

**Projecting Signs.** Projecting business signs shall not project more than four feet (4') from any building, wall or canopy. Signs total surface area shall not exceed fifty square feet (50'). Projecting signs are only allowed on buildings that exceed one (1) story in height. Signs shall be meet criteria in Section 7.1.

**Attached Signs.** One (1) attached sign per occupant is allowed. Attached signs shall have a total surface area in square feet per establishment/business no greater than 2 times the street frontage of the lot/business in feet, but in no case greater than 40 square feet (including frame, etc.) unless design, location, and placement is approved by the Town Board. Signs shall be meet criteria in Section 7.1.

**Freestanding/Ground Signs.** Signs including overhang, shall be no closer than ten feet (10') off the curb line, and shall not encroach upon any street right-of-way. The surface area of a freestanding sign shall be no greater than one-hundred square feet (100') including frame, etc. Signs shall be set back from other property lines a minimum of five feet (5'). Signs placed where there is interference or obstruction with the view of traffic or pedestrians is prohibited. Signs shall be meet criteria in Section 7.1.

**Pole Signs.** Signs including overhang, shall be no closer than ten feet (10') off the curb line, and shall not encroach upon any street right-of-way. The surface area of a freestanding/ground sign shall be no greater than fifty square feet (50') including frame, etc. Signs shall be set back from other property lines a minimum of five feet (5'). Pole signs shall have a minimum clearance of nine feet (9') over any pedestrian areas and fourteen feet (14') over any vehicular paths. Pole signs shall not exceed a maximum sign height of thirty feet (30') unless otherwise authorized by the Town Board. Signs shall be meet criteria in Section 7.1

**Illuminated Signs.** Signs shall have a total surface area in square feet per establishment no greater than three (3) times the street frontage of the lot, in feet,

but in no case greater than one-hundred square feet (100'). Display lighting shall be shielded so as to prevent a direct view of the light source from a residence in a residential district. No intermittent lighting effects may be utilized.

**Sandwich Signs:** Shall not exceed 12 square feet in area. Shall not be placed in areas of traffic obstruction/view.

## **7.9 SIGNS PERMITTED IN ANY DISTRICT**

The following types of signs are permitted in all zoning districts subject to any specific requirement or prohibition provided herein for any particular zoning district.

- (a) **Temporary real estate sales sign.** For the purpose of advertising a specific lot, signs are permitted not exceeding eight (8) square feet in area and provided only one (1) such sign shall be displayed for each street abutting the lot, building or premise and set back at least five (5) feet from any property line.
  
- (b) **Temporary off-site real estate directional sign.** For the purpose of giving direction to property offered for sale, lease or rent that is located on a dead end street or cul-de-sac, a temporary directional real estate sign not exceeding two (2) square feet in area is permitted after the real estate agent or property owner selling, leasing or renting his property obtains a permit for posting such sign. Only one double-faced directional real estate sign shall be permitted at the nearest intersection of the dead end street or cul-de-sac with a through street and such sign shall be set back at least five (5) feet from the street right-of-way. The permit shall specify the address of the real estate offered for sale, lease or rent and shall expire thirty (30) days after the date the permit is issued. A permit may be renewed for an additional thirty (30) days at the direction of the Zoning Officer provided that the renewal request is received by the Zoning Officer prior to the expiration of the initial permit and that the permit shall be renewed only once. Failure to obtain a permit prior to posing a directional real estate sign or failure to remove such sign as specified on the permit may be grounds for the denial of a permit or future permits under this provision. Signs permitted under this provision shall be subject to all other applicable provisions of this ordinance.

**Temporary signs advertising real estate subdivisions.** For the purpose of advertising real estate subdivisions for which a plat has been officially approved and recorded, one sign is permitted at each main entrance to the development name on the sign, such sign shall not exceed thirty-two (32) square feet in area.

(c) **Temporary signs pertaining to construction.** For the purpose of identifying the firm or company involved in construction taking place on the lot, temporary signs are permitted for the duration of such construction, limited to one (1) sign for each firm, company or use, not exceeding twenty (20) square feet from any property line.

(e) **Traffic control signs.** Signs which regulate traffic on private property are permitted.

(f) **Transportation facilities signs.** For the purpose of identifying public transportation facilities, signs are permitted provided that such signs shall not contain advertising or related messages.

(g) **Special information signs.** For the purpose of giving directions and information, on- site signs pertaining to special uses where not otherwise permitted, and off-premises signs may be approved by the Town Board subject to a special use permit specifying the size, location, lighting, materials to be used, design, and display. Such signs shall be limited to those which are necessary to inform the public as to location and information concerning facilities, institutions, business districts, fraternal orders and service clubs, or such other activity as the Town Board may judge to be beneficial to the total community.

(h) **Temporary Political Signs.** Temporary signs for political campaigns may be permitted in any district subject to the following conditions:

- (1) No political campaign sign shall exceed thirty-two (32) square feet in area and no freestanding sign shall exceed eight (8) feet in height. Except for municipal campaign signs, no political campaign sign

- (2) shall be erected for more than seventy-five (75) days prior to the nomination, election or referendum which they purport to advertise. No **municipal** campaign sign shall be erected for more than thirty **(30) days prior** to these same events.
  - (3) All political campaign signs **shall be removed** within **seven (7) days** after nomination, election or referendum.
  - (4) Nothing in this provision shall be construed to authorize the posting of political campaign signs upon trees, utility poles, traffic-control or street name, signposts, lights or devices, or in any place or manner prohibited by the provisions of Section 7.2 or other provision of this ordinance.
  - (5) Political campaign signs shall not be erected on Town owned or other public property except as authorized by sub-section (6) below
  - (6) Political campaign signs erected on Election Day at officially designated polling places other than those polling places designated as “One Stop Voting” polling places are permitted for a period not to exceed twenty-four (24) hours provided the signs are located in accordance with regulations of the Board of Elections. For the “One Stop Voting” polling places, campaign signs are permitted during the entire voting period and shall be removed within twenty-four (24) hours of the close of the election for which the sign purports to advertise.
  - (7) All political campaign signs shall be located no closer than fifteen (15) feet from edge of pavement of any right-of-way.
- (i) **Temporary sign; failure to comply.** If the Zoning Officer shall find that any temporary sign as authorized by this section, is in violation of this section, the Zoning Officer, or the Zoning Officer’s designee shall give written notice of such violation to the owner of the sign. If, upon receipt of same notice, the owner of such sign fails to remove or alter the sign so as to comply with the required standards within ten (10) days of said notice, such sign may be removed by the Zoning Officer, or the Zoning Officer’s designee at the expense of the owner of the sign. The Zoning Officer may cause any sign or other advertising structure which

creates an immediate risk of peril to persons or property to be promptly removed.

