



Town of Milton

NOTICE TO ALL RESIDENTIAL AND BUSINESS PROPERTY OWNERS IN THE TOWN OF MILTON

AUGUST 1, 2005

The Town of Milton adopted Zoning and Historic Preservation Commission Ordinances in 1998.

The Zoning Ordinance and the Historic Preservation Commission Ordinance require the town to review and approve or disapprove certain changes to buildings and property. A Certificate of Appropriateness must be obtained before work may begin which would change the appearance building or landscape features within the Milton Historic District. Some building, changes to buildings, and uses of property are prohibited by the town zoning ordinances.

Prior to making any changes to property in the Town of Milton, property owners should request information and advice from the Town Planning Board (Historic Preservation Commission) and the Town Board of Commissioner. Copies of the Zoning Ordinances are available for review at Town Hall. Zoning Permit Applications are also available at Town Hall.

Individuals needing information regarding proposed changes to buildings or property may contact any of the following individuals: Walter Lea Thomas, IV, Mayor 336.234.8877; Jim Upchurch, Chairman of the Planning Board 336.234.9389; Jack Williams, Vice Chairman of the Planning Board 336.234.7331; or Danny Hyler, Town Commissioner 336.234.8446.

Jim Upchurch, Chairman



Town of Milton

ORDINANCE REGULATING ALCOHOLIC BEVERAGES

Be it ordained by the Board of Commissioners of the Town of Milton.

Section 1. Alcoholic Beverages on Town Property

No person shall consume any malt beverage or unfortified wine as defined by Chapter 18B of the North Carolina General Statute on property owned or occupied by the town, including but not limited to, any municipal park or recreational facility.

Section 2. Alcoholic Beverages on any Public Road, Street, Highway, Right of Way or Sidewalk.

No person shall consume any malt beverage or unfortified wine as defined by Chapter 18B of the North Carolina General Statutes on any public road, street, highway, right of way or sidewalk located maintained, owned or occupied by the town within the said corporate limits of the Town of Milton.

Section 3. Penalty.

Any person who violates the provisions of this Ordinance is guilty of misdemeanor and upon conviction shall be imprisoned for up to 30 days and or be subject to a fine of not more than \$500.00.

Section 4. Effective Date

This ordinance shall be effective upon adoption.

This the 2nd day of August, 1993.

Larry H. Jeffress, Mayor -

ATTEST:

Lou Ann Reaves
Town Clerk

(TOWN SEAL)



Town of Milton

ANIMAL CONTROL, NUISANCE & RABIES TAG ORDINANCES

Section I: Cruelty to Animals

- (a) It shall be unlawful for any person *to* molest, lease, bait, torture, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any animal. or to cause or procure such action. The words “torture” and “torment” shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted, but such terms shall not be construed to prohibit lawful shooting of birds, deer and other game for human food, nor *to* prohibit the animal control department or its agents or veterinarians from destroying dangerous, unwanted or injured animals in a humane manner, nor to prohibit to lawful use of animal in scientific research.

State law reference- Authority to define and prohibit the abuse of animals.
[G.S.160A-182.](#)

Section 2: Confinement, muzzling and control of vicious or dangerous animals.

It shall be unlawful for any owner to **keep** any vicious, fierce or dangerous animals within the town, unless it is confined within a secure building or enclosure, or unless it is securely muzzled and under control by a competent person who, by means of a leash, chain or rope, has such animal firmly under control at all times. The premises on which any animal under this section is confined shall be clearly marked with a -warning sign.

Section 3: Animal Nuisance and Rabies Tag Ordinance

- A. It shall be unlawful for an owner to permit an animal to run at large, if such animal is reported as creating a public nuisance and an animal control officer determines, after investigation, that the reports are supported by the evidence. In such cases, and only in such cases, the owner must **keep** the animal that has been found to be creating a public nuisance on his own property at all times, unless the animal is under restraint. For the purpose of this section, public nuisance includes, without limitation, the following: Animals that habitually or repeatedly chase, snap at, attack or harass pedestrians, bicyclists or vehicles, tip over garbage pails, damage yards, gardens, flowers, vegetables or personal property, or in the case of a female animal, one that is allowed to run at large during estrus.
- B. All dogs in the historic business district must be on a leash at all times and under restraint by owner. Historic business district for this purpose is defined as from the traffic light at the



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corner of Academy Street and Broad Street and continues on Broad Street only and ending at Country Linc Creek Bridge.

- C. The owner of dogs that run loose or are walked on public or private property, not being their own property, must clean up after the animal.
- D. It shall be unlawful for any dog owner to keep or have a dog that habitually or repeated!) barks, whines or howls in such a manner or to such an extent that it is a public nuisance.
- E. Upon receipt of a written complaint signed by one or more residents of the town, setting forth the nature and the date of the act. the apparent owner of the animal, the address of the apparent owner and description of the animal doing such act. **the** animal control department shall investigate the complain to determine whether the act complained of violates this ordinance.
State law reference- Authority to define and abate nuisances **G.S. 160A-174 G.S.160A-193.**



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RESOLUTION


WHEREAS, the Caswell County Board of Commissioners has enacted an animal control ordinance, adopted by the said commissioners on January 4, 1994;

AND WHEREAS, in Section XIX. of the aforesaid ordinance, it is stated that the jurisdiction of the ordinance shall be effective "within the corporate limits and extraterritorial jurisdiction of any municipality within Caswell County which shall so agree by appropriate resolution";

AND WHEREAS, the Board of Commissioners of the Town of Milton believe that it *is* in the best interests of the Town, and its residents, to be within the jurisdiction of the aforesaid animal control ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Town of Milton hereby agree that the Town of Milton shall be, and hereby is within the jurisdiction of the Caswell County Animal Control Ordinance.

This the 5th day of April, 1994.


Larry H. Jeffress, Mayor _____
Town of Milton



Attest:

Lou Ann Reeves clerk to the
Board



TOWN OF MILTON ORDINANCES



JULY 14, 2021



Town of Milton

AN ORDINANCE CREATING ZONING ORDINANCES FOR THE TOWN OF MILTON

BE IT ORDAINED by the Board of Commissioners of the Town of Milton, North Carolina, that a Zoning Ordinance is hereby created to read as follows:

ZONING

Article I PURPOSE, AUTHORITY, AND TITLE

Section 1.1 Purpose

The Zoning Regulations incorporated herein and the Zoning Districts shown on the Zoning Map have been made in accordance with a comprehensive plan, and are designed to lesson congestion in the streets, secure safety from flooding, fire, panic, and other dangers, promote health and the general welfare, provide adequate light and air, prevent the improper use of land; avoid undue concentration of population; and facilitate the adequate provision of transportation, public utilities, recreation and other public requirements. The Board of Commissioners has determined that there is a factual basis for believing that some or all of the condition noted above may result from the lack of Zoning Regulation and the Board has given due consideration to the character of each Zoning District, its suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdiction.

Section 1.2 Authority

This Ordinance is enacted pursuant to the authority granted by N.C.G.S. 160D-701 et. Seq...

The Milton Town Board, Caswell County, North Carolina pursuant to the authority granted by General Statutes Chapter 160D does hereby ordain and enact into law the following articles and sections. Processes will adhere to all provisions of N.C.G.S. 160D effective July 1, 2021 by ordinance adoption and incorporation into the Town of Milton Zoning Regulation Ordinance. The following shall apply:

1. **Any provision of the Town of Milton Zoning Regulations Ordinance which might conflict with N.C.G.S 160D regulations shall be null and void, and;**



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2. **Any provision of N.C.G.S 160D that is currently absent from the Town of Milton Zoning Regulations Ordinance shall be incorporated and effective as law by reference, and;**
3. **Any provision of N.C.G.S 160D that is currently addressed in the Town of Milton Zoning Regulations Ordinance shall be amended to adhere to the standards promulgated.**

Section 1.3 Short Title

This Ordinance shall be known as the Zoning Ordinance of the Town of Milton, North Carolina, and may be referred to as the “Zoning Ordinance.” The map referred to herein is identified by the title “Official Zoning Map, Milton, North Carolina”, and may be known as the “Zoning Map”.



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Article II JURISDICTION MAP

Section 2.1 Territorial Jurisdiction

The provision of this Ordinance shall apply within corporate limits of the Town of Milton as now or hereafter fixed.

Section 2.2 Incorporation of Zoning Map

Section 2.3 Historic District

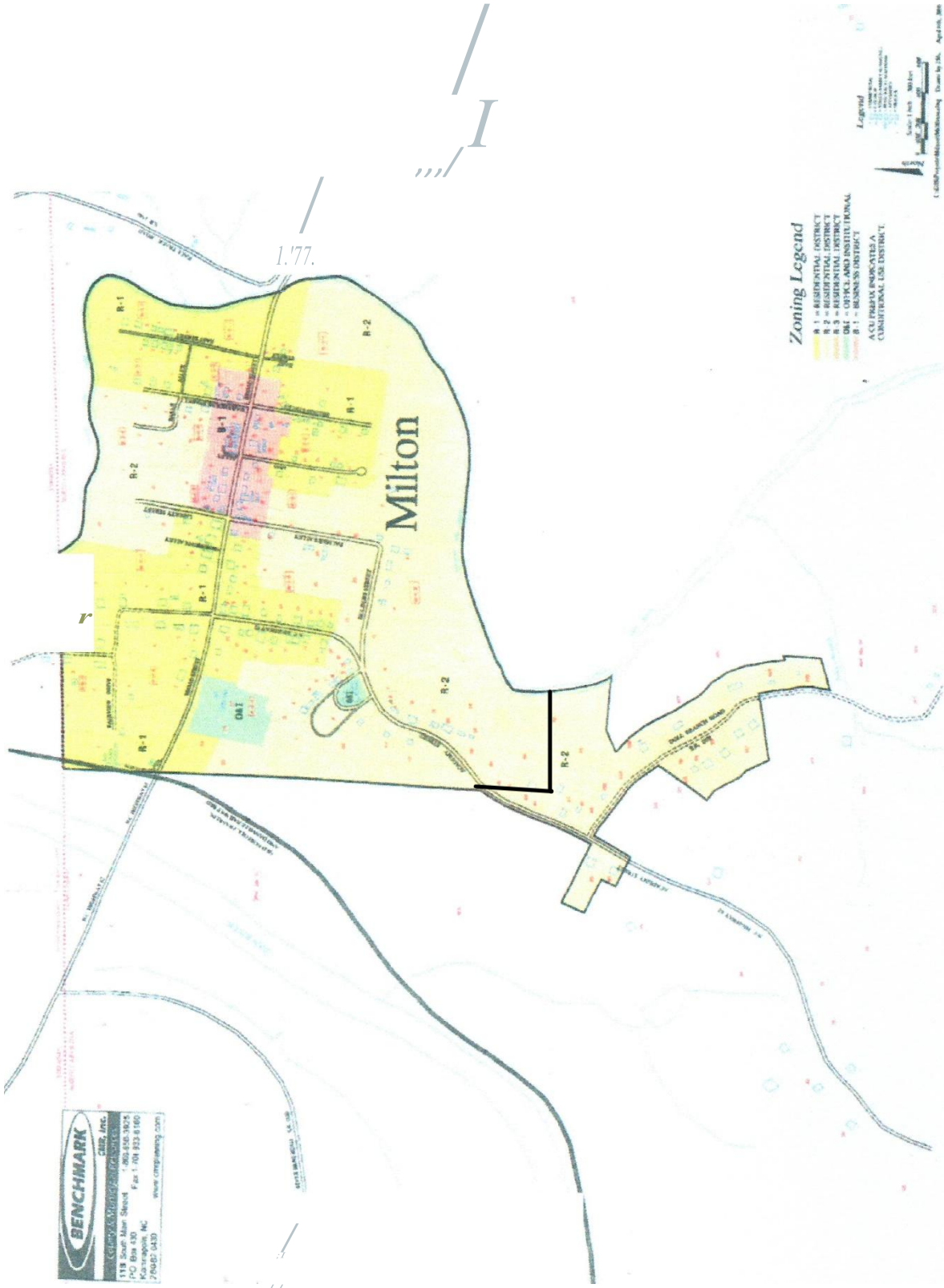
The Milton Historic District consists of the town of Milton, Proper, as defined by the town limits:

- **North boundary** is defined by the North Carolina-Virginia border and by the Country Line Creek.
- **East boundary** is defined by Country Line Creek.
- **South boundary** is defined by Country Line Creek and by a line drawn parallel with the northern boundary and extending to a point where it intersects with the western boundary (dotted lines indicate streets present in town plat which are now woodland).
- **West boundary** is defined by a line drawn at a ninety-degree angle to the north border and located between the Atlantic and Danville Railroad Station and the Dan River.

The "Official Zoning Map, Milton, North Carolina and all notations, references and other information shown on the map are hereby incorporated by reference and made a part of this Ordinance.



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Article III DEFINITIONS

For the purposes of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein when not inconsistent with the context; words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The words "used for" shall include the meaning "designed for."

Section 3.1 General Definitions

Accessory use or accessory building (non-residential). A subordinate non-residential use or building customarily incident to and located on the same lot with the main use or building. A detached subordinate structure operated and maintained under the same ownership and located on the same lot as the main building. No such building may be inhabited or used by other than the owners, family members, lessees or tenants of the premises or their employees.

Accessory use or accessory building (residential). A noncommercial use or building customarily incident and subordinate to but located on the same lot with the main residential use or building such as a private garage or carport, family garden, personal storage building, or workshop, all of which are totally for personal use.

Alley means a public or private roadway which affords only a secondary means of access to abutting property.

Alter means to make any structural changes in the supporting or loadbearing members of a building, such as bearing walls, columns, beams, girders, floor joists.

Apartment means a dwelling unit within an apartment building consisting of a room or rooms intended, designed, or used as a rental residence. Apartment buildings and developments are multi-family residential.

Assembly means a joining together of completely fabricated parts to create a finished product.

Assisted living { Defined by GS 131D Inspection and Licensure of Facilities, Article 1 Adult Care Homes, 2.1 Definitions. } Any group housing that provides residential care for aged or



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disabled persons whose principal need is a home with the shelter or personal care their age or disability requires.

Board of Adjustment means the Town council as authorized by GS 160D-406 to hear and decide requirements for variances and appeals of decisions of administrative officials charge with enforcement of the Zoning Ordinance, the Minimum Housing Code, and ordinances governing standards for nonresidential buildings.

Brewery means establishment that sells beer brewed on the premises and often includes a restaurant.

Buffer Strip means an approved wall, fence or planted strip at least five feet in width, composed of deciduous or evergreen trees or a mixture of each, spaced not more than ten feet apart, and not less than one row of dense shrubs, spaced not more than five feet apart.

Bed and breakfast A dwelling in which lodging, with or without meals, is provided for overnight guests for a fee. Bed and breakfast (typically shortened to B&B or BnB) is a small lodging establishment that offers overnight accommodation and breakfast. Bed and breakfasts are often private family homes and typically have between four and eleven rooms, with six being the average.

Boarding house. A structure in which persons, either individually or as families, are lodged or housed for hire without eating, cooking and toilet facilities in each separate unit. A rooming house, guest house, or tourist home shall all be deemed a boarding house.

Building. See "structure." Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials. The connection of two (2) or more buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall be deemed to make them one building. This term does not apply to camping trailers, motorized homes, pickup campers, travel trailers, or self-contained travel trailers.

Building, height of. The vertical distance measured at the front of the building, from the lowest ground level finished floor elevation, excluding basements, to the highest point of the building not exempted by the applicable height regulations of this ordinance. The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gambrel, hip, or gambrel roof.



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Building Line means a line establishing the minimum allowable distance between the nearest portion of any building, excluding the outermost three feet of any uncovered porches, steps, gutters, and similar fixtures, and the right-of-way line of any street when measured perpendicular thereto.

Building, main. The principal structure in which the primary use of the property is undertaken.

Building Occupancy. See "Use".

Building setback line. See "Setback".

Chapter means this chapter, including any amendments. Whenever the effective date of the ordinance from which this chapter derives is referred to, the reference includes the effective date of any amendment to it.

Conditional Use. A use of land permitted in a Conditional Use District upon approval by the Board of Commissioners as part of the Conditional Use rezoning process or a use of land permitted by a Conditional Use Permit authorized by the Board of Adjustment.

Condominium. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Means a building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional and undivided basis. Condominiums are governed by the North Carolina Condominium Act. A condominium is considered multi-family. All such projects shall conform to the density requirements of the district in which the development is located and shall be approved in accordance with special use provisions for condominiums.

Congregate care facility. A facility providing shelter and services for ambulatory individuals at least fifty-five (55) years of age who by reason of age, functional impairment or infirmity may require meals, housekeeping, and personal care assistance. Congregate care facilities do not include nursing homes or similar institutions devoted primarily to the care of the chronically ill or the incurable.

Day care center. A facility providing care for six (6) or more non-handicapped children, more than four (4) hours per day, for payment of a fee, but without transfer or assignment of custody.

Detached Building means a building having no party or common wall with another building except an accessory building.

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Development Regulation, as defined in GS 160D-102, development means a zoning regulation, zoning map in conjunction with a zoning ordinance, subdivision regulation, erosion and sedimentation control regulation, unified development ordinance, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to Chapter 160D, or a local act or charter that regulates land use or development.

District means any section of the town in which zoning regulations are uniform.

Dwelling. A detached building constructed on-site in compliance with the North Carolina State Building Code and designed for or occupied exclusively by one family. A detached building constructed on-site in compliance with the North Carolina State Building Code and designed for two (2) or more dwelling units. **160D-102(15)**

One to four family residential property means “*property containing fewer than five individual dwelling units, including manufactured homes permanently affixed to the underlying property.*”

Dwelling – Duplex. A dwelling consisting of two apartments. The dwelling has one owner and the two apartments are rented out.

Dwelling – Duplex – 2 family. A dwelling consisting of two apartments. The dwelling has two owners.

Dwelling – Multi-family. Multifamily residential, also known as multi dwelling unit, is a classification of housing where multiple separate housing units for residential inhabitants are contained within one building or several buildings within one complex. Units can be next to each other or stacked on top of each other.

Dwelling, Single-Family means a building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

Dwelling unit. An enclosure of one or more rooms providing complete independent living facilities for one family, including permanent facilities for living, sleeping, eating, cooking and sanitation within the separate enclosure.

Erect means to build, construct, erect, rebuild, reconstruct or re-erect, as such terms are commonly defined.

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Evidentiary Hearing means the statutorily required process for a quasi-judicial decision (appeal, special use permit and variance) under this Ordinance. (See GS 160D-406, GS 1660D-705). The hearing must gather competent, material, and substantial evidence in order to make findings.

Family. Any number of persons related by blood, adoption, or marriage or no more than four (4) persons not related by blood, adoption or marriage, living together as a single housekeeping unit sharing the same domestic facilities. It does not include congregate residential care facilities; family care and group care facilities; foster homes for children; homes for the aged and infirmed; family- care homes for the aged and infirmed; day care facilities; day care centers; and family day care homes; shelter homes for children and/or families including foster shelter homes and group shelter homes; adult day care centers; day nurseries; preschool centers; hospitals; nursing homes; sanitariums; and dormitories, fraternal organizations, or other organized social or institutional residential situations.

Family day care home. A building used as a residence for a family which is also used to provide day care services on a temporary basis without transfer of custody for five (5) or fewer children, for a fee.

Family care home. as defined in GS 160D-907.

A) A home with support and supervisory personnel which provides room and board, personal care, and habilitation services in a family environment for not more than six (6) resident handicapped persons.

B) Person with disabilities means a person with a temporary or permanent physical, emotional, or mental disability, including, but not limited to, an intellectual or other developmental disability, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments but not including person with a mental illness who are dangerous to others as defined in GS 122C-3(11)b.

C) A family care home is deemed a residential use of property of zoning purposes. It is a permissible use in all residential districts. No special requirement such as a special use permit or variance shall be required.

D) A family care home is deemed a residential use of property for determining charges for services or assessments by local governments or businesses. This includes charges for water, sewer, power, telephone service, cable television, internet service, garbage and trash collection, repairs or improvements to roads, streets, and sidewalks, and other services, utilities, and improvements.



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Fine Arts and Crafts means individual art pieces not mass-produced, consisting of one or more of the following: paintings, drawings, etchings, sculptures, ceramics, inlays, needlework, knitting, weaving, and craftwork, leather, wood, metal, or glass.

Flea Market means buildings or open areas in which sales areas or stall are set aside or rented and which are intended for use by one or more individuals or by educational, religious or charitable organization to sell a variety of articles such as those that are either homemade, homegrown, handcrafted, old, obsolete, or antique.

Frontage. The property abutting on one side of a street measured along the street right-of-way line.

Gaming Establishment means any establishment, excluding adult gaming establishments, whose principal use is to provide entertainment services to the general public in the form of electronic or conventional gaming units which provide either no reward to patrons or the possibility of rewards of limited value such as children's toys, games, or novelties when all rewards can be legally obtained and used by all ages and are not redeemable for cash or any other kind of compensation or services on or off premises, including on-line redemptions. Examples include, but are not limited to, traditional video game arcades and children's and family game centers, whether stand-alone or in conjunction with a restaurant or other permissible uses. This shall be considered a principal use when occupying more than fifty percent of the gross floor area of an establishment or being used by more than fifty percent of the patrons at any time or representing more than fifty percent of the total sales of the establishment.

Gaming Establishment – Adult means any establishment featuring one or more stand-alone electronic or conventional gaming units, skill-based or otherwise, or serving one or more patrons in such capacity at any one time, which also rewards patrons, or provides the possibility of rewards, with cash or other monetary payments, goods or certificates for services which are redeemable for cash or other monetary payment on or off premises and including on-line redemptions, as well as any rewards which cannot be legally obtained, consumed, or otherwise used by minors. Any use meeting this definition shall be considered a principal use regardless of association or location in conjunction with other permissible principal uses. This does not include any lottery approved by the State of North Carolina or any non-profit establishment that is otherwise lawful under State law (for example, church or civic organization fundraisers.).

Garage – Private means a building or space used as an accessory to or a part of the main building permitted in any residence district and providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted.



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Garage, Public means any building or premises, except those described as a private or storage garage, used for the storage or care of motor vehicles for the public or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

Garage, Storage means any building or premises, other than a private or public garage, used exclusively for the parking or storage of motor vehicles.

Guest house. A structure in which persons, either individually or as families, are lodged or housed for hire without eating, cooking and toilet facilities in each separate unit. A rooming house, guest house, or tourist home shall all be deemed a boarding house.

Group care facility. A facility licensed by the State of North Carolina, (by whatever name it is called, other than "Family Care Home" as defined by this Ordinance), with support and supervisory personnel that provides room and board, personal care, or habilitation services in a family environment.

Group Home – A home with support and supervisory personnel that provides the same services for the same clientele as a family care home, except that a Group Home may house six (6) to ten (10) residents.

Handicapped person. A person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments, but does not include mentally ill persons who are dangerous to others as defined in section 122C-3(11) of the General Statutes of North Carolina, or any amendment thereto.

Home occupation. A professional occupation conducted within a portion of a main dwelling unit, which does not adversely impact or change the residential character of the neighborhood. Also see "Rural family occupation." means any use conducted for gain within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof, and in connection with which there is no display; only one person not a resident on the premises shall be employed specifically in connection with the activity; no equipment shall be installed or used except such as is normally used for domestic or professional purposes; and not over 25 percent of the total floor space or 400 square feet of any structure, whichever is less, shall be used for home occupations.



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Hotel or motel. A building which provides sleeping accommodations in six (6) or more rooms, commonly available for pay on a daily basis to transient or permanent guests. means a building used as an abiding place of more than fourteen persons who for compensation are lodged with or without meals and in which no provision is made for cooking in any individual room or suite.

Junk yard. A lot or group of contiguous lots used for the dismantling or the storage of wrecked or used automobiles or the storage, sale, or dumping of dismantled or wrecked cars or their parts, or for storage of appliances, machinery, and other salvage goods. means the use of more than 600 square feet of any lot or tract for the outdoor storage and sale of wastepaper, rags, scrap, metal or other junk, and including storage of motor vehicles and dismantling of such vehicles or machinery.

Landowner or Owner. The holder of the title in fee simple. Absent evidence to the contrary, a local government may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

Legislative Decision means a decision by the governing board to adopt, amend, or repeal a development ordinance; for example, adopting a new unified development ordinance, amending the text of the Zoning Ordinance, rezoning a piece of property, adopting the comprehensive plan, or amending the standards in the subdivision ordinance. The procedure for adopting, amending or repealing development regulations is set forth in G.S.160D-601. See also Section 12.5 of this ordinance applicable to legislative hearings and decisions by the Town Council. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of Article 10 of G.S.160D.

Legislative Hearing means a hearing to solicit public comment on a proposed legislative decision.

Lot. A parcel of land, the boundaries of which are established by some legal instrument such as a deed or a recorded plat (but not tax maps) and which is recognized as a separate tract for purposes of transfer of title or lease of greater than three (3) years. means 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 chapter and having not less than the minimum required frontage upon a street, either shown on a plat of record



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or considered as a unit of property and described by metes and bounds. The term "lot" includes the term "plot" or "parcel."

Lot, corner. A lot adjacent to or abutting on two (2) streets at their intersection. means a lot which occupies the interior angle at the intersection of two street lines which make an angle of more than 45 degrees and less than 135 degrees with each other. The street line forming the least frontage shall be deemed the front of the lot, except where the two street lines are equal, in which case the owner shall be required to specify which is the front when requesting a zoning permit.

Lot, depth of means the average horizontal distance between front and rear lot lines. *Lot line, rear* means:

- (1) If the lot has one front line, the boundary opposite that front line shall be the rear line;
- (2) If the lot has two front lines, the boundary opposite the shorter of the two front lines shall be the rear line, provided that if both front lines are of equal length, the rear line shall be fixed by the town manager, subject to review by the board of adjustment, on the basis of orientation of existing structures; and
- (3) If the lot has three or more front lines, there shall be no rear line.

Lot of Record means a lot which is part of a subdivision, a plot of which has been recorded in the office of county register of deeds prior to the adoption of the ordinance from which this chapter derives or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of the ordinance from which this chapter derives.

Where the owner of a lot of official record in any residential district at the time of the adoption of the amendment to the ordinance from which this section derives (September 30, 1993) or his successor in title thereto does not own sufficient contiguous land to enable him to conform to the minimum lot size requirements of this chapter, such a lot may be used as a residential building site, provided that a variance is obtained from the board of adjustment. Notwithstanding the foregoing, whenever two or more adjoining vacant lots of record are in single ownership at any time after adoption of the amendment to the ordinance from which this section derives (September 30, 1993) and such lots individually have less area or width than the minimum requirements of the district in which such lots are located, such lots shall be considered as a single lot of several lots which meet the minimum requirements of this chapter for the district in which such lots are located. However, nothing in this section shall require the combining of lots of record to meet the additional requirements of the watershed overlay districts.

Lot front. On a corner lot, the front is the frontage with the least dimension at the street. Where the dimensions are equal the front shall be designated by the owner.



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Lot, interior. Any lot other than a corner lot.

Lot lines. The line forming the perimeter or boundary of the lot.

Lot, though. An interior lot having frontage on two (2) streets. Also called a double frontage lot.

Lot width. The distance from side lot line to side lot line measured at the required minimum front yard setback parallel to the front property line. For lots with a radial sideline(s), lot width may be measured at a front yard setback of up to fifteen (15) feet greater than the minimum required front yard setback. In such case the point where the minimum lot width is measured shall become the front yard setback for that lot.

Lot of record. A lot which is a part of a subdivision, a plat of which has been recorded in the office of the register of deeds, or a lot which is described by metes and bounds, the description of which has been so recorded, prior to the effective date of this ordinance, or the date this ordinance becomes effective on any land's hereafter included in the zoning jurisdiction of Milton.

Manufacturing. The processing of raw products and materials into items for sale.

Manufactured home or Mobile Home. A dwelling unit that is defined by NCGS 143-145(7) as: A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Act.

For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width. "Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary,



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semipermanent, or permanent foundation having a measurement of over 32 feet in length and over eight feet in width. **NCGS 160D-102(23)**.

Manufactured Home (also known as mobile home) means a structure: transportable in one or more sections; that exceeds 40 feet in height and 8 feet in width; which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein; and is constructed in accordance with the National Manufactured Construction and Safety Standards Act of 1974, as amended. A manufactured home is not constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One- and Two-Family Dwellings. Manufactured home does not include recreational vehicles. (See G.S. 143-145(7)).

Manufactured Home, Class A means a manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

1. The manufactured home has a length not exceeding four times its width (e.g., a doublewide unit);
2. The pitch of the manufactured home's roof has a minimum vertical rise of ~~2.2 feet~~ three feet for each 12 feet of horizontal run and the roof is finished with shingles;
3. All roof structures shall provide an eave projection of no less than six inches which may include a gutter;
4. The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding, wood or hardboard;
5. A continuous, permanent masonry curtain wall or foundation, unpierced except for ventilation and access, is installed under the manufactured home;
6. The manufactured home is set up according to standards set by the N.C. department of Insurance;
7. Stairs, porches, entrance platform, ramps and other means of entrance and exit shall be installed or constructed in accordance with NC Building Code standards, freestanding or attached firmly to the primary structure and anchored firmly to the ground.

Manufactured Home, Class B means a manufactured home constructed after July 1, 1976, that meets or exceeds the standards promulgated by the U.S. Department of Housing and Urban



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Development that were in effect at the time of construction, and that does not meet the definition of a class A manufactured home. However, any stairs, porches, entrance platform, ramps and other means of entrance and exit shall be installed or constructed in accordance with NC Building Code standards, freestanding or attached firmly to the primary structure and anchored firmly to the ground.

Manufactured Home, Class C means a manufactured home that does not meet the definition of either a class A or a class B manufactured home.

Manufactured Home Park means land used or intended to be used, leased or rented for occupancy by three or more manufactured homes, anchored in place by a foundation or other stationary support, to be used for living purposes and accompanied by automobile parking spaces and incidental utility structures and facilities required and provided in connection therewith. This definition shall not include manufactured home sales lots on which the unoccupied manufactured homes are parked for purposes of inspection and sale.

Map or Zoning Map means the official zoning map of the town.

Motels or Motor Lodges means a building, or a group of buildings containing sleeping rooms, designed for or used temporarily by automobile transients, with garage or parking space conveniently located to each unit.