- (j) **Special gate signs.** A permanent sign is permitted as an integral part of a gate or entrance structure which identifies a subdivision, group development or other special development approved under the provisions of this ordinance or estate, farm, or other main entrance identification sign is permitted.
- (k) **Directional and Information Signs** erected and maintained by public agencies and governmental bodies.
- (l) **Identification Signs** not to exceed six (6) square feet in display area bearing only addresses or names of occupants of the premises and located on privately owned property.
- (m) **Bulletin Boards:** Churches, schools, community centers, and other public and institutional uses may erect one sign or bulletin board not exceeding forty (40) square feet in area for the purpose of displaying the name of the institution and related information. Such signs shall be used as wall signs or shall be located a minimum of ten (10') feet from the street lot line and side lot or property lines. Where side yards are required, no such sign shall be permitted in the required side yards. Such signs may be indirectly illuminated.
- (n) **Memorial Plaques**, cornerstones, historical tablets, and similar signs.
- (o) **Temporary Construction Signs** which denote the architect, engineer, contractor, or builder of the project or which describe the name and proposed use of the project on the site until construction is completed.

## **7.10 OFF-PREMISES SIGNS “BILLBOARDS”**

In addition to other applicable standards contained within this ordinance, the following provisions shall apply to all billboards:

**a. General Provisions.**

1. Billboards shall be allowed only along right-of-way with full-control or limited control of access, such as freeways and major thoroughfares;
2. Billboards shall not face or be oriented toward any adjoining or abutting residentially-zoned or residentially-used property and shall not be located within two-hundred (200) feet of a residential zoning district boundary line;
3. Billboards shall not exceed a sign height of thirty-five (35) feet;
4. All billboards are considered as a principal use of property, not accessory, and shall be allowed in the (HB) Highway Business district, upon approval of a Special Use Permit provided that the dimensional criteria outlined below is complied with; and
5. All Federal, State, and other local regulations shall be complied with.

**Dimensional criteria:**

Billboards constructed and located in the HB zoning district shall have a maximum sign area of five-hundred feet (500) and shall be located at least fifty (50) feet from street right-of-way line; fifty (50) feet from any other freestanding sign, building or structure on the same lot; and be a minimum of five-hundred (500) feet from another billboard.

### **Signs in Shopping Centers.**

(A) Each shopping center may provide not more than one freestanding sign that displays the name of the shopping center.

(B) Detached buildings that are designed to contain not more than one business, may display not more than two (2) business signs.

(C) Businesses located in attached buildings may display not more than one business sign.



## 7.11 SIGN DEFINITIONS

For the purpose of interpreting this article, the following words and terms are herein defined:

- (a) **Attached sign:** A sign connected to or painted on a wall and including signs connected to or other-wise displayed on or through a façade window. The following are not attached signs: wall identification signs and commemorative plaques not more than two (2) square feet in area, memorial cornerstones or tablets providing information on building erection or commemorating a person or event, or unit identification signs.
- (b) **Billboard:** A sign which directs attention to a business, industry, profession, commodity, service, or entertainment not conducted, sold, produced, or offered upon the premises upon which such sign is located.
- (c) **Bulletin board:** A sign used to announce meetings, programs, occupants, purposes, operating hours, and other such information on the premises of churches, schools, auditoriums, libraries, recreation areas, and other such non-residential uses permitted in residential districts and on the premises of uses when located with the NB district.
- (d) **Business sign:** A sign that directs attention to a business, industry, profession, commodity, service, or entertainment sold, produced, or offered upon the premises where such sign is located or to which it is attached.
- (e) **Flashing sign:** Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this section, any moving, illuminated sign shall be considered a “flashing sign”. Such signs shall not be deemed to include time and temperature signs or public message displays using electronic switching, provided the message remains displayed for a minimum of eight (8) seconds.

- (f) **Feather Sign:** A sign mounted on one pole and with a height ration of more than 4 times its width as measured at the width's greatest dimension. Feather Signs shall be permitted in Highway Business and Hospitality Districts as **temporary signs** to promote a new promotional program. No more than **one sign** shall be displayed on any zoning lot. No such sign may be displayed for a period exceeding thirty (30) days. If signs are not removed within the permitted period, the owner of the sign and the owner of the zoning lot upon which it is displayed shall each be subject to a civil penalty of ten dollars (\$10.00) per day. A feather sign may be displayed on a zoning lot no more than three (3) times in a one year period.
- (g) **Figure Sign:** A sign defined as any object filled with hot air blown into it that either can move or not move that is used to draw attention to a commercial business. Figure signs shall be permitted in the Central Business, Highway Business and Hospitality Zones as **temporary signs** to promote a grand opening, anniversary sale, and any special promotion. The signs may only be up for one (1) week and are treated as a temporary sign. Up to three (3) such figures may be allowed on a commercial location as long as the figures are not within the sight distance triangle or on the public right of way.
- (h) **Freestanding sign:** Any sign supported wholly or in part by some structure other than the building or buildings housing the business to which the sign pertains. For purposes of this article, this definition shall not include "billboard" which is defined above.
- (i) **Governmental sign:** Any sign erected by or on behalf of a governmental body to post a legal notice identify public property, convey public information and direct or regulate pedestrian or vehicular traffic.
- (j) **Ground sign:** A freestanding sign suspended or supported by one or more uprights or braces anchored in the ground with no more than thirty (30) inches clearance from the bottom of the sign to the ground below..
- (k) **Identification sign:** A sign used to display only the name, address, crest or

- (l) trademark of the business, individual, family, organization or enterprise occupying the premises; the profession of the occupant, the name of the building on which the sign is displayed, or the name of the owner(s) or developer(s). A directory sign is an identification sign with information on multiple occupants.
- (m) **Informational sign:** Any on-premises sign containing no other commercial message, copy, announcement or decoration other than instruction or direction to the public. Such signs include, but are not limited to, the following: identifying restrooms, public telephones, automated teller machines, for lease, for sale, self-service, walkways, entrances and exits, freight entrances traffic direction and prices.
- (n) **Mechanical/Digital sign:** Any sign with changeable copy and the message changes in increments of at least eight (8) seconds shall be allowed as a “sign” under the provisions of this section.
- (o) **Obscene matter:** Any item with a context of a sexual nature depicting, describing or related to anatomical areas and sexual activities.
- (p) **Pole sign:** A freestanding sign that is mounted on a pole or other support and does not meet the definition of “ground sign” above
- (q) **Portable / Mobile sign:** Any sign not permanently attached to the ground or to a building or other structure and which, because of its relatively light-weight is meant to be transported from place to place. Such sign may or may not have changeable copy, may or may not be wired for lighting and may or may not have wheels. “Sandwich boards” are considered as portable signs.
- (r) **Professional Sign.** A sign created/designed by a trained person/company engaged in the business of creating signage as their main paid occupation rather than as a pastime. A person/company who has special training, education, or skill in the signage profession.

- (s) **Public information sign**: A sign usually erected on public property or right-of-away and maintained by a public agency that provides the public with information and in no way relates to a commercial activity including, but not limited to, speed limit signs, city limit signs, street name signs and directional signs.
- (t) **Roof sign**: A sign displayed on and above the eaves of a building.
- (u) **Sandwich Board Sign**: A portable sign, typically in the shape of an inverted “V” with two sign boards attached to each other at the top of the sign, or “A” frame. Each board shall be considered a separate sign face for purposes of determining allowable area of sign. Sandwich board signs shall not exceed 12 square feet. Boards must be displayed in allowable districts only.
- (v) **Sign**: Any words, lettering, parts of letters, figures, numerals. Phrases, sentences, devices, designs, trade names, or trademarks by which anything is made known, such as the designation of any individual, business, commodity, product, service, or entertainment, which are visible from any public way and used to attract attention. The word sign does not include official notices posted by any public officer in performance of a public duty, or by any person in giving legal notice; nor does it include directional, warning traffic, or informational structures required by or authorized by law, or by Federal, State or local authority.
- (w) **Sign area**: The area of a sign mounted on a board or within a frame or box shall be the area of the board, frame or box shall be the area of the board, frame or box. The area of a sign mounted directly on the wall of a building shall be the area within the outline of the actual shape of the sign. For individual letters or logos mounted on the wall of a building, the sum of the areas of each letter, measured from the exterior edges of the letter, will be the sign area. Sign area does not include support structures unless the coloration, lighting, etc. is designed to attract attention.

- (x) **Sign height**: The vertical distance measured from the mean curb level to the level of the highest point of the sign unless defined differently within this ordinance. In the case of a sign not adjoining a street or highway the “height of a sign” is the vertical distance of the average elevation of the ground immediately adjoining the sign to the level of the highest point of the sign.
- (y) **Special information sign**: A device used to give direction, without elaboration or advertising to a business or public use not located on the same premises as such use.
- (z) **Unprofessional sign**. A sign made by one’s own effort below or contrary to the standards expected from a professional sign company or trained/skilled person within the signage profession.

## **SECTION 8. OFF STREET PARKING**

At the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, permanent off-street parking space shall be provided in the amount specified by this Section. Such parking spaces may be provided in a parking garage or properly graded open space. The following blocks, comprising the original central business district, are exempt from the parking requirements: Block 1, lots 11, 12, 13; Block 2: Block 3, lots 1, 2, 3, 4, 5, 6: Block 5 Block 6; Block 9: Block 10, lots 11, 12, 13, 24, 25, 26: Block 11: Block 14: Block 15: Block 18, lots 5, 6, 7, 8: Block 19, lots 2, 3, 4; Block 33, lots 1, 2, 7, 8: Block 34, lots 8, 9, 10, 19, 20, 21; Block 81, lots 7, 8, 9, 10, 11: Block 82, lots 1, 2, 3, 4.

### **8.1 Certification of Minimum Parking Requirements**

Each application for a Certificate of Occupancy shall include information as to the location and dimensions of off-street parking and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Town to determine whether the requirements of this Section are met.

### **8.2 Combination of Required Parking Space**

The required parking space for any number of separate uses may be combined in one (1) lot but the required space assigned to one (1) use may not be assigned to another use, except that one-half (1/2) of the parking space required for churches, theaters or assembly halls, whose peak attendance will be at night or on Sundays, may be assigned to a use which will be closed at night and on Sundays.

### **8.3 Remote Parking Space**

If the off-street parking space required by this Ordinance cannot be reasonably provided on the same lot on which 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 such land is in the same ownership as the principal use.

#### 8.4 **Requirements for Parking Lots in Residential Districts**

Where parking lots for more than five (5) cars are permitted or required in residential districts, the following provisions shall be complied with:

- A. The lot may be used only for parking and not for any type of loading, sales, dead storage, repair work, dismantling or servicing.
- B. All entrances, exits, barricades at sidewalks, and drainage plans shall be approved and constructed before occupancy.
- C. A strip of land five (5) feet wide adjoining any street line or any lot zoned for residential uses shall be reserved as open space, guarded with wheel bumpers and planted in grass and/or shrubs.
- D. Only one (1) entrance and one (1) exit sign no larger than two (2) square feet prescribing parking regulations may be erected at each entrance or exit. No other signs shall be permitted.

#### 8.5 **Minimum Parking Requirements**

The number of off-street parking spaces required by this section shall be provided on the same lot with the principal use except as provided in Subsection 8.3 and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. In additions to developer shall evaluate his own needs to determine if they are greater than the minimum specified by this Ordinance; an off-street parking space shall be no less than 160 square feet in area plus adequate ingress and egress provided for each off-street parking space.