Net residential area (net land). That portion of a development or project site designated for residential lots and related common open space areas excluding dedicated public rights-of-way.

Nonconforming Lot means a lot existing at the effective date of the ordinance from which this chapter derives or any amendment to it, and not created for the purpose of evading the restrictions of this chapter, that cannot meet the minimum area or lot width requirements of the district in which the lot is located.

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

Nonconforming Situation means a situation that occurs when, on the effective date of the ordinance from which this chapter derives or any amendment to it, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures do not satisfy maximum height limitations, because the relationship between existing buildings and the



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land (in such matters as density and setback requirements) is not in conformity with this chapter or because land or buildings are used for purposes made unlawful by this chapter.

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

Nonconforming use. Any use which legally existed on the effective date of this Ordinance, and which does not conform with each regulation of the zoning district in which it is located, including any nonconforming use legally recognized under a prior zoning ordinance.

Nursing Home (as defined in G.S.131E Health Care Facility Licensure Act, G.S.131E-101 Definitions) - A facility, however named, which is maintained for the purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A "nursing home" is a home for chronic or convalescent patients, who are not acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities.

Open space. Any land area not occupied by buildings, structures, storage areas, open or enclosed balconies, patios, porches or decks, excluding, however, any land encroaching or located within a right-of-way or easement. Open area in any required setback or land used for sidewalks, landscaping and grassing shall be considered open space.

Open Storage means unroofed storage areas, whether fenced or not.

Overlay District. A zoning district which overlays and combines with one of the principal zoning districts established by this Ordinance. In such case the property involved is subject to the requirements of both districts.

Parking lot. An area or tract or partial tract of land used for the storage or parking of vehicles.

Parking Space means the storage space for one automobile of not less space than prescribed by this chapter, plus the necessary access space. It shall always be located outside the dedicated street right-of-way.

Planned Unit Development (PUD) means a development which shall consist of a group of buildings on a single lot or tract or structures on a site where the developer may reduce the size of individual lots. A PUD must comply with the Special Use provisions of Section 5.3(o).



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Planning Board means a board appointed by the town council to study the town and its environs, to recommend plans and policies for the future and to advise the town council in matters pertaining to zoning, subdivision regulation, development and planning.

Preschool means a facility for the care and education of children of preschool age, including kindergartens and day care centers.

Processing means any operation changing the nature of materials, such as chemical composition or physical qualities. This definition does not include operations described as fabrication.

Property. Means all property subject to zoning regulations and restrictions and zone boundaries within the zoning jurisdiction of the Town. The term includes any improvements or structures customarily regarded as a part of real property. **160D-102(27).**

Recreation or travel trailer (RV). A vehicular, portable, structure built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified as a travel trailer by the manufacturer of the unit. Includes motor home, recreational vehicle etc.

Residential care facility. A building or facility used primarily to provide residential, social and personal care for children, the aged or others who suffer some limit on the ability for self-care, but where medical care is not a major service. It includes such uses as adult day care facilities, home for the aged and other like uses which are not otherwise specifically defined.

Screen. A devise such as a fence or planting area used to visually separate property.

Service station. A lot or building where gasoline, oil, grease, and automobile accessories are supplied and dispensed to the motor vehicle trade, or where battery, tire and other similar repair services are rendered.

Setback. The horizontal distance from the property line or street right-of-way line to the nearest part of the applicable building, structure, sign, or use, measured perpendicularly to the line.

Short Term Rental (STR). A short-term rental is typically defined as a rental of any residential home unit or accessory building for a short period of time. This generally includes stays of less than a month (30 days), but the maximum length can vary depending on the state and jurisdiction in which the rental is located. Such rentals are also sometimes referred to as transient rentals, vacation rentals, short-term vacation rentals, and resort dwelling units.



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Short-term rentals are often divided into different categories, such as entire homes, accessory dwellings or individual rooms. If the owner designates the property as their homestead 51% of the time or more, it's usually considered an owner-occupied dwelling. If not, the property would be considered a non-owner-occupied dwelling.

Site specific development plan. A plan which has been submitted to the Town by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property.

Stacking Space. A space to store an automobile off-street while waiting in line for a drive-through service such as an automatic teller service, drive through restaurant etc.

Street, private. A vehicular travel way not dedicated as a public street or a dedicated but unaccepted vehicular travel way.

Standard Industrial Classification (SIC). A listing of land uses published by the US Office of Management and Budget classifying uses by functional groups and assigning each a code number.

Street, public. A public right-of-way for vehicular travel which has been constructed and then dedicated to and accepted by the Town of Milton or the North Carolina Department of Transportation for public use or which has been otherwise obtained by such agencies for such use or which is proposed to be constructed and then dedicated to and accepted by such agencies as a public right-of-way for vehicular traffic for public use pursuant to this Code.

Structure. Anything constructed or erected which requires location on the ground or attached to something having location on the ground.

Structural alterations. Any change, except for the repair or replacement, in the supporting members of a building such as load bearing walls, columns, beams or girders.

Townhouse. A townhouse, townhome, town house, or town home, is a type of terraced housing. A modern townhouse is often one with a small footprint on multiple floors.

Trailer Park. An area with special amenities where trailers are parked and used for recreation or as permanent homes.



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Travel trailer parking area (Campground). A parcel of land in which two (2) or more spaces are designed, occupied, or intended for occupancy by trailers for transient dwelling purposes.

Use. The primary purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

Vacation Rentals by Owners (VRBO). A website or online vacation rental site where property owners can list their homes for rent, travelers can book them and VRBO handles the transaction.

Vested right or zoning vested right. The right to undertake and complete the development and use of the property under the terms and conditions of an approved site-specific development plan.

Yard. An open space located on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees, shrubbery or as otherwise provided herein. A yard is the area created by a setback.

Yard, front. A yard extending across the full width of the lot and extending from the closest front wall of the building to the property line or established edge of a right-of-way, whichever is closer.

Yard, rear. A yard extending across the full width of the lot and extending from the closest rear wall of the main building to the rear of the property.

Yard, side. A yard which extends from the closest side wall of a building to the nearest side property line or the established edge of the street right-of-way, whichever is closer, if the lot is a corner lot.

Zoning Administrator. An employee or agent of the Town of Milton who is assigned primary responsibility for the administration and enforcement of the Zoning Ordinance.

Zoning Permit. A permit issued by the Town conferring the right to undertake and complete the development of and use of property as set forth in Article XV.

Zoning Permit with Vested Rights. A permit issued by the Town concerning the right to undertake and complete the development of and use of property under the terms and conditions of an approved site-specific development plan as set forth in Article XV.



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Section 3.2 Definitions Relating to Adult Oriented Businesses.

In addition to State laws on obscenity, indecent exposure, and adult establishments, local government regulation of the location and operation of sexually oriented businesses is necessary to prevent undue adverse secondary impacts that would otherwise result from these businesses. NCGS 160D-902(b)

Adult Oriented Business. For the purpose of this section, "sexually oriented business" means any business or enterprise that has as one of its principal business purposes or as a significant portion of its business an emphasis on matter and conduct depicting, describing, or related to anatomical areas and sexual activities specified in G.S. 14-202.10. Local governments may adopt detailed definitions of these and similar businesses in order to precisely define the scope of any local regulations. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).) NCGS 106D-902(f)

Adult Arcade (also known as "peep show"). Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other imagine-producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed depict or describe "specified sexual activities" or "specified anatomical areas".

Adult Bookstore or Adult Video Store. A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

1. books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or describe "specified sexual activities" or "specified anatomical areas"; or
2. instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities".

Adult Cabaret. A night club, bar, restaurant, or other commercial establishment that regularly features, exhibits, or displays as one of its principal business purposes:



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1. persons who appear nude or semi-nude; or
2. live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
3. films, motion pictures, video cassettes, slides, or other photographic reproductions which depict or describe "specified sexual activities" or "specified anatomical areas".

Adult Motel. A hotel, motel, or similar commercial establishment that:

1. Offers accommodations to the public for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that depict or describe "specified sexual activities" or "specified anatomical areas" as one of its principal business purposes; or
2. offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
3. allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten (10) hours.

Adult Motion Picture Theater. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown as one of its principal business purposes that depict or describe "specified sexual activities" or "specified anatomical areas".

Adult Theater. A theater, concert hall, auditorium, or similar commercial establishment which regularly features, exhibits, or displays, as one of its principal business purposes, persons who appear in a state of nudity or semi-nude, or live performances that expose or depict "specified anatomical areas" or "specified sexual activities".

Escort. A person who, for any tips or any other form of consideration, agrees or offers to act as a date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.



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Escort Agency. A person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes, for a fee, tip, or other consideration.

Nude Model Studio. Any place where a person who appears nude or semi-nude, or who displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of North Carolina or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

1. that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
2. where in order to participate in a class a student must enroll at least three days in advance of the class; and
3. where no more than one nude or semi-nude model is on the premises at any one time.

Nude or A State of Nudity.

1. the appearance of a human anus, male genitals or female genitals; or
2. a state of dress which fails to opaquely cover a human anus, male genitals or female genitals.

Semi-nude. A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Sexual Encounter Center. A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling (including sexually oriented massaging) between persons of the opposite



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sex, or similar activities between male and female persons and/or between persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

Sexually Oriented Devices. Any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device.

Specified Anatomical Areas. Human genitals in a state of sexual arousal.

Specified Sexual Activities. Is and includes any of the following:

1. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
2. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
3. masturbation, actual or simulated; or
4. excretory functions as part of or in connection with any of the activities set forth in 1 through 3 above.

Section 3.3 Definitions Related to Signs

Changeable Copy: Copy that is or can be changed manually in the field or through mechanical or electronic means, e.g., reader boards with changeable letters.

Erect: To assemble, build, construct, raise, install, attach, hang, place, suspend, affix, post, create, paint, draw, apply or in any other way bring into being or establish.

Grade: The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to a freestanding sign.

Logo: A business trademark or symbol.

Premises: A lot or parcel of real property where a business, professional service, commodity, product, accommodation, event, attraction or other enterprise or activity or use exists or is conducted, manufactured, sold, offered, maintained or takes place.

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Setback: The shortest horizontal distance from the property line or right-of-way to the nearest point (leading edge) of a sign or its supporting member.

Sight Visibility Triangle: The triangle area formed by a diagonal line connecting two points located on intersecting right-of-way lines (or a right-of-way line and the edge of a driveway), each point being twenty (20) feet from the intersection, and the two intersecting right-of-way lines (or a right-of-way line and driveway). On some occasions, the Town or State Highway Department may require additional sight zones as deemed necessary to provide adequate safety.

Sign: Any object, placard, device, display or structure, or part thereof, made of any material, except live vegetation, including any surface, fabric or other background material which is designed, constructed and/or used for the purpose of relaying information from a fixed or mobile position to visually inform, advertise, identify, display, promote, direct or attract the attention of general or privileged persons to an object, person, institution, organization, corporation, business, profession, commodity, product, service, event or location by any means including, but not limited to, words, letters, phrases, sentences, emblems, trademarks, tradenames, insignias, numerals, figures, devices, designs, symbols, pictures, logos, fixtures, colors, illumination or projected images or any other attention directing device, displayed by means of paint, bills, posters, panels, or other devices erected on an open framework, or attached or otherwise applied to stakes, poles, trees, buildings or other structures or supports. The term sign shall include the terms advertisement, announcement, insignia, billboard, bill, billet, badge, display, brand, emblem, flyer, label, message board, poster, shingle, symbol, title and trademark. The term sign shall not include the terms television, telegraph, radio, signal or transmission. If the message is removed from a structure that was originally designed and used as a sign, this structure shall still be considered a sign.

Sign, Campaign or Election: A sign that advertises a candidate or issue to be voted upon on a definite election day.

Sign, Changeable Copy: A sign message center or reader board that is designed so that its informational content or copy can be changed or altered by manual, electrical, electro-mechanical or electronic means. A changeable copy sign shall be counted as a sign face.

Sign, conforming: A sign which is in compliance with all the provisions of this Ordinance.



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Sign, Construction: A sign placed at a construction site giving the name or names of building owners or developers, architects, engineers, and/or lending institutions and principal contractors, subcontractors and material suppliers participating in construction on the site where the sign is placed, together with other appropriate information included thereon.

Sign Copy: Alphabetic, pictorial, numerical and/or graphic display of permanent or removable words, letters, numbers, figures, characters, symbols, logos or insignia that are used on a sign display surface area for advertising and/or informational purposes.

Sign Copy Area: Area measured by the smallest circle, square or rectangle which will encompass all elements of informational or representational matter including all cut outs or extensions together with any materials or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. The term *sign*-copy area shall also include the terms display area, surface area and the word area as it relates to signage. The term sign copy area shall not be construed to include architectural trim, frames and structural supports that do not bear any sign copy. In computing area, only one (1) side of a double-faced sign shall be considered. The maximum angle of a double-faced sign shall be 45 degrees, except for signs located at comers in which case the maximum angle may be 90 degrees. This refers to the distance between sign faces on a single structure.

Sign discontinued: Any conforming or legal nonconforming sign, other than a billboard sign, which no longer identifies or advertises a bona fide business, service, product or activity, and/or for which no legal owner can be found which has been discontinued for a period of 120 days or more regardless of reason or intent, or a temporary sign for which the permit has expired. This is not intended to apply to seasonal type businesses which annually operate "in season."¹¹ However, failure to operate any such seasonal business for a minimum of 190 consecutive days in a calendar year will deem these signs to have been discontinued.

Sign, Double-faced: A sign designed to be seen from two (2) opposite directions shall be considered as one (1) sign, provided that the two (2) sign faces shall be supported on the same pole(s) or other structure, are at the same elevation and form an angle of forty-five (45) degrees or less on an interior lot or ninety (90) degrees or less on a comer lot.

Sign Face: The part of a sign that is or can be used to identify, advertise or communicate information, or is used for visual representation which attracts the attention of the public for any purpose. Sign face includes any background material, panel, trim, color or internal illumination used that differentiates that sign from the building, structure, backdrop, surface or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no identifying/advertising message, symbol



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or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure, whether structurally necessary or not.

Sign, Flashing: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are classified as changeable copy signs, not flashing signs.

Sign, Freestanding: A sign which is permanently affixed to and supported by structures or supports such as poles, masts or frames which are placed upon or anchored in the ground and which structures or supports are independent from any building or other structure. For the purposes of this Ordinance a freestanding sign shall be only those signs meeting the definition given above and which are located on the same premises for which its' message is carried. Pole, ground and billboard signs are examples of freestanding signs.

Sign, Government: Any temporary or permanent sign, symbol or device erected and maintained for any Federal, State, County or Municipal governmental purposes including, but not limited to, legal notices, identification and informational signs, and traffic warning, directional or regulatory signs.

Sign Height: The vertical distance measured from the highest point of the sign, including decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

Sign, Identification: Means either or both of the following:

1. A sign used to display only the name, address, crest or 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.
2. A permanent sign announcing the name of a subdivision, tourist home, group housing project, church, school, college, park or other public or quasi-public structure, facility or development and the name of the owners or developer but bearing information pertaining only to the premises on which such sign is located and carrying no advertising message.

Sign, Illegal: A sign which does not meet the requirements of this Ordinance, and which has not received legal non-conforming status.



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Sign, Incidental: A small sign, emblem or decal informing the public of goods, facilities or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

Sign, illuminated: A sign illuminated in any manner by an artificial light source, whether internally or externally lit.

Sign, Internally or Directly Illuminated: A sign where the source of the illumination is inside the sign and light emanates through the message of the sign through transparent or translucent materials rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that:

- (i) are filled with neon or some other gas that glows when an electric current pass through it and
- (ii) are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered internally or directly illuminated signs.

Sign, Indirectly or Externally Illuminated: A sign designed to have illumination from a detached light source, shielded so that no direct rays from the light source are visible elsewhere than on the lot where said illumination occurs.

Sign, Informational or Instructional: An on-premises sign designed to guide vehicular and or pedestrian traffic and give other instruction or direction to the public but not including any advertising message. The name or logo of the business or use about which the sign is giving direction may also be included on the sign, provided such name or logo does not comprise more than ten percent (10%) of the copy area. Such signs include, but are not limited to, the following: the identification of rest rooms, public telephones, walkways, entrance and exit drives, parking, handicapped access, freight entrances and traffic direction.

Sign Maintenance: For the purposes of this Ordinance, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

Sign, Motion: A sign or device designed to attract attention, all or any part of which uses movement or apparent movement by fluttering, revolving, rotating, spinning, swinging, animation or moving in some other manner and is set in motion by movement of water or the atmosphere or by mechanical, electrical or any other means.



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Sign, Movable: A sign which is movable by two or fewer individuals without aid of a motor vehicle or other mechanical equipment. The term movable sign includes the terms A-frame sign, T-shaped sign, and tent sign.

Sign, Noncommercial: Any sign, display or device that does not direct attention to a business operated for profit, or to a commodity, product or service for sale which displays a substantive message, statement or expression that is protected by the First Amendment to the US Constitution.

Sign, Nonconforming: Any sign which was lawfully erected in compliance with applicable code provisions and maintained prior to the effective date of this Ordinance, and any amendments to, and which fails to conform to all applicable standards and restrictions of this Ordinance. An illegal sign is not a nonconforming sign.

Sign, Object or Product: A sign used in conjunction with equipment or other functional elements of a use or operation. These shall include, but not be limited to, drive-through window menu boards, and signs on automatic teller machines, gas pumps, vending machines, or newspaper boxes.

Sign, Off-Premises: A sign or Structure, pictorial or otherwise, regardless of size of shape that draws attention to or communicates information about a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity that exists or is conducted, manufactured, sold, offered, maintained or provided at a location other than on the premises where the sign is located. Several types of off-premises signs may exist or otherwise be subject to the requirements of this Ordinance. This definition does not include governmental, traffic, directional, or regulatory signs or notices of the federal, state, county or town government or their public agencies.

A local government may require the removal of an off-premises outdoor advertising sign that is nonconforming under a local ordinance and may regulate the use of off-premises outdoor advertising within its planning and development regulation jurisdiction in accordance with the applicable provisions of this Chapter and subject to G.S. 136-131.1 and G.S. 136-131.2. NCGS 160D-912(b)

Sign, On-Premises: A sign or structure, pictorial or otherwise, regardless of size or shape that draws attention to or communicates information about a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity that exists or is conducted, manufactured, sold, offered, maintained or provided on the premises or at the same location (site or tract) as that where the sign is located.



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Sign, Political: A temporary sign used in connection with a local, state, or national election or referendum.

Sign, Portable: A sign designed or intended to be readily relocated from one location to another whether on the same premises or a different premise, is not permanently attached to the ground, building or other permanent structure and is differentiated from a Movable Sign in that it may be equipped for transportation by motor vehicle or other mechanical means. The term Portable Sign shall include signs on wheels, trailers, truck beds, or any other device which is capable of or intended to be moved from one location to another. Signs defined as temporary signs are not included in this definition.

Sign, Temporary: Any sign, designed in structure, materials and/or copy message, which is temporary in nature to be used in connection with a circumstance, situation or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, whether attached to a structure, fence or freestanding, and whether or not it contains a frame. The term Temporary Sign includes the terms Banner, Pennant, Valance, Flyer and Announcement. Temporary Sign materials consist of cloth, vinyl canvas, light fabric, cardboard, paper, wall board or other light material. This definition shall not include a permanent sign display area with changeable copy, or to movable or portable signs.

Sign, Vehicle: A sign on a parked vehicle visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property. For the purposes of this Ordinance, vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.

Special Event: A planned, temporary activity.

Street: Any publicly maintained right-of-way set aside for public travel which has been accepted for maintenance as a street by the Town or North Carolina Department of Transportation.

Use: The purpose for which a building, lot, sign, or structure is intended, designed, occupied or maintained.



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Article IV: APPLICATION; GENERAL PROVISIONS; EXCEPTIONS AND MODIFICATIONS

This Ordinance is enacted pursuant to the authority granted by NCGS 160D-101 and NCGS 160D-111.

Section 4.1 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 regulations herein specified for the district in which it is located, except as hereinafter provided in this Zoning Ordinance.

Section 4.2 Relationship of Buildings to Lot

Every building hereafter erected, moved or placed shall be located on a lot and in no case shall there be more than one (1) principal building on a lot except as otherwise provided for in this Ordinance.

Section 4.3 Street Access

No principal building, structure or use of land shall be established on a lot nor shall any lot be created that does not abut upon a public street as defined herein to which it has legal access for a distance of not less than thirty-five (35) feet. Provided, the following exception shall apply to the access requirement:

1. The access requirement shall not apply to lawfully existing lots of record with a minimum of thirty-five (35) feet of frontage on a dedicated but not maintained street.

Section 4.4 Lot of Record

Where the owner of a lawfully existing lot of official record in any residential district or the owner's successor in title thereto does not own sufficient contiguous land to enable the owner to conform to the minimum lot size requirements of this Ordinance, such lot may be used as a residential building site, where permitted, provided, however, that the other requirements of the district are complied with, or a variance is obtained from the Board of Adjustment.



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Section 4.5 Open Space Requirements

No part of a yard, court or other open space provided around any building or structure for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space required under this Ordinance for another building or structure. Every part of a required yard shall be open and unobstructed from its lowest level to the sky, except

as provided for in this section. However, certain accessory structures are permitted to be placed in the required yard areas as provided for in the Schedule of District Regulations and this section.

Section 4.6 Reduction of Lot and Yard Areas Prohibited

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

Section 4.7 Water and Sewer Requirements

The lot sizes required for the various Districts in this Ordinance were drawn based upon the assumption that adequate water supply and sewage disposal systems are available to each and every lot. The lack of adequate systems for one or both facilities may require larger lot areas or, in some instances, because of Health Department Standards, may not permit development as intended.

Section 4.8 Height Limitation Exceptions

The height limitations of this Ordinance shall not apply to public buildings, churches, temples, schools, hospitals, belfries, cupolas and domes not intended for residential purposes, or to monuments, water towers, observation towers, power and communication transmission towers, flag poles and similar structures, provided such structures meet the required North Carolina Building Code.

Section 4.9 Building Setback Exceptions

Setback distances shall be measured from the property line or street right-of-way line to the nearest portion of any building, or structure excluding:

1. Unenclosed porches, attached carports, balconies or decks which do not project into any required yard more than three (3) feet; and



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2. Chimneys, flues, coves, roof overhangs, windowsills and bay windows which do not project into any required yard more than three (3) feet; and
3. Patios, drives, walkways, if no portion of the same extends more than twelve (12) inches off the ground; and
4. Any structure that is a mere appendage to a building, such as a flagpole, or fountain.

Section 4.10 Fences and Walls

Fences and walls shall be exempt from setback and yard requirements provided they comply with the visibility requirements of subsection 4.15.

Section 4.11 Accessory Buildings and Structures

Accessory buildings and structures shall be exempt from setback and yard requirements, provided they are located in accordance with the following requirements.

1. Accessory buildings and structures shall not be erected in any required front yard or within twenty (20) feet of any side street on a corner lot.
2. Accessory buildings or structures shall not be erected within five (5) feet of any property line not a street line.
3. Accessory buildings and structures shall not be erected in the front yard of any double frontage lot as set forth in Section 4.13.

Section 4.12 Corner Lot Yards

On corner lots, the side yard requirements shall apply on any side of the lot not abutting a public street.

Section 4.13 Double Frontage Lots

In all Zoning Districts, Double Frontage Lots shall provide the minimum yard requirements for Front Yards along both street fronts.



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Section 4.14 Uses in the B-1 or C-1 and C-2 Commercial Districts

Within the B-1 or C-1 and C-2 Commercial Districts all uses shall be conducted wholly within enclosed buildings with the exception of gasoline pumps, drive-through service, outdoor dining facilities associated with a restaurant, incidental displays of produce and merchandise, vending machinery, displays associated with official festivals and similar incidental outdoor displays.

Section 4.15 Visibility at Intersections

On a corner lot in any district other than the C-1 central business district, no planting, structure, sign, fence, wall or obstruction to vision more than three (3) feet in height measured from the centerline of the street shall be placed or maintained within the triangular area formed by the intersecting street centerlines, and a straight-line connecting point on said street centerlines, each of which is 75 feet (150 feet for major streets) distance from the point of intersection.

Section 4.16 Temporary Buildings

Temporary buildings, including mobile structures, incidental to a construction project may be permitted to be used concurrent with the permit for permanent building(s) or construction. Such temporary building shall be removed promptly upon completion of construction. No such building shall be used for dwelling purposes. Temporary buildings shall be located at least 25 feet from any property used for residential purposes.

Section 4.17 Entrances/Exits to Public Streets

Entrances and exits to public streets shall be placed and constructed in accordance with the "Policy on Street and Driveway Access to North Carolina Highway" adopted by the North Carolina Department of Transportation (NCDOT), as amended.

Section 4.18 Outdoor Lighting

Outdoor lighting fixtures shall be installed in a manner to protect the street and neighboring properties from direct glare or hazardous interference of any kind.



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Section 4.19 Use of Mobile Homes for Storage Prohibited

The use of mobile homes or travel trailers for storage purposes shall be expressly prohibited in all zoning districts.

Section 4.20 Minimum Regulations

Regulations set forth by this Ordinance shall be minimum regulations. If the requirements set forth in this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinance, the more restrictive or higher standards shall govern.

Section 4.21 Fees

Applicants for permits and other procedures as provided for by this Ordinance may be required to pay such fees as may be established by the Board of Commissioners in the Schedule of Fees and Charges.



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Article V: ESTABLISHMENT OF ZONING DISTRICTS

Section 5.1 Primary Zoning Districts Established

For the purposes of this ordinance, the zoning jurisdiction of the Town of Milton, North Carolina, is hereby divided into the following primary use districts:

- a. **R-1 Residential District** - to establish a district in which the primary use of land is for one- and two-family dwellings.
 - b. **C-U-R-1 Residential District** - This District is identical to the R-1 single-family Residential District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this Ordinance.
 - c. **R-2 Residential District** - To establish a district in which the primary use of land is for one- and two-family dwellings, but which also permits Manufactured or Modular homes, on permanent foundations, subject to appearance standards and size requirements. Zoning does not allow for Single Wide Manufactured homes of any size.
 - d. **C-U-R-2 Residential District** - This District is identical to the R-2 Residential District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this Ordinance.
 - e. **0 & I Office and Institutional District** - To establish a district principally for office and institutional uses.
 - f. **C-U-0 & I Office and Institutional District** - This district is identical to the O & I Office and Institutional District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this Ordinance.
- B. **B-1 and C-1 Business District / Commercial District** - To establish a primary commercial district where businesses are concentrated in a central location.
- C. **C-U-C-1 Commercial District** - This District is identical to the C-1 Commercial District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this Ordinance.
- D. **C-2 Commercial District**- To establish a district exclusively for the provision of goods and services for the convenience of residential neighborhoods.



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- E. **C-U-C-2 Commercial District** – This district is identical to the C-2 Commercially Residential District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this Ordinance.
- F. **C-3 Commercial District** – To establish a commercial district that permits specialized commercial services and certain light industrial uses.
- G. **C-U-C-3. Commercial District** – This District is identical to the R-S Suburban Residential District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this Ordinance.

Section 5.2 Conditional Use Districts

There is a Conditional Use District (referred to as CU or CUD) which corresponds to each of the primary districts authorized in this ordinance. It is recognized that certain types of zoning districts would be inappropriate at particular locations in the absence of special conditions.

Where the applicant for rezoning desires property to be rezoned to such a district in such situations, the Conditional Use District is a means by which such special conditions can be imposed in the furtherance of the purpose of this Ordinance. The Conditional Use District classification will be considered for rezoning only upon request of a property owner. If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid or if the applicant should fail to accept any condition, it is the intent of this Ordinance that the authorization of such Conditional Use Permit shall be null and void and of no effect and that proceedings shall be instituted to rezone the property to its previous zoning classification. NCGS 160D-102(7)

Within a CUD, only those uses authorized as permitted or conditional uses in the zoning district with which the CUD corresponds shall be permitted, and all other requirements of the corresponding district shall be met as minimum standards. In addition, within a CUD no use shall be permitted except pursuant to a Conditional Use Permit authorized by the Board of Commissioners, which shall specify the use or uses authorized. Such permit may further specify the location on the property of the proposed use or uses,

the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may



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propose as conditions upon the request, but not to include architectural review or controls or other conditions not generally a part of land development controls. In granting a Conditional Use Permit the Board of Commissioners may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured, and substantial justice done.

Section 5.3 **Overlay Districts**

The Primary Zoning Districts established in subsections 5.1 and 5.2 may also be zoned in one or more Overlay Districts as designated herein and as shown on the Official Zoning Map. In such case, the land is subject to not only the requirements of the underlying Primary Zoning District but also the additional requirements of the Overlay District.

A Flood Damage Prevention (FD)

The Flood Damage Prevention District establishes standards to minimize public and private losses due to flood conditions in specific areas.

B. Historic District (HD)

District establishes regulations which will help maintain the historic integrity of certain areas within the Town.

Section 5.4 **District Boundaries Shown on Zoning Map**

The boundaries of the districts shown on the map accompanying this Ordinance and made a part hereof entitled "Official Zoning Map, Milton, North Carolina. The Zoning Map and all the notations, reference and 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 as set out herein. The Zoning Map is posted at the Milton Town Hall and is available for inspection by the public.

Section 5.5 **Rules Governing Interpretation of District Boundaries**

Where uncertainty exists as to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

- 1) Where district boundaries are indicated as approximately following street, alley, or highway lines, such lines shall be construed to be the boundaries.



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- 2) Where district boundaries are indicated that they approximately follow lot lines such lot lines shall be construed to be the boundaries.
- 3) Where district boundaries are indicated that they are approximately parallel to the center line of streets, alleys or highways, or the rights-of-way of same, the district boundaries shall be construed as being parallel thereto and at the distance therefrom as indicated on the Zoning Map.
- 4) Where district boundaries are indicated as following topographic contours, drainage divides or specific measured distances such features shall be construed to be such boundaries.
- 5) Where any street or alley is hereafter officially closed, vacated or abandoned, the zoning district adjoining each side of the street or alley shall be automatically extended to the center of the street or alley, and all lands which are included in the closed portion shall thereafter be subject to the regulations of the extended districts.
- 6) If further uncertainty exists as to the location of boundaries or applicability of zoning districts, the Board of Adjustment shall interpret the intent of the Zoning Maps as to the location of such boundaries, and the applicability of such districts, and may order the Zoning Map corrected.