<b><u>Land Uses</u></b>	<b><u>Required Parking</u></b>
Auditorium	One (1) parking space for each four (4) seats in the largest assembly room.
Public or private clubs	One (1) parking space for each 200 square feet of gross floor space.
Public utility buildings	One (1) parking space for each employee.
Office	One (1) parking space for each 500 square feet of gross floor space.
Bank	One (1) parking space for each 200 square feet of gross floor space, plus one (1) space for each two (2) employees.
Filling Station	Five (5) parking spaces for each grease rack and five (5) spaces for each wash rack.
Theater	One parking space for each four (4) seats in the auditorium.
Funeral Home	One (1) parking space for each 200 square feet of gross floor area, <u>if the use is under 3,000 square feet</u> . One (1) parking space for each 250 square feet of gross floor area, if the use is over 3,000 square feet.
Retail use not otherwise listed	One (1) parking space for each 200 square feet of gross floor area, if the use is under 3,000 square feet. One (1) parking space for each 250 square feet of gross floor area, if the use is over 3,000 square feet.



Wholesale	One (1) parking space for each employee on the largest shift.
Warehouse	One (1) parking space for each employee on the largest shift plus one (1) space for each 150 square feet of selling space.
Single-family dwelling	Two (2) parking spaces per unit.
Multi-family dwelling	Two (2) parking spaces per dwelling unit.
Rooming or Boarding House	One (1) parking space for each two (2) rooms to be rented
Tourist home, motel, motor court	One (1) parking space for each room to be rented plus one (1) additional parking space for each two (2) employees.
Hotels	One (1) parking space for each four (4) rooms to be rented plus one (1) additional parking space for each (2) two employees.
Professional office or home occupation	One (1) parking space for each employee plus two (2) extra spaces for patients or clients.
Hospitals	One (1) parking space for each two (2) beds intended for patient use, plus one (1) parking space for each employee.
Clinic	Three (3) parking spaces for each doctor plus one (1) for parking space for each employee.

Nursing Home	One (1) parking space for each five (5) beds intended for patient use.
Church	One (1) parking space for each four (4) seats in the sanctuary.
Elementary School and Junior High	One (1) parking space for each classroom and administrative office, plus one (1) space for each school bus.
Senior High School	One (1) parking space for each twenty (20) students for which the building was designed, plus one (1) parking space for each classroom and administrative office, plus one (1) parking space for each school bus.
Beauty and Barber Shops	One (1) parking space for each service chair plus one (1) additional parking space for each employee.
Eating and Drinking Establishments	One (1) parking space for each four (4) seats at tables, one parking space for each two (2) seats at counters or bars, plus one (1) parking space for each (2) two employees.
Professional Offices in Professional District	One (1) parking space per employee. also, one (1) parking space for each 200 gross feet of floor area.

8.6      **Mobile Home and Travel Trailer Parking and Storing**

It shall be unlawful to park or otherwise store for any purpose whatsoever any mobile home or travel trailer within the Town of St. Pauls lying within its zoning jurisdiction except as follows:

- A.    At a safe, lawful and non-obstructive location on a street, alley, highway, or other public place, provided that the trailer or mobile home shall not be parked overnight.
- B.    Within a mobile home park, provided however, the mobile home shall either have a North Carolina or HUD Label of Compliance permanently attached thereto.
- C.    On any other lot or plot provided that:
  - (1)    A storing permit for any mobile home to be parked or stored for longer than ten (10) days shall be obtained from the Building Inspector.
  - (2)    The mobile home shall be parked outside of any authorized mobile home park only for the purposes of storing the vehicle itself, and no facilities of such mobile home shall be used for any purposes of storage or of human or animal occupancy whatsoever, nor any business conducted therein except as provided in Section 3.6.
  - (3)    The lot is located in a R-8 residential zoning district in which case the mobile home may be used as a dwelling.
  - (4)    Travel trailers, as defined in Section 2, may be

stored providing no facilities of such travel trailer may be used for human or animal occupancy and providing as follows: House and camping trailers shall be stored in a garage or carport or in the rear or side yard. Pick-up coach and motor homes may be parked in the driveway as well, but in no other portion of the required front yard.

- D. This section shall not be construed to prohibit the parking and/or storing for the purpose of sale of any mobile home or trailer by any owner or licensed dealer upon any lot, piece, or parcel of land upon which the sale of such vehicle is permitted and/or licensed under the codes and ordinances of the Town, provided that no living quarters be maintained in any of the travel trailers or mobile homes so parked.

## 8.7 **Inoperative Vehicles**

Residential districts: No inoperative vehicle shall be permitted to be parked or stored longer than twenty-four (24) hours.

Business Districts: Inoperative vehicle shall be permitted to be parked or stored while undergoing repairs in the CB (Central Business), NB (Neighborhood Business, HB (Highway Business), P (Professional), and HSP (Hospitality) Districts, if permission is granted by the Chief of Police.

## **SECTION 9. OFF STREET PARKING LOADING SPACE**

Where off-street loading space is required under the functional requirements of a particular activity, one or more loading berths or other spaces shall be provided for standing, loading and unloading operations either inside or outside a building and on the same or adjoining premises with every building or structure erected after the enactment of this Ordinance. A loading berth shall have the following minimum dimensions:

Width: Fifteen (15) feet

Length: Eighty (80) feet

Overhead Clearance: Fifteen (15) feet

A loading space need not be necessarily a full berth but shall be sufficient to allow normal loading operations of a kind and magnitude appropriate to the property served thereby. In no case shall the use of such space hinder the free movement of vehicles and pedestrians over a street, sidewalk, or alley.

## **SECTION 10. NON-CONFORMING USES**

Upon the effective date of this Ordinance, and any amendment thereto, existing and lawful uses of any building or land which do not meet the minimum requirements of this Ordinance for the district in which they are located or which would be prohibited as new development in the district in which they are located shall be considered as non-conforming uses to continue until they are removed, discontinued, or destroyed, but not to encourage such continued use, and to prohibit the expansion of any non-conformance.

### **10.1 Non-Conforming Use of Buildings**

The non-conforming use of a building may be extended throughout the building provided no structural alterations, except those required by law or ordinance or ordered by an authorized officer to secure the safety of the building, are made therein but no such use shall be extended to occupy any land outside such building. If such non-conforming use of such building is discontinued for a continuous **period exceeding 120 days**, every future use of such premises shall be in conformity with the provisions of this Ordinance; provided that this provision shall not apply to any non-conforming commercial or industrial use which normally operates less than ninety (90) calendar days in any given calendar year; provided, further, that this provision shall not prevent the restoration of a non-conforming use which has been destroyed to the extent of not more than **fifty (50) percent** of its replacement value, but only if such building is **restored within one (1) year of the date of its destruction**. The non-conforming use which normally operates less than **ninety (90) calendar days** in any given year, i.e., a seasonal operation, shall not be continued after one season has passed without operation.

## **10.2    Non-Conforming Use of Land**

The non-conforming use of land shall not be enlarged or increased, nor shall any non-conforming 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 any non-conforming use of land, other than for location of a mobile home, is discontinued for a continuous period exceeding 120 days, any future use of said land shall be in conformity with the provisions of this Ordinance. If the non-conforming use of land for location of a mobile home is discontinued, either by destruction of the mobile home or by removal thereof, any further use of said land shall be in conformity with the provisions of this Ordinance.

## **SECTION 11.   CONDITIONAL   USES**

### **11.1   Purposes**

The development and execution of this Ordinance is based on the division of the Town and its zoning jurisdiction into districts within which 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 some land uses which are basically in keeping with the intent and purposes of the district where permitted, but which may have an impact on the area around them which can only be determined by review of the specific proposal. These uses may be established, under certain conditions and with proper controls, in such a manner as to minimize any adverse effects. In order to insure that these uses, in their proposed locations, would be compatible with surrounding development and in keeping with the purposes of the district shall not be as a matter of right, but only after review and approval of a Conditional Use Permit as hereinafter provided.

### **11.2   Application and Fees**

Applications for Conditional Use Permits, signed by the applicant, shall be addressed to the St. Pauls Board of Commissioners. A fee for such application shall be paid at the time of application according to the schedule of fees adopted by the Town Board.

Each application shall contain or be accompanied by such legal descriptions, maps, plans and other information so as to completely describe the proposed use and exiting conditions.



### 11.3 Procedures for Reviewing Conditional Use Applications

The conditional uses, as specified in the various districts may be Established only after approval by the Board of Commissioners of the Town of St. Pauls.

The Town Board of Commissioners shall hold a public hearing on the application for a Conditional Use Permit to be held within sixty (60) days after the application is filed. The Board shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published for the first time not less than fifteen (15) nor more than twenty-five (25) days before the date fixed for the hearing.

The Planning Board shall review the application prior to the public hearing and shall present its recommendations to the Board of Commissioners at the public hearing. The Planning Board may revise its recommendations to the Board of Commissioners before action is taken by the Board. The Town Board shall approve, modify, or deny the application for Conditional Use Permit following the Board with due regard to the nature and state of all adjacent structures, uses and the district within which same is located, shall make written findings that the following are fulfilled:

- A. The use requested is listed among the conditional uses in the district for which application is made; or is similar in character to those listed in that district.
- B. The requested use will not impair the integrity or character of the surrounding or adjoining district, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property.
- C. The requested use is essential or desirable to the public convenience or welfare.

- D. The requested use will be in conformity with the Land Use Plan.
- E. Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.
- F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- G. That the conditional use shall, in all other respects, conform to the application regulations of the district in which it is located.

#### 11.4 **General Provisions Concerning Conditional Use Permits**

- A. Compliance with Other Codes. Granting of a Conditional Use Permit does not exempt the applicant from complying with all of the requirements of building codes and other ordinances.
- B. Revocation. In any case where the conditions of a Conditional Use Permit have not been or are not being complied with, the Building Inspector shall give the permittee notice of intention to revoke such permit at least ten (10) days prior to a Board of Commissioners review thereof. After conclusion of the review, the Town Board may revoke such permit.
- C. Expiration. In any case where a Conditional Use Permit has not been exercised within the time limit set by the Town Board or within one (1) year if no specific time limit has been set, then without further action, the permit shall be null and void. "Exercised" as set forth in this Section shall mean that binding contracts for the construction of the main building is under construction to

a substantial degree; or that prerequisite conditions involving substantial investment are contracted for, in substantial development, or completed (sewage, drainage, etc.). When construction is not a part of the use, “exercised” shall mean that the use is in operation in compliance with the conditions set forth in the permit.

- D. Duration of Conditional Use. Any conditions imposed on a conditional use authorized and exercised shall be perpetually binding upon the property unless expressly limited by the Conditional Use Permit or subsequently changed or amended by the Town Board after a public hearing.
- E. Conditions and Guarantees. Prior to the granting of any conditional use the Town Board may stipulate such conditions and restrictions upon the establishment, location, reconstruction, maintenance and operation of the conditional use as it deems necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this Ordinance. In all cases in which conditional uses are granted, the Town Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
  - (1) Such conditions may include a time limitation.
  - (2) Conditions may be imposed which require that one or more things be done before the use requested can be initiated. For example, “that a solid board fence be erected around the site to a height of (6) six feet before the use requested is initiated”.
  - (3) Conditions of a continuing nature may be imposed. For example, “exterior loud speakers shall not be used between the hours of 10:00 pm. and 9:00 am”.

## **SECTION 12. PLANNED UNIT DEVELOPMENTS**

Planned developments are of such substantially different character from other conditional uses that specific and additional standards and exceptions are hereby established to guide the recommendations of the planning Board and the action of the Board of Commissioners.

### **12.1 Purposes**

Some specific purposes of the planned development procedures are:

- A. **Residential Planned Unit Development** – To offer recreational opportunities close to home, to enhance the appearance of neighborhoods by the conservation of streams and local spots of beauty, to add to the sense of spaciousness through the preservation of natural green spaces, to counteract the effects of urban monotony and congestion in the streets, to encourage cooperative relationships between neighbors and participation by all age groups in the use and care of local open space tracts in new residential subdivisions, to promote harmonious architecture between adjacent dwellings or institutional buildings and to encourage the placement of structures in proper relationship to the natural characteristics of the site.
- B. **Business Planned Unit Development** – To promote the cooperative development of business centers each with adequate off-street parking, to control access points on throughfares, to separate pedestrian and automobile traffic, to aid in stabilizing property values to develop centers of size and location compatible with the market potential between homes and commercial structures.