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Article VI. SCHEDULE OF DISTRICT REGULATIONS

Within the Districts as established by this ordinance, the requirements as set forth in this section shall be complied with in addition to any other general or specific requirements of this ordinance.

Section 6.1 R-1 Residential District

- 1) Permitted Uses. See Article VII Entitled Table of Permitted and Conditional Uses
- 2) Dimensional Requirements. The following dimensional requirements shall apply in the R-1 District; Minimum Required Lot for each dwelling unit or any Non-Residential use - 10,000 square feet.
 - a. Minimum Required Lot Width – 50 feet
 - b. Minimum Required Front Yard - 20 feet
 - c. Minimum Required Side Yards - 8 feet - except that the side yard abutting a street shall be 16 feet.
 - d. Minimum Required Rear Yard - 15 feet
 - e. Maximum Building Height - 35 feet
 - f. Location of Accessory Buildings and Structures - Accessory buildings and structures shall be placed in accordance with the provisions of Section 4.11.
- 3) Off-Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements of Article IX.
- 4) Signs. Signs shall be regulated by the requirements of Article X.



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Section 6.2 R-2 Residential District

- 1) Permitted Uses. See Article VII Entitled Table of Permitted and Conditional Uses
- 2) Dimensional Requirements. The following dimensional requirements shall apply in the R-2 District;
 - a) Minimum Required Lot Area for each dwelling unit or any non-Residential use - 10,000 square feet.
 - b) Minimum Required Lot Width - 50 feet
 - c) Minimum Required Front Yard - 20 feet
 - d) Minimum Required Side Yards - 8 feet except that the side yard abutting a street shall be 16 feet
 - e) Minimum Required Rear Yard - 15 feet
 - f) Maximum Building Height - 35 feet
 - g) Location of Accessory Buildings and Structures - Accessory buildings and structures shall be placed in accordance with the provisions of Section 4.11.
- 3) Off-Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements of Article IX.
- 4) Signs. Signs shall be regulated by the requirements of Article X.

Section 6.3 R -3 Residential District

- 1) Permitted Uses. See Article VII Entitled Table of Permitted and Conditional Uses
- 2) Dimensional Requirements. The following dimensional requirements shall apply in the R-3 District.
 - a. Minimum Required Lot Area for the first dwelling unit or any on-Residential use - 10,000 square feet; 5,000 square feet for each additional dwelling unit
 - b. Minimum Required Lot Width - 50 feet
 - c. Minimum Required Front Yard - 20 feet
 - d. Minimum Required Side Yards - 8 feet - except that the side yard abutting a street shall be 16 feet.



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- e. Minimum Required Rear Yard - 20 feet
 - f. Maximum Building Height - 35 feet
 - g. Location of Accessory Buildings and Structures - Accessory buildings and structures shall be placed in accordance with the provisions of Section 4.11.
- 3) Off-street Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements of Article IX.
 - 4) Signs. Signs shall be regulated by the requirements of Article X.

Section 6.4 0-1 Office and Institutional District

- 1) Permitted Uses. See Article VII Entitled Table of Permitted and Conditional Uses
- 2) Dimensional Requirements. The following dimensional requirements shall apply in the O-I District:
 - a. Minimum Required Lot Area for the first dwelling unit - 10,000 square feet; 5,000 for each additional dwelling unit. Non-residential uses have no minimum lot area requirement.
 - b. Minimum Required Lot *Width* - 50 feet (for residential only)
 - c. Minimum Required Front Yard - 20 feet
 - d. Minimum Required Side Yards - 8 feet - except that the side yard abutting a street shall be 16 feet.
 - e. Minimum Required Rear Yard - 15 feet
 - f. Maximum Building Height - 45 feet
 - g. Location of Accessory Buildings and Structures - Accessory buildings and structures shall be placed in accordance with the provisions of Section 4.11.



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- 3) Off-Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements of Article IX.
- 4) Signs. Signs shall be regulated by the requirements of Article X.
- 5) Landscape. Landscaping shall be provided in accordance with the requirements of Article XI.

Section 6.5 **B-1 or C-1 Central Business District**

- 1) Permitted Uses. See Article VII Entitled Table of Permitted and Conditional Uses.
- 2) Dimensional Requirements. The following dimensional requirements shall apply in the B-1 or C-1 District:
 - a) Minimum Required Lot Area - None; no residential density limitation
 - b) Minimum Required Lot Width - None
 - c) Minimum Required Front Yard – None
 - d) Minimum Required Side Yards - none required except where adjoining residential district shall be 8 feet and otherwise where provided the side yard shall be a minimum of 4 feet.
 - e) Minimum Required Side Yards – none required except where adjoining a residential district shall be 8 feet and otherwise where provided the rear yard shall be a minimum of 4 feet.
 - f) Maximum Building Height - 50 feet
 - g) Location of Accessory *Buildings* and Structures - Accessory buildings and structures shall be placed in accordance **with the** provisions of Section 4.11.
1. Off-Street Parking and Loading. None
2. Signs. Signs shall be regulated by the requirements of Article X.



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3. Landscaping. Landscaping shall be provided in accordance with the requirements of Article XI.

Section 6.6 C-2 Neighborhood Business District

- 1) Permitted Uses. See Article VII Entitled Table of Permitted and Conditional Uses.
- 2) Dimensional Requirements. The following dimensional requirements shall apply in the C-2 District.
 - a. Minimum Required Lot Area – None
 - b. Minimum Required Lot Width – None
 - c. Minimum Required Front Yard - 20 feet
 - d. Minimum Required Side Yard - 8 feet
 - e. Minimum Required Rear Yard - 15 feet
 - f. Maximum Building Height - 35 feet
 - g. Location of Accessory Buildings and Structures - Accessory buildings and structures shall be placed in accordance with the provisions of Section 4.11.
- 3) Off-Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements of Article IX.
- 4) Signs. Signs shall be regulated by the requirements of Article X.
- 5) Landscape. Landscaping shall be provided in accordance *with* the requirements of Article XI.

Section 6.7 C-3 General Business District

- 1) Permitted Uses. See Article VII Entitled Table of Permitted and Conditional Uses.
- 2) Dimensional Requirements. The following dimensional requirements shall apply in the C-3 District:



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- a) Minimum Required Lot Area - None
 - b) Minimum Required Lot Width- None
 - c) Minimum Required Front Yard - 20 feet
 - d) Minimum Required Side Yards - 8 feet
 - e) Minimum Required Rear Yard - 15 feet
 - f) Maximum Building Height - 35 feet
 - g) Location of Accessory Buildings and Structures - Accessory buildings and structures shall be placed in accordance with the provisions of Section 4.11.
-
- 3) Off-Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements of Article IX.
 - 4) Signs. Signs shall be regulated by the requirements of Article X.
 - 5) Landscaping. Landscaping shall be provided in accordance with the requirements of Article XI.

Section 6.8 Conditional Use Districts (CUD)

1. Purpose. The purpose of the CU Districts is to provide a procedure for considering the rezoning of property based upon the recognition that certain types of zoning districts would be inappropriate at particular locations in the absence of special conditions. For example, it may be that a certain lot zoned R-2 adjoining a C-3 area should not reasonably be expected to remain classified as R-2 but rezoning the lot to C-3 (with all legal uses permitted and minimum requirements applicable) would only aggravate and extend a land use relationship problem. It is possible, however, that if the owner of the R-2 property applied for rezoning to CU-C-3 and agreed to certain development conditions and use limitations (stricter requirements and fewer uses than permitted in the C-3 District) the rezoning could not only offer a reasonable use for the property but help solve a land relationship problem.

2. Requirements within a Conditional Use District. Only those uses authorized as permitted in the zoning district with the CUD corresponds shall be permitted, and all other requirements of the corresponding district shall be met as minimum standards. In addition, within a CUD no use shall be permitted except pursuant to a Conditional Use Permit authorized by the Board of



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Commissioners, which shall specify the use or uses authorized. Such permit may further specify the location on the property of the proposed use or uses the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of right-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request, but not to include architectural review or controls or other conditions not generally a part of land development controls. In granting a Conditional Use Permit the Board of Commissioners may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this ordinance are served, public welfare secured, and substantial justice done.

Section 6.9 **Overlay Districts**

1. Flood Damage Prevention District
 - A) Purpose. The Flood Damage Prevention District establishes standards to minimize public and private losses due to flood conditions in specific areas.
 - B) General Development Standards
 - 1) The Caswell County Flood Damage Prevention Ordinance as it applies within the jurisdiction of the Town of Milton is hereby adopted and incorporated by reference as the Flood Damage Prevention Overlay District for the Zoning Ordinance and the development standards of the Flood Damage Prevention Ordinance shall apply as appropriate.



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TABLE OF PERMITTED & CONDITONAL USES								
USE TYPES	R-1	R-2	R-3	O-1	C-1	C-2	C-3	SR
Educational & Institutional Uses (continued)								
correctional institutions 9223							X	
day care centers, (6 or more) 8322		C	X	X	X	X	X	
governmental offices & facilities 0000	X	X	X	X	X	X	X	
hospitals, public & private 8026				X	X	X	X	
libraries 8231				X	X	X	X	
museums or art galleries 8412				X	X	X	X	
nursing & convalescent homes congregate & group care 8050		C	X	X	X	X	X	11
orphanages 8361				X	X	X	X	
philanthropic institutions 8399				X	X	X	X	
post offices 0000				X	X	X	X	
retreat centers 0000				X	X	X	X	
<i>schools, including public schools & private schools, having a curriculum similar to those given in public schools</i> 8210	X	X	X	X	X	X	X	
<i>schools, specialty training, such as cosmetology, vocation or trade services, not elsewhere classified</i> 8240				X	X	X	X	
Business, Professional & Personal Services								
consulting, or bookkeeping 8721				X	X	X	X	
administrative or management services 8740				X	X	X	X	

January 14, 2025



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1. Historic District (HD) N.C.G.S. 160D, Article 9, Part 4

A. Purpose. The Historic District establishes regulations which will help maintain the historic integrity of certain areas within the Town.

B. Designation Procedure. Historic districts, as provided for herein may be designated, amended, or repealed through *the following* procedure:

- 1) An investigation and report describing the significance of the buildings, structures, features, sites, or surroundings included in any such proposed district, and a description of the boundaries of such district shall be prepared by the Historic Preservation *Commission* and a recommendation made to the Planning Board.
- 2) The North Carolina Department of Cultural Resources, acting through the State Preservation Officer or his designee, shall make an analysis of and recommendations concerning such report and the description of proposed boundaries. Failure of the Department of Cultural Resources to submit its written analysis and recommendation to the Town within thirty (30) calendar days after a written request for such analysis has been received shall relieve the Town of any responsibility for awaiting such analysis. The Town may at any time thereafter take any necessary action to adopt or amend this Ordinance with regard to historic districts.
- 3) The Board of Commissioners may also refer the report and proposed boundaries to any local preservation commission or other interested body for its recommendations prior to taking action.
- 4) Changes in the boundaries of such district subsequent to its initial establishment, or the creation of additional districts within the Town, shall require the preparation of investigative studies by the Historic Preservation Commission; and they shall be referred to the Department of Cultural Resources for its review and comment according to the procedures set forth in this subsection. Changes in the boundaries of a district or proposals for



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additional districts shall also be submitted to the Department of Cultural Resources in accordance with the provisions of this subsection.

5) The Planning Board shall review the recommendations and shall process the historic district overlay as a zoning map amendment in the same manner set forth in this Ordinance.

1. Dimensional Regulations and Exceptions. Structures within a historic district shall comply with the regulations of the underlying zoning district, except as follows:

- All street setbacks, interior setback, building coverage, and height requirements shall comply with applicable zoning regulations unless a variance is approved by the Board of Adjustment. The variance shall be granted only if it complies with the intent of the architectural and historic guidelines of the historic district.

2. Where the Historic Preservation Commission, in considering an application for a Certificate of Appropriateness, shall find that the number of off-street parking spaces and/or design standards for parking lots specified by this Ordinance *would* render the site incompatible with the historic district design guidelines and the historic aspects of the district, it may recommend to the Board of Adjustment a variance to the provisions of the off-street parking requirements and/or design standards. The Board of Adjustment may authorize as a variance a reduced standard concerning off-street parking provided it finds:

- a) that the lesser standard will not create problems due to increase on-street parking; and
- b) that the lesser standard will not create a threat to public safety.

2. Certain Changes Not Prohibited. Nothing in this section shall be construed to prevent the following:

- The ordinary maintenance or repair of any exterior architectural feature in a historic district does not involve a change in design, material, or outer appearance thereof.
- The construction, reconstruction, alteration, restoration, moving or demolition of any such features if the building inspector or Zoning Enforcement Officer has certified in writing to the Historic Preservation Commission that such action is required to protect the public safety because of unsafe or dangerous conditions.



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- The ordinary maintenance or repair of streets, sidewalks, pavement markings, utility service lines, street signs, traffic signs, and/or replacement of streetlight fixtures in the event of equipment failure, accidental damage, or natural occurrences such as electrical storms, tornadoes, ice storms and the like.
3. Certificate of Appropriateness Required:
- After the designation of a historic district, no exterior portion of any building or other structure (including but not limited to masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor above ground utility structure, nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished within such district until after an application for a Certificate of Appropriateness as to exterior features has been submitted and approved by the Historic Preservation Commission.
 - "Exterior features" shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material; the size and scale of the building; and the type and style of all windows and doors. light fixtures, signs and other appurtenant fixtures.
In the case of outdoor advertising signs, "exterior features" shall be construed to mean the style, material, size, and location of all such signs. Such "exterior features" may include historic signs, color and significant landscape, archaeological, and natural features of the area.
 - The Historic Preservation Commission may impose standards as may be set forth elsewhere in this subsection or adopted by the Commission. Any building permit not issued in conformity with this subsection shall be invalid.
 - The discontinuance of work or the lack of progress toward achieving compliance with the Certificate of Appropriateness for a period of one (1) year shall render the Certificate null and void and of no effect and application shall be made for a new Certificate. However, in the event the issuance of a Certificate is appealed, the one (1) year period shall not commence until a final decision is reached regarding the matter.



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- The Commission may, after adoption of architectural and historic guidelines, allow the Zoning Administrator or his designee to review and approve minor work provided, however, no application for a Certificate of Appropriateness may be denied without formal action by the Historic Preservation Commission.
- The Town and all public utilities, except as provided under subsection (4) above (Certain Changes Not Prohibited), shall be required to obtain a Certificate of Appropriateness prior to initiating in a historic district any changes in the character of street paving, street width, utility installations or removals, lighting, street trees, walls, fences, sidewalks, or exterior of buildings or structures on property or streets in which they have a fee or other interest.

4. Application Procedures:

- Application for a Certificate of Appropriateness shall be made to the Historic Preservation Commission on forms provided. The application shall be filed no later than fourteen (14) days prior to the next regularly scheduled meeting of the Historic Preservation Commission. Each application shall be accompanied by sketches, drawings, photographs, specifications, descriptions, and/or other information of sufficient detail to clearly show the proposed move, exterior alterations, additions, changes, new construction, or demolition.
- The Historic Preservation Commission shall make a reasonable attempt to identify and notify the owners of surrounding property likely to be affected by the application or a Certificate of Appropriateness. The Commission shall act upon the application ninety (90) days after the filing thereof, otherwise failure to act upon the application shall be deemed to constitute approval and a Certificate of Appropriateness shall be issued. Nothing herein shall prohibit an extension of time where agreement has been reached between the Commission and the applicant.
- Prior to issuance or denial of a Certificate of Appropriateness, the Historic Preservation Commission shall give the applicant and other property owners likely to be affected by the application an opportunity to be heard. In cases where the Commission deems necessary it may hold a public hearing concerning the application and seek the advice of the North Carolina Department of Cultural Resources or other expert advice.



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- The Commission shall not refuse to issue a Certificate of Appropriateness except for the purpose of preventing the construction, reconstruction, alteration, restoration, or moving of buildings, structures appurtenant features, or signs in the historic district which would be incompatible with the architectural and historic guidelines adopted by the Commission.
 - An appeal may be taken to the Board of Adjustment from the Historic Preservation Commission's action in granting or denying any certificate. The appeal may be taken by any aggrieved party; shall be taken within fifteen (15) days after the decision of the Commission; and shall be in the nature of certiorari.
- 6) Any appeal from the Board of Adjustment's decision in any such case shall be heard by the Superior Court of the County.
5. Review Criteria:
- In granting a Certificate of Appropriateness, the Historic Preservation Commission shall take into account the historic or architectural significance of the property under consideration and the exterior form and appearance of any proposed additions or modifications to a structure.
 - The Commission shall not consider interior arrangement.
 - The provisions of this subsection shall not become effective for a historic district until after the Commission has adopted detailed architectural and historic guidelines applicable to proposals within the historic district. These criteria shall take into account the historic, architectural and visual elements of the district and shall be reviewed at a minimum of every five (5) years. At a minimum, the criteria shall contain guidelines addressing the following factors:
 - a) Historic Significance or Quality. The quality or significance in history, architecture, archeology, or culture present in districts, sites, structures, buildings, or objects that possess integrity of location, design, setting, materials, workmanship, and feeling and association:
 - 1. that are associated with events that have made a significant contribution to the broad patterns of local, state, or national history; or that are associated with the lives of persons significant in the past; or
 - 2. that embody the distinctive characteristics of a type, period, or method of
 - 3. construction; or



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4. that represent the work of a master or that possesses high artistic values; or
 5. that represent a significant and distinguishable entity whose components may lack individual distinction; or that have yielded, or may be likely to yield, information important in prehistory or local, State or national history; and
- b) Exterior Form and Appearance. In considering exterior form and appearance, the Commission may take into account, but is not limited to, the following elements to ensure that they are consistent with the historic or visual character or characteristics of the district:
1. Exterior features as described in subsection 5. above (Certificate of Appropriateness Required);
 2. Height of the building or structure;
 3. Setback and placement on lot of the building or structure, including lot coverage and orientation-
 4. Exterior construction materials, including textures, patterns colors.;
 5. Architectural detailing, such as lintels, cornices, brick bond, foundation materials and decorative wooden features;
 6. Roof shapes, forms and materials;
 7. Proportions, shapes, positionings and locations, patterns, and sizes of any element of fenestration;
 8. General form and proportions of buildings and structures;
 9. Appurtenant fixtures and other features such as lighting;
 10. Structural condition and soundness;
 11. Use of local or regional architectural traditions; and



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12. Effect of trees and other landscaping elements.

6. Delay in Demolition of Landmarks and Buildings;

- An application for a Certificate of Appropriateness authorizing the relocation, demolition or destruction of a designated landmark or a building, structure, or site within the district may not be denied except as provided in this Section. However, the effective date of such a Certificate may be delayed for a period of up to three hundred sixty-five (365) days from the date of approval. The maximum period of delay authorized by this subsection shall be reduced by the Historic Preservation Commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period, the Commission *shall* negotiate with the owner and with any other parties in an effort to find a means of preserving the building or site. If the Commission finds that a building or site within a district has no special significance or value toward maintaining the character of the district, it shall waive all or part of such period and authorize earlier demolition or removal.
- If the Historic Preservation Commission has recommended designation of a property as a landmark or designation of an area as a district, final designation has not been made by the Board of Commissioners, the demolition or destruction of any building, site, or structure located on the property of the proposed landmark or in the proposed district may be delayed by the Commission for a period of up to one hundred eighty (180) days or until the Board of Commissioners takes final action on the designation, whichever occurs first.
- The Board of Commissioners may enact an ordinance to prevent the demolition by neglect of any designated landmark or any building or structure within an established historic district. Such ordinance shall provide appropriate safeguards to protect property owners from undue economic hardship.
- An application for a Certificate of Appropriateness authorizing the demolition or destruction of a building, site, or structure determined by the State Historic Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the Historic Preservation Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

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Article VII TABLE OF PERMITTED AND CONDITIONAL USES

N.C.G.S. 160D-1003

Section 7.1 Categories of Uses

The Table of Permitted and Conditional Uses which follows contains a listing of uses permitted in one or more of the various Zoning Districts established by this Ordinance. (Since they only add requirements to the other districts, Overlay Districts are not included in the Table.) Uses are listed in alphabetical order in seven functional categories. The categories in the order of listing are:

Residential Uses
Recreational Uses
Educational and Institutional Uses
Business, Professional and Personal Services Retail
Trade
Wholesale Trade
Manufacturing and Industrial Uses

Section 7.2 Indications of Permitted Uses

The District or Districts in which a particular listed use may be permitted is indicated by an "x" or a "c" in the District column(s) opposite the listed use.

Section 7.3 Meaning of Table Entries

The meaning of the entries in the Table are as follows:

- A. "x" indicates the use is permitted by right and a zoning permit may be obtained.
- B. "c" indicates the use requires approval of a Conditional Use Permit in accordance with the procedures of Section 13.5.
- C. The column on the far right labeled "SR" (Special Requirements) means that there are special additional performance requirements that the use must comply with in its development. These requirements are contained in Article VIII, "Special Requirements to the Table of Permitted and Conditional Uses." For any use subject to a Special Requirement, the Special Requirement shall represent the minimum conditions for issuance of a Conditional Use Permit.

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- D. The 1987 Standard Industrial Classification Manual was utilized in the preparation of this table and shall be consulted as a guide for purposes of interpretation by the Zoning Administrator. The Reference SIC column refers to SIC classifications. Entries with “0000” in the Reference SIC column do not correspond to any classification in the SIC Manual.

- E. 5. The listing of a use in the Table of Permitted and Conditional Uses in no way relieves that use of having to meet all local, State and Federal laws pertaining to the establishment and operation of that use.

Section 7.4 Table of Permitted & Conditional Uses

Table of Permitted and Conditional
Uses. (See Table.)

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TABLE OF PERMITTED & CONDITIONAL USES									
USE TYPES	SIC	R-1	R-2	R-3	O-1	B-1 or C-1	C-2	C-3	SR
<u>Residential Uses</u>									
accessory use or building (non-commercial)	0000	X	X	X					
bed and breakfast	0000	C	X	X	X				1
family care home (6 or less)	8351	X	X	X	X				2
family day-care home (5 or less)	8322	X	X	X	X				2
home occupation	0000	X	X	X	X				3
mobile home on individual lot, type I	0000		X	X					4
two-family dwellings (Including condominiums & townhouses)		X	X	X	X				9
multi-family dwellings (Including condominiums & townhouses and single-family attached)	0000			X	X	X			5
single-family detached	0000	X	X	X	X	X			
swimming pools, accessory	0000	X	X	X	X	X			6
yard sales (no more than 2 per year)	0000	X	X	X	X				
<u>Recreational Uses</u>									
amusement arcades and indoor places of entertainment; including bowling alleys, poolrooms, skating rinks & batting cages	7999					X	X	X	

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USE TYPES	SIC	R-1	R-2	R-3	O-1	B-1 or C-1	C-2	C-3	SR
Recreational Uses (continued)						X	X	X	
dance halls, including night clubs									
fortune tellers, astrologers	7999					X	X	X	
go-cart raceways	7999							C	7
golf course, including pro shop	7997	X	X	X	X	X	X	X	8
golf driving ranges	7999							X	7
marinas	4493							X	
martial arts instructional schools	7999				X	X	X	X	
miniature golf facilities	7999							X	7
physical fitness centers	7991				X	X	X	X	
public parks	7990	X	X	X	X	X	X	X	
recreation facilities, public	7999	X	X	X	X	X	X	X	
recreation facility, private; including country clubs, private neighborhood parks & multi-family recreation areas where the principal use is permitted in a zone	7997	X	X	X	X	X	X	X	
shooting ranges, indoor	7999							X	
shooting ranges, outdoor, local government only	7999							X	
swim & tennis clubs	7997	X	X	X	X	X	X	X	9
swimming pool, private	7997	X	X	X	X	X	X	X	9
Educational & Institutional Uses	4119				X	X	X	X	
ambulance services									
cemetery	0000	X	X	X	X			X	
churches, synagogues & other associated activities	8661	X	X	X	X	X	X	X	
colleges or universities	8220				X	X	X	X	

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USE TYPES	SIC	R-1	R-2	R-3	0-1	B-1 or C-1	C-2	C-3	SR
Educational & Institutional Uses (continued)								X	
correctional institutions	9223								
day care centers, (6 or more)	8322		C	X	X	X	X	X	
governmental offices & Facilities	0000	X	X	X	X	X	X	X	
hospitals, public & private	8026				X	X	X	X	
libraries	8231				X	X	X	X	
museums or art galleries	8412				X	X	X	X	
nursing & convalescent homes congregate & group care	8050		C	X	X	X	X	X	11
orphanages	8361				X	X	X	X	
philanthropic institutions	8399				X	X	X	X	
post offices	0000				X	X	X	X	
retreat centers	0000				X	X	X	X	
schools, including public schools & private schools, having a curriculum similar to those given in public schools	8210	X	X	X	X	X	X	X	
schools, specialty training, such as cosmetology, vocation or trade services, not elsewhere classified	8240				X	X	X	X	
Business, Professional & Personal Services					X	X	X	X	
accounting, auditing, or bookkeeping	8721				X	X	X	X	
administrative or management services	8740				X	X	X	X	
adult oriented businesses						X	X	X	12
advertising agencies or representatives	7310				X	X	X	X	
agencies & offices rendering specialized services not involving retail trade such as real estate, insurance, advertising, architecture, engineering, & accounting and not listed elsewhere	0000				X	X	X	X	

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USE TYPES	SIC	R-1	R-2	R-3	0-1	B-1 or C-1	C-2	C-3	S R
Business, Professional & Personal Services (continued)								X	
animal clinics & hospitals; including totally enclosed kennels operated in connection with animal clinics or hospitals	0742								
automobile parking lots & facilities for permitted uses in the district	0000	X	X	X	X	X	X	X	
automobile parking (commercial)	7521					X	X	X	
automobile rental or leasing	7510							X	
automobile repair & service (excluding storage of wrecked or junked vehicles)	0000						X	X	
automobile storage	0000							X	1 3
automobile towing & storage services	7549							X	1 3
automobile washing facilities	7542						X	X	
automobile wrecking or junk yards	5093							C	1 3
banking, including loan offices & investment houses	6000				X	X	X	X	
barber and beauty shops	7241					X	X	X	
building maintenance services	7349							X	
bus stations	4100					X	X	X	
chiropractors' offices	8041				X	X	X	X	
clothing alterations or repairs	0000					X	X	X	

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USE TYPES	SIC	R-1	R-2	R-3	O-1	B-1 or C-1	C-2	C-3	SR
computer maintenance & repairs	7378				X	X	X	X	
computer services	7370				X	X	X	X	
contractors' facilities with open storage	0000							X	
contractors' offices (no storage)	0000				X	X	X	X	
convenience food stores	5411					X	X	X	
dental offices & laboratories	8071				X	X	X	X	
doctors' offices & laboratories	8000				X	X	X	X	
drive-in theaters	7833							X	14
dry cleaning & laundry facilities	7211					X	X	X	
economic, socio., or educational research	8732				X	X	X	X	
employment agencies, personnel agencies	7360				X	X	X	X	
equipment rental & leasing	7350						X	X	
equipment repairs, heavy	7690							X	
equipment repairs, light	7690							X	
exterminating services	7342							X	

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USE TYPES	SIC	R-1	R-2	R-3	0-1	B-1 or C-1	C-2	C-3	SR
Business, Professional, & Personal Services (continued)		X	X	X	X	X	X	X	
internal service facilities, incidental to permitted uses, including cafeterias, day care facilities, snack bars, pharmacies, optical stores & similar retail activities when conducted solely for use of employees, patrons, or occasional visitors; provided, such activities are within the principal building & advertising for it is not permitted beyond the premises	0000								
kennels	0750							X	
laundromats	7215					X	X	X	
law offices	8111				X	X	X	X	
locksmith shops, including repair	7690					X	X	X	
medical, dental or related offices	8000				X	X	X	X	
medical or dental laboratories	8071				X	X	X	X	
motels & hotels	7011					X	X	X	
motion picture productions	7810					X	X	X	
noncommercial research organizations	8733				X	X	X	X	
office, not classified elsewhere (no retail)	0000				X	X	X	X	
optometrists & ophthalmologists	8000				X	X	X	X	
photocopying & duplicating services	7334					X	X	X	
photofinishing laboratories	7384					X	X	X	
photography studio	7221				X	X	X	X	
picture framing shop	7699					X	X	X	
private clubs	0000					X	X	X	
psychologists' offices	8000				X	X	X	X	

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USE TYPES	SIC	R-1	R-2	R-3	0-1	B-1 or C-1	C-2	C-3	SR
Business, Professional, & Personal Services									
(continued)							X	X	15
radio, television or communication towers	8000								
real estate offices	6500				X	X	X	X	
recreational vehicle parks or campsites	7033							C	16
refrigerator or large appliance repairs	7623							X	
rehabilitation or counseling services	8300				X	X	X	X	
repair shops not classified elsewhere	0000							X	
research, development, or testing services	8730				X	X	X	X	
septic tank services	7699							X	
service stations (not including truck stops)	7530					x	X	X	
shoe repair or shoeshine shops	7251					X	X	X	
signs as regulated by Article X		X	X	X	X	X	X	X	
stock, security or commodity brokers	6200				X	X	X	X	

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USE TYPES	SIC	R-1	R-2	R-3	O-1	B-1 or C-1	C-2	C-3	SR
<u>Retail Trade</u> (continued)									
camera & photography; sales & service	5946					X	X	X	
candy stores	5441					X	X	X	
carpet sales & storage	5710					X	X	X	
catalogue stores	5961					X	X	X	
clothing shops	5600					X	X	X	
computer sales	5734					X	X	X	
dairy products stores	5451					X	X	X	
department & variety stores	5300					X	X	X	
drug stores & pharmacies	5912					X	X	X	
electronic product sales	5730					X	X	X	
fabric or piece goods stores	5949					X	X	X	
farm machinery sales & service	5083							X	
farmers' or produce markets	5430					X	X	X	
flea market	5999					X	X	X	
floor covering, drapery or upholstery	5710					X	X	X	
florist shop	5992					X	X	X	
fuel oil sales	5980							X	
furniture sales	5712					X	X	X	
furniture repair, including upholstery	7641					X	X	X	