### **12.2 Required Information**

The developer shall be required to submit the following information and any other information that may be required by the Planning Board or the Board of Commissioners.

- A. A site plan drawn to a scale of at least 400 feet to an inch indicating the arrangement and tentative location of buildings, uses permitted, land to be preserved as permanent common open space, parking and loading spaces and other special features of the development plan. Such site plan shall also show in detail the sizes and location of all utilities (water and sewer lines) in conformance with and having the approval of the Administration of the Town of St. Pauls. The plan shall also show all necessary drainage systems for the development and for the protection of adjoining properties.
- B. A draft of the proposed protective covenants whereby the owner proposes to regulate land-use and otherwise protect the proposed development.
- C. A draft of any proposed incorporation agreement and a draft of any by-laws or easement declarations concerning maintenance of recreational and other common facilities.

### 12.3 **Use Exceptions**

The Planning Board may recommend and the Board of Commissioners may authorize that there be in part of the area of such development, and for the duration of such development specified uses not permitted by the use regulations of the district in which said development is located, provided that the Planning Board and Board of Commissioners shall find:

- A. That the uses permitted by such exception are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood.
- B. That not more than thirty (30) percent of the ground area nor more than fifty (50) percent of the gross floor area of such development shall be devoted to the use permitted by said exception.

- C. That if the sign regulations of this Ordinance are too restrictive for such A planned unit development, in which case specific exceptions, both as to type and degree, shall be set down in writing as conditions to the conditional use.

#### 12.4 **Bulk Regulations**

In the case of any planned unit development, the Planning Board may recommend and the Town Board may authorize exceptions to the applicable bulk regulations of this Ordinance within the boundaries of such development, provided that the Planning Board and Town Board shall find:

- A. That such exception shall be solely for the purpose of promoting an integrated sit plan no less beneficial to the residents or occupants of such development as well as the neighboring property, than would be obtained under the bulk regulations of this Ordinance for buildings developed on separate zoning lots.
- B. That spacing between principal buildings shall be at least equivalent to such spacing as would be required between buildings similarly developed under the terms of this Ordinance on separate zoning lots: It does not apply in corner-to-corner placement of buildings where perpendicular wall exposures do not overlap, due consideration being given to the openness normally afforded by intervening streets and alleys.
- C. That along the periphery of such planned unit developments, yards shall be provided as required by the regulations of the district in which said development is located.
- D. That in a residential planned unit development the maximum number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area required by the district or districts in which the area is located, and then increasing this number by

fifteen (15) percent. Net development area shall be determined by subtracting the area set aside for nonresidential uses from the gross development area and deducting ten (10) percent of the remainder for streets regardless of the amount of land actually required for streets. The area of land set aside for common open or recreational use may be included in determining the number of dwelling units permitted.

#### 12.5 **Designation of Permanent Common Open Space**

No plan for a planned unit development shall be approved unless such plan provides for permanent open space equivalent to twenty (20) percent of the total area in single-family planned unit developments and five (5) percent in business planned unit developments.

## **SECTION 13. MOBILE HOME PARK**

Mobile home parks are permitted as a conditional use only, and may be developed following approval of an application for a conditional use permit. The following conditions must be met before approval of a conditional use permit for a mobile home park:

### **13.1 Mobile Home Park Requirements**

- A. **Area.** The area of the mobile home park shall be a minimum of two acres, and the park shall have a minimum of five (5) mobile home space available at first occupancy.
- B. **Density.** Each mobile home shall be on a plot at least 5,000 square feet in area, have a width of at least 50 feet and depth of at least 100 feet.
- C. **Utilities.** The mobile home park and all occupied units located in it must be connected to the municipal water and sewerage systems approved by the Robeson County Health Department or the NC Department of Human Resources and the NC Department of Natural Resources and Community Development, Division of Environmental Management.
- D. **Access and Parking.** Paved, privately maintained, roadways must be provided for access to individual units and other facilities located within the park. Required parking spaces are not required to be paved.
- E. **Other Permitted Uses.** Service buildings, recreation buildings, and other areas or structures providing laundry, sanitation, and managerial facilities are permitted subject to approval of the Board of Commissioners. Such facilities shall serve only the park in which it is located. No such facility shall have direct access to a public street but shall be served by the privately maintained roadway.



- F. **Buffers.** A densely planted buffer strip of continuous evergreen composition not less than six (6) feet in height or less than three (3) feet in width shall be provided along all rear and side property lines of the park.

### 13.2 **Mobile Home Space Requirements**

Mobile home units shall be located only in spaces which meet the following requirements :

- A. **Access.** Each space shall have access to an interior roadway with a paved width of at least eighteen (18) feet. No space shall have direct access to a public street.
- B. **Clearance.** Each space shall be designed so that at least thirty (30) feet clearance will be maintained between units and other structures within the park.
- C. **Setbacks.** Mobile home units shall be located so that fifteen (15) foot setback is maintained from the center line of the private interior roadway.
- D. **Utilities.** Each space shall have hook-up facilities for water, sewer, electricity and telephone services. All occupied mobile home units shall have and use approved sanitary facilities within the mobile home unit.
- E. **Parking.** At least one and one half parking spaces shall be located on or adjacent to each mobile home plot.

### 13.3 **Additional Requirements**

- A. **Recreational Areas.** When a mobile home park shall contain at least twenty (20) lots, a recreation area will be developed and maintained that shall include not less than eight (8) percent of the total park area. The minimum size of any recreation area shall be 2,500 square feet. Lakes, ponds, rivers, streams, swamps, and marsh lands shall not be considered as meeting, in part or in whole, the recreation area requirement of this section.
- B. **Tie Down and Anchoring Requirements.** Mobile Homes shall be securely anchored to the ground by means of a tie down system. When the mobile home is factory equipped with a tie down system designed by a registered architect or engineer, then the owner is to use the manufacturer's set of instructions as the standard of property tie-down procedures. If licensed architect or engineer, then the Building Inspector is to enforce standards listed in the "State of North Carolina Regulations for Mobile Homes" booklet published by the North Carolina Department of Insurance.
- C. **Storage Building.** Each mobile home lot may be equipped with a storage building not to exceed ten feet by ten feet (10' x 10') provided that all such buildings are located adjacent to the rear lot line.
- D. **Storage of Possessions.** Storage of possessions and equipment in the area beneath a mobile home shall be prohibited.
- E. **Underpinning.** The space under each mobile shall be properly underpinned with a continuous vinyl skirting (*grade/type/color approved by the Zoning Officer*). The foundation vinyl underpinning installed under the perimeter of the manufactured

home must allow for vented vinyl that will meet the ventilation requirements. Underpinning must be approved prior to placement and inspected after placement by the Zoning Enforcement Officer.

#### 13.4 **Responsibilities and Duties of Park Owner**

- A. **Mobile Home Park Maintenance.** Mobile home park operators shall be required to provide adequate supervision to maintain the park in compliance with the requirements of this Ordinance. Further, the mobile home park operators shall keep all park owned facilities, improvements, equipment and all common areas in good repair and maintained in such a manner as to prevent the accumulation or storage of materials which would cause insect or rodent breeding and harborage.
- B. **Placement and anchoring.** Operators shall be required to supervise the placement of all mobile homes to guarantee that they are properly anchored and attached to utilities.
- C. **Assist County Tax Supervision.** Operators shall be required to comply with GS 105-316(a)(1), which requires that as of January 1<sup>st</sup> of each year operator of a park renting lots six (6) or more mobile homes furnish to the county tax supervisor the name of the owner and a description of each mobile home located in the park.
- D. **Violations of Responsibilities and Duties.** Violation of any of the responsibilities and duties listed herein, by a park operator, operating a mobile home park with a conditional use permit is a misdemeanor punishable under the provisions of Section 17.

### 13.5 **Mobile Home Park Plan**

Before the Town Board may consider granting a Conditional Use Permit under the provisions of Section 11, for the construction or expansion of a mobile home park, the developer shall submit to the Building Inspector five (5) copies of the proposed park plan containing the following information:

- A. The name of the park, the names and addresses of the owner or owners, and the designer or surveyor.
- B. Data, scale, and approximate North arrow.
- C. Boundaries of the tract shown with bearings and distances.
- D. Site plan showing streets, traffic, circulation, driveways, recreation areas parking spaces, service buildings, water courses, easements, mobile home lots, lot numbers of all structures to be located on the park site, and total acreage of the park.
- E. Vicinity map showing the location of the park and the surrounding land usage.
- F. Names of adjoining property owners
- G. The existing and proposed utility system for surface water drainage, street lights, water supply, and solid waste and sewerage disposal facilities.
- H. Certification of approval of water supply system plans by (a) the County Health Department for as system with between two (2) and nine (9) connections, or (b) the Sanitary Engineering Section, Division of Health Services, North Carolina Department of Human Resources for a system with ten (10) or more connections.
- I. Certification of approval of water supply system plans by (a) the County Health Department for a system with between two (2) and nine (9)

connections, or (b) the Sanitary Engineering Section, Division of Health Services, North Carolina Department of Human Resources for a system with ten (10) or more connections.

- J. Certification of approval of solid waste storage, collection, and disposal plans by the County Health Department.
- K. Land contours with vertical intervals of not less than two (2) feet for all mobile home spaces or more.
- L. Certification of lot approved by Soil and Water Conservation District, including suitability for septic tank systems, if used.

Except for the added requirement of the mobile home park plan, a person seeking approval of a mobile home park should comply with the procedures and requirements contained in Section 12.

## **SECTION 14. BOARD OF ADJUSTMENT**

### **a. Establishment of the Board of Adjustment**

A Board of Adjustment is hereby established (hereinafter called the Board). This Board shall consist of six (6) members appointed by the Board of Commissioners. The members shall receive no compensation for their services.

The term of office of the members of the Board shall be for three (3) years. The original appointment shall be made in this manner: Two (2) members shall be appointed for a term of one (1) year; two (2) members shall be appointed for a term of two (2) years; and two (2) members shall be appointed for a term of three (3) years. At the expiration of the terms of all members first appointed, all new or reappointments shall be made for a term of three (3) years. All appointments to fill the vacancies shall be for the unexpired term only.

### **14.2 Proceedings of the Board of Adjustment**

- A. Officers. The Board shall elect a chairman from its membership and such officers as the Board deems best.
- B. Meetings. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. All meetings of the Board shall be held at a regular place and shall be open to the public. The Board shall keep minutes of its proceedings in a book maintained for that purpose only, showing the vote of each member upon each question or, if absent or failing to vote, an indication of such fact; and final disposition of appeals shall be a public record. No final action shall be taken on any matter unless a quorum as set for in the by-laws is present.
- C. Appeals. An appeal to the Board may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board or agency affected by any decision of the Administrator Official based in whole or in part upon the provisions of this

Ordinance. Such appeal shall be taken within such time as shall be prescribed by the Board by general rule of filing with the Administrative Official and with the Board a notice of appeal and specifying the grounds thereof. The Administrative Official shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the Administrative Official certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which may be granted by the Board of Adjustment or by a court of record.

- D. Voting. The concerning vote of four-fifths (4/5s) of the Board shall be necessary to reverse any order, requirement, decision or determination of any Administrative Official charged with enforcement of this Ordinance or to decide in favor of the applicant any matter which it is required to pass under this Zoning Ordinance or to effect any variation in such Ordinance.

#### 14.3 **Powers and Duties of the Board of Adjustment**

- A. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Official in the enforcement of this Ordinance . The Board may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have powers of the Administrative Official from whom appeal is taken.
- B. Variances. To authorize upon appeal in specific cases variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions a literal enforcement of the provisions of this Ordinance will result in undue hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done.

In considering all proposed variances from the Ordinance the Board shall, before making any finding in a specified case, first determine that the proposed variance will not constitute any change in the zones shown on the zoning map and will not impair an adequate supply of light and air to adjacent property, or materially increase the public danger of fire and safety, or materially diminish or impair established property value within the surrounding area, or in any other respect impair the public health, safety, morals and general welfare.