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USE TYPES	SIC	R-1	R-2	R-3	0-1	B-1 or C- 1	C-2	C-3	SR
<u>Retail Trade</u> (continued)									
home furnishings, miscellaneous	5719					X	X	X	
jewelry sales & repair	5944					X	X	X	
leather goods sales	5948					X	X	X	
lighting goods sales	5948					X	X	X	
liquor stores	5921					X	X	X	
miscellaneous retail sales	5999					X	X	X	
mobile home sales & services	5271							X	
motorcycle sales	5571							X	
music stores including instrument repair	5736					X	X	X	
newsstands	5994					X	X	X	
office supply store	5999					X	X	X	
optical goods sales	5995					X	X	X	
paint, glass & wallpaper stores	0000					X	X	X	
pawn shop	0000					X	X	X	
pet stores	5999					X	X	X	
radio & television, stores & repairs	5731					X	X	X	
record & tape stores	5735					X	X	X	
recreation vehicles sales & service	5561							X	
restaurants	5812					X	X	X	
retail sales & service where not	0000								

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USE TYPES	SIC	R-1	R-2	R-3	0-1	B-1 or C-1	C-2	C-3	SR
<u>Retail Trade</u> (continued)									
shoe sales and/or repair	0000					X	X	X	
shopping centers & malls	0000					X	X	X	
sporting goods stores	5941					X	X	X	
tire dealers & services	5531					X	X	X	
tobacco stores	5993					X	X	X	
truck stops	0000							X	
video tape rental & sales	7841					X	X	X	
woodworking shops, retail	5999					X	X	X	
<u>Wholesale Trade</u>									
agricultural chem/pesticides/ fertilizers	5191							X	
agricultural products, other	5159							X	
apparel piece goods & notions	5130							X	
bakeries; wholesale	2050							X	
beer, wine, distilled alcoholic beverages	5180							X	
books, periodicals, & newspapers	5192							X	
bulk mail & packaging	4212							X	
chemicals & allied products	5169							X	
courier services, central facility	4215							X	
courier service substations	4215							X	
drugs & sundries	5122							X	
durable goods, other	5099							X	
electrical goods	5060							X	
farm supplies, others	5191							X	
flowers, nursery stock & florist supplies	5193							X	

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USE TYPE	SIC	R-1	R-2	R-3	O-1	B-1 or C-1	C-2	C-3	SR
Wholesale Trade (continued)									
Forest products	5099							X	
Furniture and home furnishings	5020							X	
Grain & field beans	5153							X	
Groceries & related products	5140							X	
Hardware	5072							X	
Jewelry, watches, precious stones & metals	5094							X	
Lumber & other construction materials	5030							X	
Machinery, equipment & supplies	5080							X	
Market showrooms (furniture, apparel, etc.)	0000					X	X	X	
Metals & minerals	5050							X	
Motor vehicles, parts & supplies	5010							X	
Movers & storage operations	4214							X	
Paints & varnishes	5198							X	
Paper & paper products	5110							X	
Petroleum & petroleum products	5170							X	
Plastics materials	5162							X	
Plumbing & heating equipment	5070							X	
Professional & comm. Equipment & supplies	5040							X	
Resins	5162							X	
Sporting & recreational goods & supplies	5091							X	
Tobacco & tobacco products	5194							X	
Toys & hobby goods & supplies	5092							X	
Trucking or freight terminals	4210							X	

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USE TYPE	SIC	R-1	R-2	R-3	O-1	B-1 or C-1	C-2	C-3	SR
Utility equipment & storage yards	0000							X	
Wallpaper & paint brushes	5198							X	
Warehousing & storage, not including storage of any hazardous materials or waste as determined by any agency of the federal, state, or local governments	0000							X	
Manufacturing and Industrial Uses									
Airports or air transportation facilities	4500							C	17
Apparel & finished fabric products	2300							C	
Audio, video & communications equipment	3600							C	
Bakery products	2050							C	
Beverages	2080							C	
Bicycle assembly	3751							C	
Bicycle parts & accessories	3751							C	
Boat & ship building	3730							C	
Brooms & brushes	3991							C	
Burial caskets	3995							C	
Cabinets, not exceeding 5 operators	0000							X	
Cabinets								C	
Cardboard containers	2650							C	
Clothing & hosiery	2300							C	
Coffee	2095							C	
Computer & office equipment	3570							C	
Costume jewelry & notions	3960							C	
Dairy products	2020							C	
Electrical components	3670							C	

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USE TYPE	SIC	R-1	R-2	R-3	O-1	B-1 or C-1	C-2	C-3	SR
Manufacturing & Industrial Uses (continued)									
Electronics & electronic products	3600							C	
Fabricated valve & wire products	3490							C	
Fats & oils, plant	2070							C	
Food & related products, miscellaneous	2090							C	
Furniture products	2500							C	
Glass, including fiberglass	3200							C	
Grain mill products	2040							C	
Graphite & graphite products	3999							C	
Heating equipment & plumbing fixtures	3430							C	
Household appliances	3630							C	
Ice	2097							C	
Industrial & commercial machinery	3500							C	
Jewelry & silverware (no plating)	3910							C	
Lighting & wiring equipment	3640							C	
Lumber & wood products	3490							C	
Machine shops	3450							C	
Machinery products	3500							C	
Manufacture housing & wood buildings	2450							C	
Measurement, analysis & control instruments	3800							C	
Medical, dental & surgical equipment	3840							C	
Metal fasteners (screws, bolts, etc.)	3450							C	
Metal processing	3350							C	
Millwork, plywood & veneer	2430							C	

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USE TYPE	SIC	R-1	R-2	R-3	O-1	B-1 or C-1	C-2	C-3	SR
Manufacturing & Industrial Uses (continued)									
Motor vehicle parts & accessories	3714							C	
Motorcycle assembly	3751							C	
Paper products (no coating or laminating)	2670							C	
Paperboard container & boxes	2650							C	
Pens & art supplies	3950							C	
Pharmaceutical preparations	2834							C	
Photographic equipment	3861							C	
Pottery & related products	3260							C	
Preserved fruits & vegetables (no can manufacturing)	2030							C	
Printing & publishing	2700					X	X	X	
Signs	3993							C	
Soaps & cosmetics	2840							C	
Sporting goods & toys	3940							C	
Sugar & confectionery products	2060							C	
Textile products	2260							C	
Tool products	2260							C	
Transportation & heavy equipment parts	3490							C	
Welding operations	7692							C	
Wood containers	2440							C	



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Article VIII SPECIAL REQUIREMENT NOTES TO THE TABLE OF PERMITTED AND CONDITIONAL USES

The Table of Permitted and Conditional Uses of Article VII contains a column on the far right labeled "SR" for Special Requirements. In any case where a use listed in the Table of Permitted Uses has a number in the SR column opposite the use, the use must comply with the additional Special Requirements contained in this section corresponding to the Special Requirements number. For example, the use "Home Occupation" has the number "3" in the SR column opposite the use, therefore, the development of a Home Occupation must meet the special requirements for SR 3. Home Occupations of this section.

SR 1. Bed and Breakfast Inns.

In the R-1 and R-2 Districts:

- a. The maximum number of guest bedrooms shall be six (6).
- b. The inn shall be operated by a resident manager.
- c. The use shall be located in a structure which was originally constructed as a dwelling.
- d. The use shall contain only one (1) kitchen facility. Meals served on the premises shall be only for overnight guests and residents of the facility.
- e. The use of such a facility by any one patron shall be limited to no more than fifteen (15) days per sixty (60) day period.

SR 2. Family Care Home and Family Day Care Home

a. A family care home with six (6) or fewer persons or a family day care home with five (5) or fewer persons may be operated as an accessory use to a principal dwelling.

SR3. Home Occupation

A home occupation shall be operated in conformance with the following standards:

- a. No person other than members of the immediate family occupying such dwelling shall be employed, except that not more than one (I) assistant may be employed by attorneys, physicians, dentists, chiropractors and similar professions.



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- b. No stock in trade (except articles produced by the members of the immediate family residing on the premises) shall be displayed or sold upon the premises.
- c. No alteration of the principal building shall be made which changes the character thereof as **a dwelling**.
- d. No more than twenty-five percent (25%) of the area of the dwelling shall be devoted to any home occupation.
- e. The home occupation shall be conducted entirely within the principal building that is used as the residential dwelling.
- f. No chemical, mechanical, or electrical equipment that creates odors, light emissions, noises, or interference in radio or television reception detectable outside the dwelling shall be permitted.
- g. Only vehicles used primarily as passenger vehicles (e.g. automobiles, vans, pickup trucks) shall be permitted in connection with the conduct of the home occupation.
- h. Only one visitor or patron shall be permitted at one time with no on-street parking, except that instructional programs may have two (2) students at one time.
- i. No outdoor storage shall be permitted.
- j. No home occupation shall be operated in such a manner as to cause a visual, audible, sensory, or physical nuisance.

SR4. Manufactured Home or Mobile Home on Individual Lot, Type I

N.C.G.S. 160D-102(23) N.C.G.S 143-145(7)

- a. Length-width ratio. the minimum width (the width being the narrower of the two overall dimensions) of the main body of the mobile home shall be at least twenty-two (22) feet for a distance extending along the length (the length being the longer of the two overall dimensions) of at least twenty (20) feet.
- b. Eaves. The roof shall have an overhang (eave) extending at least six (6) inches from each vertical exterior wall, excluding any guttering.
- c. Roof Pitch. The minimum average pitch (excluding dormers) of exterior roof shall be a nominal 4/14 (rise over run) over the entire Mobile Home.
- d. Exterior finish. The exterior materials shall consist of wood, hardboard, vinyl, brick or



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aluminum and shall be comparable in composition, appearance and durability to site built houses in the vicinity. In no case shall the degree of reflectivity exceed that of gloss white paint.

- e. Underpinning. A continuous masonry underpinning (consisting of brick, concrete block or fieldstone) unpierced except for required ventilation and access shall be installed after placement on the lot and within one month after occupancy.
- f. Hitch removal. The hitch, axle and transporting lights shall be removed within one month after occupancy.
- g. Orientation. The mobile home shall be oriented on the site in such a manner that the side having the main entrance and by design is intended to be the front of the home, is parallel (within 15 degrees) to the street abutting the site.

Multifamily Dwellings (Including Condominiums and Townhouses)

In the R-3 and 0-1 Districts:

1. No multi-family dwellings or series of attached single-family, multi-family buildings or other such arrangements shall exceed a length of one hundred fifty (150) feet when measured along the longest axis of the building or series of attached units when placed in a theoretical straight alignment.
2.
 - i. No multi-family development shall contain more than ten (10) dwelling units unless the development shall have frontage along and direct primary access on a major or minor thoroughfare as shown on the Thoroughfare Plan.
 - ii. No multi-family development shall contain more than twenty (20) dwelling units unless the development shall have frontage along and direct primary access on two major or minor thoroughfares or combinations thereof as shown on the Cabarrus- South Rowan Thoroughfare Plan.
 - iii. Any multi-family development with more than twenty-five (25) dwelling units shall meet the requirements of ii. above and shall submit a certified traffic engineering report evaluating the capability of the adjoining street system to carry the traffic generated by the development.
3. An individual multi-family building or a single series of attached dwelling units to be located on an individual lot shall be developed in accordance with the area, yard and height requirements of the district in which located the same as any other individual building on an individual lot. The conveyance of ground space for single-family attached units or for



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common area or similar purposes shall not preclude development under this subsection. Such conveyances however may be subject to the North Carolina Unit Ownership Act.

4. In any case where more than one multi-family building or more than one series of attached dwelling units are proposed to be constructed on one lot, such development shall be in conformance with the following residential group development standards.
 - i. Site Plan. No zoning permit or building permit shall be issued for any construction in a group residential development except in accordance with a site plan approved by the Planning Board, in accordance with the standards herein. Developments that are proposed to be developed under the North Carolina Unit Ownership Act shall meet the requirements of that Act by recording the declaration and plan with the Register of Deeds. Where land is to be conveyed in accordance with such declaration and plan, the developer, shall first comply with the Subdivision Ordinance.
 - ii. Density. The number of dwelling units per unit of land area shall not exceed the number of dwelling units per unit of land area permitted in the district in which the development is located. Fractional units above one-half (1/2) may be rounded to the next highest number once the basic number of units exceeds twenty (20).
 - iii. Yard Requirements. The following yard requirements are hereby established:
 - Exterior. Along each exterior property line or public street, a minimum front, rear and side yard setback of twenty (20) feet shall be maintained.
 - Interior. For each building erected along a private street or accessway, a minimum setback of twenty (20) feet shall be maintained from the nearest edge of street or accessway pavement.
 - Distance Between Buildings. A distance of at least twenty (20) feet shall be maintained between all buildings within the development.
 - iv. Utilities. All main utility lines, meters, taps, and other appurtenances, up to and including the meter for each individual unit, (but not including the service lines and other facilities extending service to each individual unit) shall be built to the same standard as required for subdivisions. All such facilities, together with an easement of sufficient width, shall be conveyed to and/or dedicated to the city for public use and maintenance. All utilities shall be placed underground.

Each unit shall be individually metered for all utilities. Responsibility for the maintenance of common utility lines and/or facilities which have not been conveyed to



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the Town and/or dedicated for public use shall be the responsibility of the project owner, or in the case of unit ownership clearly established in the declaration, protective covenants and other bylaws.

- v. Streets or Accessways. All private streets or accessways providing ingress and egress from the development to an existing public street system shall comply with the current standards being required by the NCDOT, including street drainage, except that no curb and gutter is required and a pavement width of only 20 feet shall be required.
- vi. Sidewalks. Sidewalks, where provided, shall be installed in the same manner and under the same criteria as that established by the NCDOT.
- vii. Storm Drainage Improvements. Storm drainage improvements shall be made in the same manner and under the same criteria as that established by the NCDOT.
- viii. Building Arrangement. Arrangement of buildings in barrack-like rows shall not be allowed.
- ix. Sanitary Containers. Stationary sanitary containers shall be located so as not to interfere with sight distance or the free movement of vehicles on streets or service drives and so as to allow collector trucks adequate maneuvering space to empty the containers and to leave the property without excessive backing. Concrete pads in conformance with the public works department's stationary container location standards shall be located beneath of and in the approach to each stationary sanitary container.
- x. Storm Water. Storm water drainage shall be provided in the same manner as required by the NCDOT.

SR 6. Swimming Pools, Accessory.

- a. Pools shall be located to comply with the minimum setback requirements for accessory buildings, and structures of the district in which located.
- b. Pools which are not an integral part of the principal building shall be located a minimum of ten (10) feet from the principal building.
- c. Swimming pools shall be protected by a fence or equal enclosure, a minimum of four (4) feet in height and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking.



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SR 7. Amusement or Water Parks; Batting Cages; Go-Cart Raceways; Golf Driving Ranges; Miniature Golf Facilities.

- a. Minimum lot size for all development except miniature golf facilities shall be five (5) acres.
- b. No principal buildings or structures shall be located within fifty (50) feet of any property line.
- c. Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of the park activities.
- d. No amusement equipment, machinery, or mechanical device of any kind may be operated within two hundred (200) feet of any residentially zoned property.

SR 8. Golf Course; Including Pro Shop.

- a. There shall be a fifty (50) foot minimum setback between clubhouse, swimming pools, lighted tennis courts, or athletic fields and adjacent residentially zoned property.
- b. Outdoor swimming pools shall be protected by a fence, or equal enclosure, a minimum of four (4) feet in height and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking.

SR 9. Swim and Tennis Clubs, Swimming Pools, Private.

- a. In any residential district the minimum area shall be one (1) acre.
- b. There shall be a fifty (50) foot minimum setback between clubhouses, swimming pools, lighted tennis courts, or athletic fields and adjacent residentially zoned property.
- c. Outdoor swimming pools shall be protected by a fence, or equal enclosure, a minimum of four (4) feet in height and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking.

SR 10. Day Care Centers (6 or more).

An adult or child day care center with six (6) or more attendees shall be operated as a principal use and subject to the following development standards:

- a. Centers in a residential district on a site greater than three (3) acres shall have frontage on a collector or thoroughfare street.



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SR 11. Nursing and Convalescent Homes; Congregate Care and Group Care.

A. In any residential district:

1. A minimum of one (1) acre shall be required to establish any one of the above uses.
2. All structures including secondary and accessory structures shall be located a minimum of fifty (50) feet from any street line and, twenty (20) feet from any other property line.
3. Any use listed above located in a residential district on a site greater than three (3) acres shall have frontage on a collector or thoroughfare street.
4. Existing uses as described above which do not meet the one (1) acre minimum requirement of a. above at the time of the adoption of that provision may expand or be reconstructed provided such expansion or reconstruction meets the minimum dimensional requirements of the district in which located.

SR. 12 Adult Oriented Business (See Town of Milton Article 3, Section 3.2) N.C.G.S. 160D-902(b) N.C.G.S. 160D-902(f)

- a. No such business shall locate within 1,000 feet of any other Adult Oriented Business, as measured in a straight line from property line to property line;
- b. No Adult Oriented Business shall be located within 1,000 feet of a church, public or private elementary or secondary school, child day care or nursery school, public park, residentially zoned or residentially used property, or any establishment with an on-premises ABC license, as measured in a straight line from property line to property line;
- c. The gross floor area of an Adult Oriented Business shall not exceed 3,000 square feet and all business-related activity shall be conducted in a building;
- d. Except for an adult motel no Adult Oriented Business may have sleeping quarters;
- e. There shall not be more than one Adult Oriented Business in the same building, structure, or portion thereof No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any Adult Oriented Business;
- f. Except for signs as may be permitted by Article X of this Ordinance, no printed material, slide, video, photograph, written text, live show, or other visual presentation format shall be visible from outside the walls of the establishment, nor shall any live or recorded voices, music or sounds be heard from outside the walls of the establishment;



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- g. No enclosed or underground parking shall be permitted;
- h. The Board of Adjustment shall have no authority to modify or grant variances from the separation distance requirements imposed by this section.

SR 13. Automobile Storage; Automobile Towing & Storage; Automobile Wrecking or Junk Yards; Salvage Yards, Scrap Processing.

- a. Outdoor storage associated with the above uses shall be completely screened by a screening device as set forth in Article XI.
- b. Automobile wrecking or junk yards; salvage yards and scrap processing use shall require a minimum area of three (3) acres. Any area covered by six hundred (600) square feet or more of scrap material shall qualify as a use of this category.
- c. Uses subject to this note shall be separated in such a manner as to prevent dust and tracking of mud and debris onto adjoining streets.

SR 14. Drive-In Theaters.

- a. Shall have direct principal access to a street with a minimum of forty-four (44) feet of pavement at least two hundred (200) feet in each direction from the point of intersection.
- b. Staking space shall be provided for a minimum of ten (10) percent of the vehicle capacity.
- c. The motion picture screen shall be positioned so that it cannot be seen from any public street or residentially zoned area.

SR 15. Radio, Television or Communication Towers.

- a. Radio, television and communication towers may exceed the height limitation for the district provided:
 - 1. Towers shall be a minimum of one hundred (100) feet from any residentially zoned property and shall be located such that all supporting cables and anchors are contained within the property and shall be enclosed by a 6-foot-high chain link fence.

2. Towers shall comply with all other Federal, State and local regulations. Reference 160D-900, Part 3



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SR 16. Recreational Vehicle Parks or Campsites

1. Such uses shall comply with the following standards:
 1. Yard Requirements. The following yard requirements are hereby established:
 - a. Exterior. Along any public street or public right-of-way, a setback of at least forty (40) feet from the edge of the public right-of-way shall be maintained.
 - b. Distance between trailers. A distance of at least ten (10) feet shall be maintained between trailers and/or structures. Any accessory structures such as attached awnings, carports or individual storage facilities, shall, for the purpose of this requirement, be considered a part of the trailer.
 2. Open Space. A recreational area of not less than ten (10) per cent of the gross site area or two thousand five hundred (2,500) square feet, whichever is greater, shall be maintained in a central and convenient location to all trailer spaces.
 3. Lot Area. The lot for the park shall be a minimum of two (2) acres.
 4. Density. The density shall not exceed twenty-five (25) trailer spaces per acre of gross area.
 5. Parking. Adequate off-street parking and maneuvering space shall be provided on site. The use of any public street, sidewalk or right-of-way or any other private grounds not a part of the travel trailer parking area for the parking or maneuvering of vehicles is prohibited.
 6. Streets. All internal roadways shall be stabilized and of adequate width to accommodate the volume and type of anticipated traffic, and in any event, shall comply with the following minimum requirements:
 - a. Internal one-way roadway and roadways on which parking is prohibited shall not extend for more than five hundred (500) feet in total length; serve less than twenty-five (25) trailer spaces; and be at least eleven (11) feet in width.
 - b. Internal one-way roadway and roadways on which parking is permitted on one side and two-way roadways which do not allow parking shall be at least twenty-four (24) feet in width.



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- c. Internal two-way roadways which permit parking on one side only shall be at least twenty-seven (27) feet in width.
- d. Internal two-way roadways which permit parking on both sides shall be at least thirty-four (34) feet in width.
- 7. Water. Each travel trailer parking area shall be connected to an approved water supply system which provides an accessible, adequate, safe and potable supply of water.
- 8. Sewer. An adequate and safe sewer system shall be provided in all travel trailer parking areas.
- 9. Screening. A screening device as set forth in Article XI shall be provided where the use adjoins residentially zoned property.
- 10. Service Building. A central service building containing all necessary toilets, bathhouses and other plumbing fixtures specified in the most current edition of the North Carolina State Plumbing Code, as amended, shall be provided in all travel trailer parking areas. Service building shall be conveniently located within a radius of three hundred (300) feet to spaces which it serves.
- c. Trash. The storage, collection and disposal of trash and refuse in the travel trailer parking area shall comply with all applicable city, county and state regulations.
- d. Time of Stay. Neither any person nor any mobile unit shall occupy a trailer space or the travel trailer parking area for a period in excess of thirty (30) days. A register of all of occupants, the space occupied, and the time of arrival and departure shall be maintained

SR17. Airports or Air Transportation Facilities.

- a. The minimum area shall be fifty (50) acres for Basic Utility Stage 1 airport with two thousand (2000) foot runway. More area is required for larger airports. Airport size and layout shall conform to FAA Advisory Circular 150/5300-4B.
- b. Security Fencing shall be provided sufficient to control access to runways and taxiways. The fencing shall be a minimum six (6) feet in height.



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Article IX. OFF-STREET PARKING AND LOADING

Section 9.1 Off-Street Parking Requirements

There shall be provided 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; or before conversion from one type of use or occupancy to another, permanent off-street parking space in the amount specified by this Section. Such parking space may be provided in a parking garage or properly graded open space. Off-street parking shall not be required in the B-1 or C-1 Business District or Commercial District. See Article VIII. SR12 for restrictions on parking facilities associated with Adult Oriented Business.

A Certification of Minimum Parking Requirements

Each application for a Zoning Permit submitted to the Zoning Administrator as provided for in this Ordinance shall include information as to the location and dimensions of off-street parking and the means of entrance and exit to such space. This information shall be in sufficient detail to enable the Zoning Administrator to determine whether or not the requirements of this Section are met.

B. Definition of a Parking Space

The storage space of one (1) automobile. The size of a parking space shall be in accordance with geometric design principles for the type of space and lot. (See Table I, Geometric Design Standards).

C. Minimum Off-Street Parking Requirements

The following off-street Parking Space shall be required:

CLASSIFICATION	OFF-STREET PARKING REQUIREMENTS
Residential:	
Housing designed for and used by the elderly	1 space per 2 dwelling units
Incidental home occupations	1 space in addition to the residential requirements
Multi-family residences	2 spaces per dwelling unit
Rehabilitation homes	1 space per two beds



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CLASSIFICATION

Congregate care

Single-family and two-family residences (may be in a single drive with one car behind the other)

COMMERCIAL & INDUSTRIAL:

Auto service stations and/or repair shop

Auto sales

Bank & consumer financial services

Barber shop & other personal services

Beauty shops

Car washes

Delivery, ambulance & other similar services

Drive-through service such as banks, drive through restaurants, automobile service stations, dry cleaners, car washes and similar uses (in addition to use requirements)

Dry cleaners or laundries (self service)

Eating establishments & nightclubs serving meals

Fire stations

Hotel, motel, motor court & similar uses

OFF-STREET PARKING REQUIREMENTS

1 space per 2 dwelling units

2 spaces per dwelling unit

4 spaces per service bay, plus 1 space per wrecker or service vehicle

3 spaces plus 1 space per 400 square feet of building area devoted to sales

1 space per 200 square feet of gross floor area

2 spaces per operator

3 spaces per operator

1 space per 1 employee

1 space per vehicle, plus 1 space for each 2 employees

Stacking for 4 vehicles at each bay, window or lane

1 space per 4 rental pieces of equipment

5 spaces, plus 1 for every 3 seats

1 space per person on duty on an average shift

1 space per unit, plus 2 spaces per 3 employees on a normal shift



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CLASSIFICATION

Manufacturing, industrial, warehousing and wholesaling

Post offices

Retail sales except those listed below

Retail sales of bulky items which require large amounts of floor space to the number of items offered for sale such as antiques, appliances, art, bicycles, carpet, floor covering, furniture, motorcycles, paint, upholstery, and similar uses

Retail uses dealing primarily in service and/or repair

Radio, TV stations

Transportation terminals such as airports, bus terminals and railroad passenger stations

Wholesale with related retail

OFFICE & INDUSTRIAL

Bed & breakfast Inn

Childcare and kindergarten less than 6 children

OFF-STREET PARKING REQUIREMENTS

1 space per 3 employees on the largest shift

1 space per 200 square feet of public service area, plus 2 spaces per 3 employees on the largest shift

1 space per 200 square feet of gross floor area

1 space per 300 square feet of gross floor area

5 spaces per 1,000 square feet of gross floor area (optional to computing parking on a store-by-store basis)

2 spaces per 3 employees on the largest shift

1 space per 4 seating accommodations for waiting passengers, plus 1 space for each 2 employees on the largest shift

1 space per 3 employees on the largest shift, plus additional spaces per square foot of gross floor area devoted to retail sales as applicable from "retail sales" schedule above

1 space per room for rent

1 space per teacher or staff, plus space for 1 car drop off and pickup



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Childcare and kindergarten 6 or more children	1 space per teacher or staff, plus stacking of r 4 cars for drop off and pickup or stacking for 1 car per 10 children, whichever is greater
Churches	1 space per 4 seats in the largest assembly room
Dormitories	1 space per 4 beds
Fraternity, sorority houses	1 space per 2 beds
Elementary & junior high schools	5 spaces, plus 1 space per teacher or staff
Funeral homes	1 space per 4 seats in the main chapel
General offices	1 space per 200 square feet of net rentable area (net rentable area shall be considered to be 80% of gross floor area unless otherwise shown by applicant)
Hospital, nursing & convalescent homes	1 space per 2 beds, plus 1 space per staff doctor and other medical practitioners
Library, museum and art galleries	1 space per 300 square feet of gross floor area; 1 space per 2 employees
Medical, dental and similar offices	7 spaces per doctor or practitioner
Nursing, convalescent homes designed and used primarily for the elderly	1 space per 3 beds, plus 1 space per staff doctor or practitioner
Orphanage, juvenile homes	1 space per 4 beds
Senior high schools, trade and vocational schools, colleges and universities	1 space per 5 students and 1 space for each employee
Auditoriums, stadiums, assembly halls and gymnasiums located on a high school, college or university campus	1 space per 12 fixed seats and 1 space per 12 movable seats in largest assembly room



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RECREATION

Amusements, dance halls, nightclubs nor serving meals

1 space per 3 persons in designed capacity, plus 2 spaces per 3 employees on the largest shift

Auditoriums, stadiums, assembly halls, convention centers, gymnasiums, fraternal or social clubs or lodges, community recreation center

1 space per 3 fixed seats and 1 space per 3 moveable seats in the largest assembly room

Bowling alleys

4 spaces per lane

Golf courses

4 spaces per tee

Indoor movie theaters

1 space per 3 fixed seats and 1 space per 3 movable seats

Public swimming pools

1 space per 100 square feet of water area and deck

Recreation uses such as golf driving range, miniature golf, tennis, billiards or pools centers or similar recreation uses

1 space per tee, green, court and/or other method of participation however styled

Recreation facilities such as community center, swimming pool, tennis courts, and similar activities when located in conjunction with a townhouse, condominium, group housing or homeowner association development

1 space per 25 memberships or tenants



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D. Combination of Required Parking Spaces

The required parking spaces for and number of separate uses may be combined in one lot or parking structure, but the required parking spaces assigned to one use may not be assigned to another use at the same time.

E. Day Time/Nighttime Assignments

One-half (1/2) of the required parking spaces for churches, theaters, or assembly halls whose peak attendance is at night or Sundays may be assigned to a use which will be closed at night or Sundays.

F. Lighting

If parking areas are lighted, the lighting fixtures shall be so installed as to protect the street and neighboring properties from direct glare or hazardous interference of any kind.

G. Remote Parking

On all off-street parking lots, the required space shall be provided on the same plot with the use or on a lot separated therefrom by not more than four hundred (400) feet, except for residential uses which must be provided on the same plot.

Where provision of required off-street parking for a building or other uses established subsequent to the adoption of this Section involves one (1) or more parcels or tracts of land that are not a part of the plot on which the principal use is situated, the applicant for a permit for the principal use shall submit with his application for a Zoning Permit an instrument duly executed and acknowledged, which subjects the parcels or tracts of land to parking uses in connection with the principal use for which **it** is made available. The applicant shall cause said instrument to be registered in the office of the Register of Deeds upon the issuance of a Zoning Permit.

Section 9.2 Parking Lot Improvement, Design and Locational Requirements

All off-street parking lots including exits, entrances, drives and parking areas shall:

1. Be designed to allow for traffic movement in accordance with the geometric design principles of table 1;
2. Have physical access to a public street;
3. Be so designed that all access to public street is by forward motion;
4. Be graded, properly drained, stabilized and maintained to prevent dust and erosion;
5. Be continuously provided and maintained as long as the use which they serve exists.



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When a parking lot with space for more than six (6) cars in any zoning district including Residential, adjoins any lot zoned for residential purposes, a screening device as defined in Article XI shall be provided to protect residences from light, glare, noise and fumes.

Any driveway connecting to a public street from a parking lot for six (6) or more cars shall be treated with a hard surface for the portion of the driveway within twenty (20) feet of the public street travel way.

Section 9.3 Off-Street Loading Requirements

Every structure or building used for trade, business or industry hereafter erected shall provide space as indicated herein for the loading, unloading and maneuvering space of delivery vehicles off the street or public alley. Such space shall have access to a public alley, private driveway, or if such cannot reasonably be provided, to a public street. For the purpose of this Section an off-street loading space (exclusive of adequate access drives and maneuvering space) shall have a minimum dimension of twelve (12) feet by forty (40) feet and an overhead clearance of fourteen (14) feet in height above the alley or street grade.

TYPE OF USE

REQUIRED OFF STREET LOADING SPACES

Retail business

1 space for each 20,000 square feet of gross floor area or fraction thereof

Wholesale & industries

1 space for each 20,000 square feet of gross floor area or fraction thereof

Office & institutions

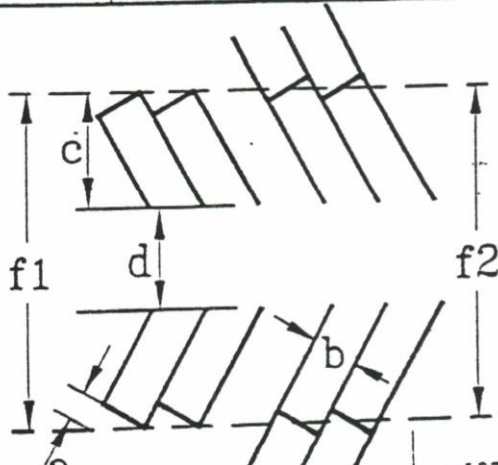
1 space for each 50,000 square feet of gross floor area or fraction thereof



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**TABLE 1
GEOMETRIC DESIGN STANDARDS**

a Parking Angle (Degrees)	b Stall Width (ft)	c Stall to Curb (ft)	d Aisle Width (ft)	e Curb Length (ft)	f Center-to-Center Width of Two Row Bin With Access Road Between (ft)	
					Curb-to- Curb	Overlap c-c
0	8.5	8.5	12.0	23.0	29.0	-
	9.0	9.0	12.0	23.0	30.0	-
	9.5	9.5	12.0	23.0	31.0	-
	10.0	10.0	12.0	23.0	32.0	-
30	8.5	16.9	11.0	17.0	44.8	37.4
	9.0	17.3	11.0	18.0	45.6	37.8
	9.5	17.8	11.0	19.0	46.6	38.4
	10.0	18.2	11.0	20.0	47.4	38.7
45	8.5	19.4	13.5	12.0	52.3	46.3
	9.0	19.8	13.0	12.7	52.6	46.2
	9.5	20.1	13.0	13.4	53.2	46.5
	10.0	20.5	13.0	14.1	54.0	46.9
60	8.5	20.7	18.5	9.8	59.9	55.6
	9.0	21.0	18.0	10.4	60.0	55.5
	9.5	21.2	18.0	11.0	60.4	55.6
	10.0	21.2	18.0	11.5	61.0	56.0
90	8.5	19.0	25.0	8.5	63.0	-
	9.0	19.0	25.0	8.5	63.0	-
	9.5	19.0	24.0	9.5	62.0	-
	10.0	19.0	24.0	10.0	62.0	-



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Article X SIGNS

Section 10.1 General Provisions

The following general provisions shall apply to signs within the jurisdiction of the Town of Milton.

Section 10.2 Permit Required

With the exception of those signs specifically exempt from these regulations or those signs specifically exempt from having a Permit, no sign shall be erected or altered without a Zoning Permit as required by this Ordinance.

Section 10.3 General Provisions

- A. All signs shall be designed and constructed according to generally accepted engineering practices to withstand wind pressures and load distribution as specified in the North Carolina Building Code for the jurisdiction.
- B. All signs in which electrical wiring and connections are to be used shall be constructed in accordance with the North Carolina Building Code for the jurisdiction.
- C. All signs shall be maintained in a state of good repair. No sign shall be continued which the Zoning Administrator finds to be structurally unsafe or a danger to the safety of the public or property.
- D. Illuminated signs shall not produce glare, excessive light or concentrations of light that interfere with traffic. Light shall be beamed down and away or shielded from streets and adjoining property.
- E. In measuring the copy area of a sign permitted under this *Article*, the entire face of the sign shall be included. Where both sides of a double-faced sign contain lettering or other allowable display, one side only shall be used to compute the allowable copy area of the sign. Where the sign consists of individual letters, numbers, characters, figures or displays attached in some manner to a building or a sign face of irregular shape, the sign copy area shall include the area of the smallest circle, square or rectangle that can encompass the total sign area composed of letters, numbers, characters, figures or displays or the irregular shaped sign face. Where signs have appendages or additions, such as "pop-up" or "cutouts" that extend beyond the main sign copy area, the area of such appendages or additions shall be measured



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separately but included in the total sign copy area. Also, to be included in the total sign copy area shall be any area designed for changeable copy.

- F. The height of a sign erected within 30 feet of a street right of way line shall be the distance from the grade level of the nearest edge of the street to the top of the sign or sign structure, whichever is greater. The height of all signs farther than 30 feet from a street right of way line shall be the distance from the grade level where the sign is erected to the top of the sign or sign structure, whichever is greater.
- G. In determining setback, measurement shall be made from the nearest street right- of-way line.
- H. Any sign, display or device allowed under this Article may contain, in lieu of any other copy, any otherwise lawful noncommercial message which does not direct attention to a business operated for profit, or to a commodity or service for sale; provided that such sign complies with the size, lighting, spacing, setback and other requirements of this Article. This includes signs requiring and not requiring a permit.

Section 10.4 Signs Expressly Prohibited

- A. Any sign erected in or over the public right-of-way. Any sign that is mounted flat against a building and which sign is not more than eighteen (18) inches thick shall not be considered to be projecting into the right-of-way.
- B. Any sign attached to or painted on any tree, rock or other natural object, except for the posting of land or other such public purpose.
- C. Any sign that obscures a sign displayed by public authority for the purposes of giving traffic instruction or direction or other public information.
- D. Any sign that uses the word "stop" or "danger" or otherwise presents or implies the need or requirement of stopping or caution or the existence of danger, or which is a copy or imitation of or which for any reason is likely to be confused with any sign displayed by a public authority. Provided, however, this provision is not intended to prevent the placement on private property of signs such as "stop", "yield" or other such wording or



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design where such is necessary for traffic control or other such legitimate notice to the public.

- E. Any sign that obstructs any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any building as required by law.
- F. Any sign that obstructs corner visibility.
- G. Any sign that obstructs driveway exit visibility when the corner visibility triangle as referenced in 10.3(F) above as applied to the intersection of a driveway exit with a public street.
- H. Any sign with flashing, intermittent or animated illumination, except that this prohibition shall not extend to signs which display time and/or temperature information.
- I. Any temporary or portable sign (not permanently attached to a building or the ground) except when permitted for special events.
- J. Any temporary or portable sign that is illuminated.
- K. Any sign on a vehicle which is parked in a location which is visible to the public for a period of time which indicates that the principal use of the vehicle is for advertising rather than transport.
- L. Any sign attached to a structure which extends vertically above the highest portion of the roof of the structure.
- M. Any off-premises sign.
- N. Any freestanding sign with a sign area greater than 80 square feet and/or a height of greater than 25 feet.
- O. Any freestanding sign with a setback of less than 5 feet.
- P. Pennants, streamers or flags consecutively strung together.
- Q. Signs containing words or graphics that are obscene, as defined in North Carolina General Statute 14-190.1.



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Section 10.5 Signs Exempt from Regulation

The following signs are exempt from regulation under this Ordinance except that lighted signs require an electrical permit:

- A. Governmental signs;
- B. Works of art with no commercial message;
- C. Lights and decorations with no commercial message temporarily displayed on traditionally accepted civic, patriotic or religious holidays;
- D. Hand carried signs;
- E. Signs located on the interior of buildings, courts, lobbies, stadiums, or other structures which are not intended to be seen from the exterior of said buildings or structures;
- F. Signs affixed to vehicles and trailers used in the normal transport of goods or persons where the sign is incidental and accessory to the primary use of the vehicle or trailer;
- G. Signs affixed to windows of vehicles displaying information on the terms of sale for said vehicles;
- H. Signs not legible from a public or private street;
- I. Flags of the United States, North Carolina, local governmental jurisdictions, foreign nations having diplomatic relations with the United States, flags of non-profit organizations, and any other flags adopted or sanctioned by the City Council, subject to the U.S. Congressional protocol; and
- J. Signs affixed to objects where the sign is clearly incidental and accessory to the primary use and purpose of the object.

Section 10.6 Special Events

The Board of Commissioners may permit temporary signs, including portable signs, to be erected for special events such as grand openings, special sales and other such events. A permit shall be obtained for such signs for each event period and no one location shall be permitted to have a special events permit(s) for a total of more than thirty (30) days in a calendar year. Such signs shall be removed promptly at the end of the permit period.

Signs and banners to be placed in the public right-of-way for special events shall be limited to non-profit organizations and to two (2) fourteen (14) day permits per calendar year for any one organization.

Such signs or banners may include incidental commercial messages of sponsors such as corporate or brand names and logos.



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Section 10.7 Signs Permitted in All Zoning Districts Without a Zoning Permit

The following signs are permitted in any Zoning District without a permit provided that they are directly associated and incidental to a permitted use or activity. The intent of this Section is to permit a broad group of non-commercial signs and to permit incidental commercial signs which are either of a temporary nature or are not intended for the attraction of the general public when considered in the general scheme of otherwise permitted general advertising signs.

- A. Signs not exceeding four (4) square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as (i) signs giving property identification names or numbers or names of occupants, (ii) signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.
- B. Official signs of a non-commercial nature erected by public utilities.
- C. Legal notices and signs required by law.
- D. Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain advertising or trademarks.
- E. Signs directing and guiding traffic on private property that do not exceed four (4) square feet each.
- F. Signs attached to the interior of a building window or glass door, or visible through such window or door so long as such signs, individually or collectively, do not cover more than twenty-five (25) percent of the surface area of the transparent portion of such window or door.
- G. Displays of merchandise offered for sale or rent on the premises where displayed. Only merchandise of the type that is actually for sale or rent, and not pictorial or other representations of such merchandise, falls within this category.
- H. A North Carolina vehicle inspections station sign.
- I. Signs painted or attached to vending machines, gas pumps, ice machines, or similar devices which indicate the contents of the machine, the name or logo of the supplier, the price, or operating instructions.



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- J. One (1) bulletin board for each school or other public building and for each church, synagogue or place of worship, or community building, provided that it be located on the same premises, and shall not exceed twenty (20) square feet. Such bulletin boards shall be setback at least fifteen (15) feet from the property lines.
- K. Announcement signs of professions or home occupations, not exceeding three (3) square feet in area, fixed flat against the building where such profession or home occupation is carried on. There shall be a limit of one (1) such sign per establishment.
- L. Signs advertising agricultural products, produced on the premises, not exceeding thirty-two (32) square feet in area. There shall be a limit of one (1) such sign for each street abutting the lot.
- M. Signs identifying by name only, residential subdivision, planned housing development, recreational facility, or mobile home parks and not exceeding thirty-two (32) square feet in area. There shall be a limit of one (1) double-faced sign or two (2) single-faced signs for each road or driveway entrance to the development name on the sign.
- N. Temporary signs containing the message that the real estate on which the sign is located (including buildings) is offered for sale, lease, or rent, together with information identifying the owner or agent. Only one (1) such sign shall be allowed along the border of each side of a lot that fronts upon a public street. If the lot has less than two hundred (200) feet of frontage, the sign may not exceed four (4) square feet in area. If the lot has more than two hundred (200) feet of frontage, the sign may not exceed sixteen (16) square feet.
- O. Temporary construction site identification signs. Such signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractors, funding sources, and may contain related information, including but not limited to sales or leasing information. Not more than one (1) such sign may be erected per site, and it may not exceed thirty-two (32) square feet in area. Such signs shall not be erected more than thirty (30) days prior to the issuance of a building permit and shall be removed within ten (10) days after the issuance of the final occupancy permit.
- P. Temporary displays, including lighting, erected in connection with the observance of holidays. Such signs shall be removed within ten (10) days following the holidays.



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- Q. Temporary signs erected in connection with elections or political campaigns. Such signs shall be removed within fifteen (15) days following the election or conclusion of the campaign. No such sign may exceed thirty-two (32) square feet in surface area.
- R. Temporary signs indicating that a special event such as a fair, carnival, circus, festival or similar happening is to take place on the lot where the sign is located. Such signs may be erected not sooner than thirty (30) days before the event and must be removed not later than three (3) days after the event.
- S. Signs not exceeding thirty-two (32) square feet in area, warning the public against hunting, fishing, or trespassing on the land on which the same are displayed.
- T. Unilluminated philosophical, religious or educational signs, limited to one (1) sign per plot. not to exceed six (6) square feet in area and located on private property; provided, that in Residential and Institutional zones there shall be no commercial advertising displayed thereon.
- U. Signs which are clearly intended for traffic or pedestrians already on the property where the sign is displayed.



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Article XI **LANDSCAPING FOR NON-RESIDENTIAL PROPERTIES**

Section 11.1 **General**

The following landscape treatments shall be provided as set forth in this Article or as may otherwise be required for a use or situation as required by this Ordinance.

Section 11.2 **Screening Requirements**

Any non-residential use located in either the O&I, B-1 or C-1, C-2, or C-3 Districts and located on property abutting any R-1, R-2, or R-3 Residential District, unless separated by a public street or railroad right-of-way, shall provide a screening device as described below. Such screening device shall be provided along the full length of any common property line and shall be maintained as long as the conditions requiring the original installation exists, even if active operations cease.

The requirement for the installation of a screening device shall be initiated by the occurrence of any one or more of the following activities on the non- residential property;

1. The initial use, development or occupancy of the non-residential property;
2. Any change in use or occupancy of the non-residential property which results from a change in the zoning classification of the non-residential property; and/or
3. Any building expansion that increases the floor area of the non-residential use or any addition of parking that provides ten (10) or more spaces, whether required or not.

The screening device shall be provided by the non-residential use even if the abutting residentially zoned land is vacant.

Screening Device - A screen that is at least ninety (90) percent opaque from the ground to a height of at least six (6) feet. The screen is intended to block visual contact between uses and to create a strong impression of special separation. The screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. In any case where vegetation, either existing or proposed, is to be used as the required screening device, if the vegetation is to be less than ten (10) feet in width (thickness), a fence, wall or similar device at least fifty (50) percent opaque and six (6) feet in height shall be used in combination with the vegetation. In all cases, the screen must be at least ninety (90) percent opaque in all seasons of the year. Planted vegetation must be a minimum of four (4) feet high and one (1) inch in caliper, measured six (6) inches above grade, when planted.



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Existing vegetation must be equivalent. In no case shall the screening device required by this Section interfere with visibility at intersections as set forth in Section 4.15 or with visibility at entrances and exits at public streets. NCGS 160D-908 Fence Wraps.

Section 11.3 Parking Lot Landscaping

In any Zoning District where parking spaces for twenty-five (25) cars are required or provided for a use or uses on a site, the parking lot shall be landscaped with canopy trees as required by this Section at the rate shown below. This requirement shall be initiated by the initial use or development of the property. In addition, in any case where ten (10) parking spaces are added, whether required or not, the entire parking lot including existing parking areas shall be landscaped if the total on the site, then equals twenty -five (25) or more.

Canopy trees shall be provided at a rate of one canopy tree for each twelve (12) spaces. After the first two trees, any fractional remaining number of spaces over six (6) shall require one (1) additional tree. Required canopy trees shall be distributed throughout the parking area and shall be located within or adjacent to parking lots as tree islands, at the end of parking bays, inside medians or between rows of parking spaces. Canopy trees must be a minimum of eight (8) feet high and two (2) inches in diameter, measured six (6) inches above grade at planting. When mature, a canopy tree should be at least forty (40) feet high and have a minimum crown width of thirty (30) feet. The following is a sample list of canopy trees by common name:

Red Maple	Pecan	Deodar Cedar	Leyland Cypress	American Holly
Sweetgum	Red Mulberry	White Spruce	White Pine	Sycamore
White Oak	Pin Oak	Post Oak	Black Locust	American Linden
American Elm				



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Article XII. NON-CONFORMING SITUATIONS

The purpose of this Article is to avoid undue hardship by permitting the continued use of any building, structure, or property that was lawful at the time of the enactment of this Ordinance or any applicable amendment thereof even though such use, structure or property does not conform with the provisions of this Ordinance. However, this Article is also established to require that non-conforming situations be terminated under certain circumstances.

Section 12.1 Continuation of Non-conforming Situations

Non-conforming situations that were otherwise lawful on the effective date of this Ordinance may be continued, subject to the restrictions and qualifications set forth in Sections 12.2 through 12.9 of this Article.

Section 12.2 Non-conforming Lots of Record

Where the owners of a lot of record at the time of the adoption of this Ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the area or lot width requirements of this Ordinance, such lot may be used as a building site provided all other dimensional requirements are met and provided that the use to be made of the property is not one to which larger than minimum lot area requirements are called for in the list of Permitted and Conditional Uses and the Special Requirements.

Section 12.3 Extension or Enlargement of Non-conforming Situations

1. Except as specifically provided in this Section, it shall be unlawful for any person to engage in any activity that causes an increase in the extent of non-conformity of a non-conforming situation.
2. Subject to Paragraph 4 of this Section, a non-conforming use may be extended through any portion of a completed building that, when the use was made non-conforming by this Ordinance, was manifestly designed or arranged to accommodate such use. However, a non-conforming use may not be extended to additional buildings or to land outside the original building.
3. A non-conforming use may not be extended to cover more land than was occupied, or manifestly designed and arranged to be occupied, by that use when it became non-conforming.



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4. The volume, intensity, or frequency of use of property where a non-conforming situation exists may be increased and the equipment or processes used at a location where a non-conforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this Section occur.

5. Physical alteration of non-conforming structures or structures containing a non-conforming use is unlawful if it results in:
 - a) An increase in the total amount of space devoted to a non-conforming use.
 - b) Greater non-conformity with respect to dimension restrictions such as yard requirements, height limitations, or density requirements.
 - c) The enclosure of previously unenclosed areas, even though those areas are or were used in connection with the non-conforming activity.

6. Minor repairs to and routine maintenance of property where non-conforming situations exist are permitted and encouraged. Major renovation - i.e., work estimated to cost more than ten percent (10%) but less than sixty percent (60%) of the taxed value of the structure to be renovated may be done provided that the work will not result in a violation of any other paragraphs of this Subsection particularly Paragraph 5. In no case however shall work costing more than sixty percent (60%) of the taxed value of the structure be done, singularly or cumulatively, within any five (5) year period.

Provided, nothing herein shall prevent the maintenance, repair and extension of a single-family dwelling that is non-conforming as to use, provided done in conformance with the dimensional requirements of the R-1 Residential District.

Section 12.4 Reconstruction Prohibited

Any non-conforming building or structure or any building or structure containing a non-conforming use for which major repair or reconstruction is proposed in any amount equal to sixty percent (60%) or more of the taxed value of the building or structure or which has been damaged by any cause to an extent equal to sixty percent (60%) or more of its taxed value shall only be repaired and/or reconstructed and used as a conforming structure and a conforming use.

Provided, nothing herein shall prevent the reconstruction of a single-family dwelling that is non-conforming as to use provided such reconstruction conforms to the dimensional requirements of the R-1 Residential District.



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Section 12.5 Change in Kind of Non-conforming Use

1. A non-conforming use may be changed to a conforming use. Thereafter, the property may not revert to a non-conforming use.
2. A non-conforming use shall not be changed to another non-conforming use except upon a finding by the Board of Adjustment that the use is more in character with the uses permitted in the District than the previous use.
3. If a non-conforming use and a conforming use, or any combination of non-conforming uses exist on one lot, the use made of the property may be changed only to a conforming use.
4. Conforming uses, except Adult Oriented Businesses, may be established or re-established in non-conforming buildings or structures provided that off-street parking is provided as required by this Ordinance and provided no other provision of this Ordinance for the establishment of new uses is violated.

Section 12.6 Replacement of Non-conforming Mobile Homes

Individually established non-conforming mobile homes may not be replaced except with a use that conforms with all the requirements of this Ordinance.

Section 12.7 Discontinuance of Non-conforming Uses

1. When active operation or occupancy of a non-conforming use is discontinued regardless of the purpose or reason for a consecutive period of one hundred eighty (180) days, the property involved may thereafter be used only for conforming uses.
2. For purposes of determining whether a right to continue a non-conforming situation is lost pursuant to this Subsection, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a non-conforming apartment building or one space in a non-conforming mobile home park for one hundred eighty (180) days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building or mobile home park as a whole is continuously maintained. But if a non-conforming use is maintained in conjunction with a conforming use, cessation of operation or occupancy of the non-conforming use for the required period shall terminate the right to maintain it thereafter.



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Section 12.8 Discontinuance of Non-conforming Adult Oriented Businesses

Notwithstanding the provisions of Section 12.6 above, Adult Oriented Businesses shall be governed by the following:

1. Any Adult Oriented Business that fails to comply with the use and locational requirements of this Ordinance, but which was lawfully operating before the effective date of this Ordinance, shall not be deemed to be in violation of this Ordinance but shall be a non-conformity. Any such business which ceases active operation for a period of thirty (30) days regardless of the purpose or reason shall be subject to all the requirements of this Ordinance and the property may thereafter be used only for conforming uses.
2. Any Adult Oriented Business lawfully operating as of the effective date of this Ordinance, but which subsequently fails to comply with the use and locational requirements of this Ordinance as the result of changes within the vicinity or amendment to this Ordinance, shall not be deemed to be in violation of this Ordinance but shall be a non-conformity. Any such business which ceases active operation for a period of thirty (30) days regardless of purpose or reason shall be subject to all the requirements of this Ordinance and the property may thereafter be used only for conforming uses.
3. Any Adult Oriented Business that is rendered a non-conforming use as a result of the conditions described in 1. and 2. above shall *either* cease to operate or meet all of the requirements of this Ordinance for the use no later than sixty (60) months from the date that the Adult Oriented Business becomes a non-conforming use.

Section 12.9 Violations of Non-Conforming Situations

Enforcement of violations will follow guideline as set forth in N.C.G.S 160D-404, Enforcement.



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Article XIII ZONING BOARD OF ADJUSTMENT

Section 13.1 Establishment of Board of Adjustment

A Board of Adjustment is hereby established. The Planning Board of the Town of Milton shall serve as the Board of Adjustment under its existing organizational framework.

Section 13.2 Proceedings of the Zoning Board of Adjustment

The Board shall adopt rules and by-laws in accordance with the provisions of this Ordinance and of N.C.G.S. Article 3, 160D-301 and 160D-302, and Article 6, 160D-604. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the vice-chairman, may administer oaths and compel the attendance of witnesses by subpoena. All meetings of the Board shall be open to the public.

Section 13.3 Appeals, Hearings and Notice

An appeal from the decision of the Zoning Administrator may be taken by the aggrieved party to the Board of Adjustment. Such appeal shall be taken within forty-five (45) days by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. The Board of Adjustment shall fix a reasonable time for hearing the appeal, give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

On all appeals, applications and other matters brought before the Board of Adjustment said Board shall inform in writing all the parties involved of its decisions and the reasons therefor.'

Section 13.4 Stay of Procedures

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Adjustment after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Zoning Administrator, on due cause shown.

Section 13.5 Powers and Duties of the Board of Adjustment

The Zoning Board of Adjustment shall have the following powers and duties:



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1. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Ordinance.
2. Zoning Permits with Vested Rights. To hear and decide Zoning Permits with Vested Rights in accordance with Article XV of this Ordinance.
3. Variances. To authorize upon appeal in specific cases such variances from the terms of the 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, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

Such variance may be granted in such individual case of unnecessary hardship where the Board of Adjustment makes the following affirmative findings:

- a) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance.
 - 1) If he complies with the provisions of the Ordinance, the property owner can secure no reasonable return from or make no reasonable use of, his property.
 - 2) The hardship results from the application of the Ordinance.
 - 3) The hardship is suffered by the applicant's property.
 - 4) The hardship is not a result of the applicant's own actions.
 - 5) The hardship is peculiar to the applicant's property.
1. The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.
2. In granting the variance the public safety and welfare have been assured and substantial justice has been done.

4. Conditional Use Permits / Business Application

To hear and decide, in particular cases, and subject to appropriate conditions and safeguards, permits for conditional uses as authorized by Article VII. In granting a conditional use permit the Board shall make the following affirmative findings:

- a. The Use requested is among those listed as an eligible Conditional Use / Business Application in the District in which the subject property is located.



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- b. That the Conditional Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed;
- c. That the Conditional Use meets all required conditions and specifications;
- d. That the Conditional Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and,
- e) That the location and character of the Conditional Use if developed according to the plan as proposed will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the Town and its environs.

In granting a Conditional Use Permit / Business Application, the Board may impose such additional restrictions and requirements upon such Permit / Application as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured, and substantial justice done. If all requirements and conditions are accepted by the applicant, the Board shall authorize the issuance of the Conditional Use Permit / Business Application, otherwise the Permit / Application shall be denied. Any Conditional Use Permit / Business Application so authorized shall be perpetually binding upon the property included in such Permit / Application unless subsequently changed or amended by the Board, as provided for in this Article.

The Board may change or amend any Conditional Use Permit / Business Application, after a public hearing and subject to the same consideration as provided for in the Article for the original issuance of Conditional Use Permit / Business Applications.

No proposal to amend or change any Conditional Use Permit / Business Application shall be considered within twelve (12) months of the date of the original authorization of such Permit or within twelve (12) months of hearing of any previous proposal to amend or change any such Permit / Applications.

Section 13.6 Appeals from the Board of Adjustment.

Any person or persons, jointly or severally, aggrieved by any decision of the Board, any taxpayer, or any officer, department, board or bureau of the jurisdiction of this Ordinance 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 ground of illegality, whereupon such decision of said Board shall be subject to review by certiorari as provided by law. N.C.G.S Article 14, 160D-1403.1.



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Article XIV AMENDMENT PROCEDURES; CONDITIONAL USE DISTRICTS

As Defined in N.C.G.S.160D, Article 6.

14.1 General

The Board of Commissioners may amend, supplement or change the Zoning Ordinance text and zoning district lines and designations according to the following procedure. It is the intent of this Ordinance that the applicant for rezoning to any district other than a Conditional Use District shall be prohibited from offering any testimony or evidence concerning the specific manner in which he intends to use or develop the property. If the applicant believes that the development of his property in a specific manner will lessen adverse effects upon surrounding properties or otherwise make the rezoning more in accordance with the principles underlying the Town's comprehensive zoning plan, he shall apply for rezoning to the appropriate Conditional Use District and simultaneously apply for Conditional Use Permit specifying the nature of his proposed development. No permit shall be issued for any development within a Conditional Use District except in accordance with an approved Conditional Use Permit.

14.2 Amendment Initiation

Applications to change, supplement or amend this Ordinance may be initiated by:

- a. Textual Amendment.
 1. The Board of Commissioners;
 2. The Planning Board;
 3. Anyone who owns property or resides in the area of jurisdiction of this Ordinance or the agent of such person.
- b. Map Amendment.
 1. The Board of Commissioners;
 2. The Planning Board;
 3. Anyone who owns property or resides in the area of jurisdiction of this Ordinance or the agent of such person. Provided, however, map amendments involving Conditional Use Districts may only be initiated by the owner or authorized agent of the owner.

14.3 Submittal

All applications for amendments to this Ordinance shall be in writing, signed and filed with the Zoning Administrator.

The Zoning Administrator, before scheduling any application for amendment for consideration by the Planning Board, shall ensure that it contains all the required information as specified in this Ordinance and on the application form. Applications which are not complete, or otherwise do not



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comply with the provisions of this Ordinance shall not be scheduled by the Zoning Administrator but shall be returned to the applicant with a notation of the deficiencies in the application.

Completed applications shall be received a minimum of fourteen (14) days prior to the Planning Board meeting at which the proposed amendment is scheduled to be considered.

All applications for amendment shall contain, as a minimum, a description of the proposed change, and if it would require a change of the zoning maps, the application shall include a map drawn to a scale of not less than four hundred (400) feet to the inch and not more than twenty (20) feet to the inch showing the land covered by the proposed amendment.

Any application requesting a change to a Conditional Use District shall be accompanied by a Conditional Use Permit application showing the use or uses proposed and any conditions being proposed by the applicant.

14.4 Planning Board Action

The Zoning Administrator shall present any properly completed application for amendment to the Planning Board at its next regularly scheduled meeting occurring at least fourteen (14) days after filing of such application with the Zoning Administrator. The Planning Board shall hold a courtesy public hearing on the proposed amendment. Notice of the courtesy public hearing shall be given in accordance with the Board's rules.

The Planning Board shall either recommend in favor of an amendment or in opposition to an amendment by simple majority vote of those present and voting. The Board may also propose conditions to their recommendation. A tie vote on a proposal shall be considered to be in opposition to such amendment. If the Planning Board should fail to act on any proposal amendment within forty-five (45) days after it is presented to the Board such failure to act shall be considered to be a favorable recommendation for the purposes of this procedure.

14.5 Board of Commissioners Action

The Zoning Administrator shall present any proposed amendments to the Board of Commissioners at its next regular scheduled meeting, following Planning Board action at which it hears rezoning proposals. The Zoning Administrator shall transmit to the Board of Commissioners the Planning Board's record of action on the proposed amendments.

The Board of Commissioners shall take such lawful action on such proposals as it may deem advisable provided that no zoning amendment shall be adopted until after a public hearing shall have been held. Notice of public hearing shall be given as required by NC G.S. 160A, Article 19, Part 3 (Zoning).



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14.6 Protest Petition

In case, however, of a protest against such change, signed by the owners of twenty percent (20%) or more either of the area of the lots included in a proposed change, or of those immediately adjacent thereto either in the rear thereof or on either side thereof, extending 100 feet therefrom, or of those directly opposite thereto extending 100 feet from the street frontage of the opposite lots, an amendment shall not become effective except by favorable vote of three-fourths of all the members of the Board of Commissioners. The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the Ordinance as a result of annexation or otherwise.

No protest against any change in or amendment to the Zoning Map shall be valid or effective for the purposes of this Article unless it be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, and unless it shall have been received by the Town Clerk in sufficient time to allow the Town at least two normal work days, excluding Saturday, Sundays, and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. All protest petitions shall be on a form prescribed and furnished by the Town, and such form may prescribe any reasonable information deemed necessary to permit the Town to determine the sufficiency and accuracy of the petition.