Before a variance is granted, it shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood. A variance may be granted only when the practical difficulty or undue hardship complained of is due to the particular characteristics of the property and not to the general conditions of the neighborhood which may reflect an undue stringency of the Ordinance itself. A hardship peculiar to the applicant, as distinguished from others affected by the general rule, must be shown.

The fact that property may be utilized more profitably will not be considered adequate to justify the Board in granting a variance. It must also be found that the special conditions and circumstances do not result from the actions of the applicant and that the granting of the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands in the same district and no permitted use of land in other districts shall be considered grounds for the issuance of a variance. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

In granting a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed purposes of this Ordinance. Violations of such Conditions and safeguards when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 18 of this Ordinance.



- C. Temporary Uses. The Board may permit a temporary building for business in the residential zone, which is incidental to the residential development, such permit to be issued for a period of not more than one (1) year.

#### 14.4 **Appeal from the Board of Adjustment**

Any person or persons, jointly or severally, aggrieved by any decision of the Board, of any taxpayer, or any officer department, board of bureau of the Town of St. Pauls may within thirty (30) days after the filing of the decision in the office of the Board, but not thereafter, present to a court of competent jurisdiction a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality, whereupon such decision of said Board shall be subject to review as provided by law.

## **SECTION 15. ADMINISTRATION AND ENFORCEMENT**

### **15.1 Administrative Official**

The Town Board of Commissioners shall appoint the Building Inspector or other person as the Administrative Official to administer and enforce this Ordinance. The assistance of such other persons may be provided as the Town Board may direct.

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

### **15.2 Building Permit**

No building or other structure shall be erected, moved, extended, enlarged or structurally altered until a building permit for such work has been issued by the Town of St. Pauls. Each application or other information as may be necessary to determine if the provisions of this Ordinance are being observed.

### **15.3 Certificate of Occupancy**

No land shall be used or occupied, except for agricultural purposes, and no building hereafter structurally altered or erected shall be used or changed in use until a Certificate of Occupancy shall have been issued by the Towns stating that the building and/or proposed use thereof complies with the provisions of this Ordinance. A like certificate shall be issued for the purpose of

maintaining or renewing a con-conforming use. A Certificate of Occupancy, either for the whole or a part of the building, shall be applied for incidentally with application for a building permit and shall be issued within ten (10) days after the erection or structural alterations of such building or part shall have been completed in conformity with the provisions of this Ordinance.

A record of all certificates shall be kept on file in the Town Office, and copies shall be furnished on request, to any person having a proprietary or tenancy interest in the building erected. No permit for excavation for, or erection of, or alteration of, a building shall be issued until after a statement of its intended use has been filed by the applicant.

## **SECTION 16. CHANGES AND AMENDMENTS**

The Board of Commissioners may amend, supplement or change the text regulations and zoning district lines according to the following procedures.

### **16.1 Action by the Applicant**

#### **A. Initiation of Amendments**

Proposed changes or amendments may be initiated by the Board of Commissioners, Planning Board, Board of Adjustment, Town Officials, or, by one or more owners or lessees of property within the area proposed to be changed or affected.

#### **B. Application**

An application for any change or amendment shall contain a description and/or statement of the present and proposed zoning regulation or district boundary to be changed, and the names and addresses of the owner or owners of the property. Such application shall be filed not later than three (3) weeks prior to the meeting at which the application is to be considered.

#### **C. Fee**

A fee of fifty- (50) dollars shall be paid to the Town of St. Pauls, North Carolina, for each application for an amendment, to cover the costs of advertising and other administrative expenses involved. Also, the applicant will be assessed the cost of postage where mailed public notices are required.

## 16.2 **Action by the Planning Board**

The following action shall be taken by the Planning Board:

### A. **Planning Board Consideration**

The Planning Board shall consider and make recommendations to the Board of Commissioners concerning each proposed zoning amendment. The Planning Board may hold separate public hearings or may sit concurrently with the public hearing held by the Board of Commissioners.

### B. **Re-application for Amendment**

Each application for amendment shall only be considered once within any twelve (12) month period. The Board of Commissioners, by three-fourths (3/4s) vote of its total membership, may waive this restriction if it finds any emergency exists.

## 16.3 **Action by the Board of Commissioners**

The following actions shall be taken by the Board of Commissioners:

### A. **Notice and Public Hearing**

No amendment shall be adopted by the Board of Commissioners until after notice and hearing.

Notice of public hearing shall be published in a newspaper of general circulation in the Town of St. Pauls, at least once each week for two (2) successive weeks prior to the hearing according to state regulations. Notice may also be made by posting the property concerned or by mailing notices to the owners of surrounding property.

- B. Before taking such lawful action as it may deem advisable, the Board of Commissioner shall consider the Planning Board recommendation on each proposed zoning amendment. If no recommendation is received from the Planning Board within thirty (30) days after the public hearing by the Board of Commissioners, the proposed amendment shall be deemed to have been approved by the Planning Board.

#### **SECTION 17. REMEDIES AND PENALTIES**

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) and/or imprisoned not exceeding thirty (30) days. Each days of violation shall be considered a separate offense.

#### **SECTION 18. SEVERABILITY OF ORDINANCE**

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) and/or imprisoned not exceeding thirty (30) days. Each day of violation shall be considered a separate offense.

#### **SECTION 19. INTERPRETATION, PURPOSE, AND CONFLICT**

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare. It is not intended by this Ordinance to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern. The previous zoning Ordinance of the Town of St. Pauls, North Carolina is hereby repealed, however, nothing in this new Zoning Ordinance shall be construed to amend or repeal any other existing ordinances.

**SECTION 20. EFFECTIVE DATE**

The foregoing ordinance was introduced on the 13<sup>th</sup> day of August, 1981, by Commissioner Sarah G. Hay, motion was made by Commissioner Fred Williams and seconded by Commissioner Durham White. Voting for passage of this Ordinance on first reading was unanimous. Adopted and passes on second reading at the regular board meeting held on September 10, 1981. Effective as of the date herein above set forth.

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Town Clerk

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Mayor, Town of St. Pauls

Revised: September 9, 2021

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Town Clerk, Debra McNeill

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Mayor, Elbert Gibson