14.7 Special Provisions for Conditional Use Districts and Conditional Use Permits

Proposals for rezoning to any Conditional Use District shall always be accompanied by a request for a Conditional Use Permit. Such proposals and requests shall be processed and considered in the same procedure as conventional rezoning proposals, except as otherwise set forth herein, and the voting shall be the same as that required for zoning matters.

Any proposal for Conditional Use District rezoning and its accompanying request for a Conditional Use Permit shall be heard and considered simultaneously. If the Board of Commissioners should determine that the property involved in the proposal should be rezoned and the Conditional Use Permit issued, it shall adopt an Ordinance rezoning the property and authorizing the issuance of the Conditional Use Permit. Otherwise, the proposal shall be denied.

In granting a Conditional Use Permit, the Board of Commissioners shall make the following affirmative findings:

1. That the Use requested is among those listed as an eligible Conditional Use in the District in which the subject property is located or is to be located.
2. That the Conditional Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed;



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3. That the Conditional Use meets all required conditions and specifications; and,
4. That the location and character of the Conditional Use if developed according to the plan as proposed will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the Town and its environs.

In granting a Conditional Use Permit, the Board of Commissioners may impose such additional restrictions and requirements upon such Permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured, and substantial justice done. If all requirements and conditions are accepted by the applicant, the Board of Commissioners shall authorize the issuance of the Conditional Use Permit, otherwise the Permit shall be denied.

Any Conditional Use Permit so authorized shall be perpetually binding upon the property included in such Permit unless subsequently changed or amended by the Board of Commissioners, as provided for in this Article.

The Board of Commissioners may change or amend any Conditional Use Permit, after a public hearing upon recommendation by the Planning Board and subject to the same consideration as provided for in this section for the original issuance of a Conditional Use Permit.

No proposal to amend or change any Conditional Use Permit shall be considered within twelve (12) months of the date of the original authorization of such Permit or within twelve (12) months of hearing of any previous proposal to amend or change any such Permit.

14.8 Maximum Number of Applications.

No application for the same zoning district applicable to the same property or any part thereof shall be filed until the expiration of six (6) months from:

- c. The date of final determination by the Board of Commissioners; or
- d. The date of the public hearing or scheduled public hearing if the application is withdrawn after it has been advertised for public hearing.

Fees submitted for withdrawn cases shall not be refundable.



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Article XV ADMINISTRATION, ENFORCEMENT AND PENALTIES

Section 15.1 Zoning Administrator / Planning Board

This Ordinance shall be administered and enforced by the Zoning Administrator who shall be appointed by the Board of Commissioners. The Zoning Administrator may appoint agents to act on his behalf. If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he shall notify the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or additions; alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violations of its provisions.

Section 15.2 Zoning Permit

No land shall be used or occupied, and no building hereafter structurally altered, erected, or moved, shall be used, or its use changed, until a Zoning Permit shall have been issued by the Zoning Administrator stating that the building and/or the proposed use thereof complies with the provisions of this Ordinance. No Building Permit shall be issued, and no building shall be occupied until that Permit is issued. A record of all Permits shall be kept on file in the office of the Zoning Administrator and copies shall be furnished, on request, to any persons having a proprietary or tenancy interest in the use or building. The Zoning Administrator shall collect such fees for the issuance of Zoning Permits as are authorized by the fee schedule as adopted by the Board of Commissioners. The issuance of a valid Zoning Permit shall confer with it the right to undertake and complete the development and/or use of property under the terms and conditions of such Permit provided that such action as authorized by the Permit is commenced within one hundred eighty (180) days of issuance and provided that all other permits are obtained. Otherwise, the Permit shall be void.

1. Application Procedures

Each application for a Zoning Permit shall be accompanied by a plan in duplicate, drawn to scale, one (1) copy of which shall be returned to the Owner upon approval.

The plan shall show the following:

1. The shape and dimensions of the lot on which the proposed building or use is to be erected or conducted;
2. The location of the said lot with respect to adjacent rights-of-way;



Town of Milton

3. The shape, dimensions, and location of all buildings, existing and proposed, on the said lot;
4. The nature of the proposed use of the building or land, including the extent and location of the use, on the said lot;
5. The location and dimensions of off-street parking and the means of ingress and egress to such space; and
6. Any other information which the Zoning Administrator may deem necessary for consideration in enforcing the provisions of this Ordinance.

2. Right of Appeal

If the Zoning Permit is denied, the applicant may appeal the action of the Zoning Administrator to the Board of Adjustment as provided for herein. Such appeal shall be made within forty-five (45) days of such permit denial.

Section 15.3 Zoning Permit with Vested Rights

1. In any case where the applicant for a Zoning Permit desires to obtain a vested right, as authorized by NCGS 160D-108.1, the applicant shall observe the following procedures:
 - a) The applicant shall submit to the Zoning Administrator seven (7) copies of a site-specific development plan drawn to scale describing with reasonable certainty the type and intensity of use for the specific parcel or parcels of land. Such plan shall include:
 - 1) The boundaries of the site;
 - 2) Significant topographical and other natural features affecting the development of the site;
 - 3) The location on the site of the proposed buildings, structures, and other improvements;
 - 4) The dimensions, including height, of the proposed buildings and other structures;
 - 5) The location of all existing and proposed infrastructure on the site, including water, sewer, roads and walkways; and,
 - 6) Such other information as the Zoning Administrator may determine to be necessary in order to determine the specifics of the plan.



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b) Public Hearing; Notice Thereof.

Upon receipt of a properly prepared site-specific development plan the Zoning Administrator shall arrange to bring such plan before the Board of Adjustment in the manner of a public hearing. Completed plans shall be received a minimum of fourteen (14) days prior to the public hearing at which the proposed vested rights plan is scheduled to be considered by the Board. Notice of the public hearing shall be given in the same manner as that required for a variance.

In considering an application for a Zoning Permit with Vested Rights the Board of Adjustment shall give due regard that the purpose and intent of this Ordinance shall be served, public safety and welfare secured, and substantial justice done. If the Board should find, after public hearing, that the proposed Permit should not be granted, such proposed Permit shall be denied.

In granting such Permit, the Board of Adjustment shall make the following affirmative findings:

- 1) The use requested is among those listed as a Permitted or Conditional Use in the District in which the subject property is located or is to be located and complies with all the requirements of this Ordinance and other applicable ordinances.
- 2) The requested Permit is either essential or desirable for the public convenience or welfare.
- 3) The requested Permit will not impair the integrity or character of the surrounding or adjoining Districts, and will not be detrimental to the health, safety or welfare of the community.
- 4) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.

In granting a Zoning Permit with Vested Rights, the Board of Adjustment may impose such additional restrictions and requirements upon such Permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done. Approval of a site-specific development plan with the condition that a variance, Conditional Use Permit or modification be obtained shall not confer a vested right unless and until the necessary variance, Conditional Use Permit or modification is obtained. If all requirements and conditions are accepted by the applicant, the Board shall authorize the issuance of the Permit, otherwise the Permit shall be denied. Any Permit so authorized shall remain vested for a period of two years from the date of the action granting the Permit.



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2) Violations

Any violation of a term or condition involved in the granting of a Zoning Permit With Vested Rights shall be treated the same as a violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation. In addition, the Board of Adjustment may, after public hearing, revoke any such vested rights for failure to abide by any such term or condition.

3) Other Ordinances Apply

The establishment of a vested right shall not preclude the application of overlay zoning which imposes additional requirements but does not affect the allowable type or intensity or use, or ordinances or regulations which are general in nature and are applicable to all property subject to land-use regulation, including, but not limited to building, fire, mechanical, electrical and plumbing codes.

4) Changes or Amendments

No change or amendment to any Permit with Vested Rights shall be made except after public hearing and except as provided for in this Ordinance for the original issuance of such Permit. If, at the time of consideration of proposed change or amendment to an existing Permit, such Permit or proposed change or amendment could not be lawfully made under Ordinance conditions existing at that time, such proposed change or amendment shall be denied. In addition, in no case shall there be an extension of the two-year time period for which such development right is vested. Nothing herein shall exempt plans related to such Permit from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approvals.

5) Status at Expiration of Term

A right which has been vested shall terminate at the end of the two-year vesting period with respect to buildings and uses for which no valid Building Permit applications have been filed. Upon issuance of a Building Permit, the provisions of G.S. 160A-418 and G.S. 160A-422 shall apply except that a Building Permit shall not expire or be revoked because of the running of time while a vested right under this Section is outstanding. Any development constructed pursuant to a Zoning Permit with Vested Rights for which the vested term has expired, and which is not in conformance with all the terms of this Ordinance because of changes made in the provisions of this Ordinance, including the Zoning Map, after the issuance of such Permit shall be subject to the provisions of this Ordinance relating to non-conformities the same as any other non-conformity.



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6) Annexation Declaration

Any landowner who signs an annexation petition to the Town pursuant to G.S. 160A-31 or N.C.G.S. 160A-58.1 shall, as part of that petition, file a signed statement declaring whether or not vested rights with respect to the property subject to the petition have been established under N.C.G.S. 160D-108.1. If the statement declares that such rights have been established, the Town may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established by law shall be binding on the landowner and any such vested right shall be terminated.

Section 15.4 Site Plan approval Prerequisite to Zoning Permit

As a prerequisite to the issuance or authorization of a Zoning Permit or Zoning Permit with Vested Rights, Site Plan Approval by the Planning Board shall be required for the following developments:

1. Mobile Homes
- 2) Non-residential developments of 5,000 square feet or more of gross floor area.
- 3) Multi-family developments of six (6) or more dwelling units.
- 4) Multi-family developments with more than one building on the lot.

Site plans shall be submitted at least seven (7) days prior to the Planning Board meeting at which review is scheduled and shall be in form and number of copies of the site specific development plan required in Section 15.3(1) a.

Section 15.5 Duties of Zoning Administrator, Board of Adjustment, Courts and Board of Commissioners to Matters of Appeal

It is the intention of this Ordinance that all questions arising in connection with the enforcement of this Ordinance shall be presented first to the Zoning Administrator and that such questions shall be presented to the Board of Adjustment only on appeal from the Zoning Administrator, and that from the decision of the Board of Adjustment recourse shall be to courts as provided by law. It is further the intention of this Ordinance that the duties of the Board of Commissioners in connection with the Ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof, but the procedure for determining such questions shall be as herein set out in the Ordinance, and that the duties of the Board of Aldermen in connection with this Ordinance shall be only the duty of considering and passing upon any proposed amendment or repeal of the Ordinance as provided by law.



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Section 15.6 Violations, Enforcement Procedure, Penalty

As Defined in 160D, Article 4.

Section 15.6.1 Violations

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

A. Development Without Permit

To engage in any development use, construction, remodeling, or other activity of any nature upon land or improvements thereon subject to the jurisdiction of this Ordinance without all required permits, certificates, or other forms of authorization as set forth in this Ordinance.

B. Development Inconsistent with Permit

To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form or authorization granted for such activity.

C. Violation by Act or Omission

To violate, by act or omission, any term, variance, modification, condition, or qualification placed by the Board of Commission or its agent boards upon any required permit, certificate, or other form of authorization for the use, development, or other activity upon land or improvements thereon.

D. Use in Violation.

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

E. Continue a Violation.

Each day's continuation of any of the above violations is a separate and distinct offense.



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Section 15.6.2 Inspection and Investigation

A. Inspections

The Zoning Administrator shall have the right upon presentation of proper credentials, or inspection warrant, if necessary, to enter on any premises within the jurisdiction at any reasonable hour for the purposes of inspection, determination of plan compliance, or other enforcement action.

B. Investigations

The Zoning Administrator shall have the power to conduct such investigations as he may reasonably deem necessary to carry out his duties as prescribed in this Ordinance and, for this purpose, to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any complaints or alleged violations of this Ordinance.

C. Supporting Documentation

The Zoning Administrator shall have the power to require written statements, certificates, certifications, or the filing of reports with respect to pertinent questions relating to pertinent questions relating to complaints or alleged violations of this Ordinance.

Section 15.6.3 Enforcement Procedure

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

B. Notice of Violation

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

1. that the land, building, structure, sign, or use is in violation of this Ordinance;



Town of Milton

2. the nature of the violation, and citation of the Section(s) of this Ordinance violated; and
3. The measures necessary to remedy the violation.

C. Appeal

Any owner or occupant who has received a Notice of Violation may appeal in writing the decision of the Zoning Administrator to the Board of Adjustment within thirty (30) days following the date of the Notice of Violation. The Board of Adjustment, or other designated board, shall hear an appeal within a reasonable time, and it may affirm, modify, or revoke the Notice of Violation. In the absence of an appeal, the decision of the Zoning Administrator shall be final. N.C.G.S. 160D-405(b).

D. Notice of Decision

The decision of the Board of Adjustment may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested. N.C.G.S. 160D-406(j).

E. Failure to Comply with Notice

If the owner or occupant of a property fails to comply with a Notice of Violation from which no appeal has been taken, or a final decision by the Board of Adjustment following an appeal, the owner or occupant shall be subject to such remedies and penalties as may be provided for by State law or by Section 15.6.4.

Section 15.6.4 Remedies

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

A. Injunction

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



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B. Civil Penalties

Any person who violates any provision of this Ordinance shall be subject to the assessment of a civil penalty under the procedures provided in Section 15.6.5 (Civil Penalties - Assessments and Procedures).

C. Denial of Permit or Certificate

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

D. Conditional Permit or Temporary Certificates

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

E. Stop Work Orders

Whenever a building, structure, sign, or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Zoning Administrator may order the work to be immediately stopped. The stop work order shall be in writing and directed to the owner, occupant, or person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Such action shall be in accordance with NCGS 160D-404 or the NC Building Code.

F. Revocation of Permits or Certificates

The Zoning Administrator may revoke and require the return of a permit or certificate by notifying the permit holder in writing, stating the reason for revocation. Permits or certificates shall be revoked for any substantial departure from the approved application, plans, or specifications; refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit or certificate. Any permit or certificate mistakenly issued in violation of an applicable State or local law may also be revoked.

G. Criminal Penalties

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



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Section 15.6.5 Civil Penalties - Assessments and Procedures

A. Responsible Parties

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

B. Notice

No civil penalty shall be assessed until the person alleged to be in violation has been notified in accordance with Section 15.6.3.B (Notice of Violation). If after receiving a notice of violation under Section 15.6.3.B, the owner or other violator fails to take corrective action, a civil penalty may be imposed under this Section in the form of a citation. The citation shall be served in the same manner as of a Notice of Violation. The citation shall state the nature of the violation, shall state the civil penalty to be imposed upon the violator, and shall direct the violator to pay the civil penalty within fifteen (15) days of the date of the citation.

C. Continuing Violation

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

D. Penalties

Any person who violated any provision of this Ordinance shall be subject to assessment of a civil penalty in the amount of \$25.00 for the first violation, \$50.00 for the second violation, \$100.00 for the third violation, and \$200.00 for the fourth and each succeeding violation.

E. Demand for Payment

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

F. Nonpayment

If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, the matter shall be referred to legal counsel to institute a civil action for recovery of the civil penalty. Moreover, if the civil penalty is not paid within the time prescribed, the Zoning Administrator may have a criminal summons or warrant issued against



Town of Milton

the violator. Upon conviction, the violator shall be subject to any criminal penalty the court may impose pursuant to NCGS 14-4.



Town of Milton

Article XVI GENERAL LEGAL PROVISIONS

Section 16.1 Interpretation, Purpose, Conflict

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction or imposes higher standards than those required by other ordinances, rules, regulations, or by easements, covenants, or agreements the provisions of this Ordinance shall govern so that, in all cases, the most restrictive limitation or requirement, or the requirement causing the highest standard of improvement, shall govern.

Section 16.2 Effects Upon Outstanding Building Permits and Conditional Use Permits

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the Building Inspector prior to the time of passage of this Ordinance or any amendment thereto; provided, however, that where construction is not begun under such outstanding permit within a period of one hundred eighty (180) days subsequent to the passage of this Ordinance or any amendment thereto, or where it has not been prosecuted to completion within eighteen (18) months subsequent to passage of this Ordinance or any amendment thereto, any further construction or use shall be in conformity with the provisions of this Ordinance or any such amendment.

Section 16.3 Validity

If any Section, Subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Commissioners hereby declares that it would have passed this Ordinance and each Section, Subsection, clause, and phrase thereof, irrespective of the fact that any one or more Sections, Subsections, sentences, clauses or phrases be declared invalid.



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Section 16.4 Effective Date

This Ordinance shall become effective upon its adoption by the Board of Commissioners of the Town of Milton, North Carolina.

ADOPTED this the _____ day of _____ 2022, by the Board of Commissioners of the Town of Milton, North Carolina.

Town Clerk

Mayor



Town of Milton

Application for Certificate of Appropriateness (CoA)

Pursuant to NC GS 160A-400.9

Applicant's Name, Address, Phone Number:

Owner's Name/Mailing Address (if different from above):

A complete application, including required items and any additional information requested by the Planning Board/Historic Preservation Commission, must be submitted no later than two weeks prior to the next regularly scheduled meeting. The Planning Board/HPC meets monthly on the 2nd Monday at 6 pm at The Milton Renaissance Foundation, 11928 Academy St. Milton, North Carolina, 27305.

An application fee of \$25.00 is required at time of submittal.

Attach a detailed description of work to be done. Minor project descriptions must include hand drawings, photos, material samples, etc. Major project descriptions must include the above plus, but are not limited to: architectural, floor, site, and grading plans, architectural elevation drawings of each façade with measurements and specifications clearly showing exterior appearance of project such as exterior materials (including paint color), window style/dimensions, and roof pitch.

TYPE OF PROJECT:

MINOR: _____

Examples (Read Design Guidelines for Individual Criteria)

- o Fences and Walls
- o New patios and/or parking areas which are located to rear of existing buildings (not easily seen from street)
- o Roof Covering
- o Painting (when major change in exterior color, provided new color is similar to those found in Historic District)
- o Foundation, Foundation Vents, Access Doors (which can be seen from streets)
- o Storm Doors and Windows
- o Masonry Repairs
- o Signs (signage must be in accordance with Milton Historic Preservation Commission Guidelines)
- o Siding
- o Stairs, Landings and Steps
- o Replacement of Missing details
- o Other Minor Construction
- o Landscaping (removal of tree(s) over 6" diameter)

January 14, 2025



Town of Milton

MAJOR: _____

Examples (See Design Guidelines for Individual Criteria)

- o New Construction/Reconstruction + Parking (associated with)
- o Roofline Changes
- o Additions to Dwellings/Buildings
- o Rehabilitation of Existing Buildings
- o New Accessory/Storage Buildings
- o Demolition and/or Moving of any Structure (or part thereof)
- o Replacement of Architectural Details
- o Fences (any type of front yard or repair/ replacement of front yard fence not matching original materials)
- o Minor works not approved by Historic Preservation Commission

May 29, 2024



Town of Milton

Please read the following statements. Your signature below acknowledges that you have read the statements and attest to their accuracy:

Check one: _____ I am the Owner of the Property, or

_____ I am acting on behalf of the owner of the property and I have attached a letter from the owner(s) indicating their knowledge of this application.

- I understand submittal of this application does not constitute approval of proposed alterations.
- I understand the approval of this application by Town Staff, or the Milton Historic Preservation Commission (MHPC) does not constitute approval of other federal, state, or local permit applications.
- I understand I (or my representative) will need to attend the Hearing of this Application by MHPC. No Applications shall be heard without a representative present and all applicable fees paid in full.
- I have reviewed the Town of Milton's "Historic District Guidelines" in preparing this Application.
- I understand the property referenced by this CoA application is in Milton's historic district and that it represents a part of Milton's historic fabric. If a CoA is approved by the Milton Planning Board/Historic Preservation Commission, I agree to implement all changes as specified in the approved CoA, including any conditions. I understand that I am responsible for contacting Milton Planning Board/Historic Preservation Commission if I have any questions regarding the allowed changes specified in the approved CoA.
- I understand ANY unapproved alterations are enforceable as a violation of Town Ordinance and must be brought into compliance by removal or through the CoA process.
- I affirm all the information included in this application is true to the best of my knowledge.
- I understand incomplete applications cannot be considered.



Town of Milton

Applicant's Signature and Date:

Submit application to: Town of Milton, c/o Planning Board,
173 Broad St, Milton, North Carolina, 27305
Phone: 336-234-0030 Fax: 336-234-0030
Office hours: Tuesdays 9am-5 pm and Thursdays 4-7 pm.
And 2nd Tuesday noon till 7pm

=====

For office use only: date received and initials _____

Date completed and comments

May 29, 2024

ORDINANCE
AN ORDINANCE CREATING A PLANNING BOARD FOR
THE TOWN OF MILTON, NORTH CAROLINA

BE IT ORDAINED by the Board of Commissioners of the Town of Milton, North Carolina that a Planning Board is hereby created as follows:

ARTICLE I - PLANNING BOARD

Section 1 Created.

A Planning Board for the town of Milton is hereby created. The Milton Planning Board has the additional duties as specified by the NCGS 160D for the boards of Zoning Board, Adjustment Board, and the Historic Preservations Commission.

Section 2 Membership; terms of office, vacancies. NCGS 160D-301 – Planning Boards.

- a) The Planning Board shall consist of six (6) members.
- b) One (I) member of the board shall be the Mayor who shall serve by virtue of the office and whose term shall be coterminous with the office of Mayor.
- c) One (I) member of the board shall be a member of the Board of Commissioners who shall be appointed by the Board of Commissioners. The term of this member shall be coterminous with the commissioner's term of office unless the commissioner is replaced by majority vote of the Board of Commissioners with a different commissioner. The Town Commissioner has voting rights only as a tie-breaking vote. N.C.G.S 160D-301.
- d) Three (3) members of the board shall be residents of the town who shall be appointed by the Board of Commissioners. The initial three appointees shall begin their terms of office on the date of the organizational meeting of the Planning Board with one (1) member serving a term of two (2) years, one (I) member serving a term of three (3) years and one (I) member serving a term of four (4) years. All such appointees after initial appointments are made shall serve for four (4) years. Members shall be eligible for reappointment. The Extra Territorial Jurisdiction (ETJ) representative shall be appointed for a one (1) year term, having equal rights, privileges, and duties as the other members of the Planning Board.
- e) Vacancies in the three (3) resident positions and the ETJ appointed by the Board of Commissioners occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.

Section 3 Organizational meeting; election of chairman, officers; terms.

Upon the call of the Mayor, the Planning Board shall meet and elect a chairman and create and fill such offices as it may determine. The term of the chairman shall be for two (2) years, with eligibility for re-



Town of Milton

election for additional terms. The Mayor nor the Commissioner will not act as Chairperson of the Planning Board.

Section 4 Meetings; nature of meeting; quorum.

- (a) The Planning Board shall meet on such schedule as determined by the board, and all of its meetings shall be open to the public.
- (b) There shall be a quorum of four (4) members for the purpose of taking any official action required by this article.

Section 5 Required to adopt rules, keep records.

The Planning Board shall adopt rules for transaction of its business and shall keep a record through minutes of its members' attendance and its resolutions, discussions, findings, and recommendations, which record shall be a public record, to be kept in Town Hall at all times.

Section 6 General powers and duties.

In addition to the duties prescribed by state law, it shall be the duty of the Planning Board to do the following in accordance with 160D-301:

- a) Acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions;
- b) To prepare, review, maintain, monitor, and periodically update and recommend to the governing board a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis.
- c) To facilitate and coordinate citizen engagement and participation in the planning process.
- d) To develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
- e) To advise the governing board concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by NCGS 160D-604.
- f) To exercise any functions in the administration and enforcement of various means for carrying out plans that the governing board may direct.



Town of Milton

- g) To provide a preliminary forum for review of quasi-judicial decisions, provided that no part of the forum or recommendation may be used as a basis for the deciding board.
- h) Perform any other related duties that the governing board may direct. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

Section 7 Planning Board Attendance Policy.

- a) Board Members are expected to attend all scheduled Regular Planning Board Meetings.
- b) Board Members are allowed to miss three (3) meetings per year with CAUSE: these include:
 - i) Emergencies – family and personal
 - ii) Death or accidents
 - iii) Illness
 - iv) Planned Vacations
 - v) Jury Duty
 - vi) Work Schedule
 - vii) Planned Celebrations (i.e., Weddings or Birthdays)
- c) IF Member(s) miss three (3) or more meetings within a given year, it will be voted on by the remaining members that the member(s) in violation will be removed from the board or if they remain on the board.
- d) Special Board Meetings are exempt from the three (3) missed meeting rule.

Section 8 Special committees.

The Planning Board may set up special committees to assist it in the study of specific questions and problems.

Section 9 Authority to conduct hearings.

The Planning Board may conduct such hearings as may be required to carry out its duties under this article and as prescribed by state law and N.C.G.S 160D-302(b).

Section 10 Planning Board Members Reimbursement for Expenses.

Members of the Planning Board, when duly authorized by the Milton Town Commissioners, may attend planning conferences, meetings of planning institutes, hearings upon pending planning legislation, and classes, the board may, by formal and affirmative vote pay, within the board's budget, the reasonable traveling expenses incident to such attendance.



Town of Milton

Section 11 Ethics.

160A-86 and 160D-109

General Principles Underlying the Code of Ethics (C.O.E.).

- The stability and proper operation of a democratic representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.
- Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.
- Board members must be able to act in a manner that maintains their integrity and independence yet is responsive to the interests and needs of those they represent.
- Board members must always remain aware that at various times they play different roles:
 - As advocates, who strive to advance the legitimate needs of their citizens;
 - As legislators, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions;
 - As decision-makers, who arrive at fair and impartial quasi-judicial and administrative determinations.
- Board members must know how to distinguish between these roles, to determine when each role is appropriate, and to act accordingly.
- Board members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each official must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

Code of Ethics (C.O.E.)

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the Town of Milton Planning Board and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a board member's best judgment.

C.O.E. Section 1. Board members should obey all laws applicable to their official actions as members of the board. Board members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, board members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. To declare that a board member is behaving unethically because one disagrees with that board member on a question of policy (and not because of the board member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

C.O.E. Section 2. Board members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values.



Town of Milton

- Behaving consistently and with respect toward everyone with whom they interact.
- Exhibiting trustworthiness.
- Living as if they are on duty as elected officials regardless of where they are or what they are doing.
- Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner.
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others.
- Disclosing contacts and information about issues that they receive outside of public matters outside of the quasi-judicial proceedings themselves.
- Treating other board members and the public with respect and honoring the opinions of others even when the board member disagrees with those opinions.
- Not reaching conclusions on issues until all sides have been heard.
- Showing respect for their offices and not behaving in ways that reflect badly on those offices.
- Recognizing that they are part of a larger group and acting accordingly.
- Recognizing that individual board members are not generally allowed to act on behalf of the board but may only do so if the board specifically authorizes it, and the board must take official action as a body.
- Shall not allow family, social, or other relationships to unduly influence their conduct or judgment and shall not lend the prestige of the office of town planning board member to advance the private interest of others; nor shall they convey or permit others to convey the impression that they are in a special position to influence them.
- Shall not make pledges or promises of conduct in office that they will not or cannot perform or would be illegal if it were performed.
- Shall not misrepresent their identity, qualifications, present position, or other fact.
- Shall avoid pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office.

C.O.E. Section 3.a. Board members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Although opinions may vary about what behavior is inappropriate, this board will consider impropriety in terms of whether a reasonable person who is aware of all the relevant facts and circumstances surrounding the board member's action would conclude that the action was inappropriate.

Section 3.b. If a board member believes that his or her actions while legal and ethical, may be misunderstood, the member should see the advice of the board's attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the attorney).

C.O.E. Section 4. Board members should faithfully perform the duties of their offices. They should act as especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned. Board members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly



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submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. They should demand full accountability from those over whom the board has authority.

C.O.E. Section 5. Planning board members have legitimate interests – economic, professional, and vocational – of a private nature. Planning board members shall not be denied and shall not deny to other council members or citizens, the opportunity to acquire, retain, and pursue private interest, economic or otherwise, except when conflicts with their responsibility to the public cannot be avoided. Planning board members must exercise their best judgment to determine when this is the case.

C.O.E. Section 6. Planning board members shall not recommend the appointment of unnecessary employees and shall exercise the power of employment only on the basis of merit, avoid favoritism, and refrain from illegal discrimination. They shall not approve compensation of employees beyond the fair value of services rendered.

C.O.E. Section 7. Planning board members shall regulate his or her extra-governmental activities to minimize the risk of conflict with his or her official duties.

- Shall refrain from financial and business dealings that tend to reflect adversely on the board or to interfere with the proper performance of official duties.
- Information acquired by Planning Board members in their official capacity shall not be used or disclosed in financial dealings or for any other purpose not related to official duties.

C.O.E. Section 8. Planning board members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's business. They should also remember that local government records belong to the public and not to board members or their employees.

In order to ensure strict compliance with the laws concerning openness, board members should make clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should prohibit unjustified delays in fulfilling public records requests. They should take deliberate steps to make certain that any closed sessions held by the board are lawfully conducted and that such sessions do not stray from the purposes for which they are called.

C.O.E. Section 9. Censure Procedures. If a majority of the board has reason to believe that one of its members has violated a provision of this Code of Ethics, it may open an investigation into the matter to determine whether probable cause exists to initiate censure proceedings against the member. All information compiled, including the grounds for any finding of probable cause, shall be shared with the member when it is received. All information pertaining to the case shall be open to public inspection and copying pursuant to the North Carolina public records statutes.

If upon investigation the board concluded that a violation of a criminal law may have occurred, it shall refer the matter to the local district attorney.



Town of Milton

Should the board determine that it wishes to proceed further with censure proceedings, it shall call for a hearing to be held at a regular meeting or at a special meeting convened for that purpose. Notice of the hearing stating its time, place, and purpose shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the jurisdiction.

The notice shall be published for the first time not less than 10 days or more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

The notice shall state that a detailed list of the allegations against the member is available for public inspection and copying in the office of the clerk to the board at the current copying rate.

The hearing shall be convened at the time and place specified. The hearing, and any deliberations shall be conducted in open session in accordance with the North Carolina open meetings statutes.

The accused board member shall have the right to have counsel present, to present and cross examine expert and other witnesses, and to offer evidence, including evidence of the bias of any other board member or the presiding officer. An audio or video and audio tape of the proceedings shall be prepared. Any and all votes during the hearing shall be taken by the ayes and noes and recorded in the board's minutes.

Once the hearing is concluded, it shall be closed by the vote of the board. The presiding officer shall next entertain a motion to adopt a nonbinding resolution censuring the member based on the specified violations of the code of ethics. Any motion made must be an affirmative one in favor of adopting a nonbinding resolution of censure. If the motion or resolution does not state particular grounds for censure under the code of ethics, the presiding officer shall rule it out of order.

If a motion to adopt a nonbinding resolution of censure stating particular grounds under the code of ethics has been made, the board shall debate the motion. The accused member shall be allowed to participate in the debate but shall not vote on the motion to adopt the resolution.

At the conclusion of the debate, the board shall vote on the resolution. If the motion to adopt the nonbinding resolution of the censure is approved by a three-fourths vote of those present and voting a quorum being present, the motion passes and the nonbinding resolution censure is adopted.

The text of the nonbinding resolution of censure shall be made a part of the minutes of the board. Any recording of the board's proceedings shall be approved by the board as a permanent part of the minutes. The proceedings shall then be considered concluded, the board having done all it legally can with respect to the matter in question.

Section 11 Conflicts of Interest.

§ 160D-109. Conflicts of interest.

- (a) **Governing Board.** – A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact



Town of Milton

- on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.
- (b) **Appointed Boards.** – Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.
- (c) **Administrative Staff.** – No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person, or such other staff person as may be designated by the development regulation or other ordinance. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.
- (d) **Quasi-Judicial Decisions.** – A member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.
- (e) **Resolution of Objection.** – If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.
- (f) **Familial Relationship.** – For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)



Town of Milton

Section 12 Effective date.

This ordinance shall become effective upon its adoption by the Board of Commissioners of the Town of Milton.

ADOPTED this the 10th day of October 2023 by the Board of Commissioners of the Town of Milton.

Attest:

Patricia Williams, Milton Town Mayor

Shirley Wilson, Town Clerk

Commissioner John Wallace

Commissioner Valerie Sottile

Commissioner Cathia Stewart

Commissioner Sherri Garrard



Town of Milton

ORDINANCE CRIMINALIZING LOITERING FOR THE PURPOSE OF ENGAGING IN DRUG-RELATED ACTIVITY

BE IT ORDERED, by the Board of Commissioners of the Town of Milton as follows:

SECTION 1. LOITERING FOR THE PURPOSE OF ENGAGING IN DRUG-RELATED ACTIVITY.

- a) For the purpose of this section, "public place" means any street, sidewalk, bridge, alley or alleyway, plaza, park, driveway, parking lot or transportation facility, or the doorways and entranceways to any building which fronts on any of these places, or a motor vehicle in or on any of those places, or any property owned by the Town of Milton.
- b) It shall be unlawful for a person to remain or wander about in a public place under circumstances manifesting the purpose of engaging in a violation of the North Carolina Controlled Substances Act, N.C.G.S. Chapter 90, Article 5. Such circumstances are:
- 1) Repeatedly beckoning to, stopping, or attempting to stop passers-by, or repeatedly attempting to engage passers-by in conversation; or
 - 2) Repeatedly stopping or attempting to stop motor vehicles; or
 - 3) Repeatedly interfering with the free passage of other persons; or
 - 4) Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is engaged in an unlawful drug-related activity; or
 - 5) Such passers-by, objects; or person repeatedly passes to or receives from whether on foot or in a vehicle, money or
 - 6) Such person takes flight upon the approach or appearance of a police officer; or
 - 7) Such person is at a location frequented by persons who use, possess, or sell drugs.
- (c) If any provision of this Section is held invalid, such invalidity shall not affect any other provision, or the application thereof, which can be given effect without the invalid provision or application, and to this end the provisions of this Section are declared to be severable.



Town of Milton

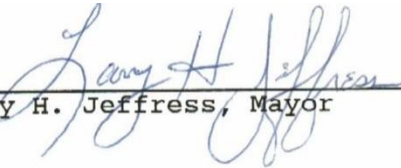
SECTION 2.

Any person who violates the provisions of this chapter is guilty of a misdemeanor, and upon conviction shall be imprisoned for up to thirty days and or be subject to a fine of not more than \$500.00.

SECTION 3.

This ordinance shall be effective upon adoption.

This the 2nd day of August 1993.



Larry H. Jeffress, Mayor

ATTEST:

-
Lou Ann Reaves Town
Clerk

(TOWN SEAL)



Town of Milton

P.O. Box 85
Milton, N. C.
27305
336 234-0030

ORDINANCE 2022-01

TOWN OF MILTON, NORTH CAROLINA

AN ORDINANCE ESTABLISHING THE HERITAGE GREENWAY WALKING TRAIL UTILIZING CROP STREET AND LEA'S ALLEY OF THE TOWN OF MILTON

WHEREAS, the Town of Milton will regulate the use of Crop Street and Lea's Alley to be used as the Milton Heritage Greenway Walking Trail.

SECTION 1. As Per N.C.G.S 160A-296 (a) & (5) reads as follows:

- (a) A city shall have general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits except to the extent that authority and control over certain streets and bridges is vested in the Board of Transportation.

AND

N.C.G.S. 160A-296(5) The power to regulate the use of the public streets, sidewalks, alleys, and bridges.

SECTION 2. As Per N.C.G.S 160D-701 Zoning Regulation Purposes

§ 160D-701. Purposes. Zoning regulations shall be made in accordance with a comprehensive plan and shall be designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to lessen congestion in the streets; and to promote the health, safety, morals, or general welfare of the community. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the local government's planning and development regulation jurisdiction.

SECTION 3. MOTORIZED VEHICLE PROHIBITION. The Town of Milton recognizes Crop Street as a PUBLIC STREET, which will not be used by motorized vehicles or motorized equipment except for creation, installation, and maintaining of the walking trail. The Town of Milton recognizes Lea's Alley as a public alley, which will not be used by motorized vehicles or motorized equipment except for creation, installation, and maintenance of walking trail.



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SECTION 4. EXISTING DRIVEWAY. Existing driveways will not be interfered with and will have passage across CROP STREET.

SECTION 5. ORDINANCES. All pre-existing and future Milton Town Ordinances will be followed by the Milton Heritage Greenway Walking Trail.

SECTION 6. RESPONSIBILITY. Milton Heritage Greenway Walking Trail will be responsible for signage at the trail heads; upkeep and maintenance of the trails; safety & etiquette and trail rules; and any expense to the Trail's existence.

SECTION 7. EFFECTIVE DATE. This Ordinance shall be effective upon its adoption.

This the 10th day of May 2022.

TOWN OF MILTON

BY: _____

Patricia Williams, Mayor

MILTON HISTORIC PRESERVATION COMMISSION
DESIGN GUIDELINES

1. Using the Design Guidelines

The Architectural and Historic Guidelines for the Milton Historic District are to be used in conjunction with the Milton Zoning Ordinance to assist in the review of applications for a Certificate of Appropriateness. Such Guidelines are not meant to provide solutions for the Milton Historic Preservation Commission/Planning Board, but rather are intended to specify what elements the Commission/Planning Board may consider in reaching decisions.

2. Requirement for Obtaining a Certificate of Appropriateness

A Certificate of Appropriateness must be obtained before any work may begin which would change the appearance of buildings or landscape features within the Milton Historic District. Applications for a Certificate of Appropriateness are available from the Milton Town Hall. Milton Historic Preservation Commission/Planning Board members will be available to assist in the application process.

Normal maintenance does not require a Certificate of Appropriateness since no change is made to the exterior appearance of the building.

3. General Guidelines

For administrative purposes, exterior work items are divided into two categories: **Minor Work and Major Work**. Each category may have requirements and criteria which may be considered in granting a Certificate of Appropriateness. (Interior arrangement shall not be considered).

4. Review Criteria:

In granting Certificates of Appropriateness, the Historic Preservation Commission/Planning Board shall consider the historic or architectural significance of the property under consideration and the exterior form and appearance of any proposed additions or modifications to a structure.

These criteria shall consider the **historic, architectural, and visual elements** of the Milton Historic District and shall be reviewed a minimum of every five (5) years. At a minimum, the criteria shall contain guidelines addressing the following factors:

A. Historic Significance or Quality. The quality or significance in history, architecture, archeology, or culture present in districts, sites, structures, buildings, or objects that possess integrity of location, design, setting materials, workmanship, and feeling and association:

- That are associated with events that have made a significant contribution to the broad patterns of local, state, or national history; or associated with the lives of persons significant in the past; or

- That embody the distinctive characteristics of type, period, or method of construction, or
- That represent the work of a master or that possess high artistic values; or
- That represent a significant and distinguishable entity whose components may lack individual distinction; or have yielded, or may be likely to yield, information important in prehistory or local, state, or national history.

B. Exterior Form and Appearance. In considering exterior form and appearance, the Historic Preservation Commission/Planning Board may take into account, but is not limited to, the following elements to ensure they are consistent with the historic or visual character of the Historic District:

- Exterior features as described in Town of Milton Historic District Section B. 5(b);

[Section B.5(b): Certificate of Appropriateness Required]:

- a) After the designation of a historic district, no exterior portion of any building or other structure (including but not limited to masonry walls, fences, light fixtures, steps and pavement, or other appurtenant fixtures), nor above ground utility structure, nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished within such district until after an application of a Certificate of Appropriateness as to exterior features has been submitted and approved by the Historic Preservation Commission.
- b) “Exterior features” shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material; the size and scale of the building; and the type and style of all windows, doors, light fixtures, signs and other appurtenant fixtures. In the case of outdoor advertising signs, “exterior features” shall be construed to mean the style, material, size, and location of all such signs. Such “exterior features” may include historic signs, color and significant landscape, archaeological, and natural features of the area.
- c) The Historic Preservation Commission may impose standards as may be set forth elsewhere in this subsection or adopted by the Commission. Any building permit not issued in conformity with this subsection shall be invalid.
- d) The discontinuance of work or the lack of progress toward achieving compliance with the Certificate of Appropriateness for a period of one (1) year shall render the Certificate of Appropriateness null and void and of no effect and application shall be made for a new Certificate. However, in the event the issuance of a Certificate is appealed, the one (1) year period shall not commence until a final decision is reached regarding the matter.
- e) The Commission may, after adoption of architectural and historic guidelines, allow the Zoning Administrator or his designee to review and approve minor work provided, however, that no application for a Certificate of Appropriateness may be denied without formal action by the Historic Preservation Commission.

- f) The Town and all public utilities, except as provided under subsection (4) above (Certain Changes Not Prohibited), shall be required to obtain a Certificate of Appropriateness prior to initiating in a historic district any changes in the character of street paving, street width, utility installations or removals, lighting, street trees, walls, fences, sidewalks, or exterior of buildings or structures on property or streets in which they have a fee or other interest.

- Height of the building or structure;
- Setback and placement of the building or structure on the lot, including lot coverage and orientation;
- Exterior construction materials, including textures, patterns, and colors;
- Architectural detailing, such as lintels, cornices, brick bond, foundation materials and decorative wooden features;
- Roof shapes, forms and materials;
- Proportions, shapes, positionings and locations, patterns, and sizes of any elements of fenestration;
- General form and proportions of buildings and structures;
- Appurtenant fixtures and other features such as lighting;
- Structural condition and soundness;
- Use of local or regional architectural traditions;
- Effect of trees and other landscaping elements.

1. MINOR WORK

Minor work items require a Certificate of Appropriateness. ALL MINOR WORK ITEMS VISIBLE FROM FRONT OR SIDE STREET(S).

A. Fences and Walls:

- Side and rear yard fences of wood, stone, brick or cast iron, which comply with these Guidelines.
- Chain-link fences are permitted on side or rear of yards if it cannot be seen from the street.

Criteria:

- Masonry walls should be designed to reflect patterns and styles of existing masonry walls exhibited throughout the district.
- The recommended height for fences or walls should be at least three feet and should not exceed six feet.

- Any fence or wall should complement and enhance the structure on the site and not obscure the structure's architectural features.
- A retaining wall is not classified as a fence.

B. Landscaping Projects:

- Removal of large trees (over 6" in diameter) in front yard.

C. Roof Covering: Roofs shall be cleaned and kept free of trash, and debris.

- Repair or replacement of slate, tile, metal, asphalt, or fiberglass roof coverings, where there is a change.
- Repair or replacement of roofs on a flat or "built-up" roof.
- Any mechanical equipment placed on a roof shall be as inconspicuous as possible from other viewpoints

D. Painting:

MAJOR change in exterior color, provided new color is similar to those found in the Historic District.

E. Mechanical Equipment:

Installation of mechanical equipment; example: heating and air conditioning units.

F. Foundation:

- Repair or replacement of masonry foundations where the original foundation material is retained or where new material matches the original as closely as possible.
- Installation of metal foundation vents.
- Installation of access doors which can easily be seen from the street.

G. Storm Windows and Doors:

- Installation or replacement of painted and colored storm windows and doors

Criteria:

- a) Full storm windows are required.
- b) Full view storm doors are encouraged.

H. Masonry Repairs:

Repointing and other masonry repairs when the color and composition of the mortar matches the original and new brick or stone matches the original as closely as possible.

I. Signs:

- Signs in accordance with the Milton Zoning Ordinance (pg.14) and N.C. State Building Code. If more information is needed for the Milton Sign Ordinance, please contact a member of the Planning Board/Historic Preservation Commission.

Criteria:

- Wood and metal are preferred materials. Plastic signs are permitted provided they are of sturdy, high quality material.
- Soft, indirect lighting is recommended.
- The shape of the sign should relate to the building architectural style or incorporate elements of such style.
- Lettering should combine easy readability as well as good visibility.
- Colors used in the sign should relate to and blend with colors on the structures as well as with immediately adjacent structures.
- Any portion of major architectural details or ornamental features covered or interrupted by a sign is discouraged.

Consideration will be given to:

- a) historical significance of existing signs
- b) size and scale and how the sign's design elements relate to those of the building.
- c) height and dimensions
- d) type: permanent or temporary, freestanding or attached, or lettering applied directly to the building
- e) number per building
- f) placement, especially relative to significant architectural details
- g) materials
- h) lettering, color, and other design elements
- i) content
- j) use of signs on awnings and canopies

J. Siding:

Removal of asbestos, asphalt or other artificial siding when the original siding is to be repaired and repainted.

K. Stairs, Landings and Steps:

- Repair or replacement of exterior stairs or steps which are made of masonry or wood (if painted shall be white or match color of house trim), and are similar to style found in the Historic District.
- Exterior stairs and decks

L. Replacement of Missing Details:

Replacement of missing or deteriorated siding and trim, porch floors, ceilings, columns and balustrades or other architectural details, with new materials that are identical to the original.

M. Other Minor Construction:

Other construction.

2. **MAJOR WORK:**

Major work must be approved by the Historic Preservation Commission/Planning Board. In general, these are items which involve a change in the appearance of a building or landscaping, LOCATED IN FRONT OR SEEN FROM STREET, and are more substantial in nature than minor work items. They include the following:

A. New Construction or Reconstruction:

Criteria:

- Building height
- Proportion of buildings front facades
- Proportion of openings within the facades (I.e., windows and doors)
- Proportion of entrance and/or porch projections
- Relationship of materials
- Relationship of texture
- Relationship of color
- Relationship of architectural details
- Relationship of roof shapes
- Relationship of landscaping to structures and other landscaping

B. Additions to Dwellings or Buildings:

Criteria:

- All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historic basis and/or which seek to create an early appearance shall be discouraged.
- Contemporary design for alteration and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with

the size, scale, color, material and character of the property, neighborhood or environment.

C. Rehabilitation of Existing Buildings:

Criteria:

- The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- All buildings, structures and sites shall be recognized as projects of their own time. Alterations that have no historic basis and/or which seek to create an earlier appearance shall be discouraged.
- Changes which may be taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes acquired significance in their own right, and this significance shall be recognized and respected.
- Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities.
- Surface cleaning of structures shall be undertaken with gentlest means possible. Sand blasting and other cleaning methods that will damage the historic building materials is discouraged.
- Contemporary design for alteration and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- Resurfacing frame buildings with new material which is inappropriate or was unavailable when the building was constructed is not recommended.

D. New Accessory and Storage Buildings:

Introduce compatible accessory structure(s) in ways that do not compromise the historic character of the Milton Historic District. Site accessory structures in traditional locations that are compatible with the character of surrounding buildings/structures and site. Use materials (wood, brick, stone) color, and architectural features that complement existing structures in the historic district.

Accessory Uses:

- Construction or replacement of brick or stone retaining walls.
- Construction or replacement of patios.

- Construction or replacement of walks and driveways.
- Construction of new parking areas.
- Removal of deteriorated accessory buildings.

E. Parking lots with new construction or additions to buildings:

Follow NC State Code

F. Demolition of Any Part of a Structure:

The goal of demolition guidelines is to find a means to prevent the destruction of significant properties. These are key issues in evaluating proposals for demolition:

- The individual significance of the property.
- The property's contribution to the special character of a historic district

G. Relocation of Structures:

The goal of relocation guidelines is to find a means to prevent the relocation of significant properties or to ensure that relocated buildings are not incongruous in the new surroundings. Guidelines should take into account both the building's situation on the lot and, in historic districts, its compatibility with adjacent properties. Key issues in evaluating proposals for relocation:

- The effect of relocation on the property's integrity and special significance.
- The effect of a property's removal from a historic district on the district's special character.
- The effect of a property's relocation into a historic district on the district's special character.

Contribution to the Special Character of a District

- *Properties with individual significance (those that would qualify as landmarks in their own right).*
- *Properties with no individual significance, but which nonetheless contribute little to the district's special character.*
- *Properties that contribute little to the district's special character.*
- *Properties that detract from the district's special character.*

The commission might also consider the structural soundness of buildings.

****Delay of Demolition or Relocation:** Generally, the commission may not deny a certificate of appropriateness for demolition or relocation of a historic landmark or a building, structure, or site within a historic district. (The only exception is for properties determined by the State Historic Preservation Officer to have statewide significance according to the National Register criteria.) The ordinance may allow the commission to delay demolition or relocation for up to one year while it

negotiates to preserve the property. When a property owner wants to demolish or relocate a historic landmark or a building in a historic district, the commission cannot deny a certificate of appropriateness for the demolition or relocation. However, the commission may delay demolition for up to one year. During this time, the commission must negotiate with the owner and others to try to find a way to preserve the property.

H. Roof lines:

- Roof lines, styles, materials, color and construction are very defining elements of the character and integrity of the Milton historic district and should be maintained. These historic roof lines should be maintained and repeated on new structures throughout the historic district.
- Original or historical roof types, such as pitched; roof materials such as built up tar and gravel or tin; and roof elements such as gables or parapet, etc., should be repaired where possible or replaced to match the original or historical type.

i. Replacement of architectural details when there will be a change in design or materials from the original:

If possible, replace in-kind architectural details and surfaces that are too deteriorated to repair, matching the original in design, material, dimension, pattern, detail, texture and color. However, if not feasible, consider a compatible substitute material that matches the original as closely as possible.

I. Fences:

- Installation of any type of front yard fence.
- Repair or replacement of a front yard fence that does not match the original materials.
- Fences should be compatible with the architecture of the building and the streetscape. Galvanized chain link fence is prohibited along front or side streets or any place where there is public view.

J. Any Minor work items not approved by the Historic Preservation Commission/Planning Board.



Town of Milton

MILTON HISTORIC PRESERVATION COMMISSION RULES OF PROCEDURE

1.0 PURPOSE

To establish procedures for organizing the business of the Milton Historic Preservation Commission, hereinafter termed "Commission " for processing applications for Certificates of Appropriateness; and for pursuing the designation of historic properties.

2.0 GENERAL RULES

The Commission shall be governed by the regulations pertaining to historic properties as incorporated in the Zoning Ordinance of the Town of Milton, North Carolina and the Ordinance creating a Historic Preservation Commission for the Town of Milton, North Carolina and by the terms of Chapter 160A Article 19 Part 3C Historic Districts and Landmarks of the North Carolina General Statutes. For procedures not covered by the aforementioned, the Commission shall follow the rules contained in the current edition of Robert's Rules of Order.

3.0 JURISDICTION

The Commission's jurisdiction for its activities shall coincide with the Town's zoning jurisdiction as delineated and shown on the Official Zoning Map for the Town of Milton.

4.0 MEMBERS, OFFICERS AND DUTIES

The Planning Board of the Town of Milton shall serve as the Historic Preservation Commission.

4. I Chairperson

A Chairperson shall be elected by the Historic Preservation Commission from among its members. The Chairperson shall decide all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Commission in session at the time. The Chairperson shall appoint any committees found necessary to investigate any matters before the Commission.



Town of Milton

4.2 Vice-Chairperson

A Vice-chairperson shall be elected by the Commission from among its members in the same manner as the Chairperson. The Vice-chairperson shall serve as acting Chairperson in the absence, of the Chairperson, and at such times shall have the same powers and duties as the Chairperson.

1.3 Secretary

A Secretary shall be appointed by the Chairperson. The Secretary, subject to the direction of the Chairperson of the Commission, shall keep all records and conduct all correspondence and clerical work of the Commission. The Secretary, unless appointed from among the members of the Commission, shall not be eligible to vote on any matters which come before the Commission.

1.4 Elections

Election of officers shall be held at the first regular meeting in the calendar year. Officers shall serve until their successors are elected.

1.5 Applications Involving Member

No Commission member shall take part in the hearing, consideration or determination of any case in which he/she is a party or has a financial interest.

1.6 Impartiality Required

No Commission member shall, in any manner, discuss any application with any parties prior to the Commission's deliberations on such application, except as authorized in advance by the Chairperson, provided, however, that members may seek and/or receive information pertaining to the application from any other member of the Commission prior to the hearing.

1.7 Knowledge of Controlling Rules and Regulations

Each member of the Commission shall be thoroughly familiar with all statutes, laws, ordinances and rules of procedure relating to historic properties and the authority of the Commission.



Town of Milton

5.0 MEETINGS

5.1 Regular Meetings.

Regular meetings of the Commission shall be held on the _____ of each month at _____ p.m. in the _____ at _____; provided, that meetings may be held at some other convenient place if directed by the Chairperson in advance of the meeting.

5.2 Special Meetings

Special meetings of the Commission may be called at any time by the Chairperson. At least forty-eight hours' notice of the time and place of special meetings shall be given, by the Secretary or by the Chairperson, to each member of the Commission; provided, that this requirement may be waived by action of a majority of all the members.

5.3 Cancellation of Meetings

Whenever there is no business for the Commission, the Chairperson may dispense with a regular meeting by giving notice to all the members prior to the time set for the meeting.

5.4 Quorum

A quorum shall consist of three (3) members of the Commission.

5.5 Conduct of Meetings

All meetings shall be open to the public. The order of business at regular meetings shall be as follows: (a) roll call; (b) approval of minutes of previous meeting; (c) report of committees; (d) unfinished business; (e) consideration of applications; (f) new business to be brought to the attention of the Commission; (g) adjournment.

6.0 APPLICATION PROCEDURES

6.1 Filing of Applications

An application for Certificate of Appropriateness for major work (Part III C of the Milton Historic Preservation Design Guidelines) must be filed with the Zoning Administrator at least ten (10) working days prior to the next meeting of the Commission, accompanied by sketches, drawings, photographs, specifications, descriptions, etc. of the proposed project.

6.2 Notice to Neighboring Property Owners

The Secretary shall notify all of the individuals, firms, or corporations owning property adjacent to both sides and rear, and the property in front of (across the street from) the property being considered for a Certificate of Appropriateness.



Town of Milton

6.3 Review Sub-Committee

It shall be the policy of the Commission in regard to applications involving new construction or extensive alterations for a committee of the Commission to be available to meet with representatives of the persons or organizations involved in the coming application at some early stage in the design process in order to advise them informally concerning the Commission's Design Guidelines, the nature of the area where the proposed construction is to take place, and other relevant factors. This committee collectively and individually shall refrain from any indication of approval or disapproval, but shall not, for that reason, be barred from a reasonable discussion of the applicant's proposals. No advice or opinion given, or reported as having been given, by any member of the committee at such an informal meeting shall be in any way official or binding upon the Commission at any time. Notice of the opportunity for such a conference should be given future applicants by the Town at the earliest appropriate time.

6.4 Public Hearings

In cases where the Commission deems it necessary, it may hold a public hearing concerning the application.

6.5 Time for Decision

The Commission must take formal action to issue or deny a Certificate of Appropriateness within a reasonable time, not to exceed 90 days from the date the application for a Certificate of Appropriateness is filed. The imposed time limit may be extended upon mutual agreement of the applicant and the Commission.

6.6 Approved Application

If the application is approved, the Secretary of the Commission shall transmit to the applicant a Certificate of Appropriateness in letter form clearly describing the nature of the work which has been approved. The Secretary shall attach a copy of the minutes of the meeting at which approval was granted and forward this information to the Zoning Administrator who is responsible for its enforcement.

6.7 Denied Applications

If an application is denied, a copy of the minutes of the meeting and written reasons for denial shall be made available to the applicant.

7 CONSIDERATION OF APPLICATIONS

Any party may appear in person or by agent or attorney at the meeting. The order of business for consideration of applications for Certificates of Appropriateness shall be as follows:

- a) The Chairperson, or such person as he/she shall direct, shall give a preliminary statement describing the application;



Town of Milton

- b) The applicant shall present the arguments in support of the application.
- c) Persons opposed to granting the application shall present the arguments against the application.
- d) Statements o arguments submitted by an official commission, or employee of the Town of Milton, any state agency, or any local historical, preservation or neighborhood association shall be presented as directed by the Chairperson;
- e) The Chairperson or such person as he shall direct and shall **summarize the evidence which** has been, presented, giving all parties an opportunity to make objections or corrections.
- f) The Commission shall thereafter proceed to deliberate whether to grant the application or to deny it.

The Commission may, in its discretion, view the premises and obtain additional facts concerning any application before arriving at a decision. All decisions of the Commission shall be supported by appropriate findings of fact, and where necessary, shall be accompanied by such conditions and/or recommendations as it may determine to be reasonable under the circumstances.

In considering applications, witnesses may be called, and factual evidence may be submitted, but the Commission shall not be limited to consideration of such evidence as would be admissible in a court of law.

8.0 RECONSIDERATION OF APPLICATIONS WHICH HAVE BEEN DENIED

The order of business for reconsideration of applications for Certificates of Appropriateness which previously have been denied shall be as follows:

- a) The Chairperson shall entertain a motion from a member of the Commission that the applicant be allowed to present evidence in support of the request for reconsideration. Such evidence shall be limited to that which is necessary to enable the Commission to determine whether or not there has been a substantial change in the facts, evidence or conditions relating to the application; provided however that the applicant shall be given the opportunity to present any other additional supporting evidence, if the Commission decides to reconsider the application.



Town of Milton

- b) After receiving the evidence, the Commission shall proceed to deliberate whether or not there has been a substantial change in the facts, evidence or conditions relating to the application which would warrant reconsideration. If the Commission finds that there has been such a change, it shall thereupon treat the request as a new application received at that time.

9.0 MODIFICATIONS OF APPLICATIONS

An approved or pending application for a Certificate of Appropriateness may be modified by a written request from the applicant to the Commission. Such a request shall include a description of the proposed change and shall be accompanied by elevations, plans or sketches, where necessary. If the Commission finds that the modifications constitute a substantial change which might affect surrounding property owners, it shall request the secretary to notify affected property owners following the procedures set out in Section 6.2 before taking action on the modification. The commission shall thereupon treat the request in the same manner as any other application as outlined in Section 6.0.

10.0 VOTE

The vote of a majority of those members present shall be sufficient to decide matters before the Commission, provided a quorum is present. All members shall vote on every issue brought before the Commission unless excused by the Commission for a conflict of interest.

11.0 APPEALS

Appeals from decisions of the Commission shall be made to the Board of Adjustment within fifteen days of the decision by the Commission.

12 DESIGNATION OF HISTORIC PROPERTIES (DISTRICTS AND LANDMARKS)

12.1 Identified Evaluation of Historic Properties

The Commission shall maintain an inventory of properties thought to have historical, architectural, pre-historical, and cultural significance within its jurisdiction. Such inventories and any additions or revisions thereof shall be submitted as expeditiously as possible to the Division of Archives and History (State of North Carolina) for comment. Listing in the inventory shall be a prerequisite for pursuing local designation as a historic district or landmark.

12.2 Initiating The Designation of Historic Properties

Any individual or group with interest in historic preservation may seek the Historic Preservation Commission's assistance in advancing a certain property for designation consideration. A property owner(s) may request and enlist the assistance of the Commission



Town of Milton

in pursuing the designation of property which he/she/they own. Also, the Commission may of its own volition initiate the local designation of historic properties. When designation is not being initiated by the property owner, the Commission shall notify the owner of the designation initiative and extend to the affected property owner(s) an opportunity to appear before the Commission at a regularly scheduled meeting to voice his/her support, or lack thereof, for the designation efforts.

12.3 Designation Recommendations

The Commission shall forward local designation recommendations to the Town Board of Commissioners for formal action. No property shall be recommended for designation unless it is deemed and found by the Commission to be of special significance in terms of its historical, prehistorical, architectural or cultural importance and to possess integrity of design, setting, workmanship, materials, feeling and/or association. A report addressing these items shall be prepared in writing and upon review and formal approval of the Commission shall be forwarded to the Division of Archives and History for comment. After which, the same, along with any comments obtained from the state agency, shall be presented to the Town Board of Commissioners for consideration prior to formal action being taken on the designation of historic properties.

12.4 Board of Commissioners Designations

The designation of a historic landmark or district shall be effective through the adoption of an ordinance by the Town Board of Commissioners.

13.0 A M E N D M E N T S

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than five (5) members of the Commission, provided, that such amendment shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken.

Approved by the Commission the _____ day of _____, 1998.

Chairperson

Secretary



Town of Milton

NOTICE TO ALL RESIDENTIAL AND BUSINESS PROPERTY OWNERS IN THE TOWN OF MILTON

AUGUST 1, 2005

The Town of Milton adopted Zoning and Historic Preservation Commission Ordinances in 1998.

The Zoning Ordinance and the Historic Preservation Commission Ordinance require the town to review and approve or disapprove certain changes to buildings and property. A Certificate of Appropriateness must be obtained before work may begin which would change the appearance building or landscape features within the Milton Historic District. Some building, changes to buildings, and uses of property are prohibited by the town zoning ordinances.

Prior to making any changes to property in the Town of Milton, property owners should request information and advice from the Town Planning Board (Historic Preservation Commission) and the Town Board of Commissioner. Copies of the Zoning Ordinances are available for review at Town Hall. Zoning Permit Applications are also available at Town Hall.

Individuals needing information regarding proposed changes to buildings or property may contact any of the following individuals: Walter Lea Thomas, IV, Mayor 336.234.8877; Jim Upchurch, Chairman of the Planning Board 336.234.9389; Jack Williams, Vice Chairman of the Planning Board 336.234.7331; or Danny Hyler, Town Commissioner 336.234.8446.

Jim Upchurch, Chairman



Town of Milton

ORDINANCE PROHIBITING OFF-HOURS PARKING IN PRIVATELY OWNED PUBLIC LOTS

Be it ordained by the Board of Commissioners of the Town of Milton.

SECTION I. Off-Hours Prohibitions in Privately owned Public Lots

- a) Parking is prohibited *in* those privately owned public vehicular areas listed in Section III during the times enumerated therein.
- b) The prohibitions shall be effective provided that the businesses conspicuously display signs giving notice that parking is prohibited during the hours therein enumerated and that failure to abide by the times set forth therein shall be a violation of this chapter. The general form of such signs shall be as follows:

PARKING PROHIBITED
11 P.M. to 5 A.M.
Violators subject to Fine and
Towing Under Town Ordinance

c) Cars parked in violation of this Ordinance shall be subject to removal at the direction of any appropriate law enforcement officer. A fine shall be levied upon any individual found in violation of this section and all towing and storage charges shall be incurred by the violator and paid prior to the claiming of the vehicle.

SECTION II. Notice of Illegality

- (a) IF any vehicle shall be found parked in violation of any of the provisions of this chapter on a first occasion, the chief of police, other police officer or designee of the Town shall attach to the vehicle a notice of warning to the owner or operator thereof, if the owner or operator be absent or to deliver to the owner or operator, if he be present, a notice of warning to the effect that the vehicle has been parked in violation of a provision of this chapter.
- (b) If any vehicle shall be found parked in violation of any of the provisions of this chapter on a second occasion, the chief of police, other police officer or designee of the Town shall attach to the vehicle a notice to the owner or operator thereof, if the owner or operator be absent; or to deliver to the owner or operator, if he be present, a notice to the effect that the vehicle has been parked in violation of a provision of this chapter and directing such owner or operator to report to the Town office in regard to the violation.



Town of Milton

SECTION III. Night Parking in Privately owned Public Areas

The following is a listing of those privately owned public vehicular areas upon which parking is prohibited during those times enumerated herein:

- (1) Aunt Millie's Pizzeria
- (2) Milltown Eatery & Saloon
- (3) Marty's Mechanical Repair
- (4) Normie's Deli
- (5)
- (6)
- (7)
- (8)
- (9)
- (10)



Town of Milton

SECTION IV. Statutory Authority

General Statute 160A-301(d) and 20-162.1

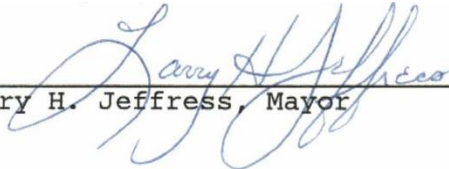
SECTION V. Penalty

Any person who violates the provisions of this Ordinance is guilty of an infraction, and upon conviction shall be subject to a penalty as allowed by law.

SECTION VI. Effective Date

This Ordinance shall be effective upon its adoption.

This the 2nd day of August 1993.



Larry H. Jeffress, Mayor

ATTEST:

Lou Ann Reaves
Town Clerk

(TOWN SEAL)



Town of Milton

P. O. Box 85
Milton, NC 27305
336 234-0030

**ORDINANCE NUMBER 2022-01
TOWN OF MILTON, NORTH CAROLINA
AN ORDINANCE REGULATING THE
UTILIZATION OF CROP STREET AND LEA'S ALLEY
IN THE TOWN OF MILTON**

WHEREAS, Crop Street is a public street and Lea's Alley is a public alley within the Town of Milton which are currently not in use and which are not regulated by the North Carolina Department of Transportation.

AND WHEREAS, the Town of Milton has heretofore authorized the Milton Heritage Greenway Walking Trail Committee to open Crop Street and Lea's Alley for the purpose of installing and maintaining a walking trail at no cost to the Town.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF MILTON, NORTH CAROLINA THAT: SECTION I. NCGS 160A-296(a) and NCGS 160A-296(5) read as follows:

(a) A city shall have general authority and control over all public streets, sidewalks, alleys, bridges, and other ways of public passage within its corporate limits except to the extent that authority and control over certain streets and bridges is vested in the Board of Transportation. General authority and control includes but is not limited to all of the following: ...

(5) The power to regulate the use of the public streets, sidewalks, alleys, and bridges.

SECTION II. MOTORIZED VEHICLE PROHIBITION.

Motorized vehicles and equipment shall not be operated on Crop Street or Lea's Alley, except as used in the creation,

installation, and maintenance of the walking trail by authorized personnel. Motorized vehicles and equipment include, but are not limited to cars, trucks, motorcycles, mopeds, scooters, four wheelers, golf carts, tractors, and heavy equipment. The exception to this exclusion shall be the use of motorized wheelchairs, which are permitted. Violation of this ordinance for a first offense shall be an infraction punishable by a fine not exceeding \$25.00. Subsequent violations shall be a class 3 misdemeanor which are punishable by a maximum of 30 days in jail and a fine not exceeding \$200.00. Each violation shall constitute a separate and distinct offense.

SECTION III. EXISTING DRIVEWAYS. Existing private driveways which intersect with Crop Street or Lea's Alley shall not be interfered with and will continue to have passage by motorized vehicles across Crop Street or Lea's Alley, whichever the case may be. This does not authorize those persons who use private driveways crossing said street and alley to travel upon said street and alley by motorized vehicles except to cross said street and alley in the locations of the existing private driveways. Pedestrians utilizing the walking trail shall have the right of way at the intersections of the private driveways.

SECTION IV. ORDINANCES. All persons utilizing the Milton Heritage Greenway Walking Trail shall follow and obey all present and future enacted Milton Town Ordinances. **SECTION V. RESPONSIBILITY.** The Milton Heritage Greenway Walking Trail Committee shall be responsible for installing signage at the trail heads, as well as installation, upkeep, and maintenance of the trails, all at its own expense, at no cost to the Town. The Milton Heritage Greenway Walking Trail Committee is hereby authorized to implement safety and etiquette trail rules.

SECTION VI. EFFECTIVE DATE. This Ordinance shall be effective on the date of adoption.

Adopted this _____ day of April, 2022.

BY: _____

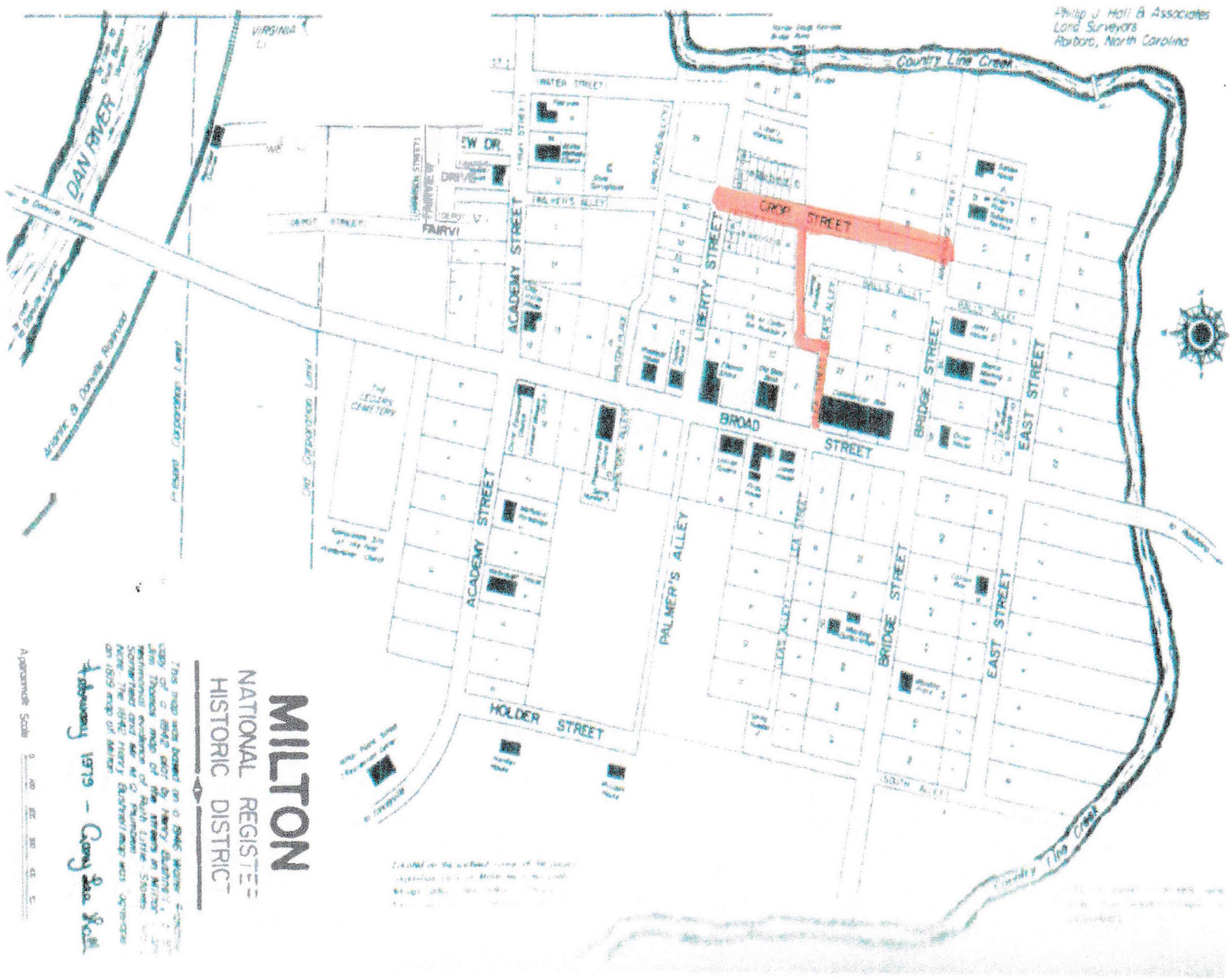
Patricia Williams, Mayor

ATTEST:



Town of Milton

Philip J. Holt & Associates
Land Surveyors
Raleigh, North Carolina



MILTON NATIONAL REGISTER HISTORIC DISTRICT

This map was based on a 1919 map of Milton, North Carolina, and is a reproduction of the original map. The map shows the street grid and the location of the National Register Historic District. The district is bounded by Camp Street, Liberty Street, and Broad Street. The map also shows the Dan River, Country Line Creek, and the Dan River Railway. The map was prepared by Philip J. Holt & Associates, Land Surveyors, Raleigh, North Carolina, in February 1979.

Approximate Scale 0 20 40 60 80 Feet

BY: _____
Shirley Wilson, Milton Town Clerk

APPROVED AS TO FORM:

Daniel | Thomas Attorneys at Law BY:

John M. Thomas, Attorney



Town of Milton

Ordinance

RESTRICTED AND PROIBITED PARKING AREAS.

(a) At any place where a traffic-control sign or marking is in place, indicating that parking at such place is prohibited or is prohibited during certain hours of the day or days of the week or in excess of a certain period of time, or is restricted to certain vehicles or certain uses, or is limited in any other respect, no person shall stand or park a vehicle or permit a vehicle to remain standing or parked at such place in violation of the prohibition or limitation indicated by such sign or marking.

(b) Council may designate streets and public places, or portions thereof, within the Town upon which or at which parking shall be prohibited, restricted or limited in such manner and to such extent as may be considered necessary by Council for the regulation of the use of such street and public places in the best interests of the public.

“NO PARKING” RESTRICTIONS

No parking on the street from corner of 235 Broad Street to the end of Aunt Millie's Pizza building; Across the street from the Milton Post Office

This part of the street will be used as Parking for loading and unloading ONLY on this side of street with 30-minute limit.

Whoever violates any provision of this Parking Code a penalty of a fine not more than five hundred dollars (\$500.00) or imprisoned not more than thirty days or both will apply. This penalty will be enforced by NC State Police and Caswell County Sheriff Office.

In any case where, by State law, permission of the State Department of Highways or other State authority is required prior to erection of any traffic-control device, such permission shall be obtained prior to installation of such device.

Adopted on this 15th day of March 2014.

Harriet Brandon, Mayor

Attest: Joetta Mabe -Town Clerk



Town of Milton

TOWN MAINTENANCE ORDINANCE

Be it ordained by the Board of Commissioners of the Town of Milton, North Carolina:

Section I. The yards of residents and property owners must be kept as follows:

- A. Grass mowed at least monthly or as needed during Spring, Summer and Fall. **Grass** should be no higher than 5 inches.
- B. Shrubbery neatly trimmed on a regular basis - shrubbery must not obstruct the sidewalks in any way.
- C. Weeds, leaves, trash, and refuse should be removed as needed. **Disposal** be per local, county, and state directives. *NCGS 130A- Article 9 = solid waste management. NCGS 130A- Article 9, Part 2B, Scrap Tires. And NCGS – Chapter 14-399 Littering.*

Section 2. Front porches of residents:

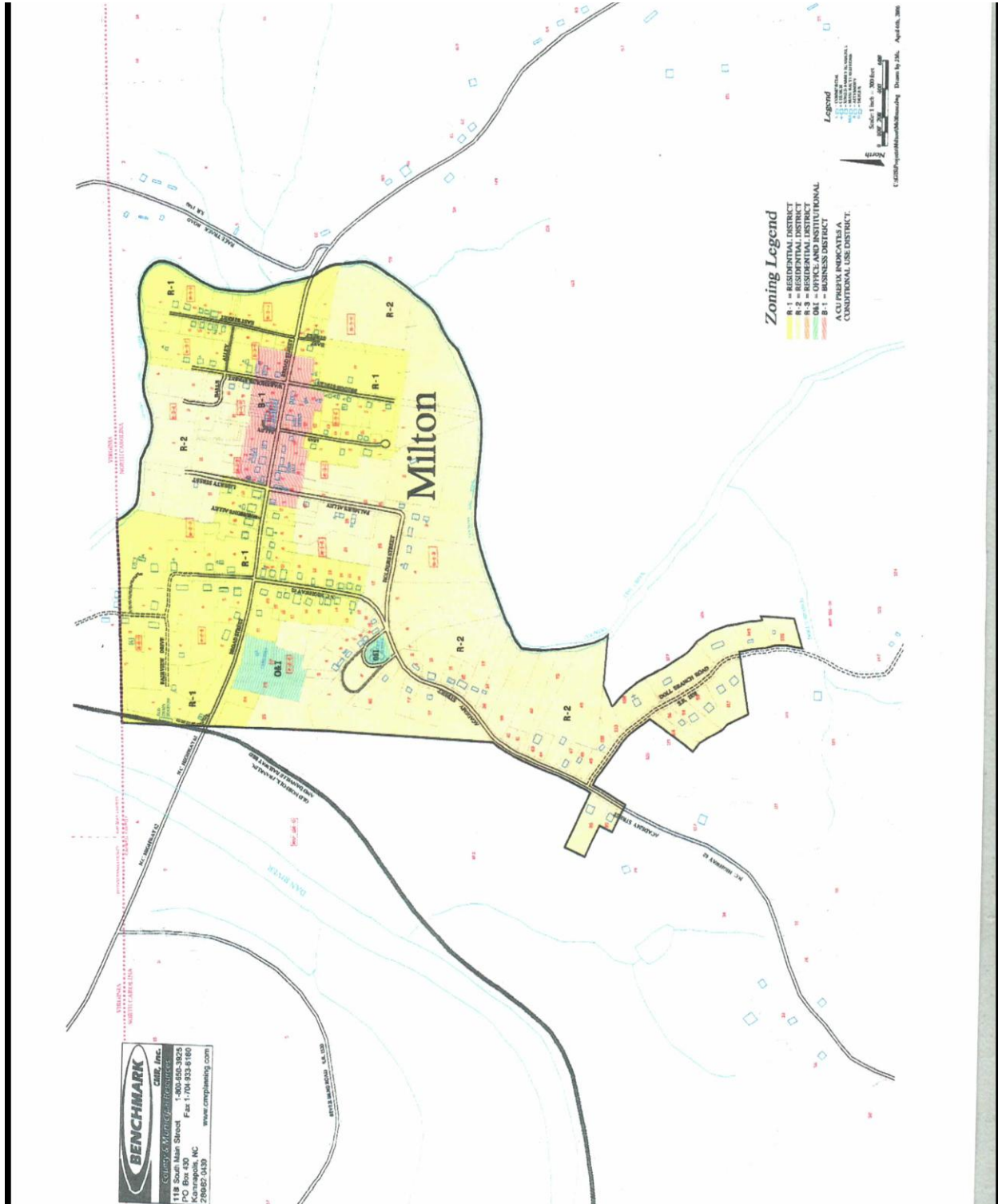
- A. Used as intended with porch furniture and decorations. It should not be used for storage.

Section 3. Store Fronts:

- A. Must be kept neat and clean. Walkways should not be blocked.
- B. Flammable materials should be kept at least five (5) feet from buildings.

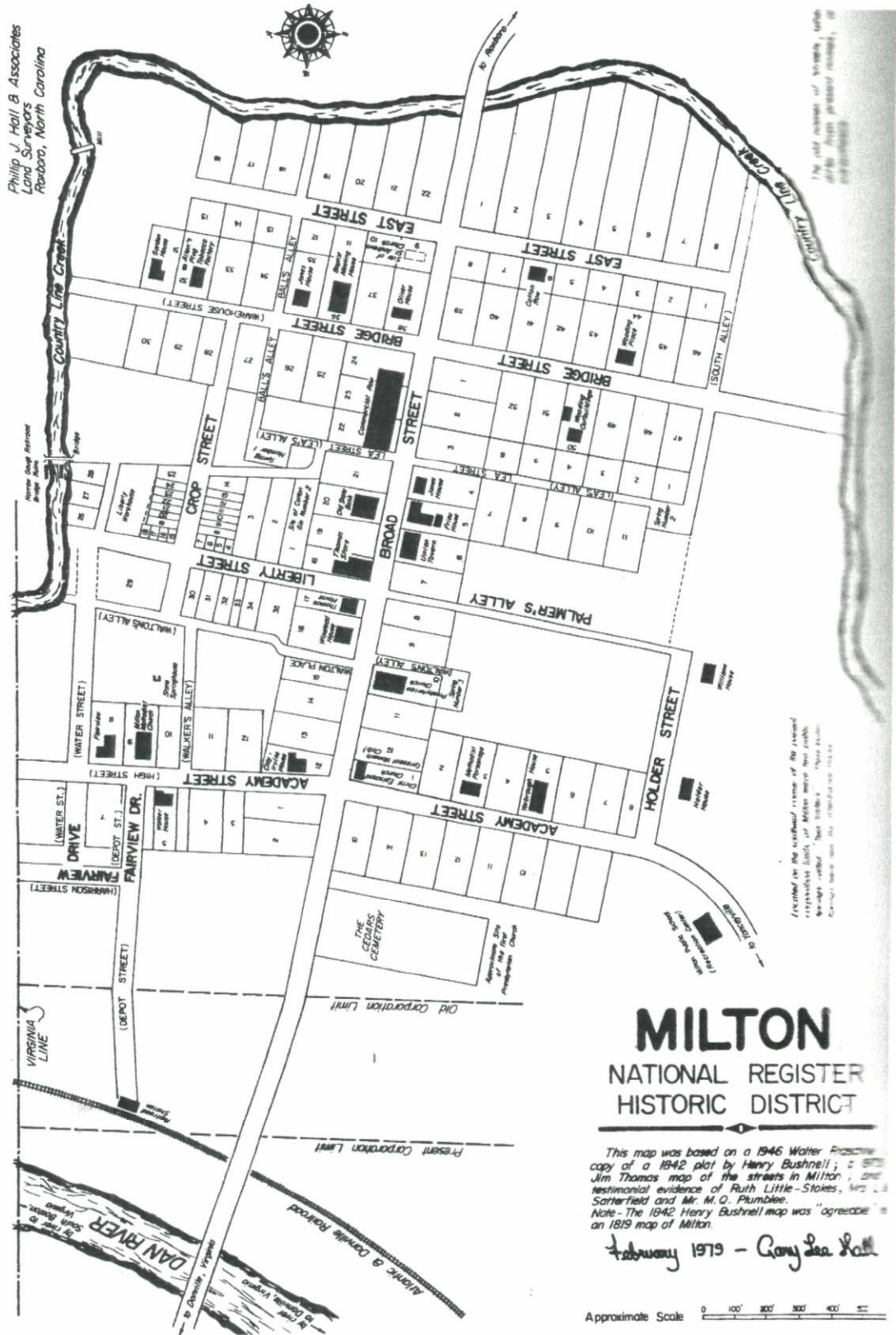


Town of Milton





Town of Milton





Town of Milton

ORDINANCE REGULATING RV, TRAILERS, TRAILER PARKS, AND RV (CAMPGROUND) PARKS

BE IT ORDAINED by the Board of commissioners of the Town of Milton, North Carolina as follows:

Section 1. Definition.

For the purpose of this ordinance a “RV”, “trailer”, “RV park”, and a “trailer park” are defined as follows:

- a. **Trailer.** A house trailer, trailer home, mobile home or other similar vehicle mounted on wheels, skids or rollers either self-propelled or propelled by other means, including any such dismantled vehicle which has been placed on a masonry or other stationary foundation and which is used or designed to be used for permanent or semi-permanent living or sleeping quarters. This definition shall not include vehicles primarily designed for the transportation of goods.
- b. **Trailer Park.** Any lot, tract or parcel of land used, maintained or intended to be used, maintained, leased or rented for the occupancy by one or more trailers together with accessory structures provided in connection therewithin. This definition shall not include trailer sales lots on which unoccupied trailers are parked for the purpose or inspection and sale.
- c. **RV.** A recreational vehicle, often abbreviated as RV, is a motor vehicle or trailer that includes living quarters designed for accommodation. Types of RVs include motorhomes, campervans, coaches, caravans, fifth-wheel trailers, popup campers, and truck campers.
- d. **RV (Campground) park.** A recreational vehicle park or caravan park is a place where people with recreational vehicles can stay overnight, or longer, in allotted spaces known as "sites" or "campsites".

Section 2. Location of Trailers Regulated.

From and after the effective date of this ordinance, it shall be unlawful for any person to place or maintain any trailer used for human habitation or to use any trailer for living, sleeping or business purposes on any premises within the corporate limits except upon premises located within a trailer park, a permit for which has been granted pursuant to the requirements of this ordinance. Provided, however, one (1) trailer may be parked for temporarily stored on any premises outside of the trailer park for a period not exceeding seventy-two (72) hours, provided, further no living quarters are maintained, nor any business conducted therein while each trailer is so parked or temporarily stored.



Town of Milton

Section 3. Permit for Trailer Parks Required.

It shall be unlawful for any person to construct, maintain or use any lot or other parcel of land within the corporate limits for a trailer park until application has been made and a permit therefor has been issued by the Board of commissioners. The Board of Commissioners shall, prior to the issuing a permit, determine if all requirements of this ordinance have been complied with. A trailer park permit may be revoked by the Board upon a finding of fact that a violation of the requirements of this ordinance exists. Provided, the owner, lessee, or other responsible person is notified in writing of such violation and after the expiration of five (5) days from the date of receipt of such written notice. It shall be unlawful for any person, firm or corporation to continue to operate such trailer court after one permit therefor, as required herein, has been revoked by the Board of Commissioners.

Section 4. Location of Trailer Parks Regulated.

In the event a zoning ordinance is in effect, a trailer park shall be located only within those zoning districts where a trailer park is a permitted use. In the event a zoning ordinance is not in effect, the requirements of this ordinance shall govern the location of trailer parks.

Section 5. Conflict with Health Department Regulations.

In the event, the State of County Board of Health has adopted regulations governing trailers or trailer parks, the requirements of this ordinance or the requirements of the State of County Board of Health, whichever is more stringent, shall govern.

Section 6. Utilities Required.

a. Water Supply

An adequate and safe supply of water shall be readily available at the trailer park site. This requirement shall be deemed to have met:

1. When an approval connection is made to the municipal water system, or
2. When an independent water supply capable of furnishing one hundred and fifty (150) gallons of water per day per available trailer space and which has been approved by the County Health Department as a safe supply of drinking water is available on the trailer park site.

b. Sanitary Sewer

Each trailer park shall be required to have a connection with the municipal sanitary sewer system in the manner as required elsewhere in this ordinance. Any extension of the municipal sanitary sewer required to comply with this requirement shall be made in accordance with the utility extension ordinance or policies of this Town of Milton then in effect.



Town of Milton

Section 7. Site Requirements.

Trailer parks shall comply with the area, location and other dimensional requirements of this section. Prior to granting a permit of a trailer park, the governing body may require the owner or developer to submit a complete plan of the proposed park, showing the location of the boundaries of the trailer park property, proposed vehicle exits, entrances and off-street parking spaces, trailer layout and such other information as the Board of Commissioners may deem necessary in order to determine if all requirements of this and other applicable ordinances are to be met. Site requirements for all trailer parks shall be as follows:

- a. The minimum size lot, tract or parcel of land to be used for a trailer park shall not be less than twenty thousand (20,000) square feet, and such site shall have an average width of not less than one hundred (100) feet.
- b. The minimum size trailer site area of separate lot to be occupied by one (1) trailer shall be twenty-five (25) feet by fifty (50) feet and such site shall be identified by markers places at each corner.
- c. No trailer shall be placed within five (5) feet of its individual trailer site or lot line as established in "b" above or within ten (10) feet of any other trailer side to side and not less than fourteen (14) feet of any other trailer end to end.
- d. No trailer shall be located within thirty-five (35) feet of any street or exterior boundary line of the trailer park.
- e. One off-street automobile parking space shall be provided on the site in an approved manner for each separate trailer unit. Such off-street parking space shall be set aside in a location convenient to the occupants of the trailer units and shall have ingress and egress by means of a public way. Where parking areas are provided adjacent to a public street, ingress and egress thereto shall be made accessible only through driveways or openings not exceeding twenty-five (25) feet in width at the curb line of the street.

Section 8. Facilities Required:



Town of Milton

Each trailer park shall provide minimum facilities for trailer occupants as follows:

- a. Enclosed bathroom facilities shall be constructed which have an approved connection to the required on-site water and sanitary sewer facilities, and such facilities shall be designed in order that two (2) wash basins, two (2) toilets and one (1) shower are available for each four trailers the park is designed to accommodate, and separate facilities shall be provided for both men and women. The bathroom structure and all plumbing installations shall conform to the applicable state or Town of Milton building and plumbing codes.

In lieu of installing toilet facilities as required above, a separate sewer connection for each trailer space within the trailer park may be constructed, provided, each trailer shall be required to make a separate connection with such sanitary sewer facilities immediately upon occupying a trailer site. A minimum four (4) inch connection shall be required and shall have approved fittings to ensure a watertight connection and means for capping or closing such connection when it is not in use.

In lieu of the wash basin and shower facilities required above, approved water connections may be made to each trailer, provided, each trailer is connected to the sanitary sewer system in the manner proved for herein.

- b. Garbage and trash containers. One (1) garbage and trash container (30) gallons maximum capacity shall be provided for each trailer. Containers shall be placed on racks which are approved by the County Health Department and such racks shall be located within the trailer park at a point which is readily accessible for collection.

In lieu of requiring individual garbage and trash containers for each trailer, other approved garbage and trash disposal facilities may be provided with the approval of the governing body.

- c. Driveways. Access driveways shall be constructed within trailer parks when trailers are to be located more than one hundred (100) feet from a public street or off-street parking space. Other approved access driveways may be constructed at the option of the owner. All driveways shall be graded to a width of fifteen (15) feet for one-way drives and to a width of twenty-five (25) feet for two-way drives. All driveways shall be kept opened and shall be constructed and maintained in such manner as to be passable to vehicular traffic under all weather conditions.

Section 9. General Sanitation.

It shall be the duty and responsibility of the owner or his authorized agent to keep the trailer park in a reasonably clean and sanitary condition at all times, and to maintain and keep in good repair all required trailer park facilities. All wastewater from washing machines and other similar sources shall be



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discharged into the sanitary sewer system and under no circumstances shall such wastes be discharged on the ground or in streams.

Section 10. Conflicting Ordinances Repealed.

All ordinances or parts of ordinances in direct conflict with this ordinance are hereby repealed.

Section 11. Penalty.

Any person, firm or corporation violating the provisions of this ordinance shall, upon conviction, be guilty of a misdemeanor and shall be punished in accordance with the provisions of Section 14-4 of the General Statutes.

Section 12. Effective Date.

This ordinance shall be in full force and effect from and after the April 9th, 2024.

SIGNED

Angela Upchurch, Mayor

Bob Palmer, Commissioner

Jackie Jeffries, Commissioner

Steve Lattime, Commissioner

Sherri Garrard, Commissioner



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§ 14-4. Violation of local ordinances misdemeanor.

(a) Except as provided in subsection (b) or (c) of this section, if any person shall violate an ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). No fine shall exceed fifty dollars (\$50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$50.00).

(b) If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00).

(c) A person may not be found responsible or guilty of a local ordinance violation punishable pursuant to subsection (a) of this section if, when tried for that violation, the person produces proof of compliance with the local ordinance through any of the following:

- (1) No new alleged violations of the local ordinance within 30 days from the date of the initial alleged violation.
- (2) The person provides proof of a good-faith effort to seek assistance to address any underlying factors related to unemployment, homelessness, mental health, or substance abuse that might relate to the person's ability to comply with the local ordinance. (1871-2, c. 195, s. 2; Code, s. 3820; Rev., s. 3702; C.S., s. 4174; 1969, c. 36, s. 2; 1985, c. 764, s. 2; 1985 (Reg. Sess., 1986), c. 852, s. 17; 1991, c. 415, s. 1; c. 446, s. 1; 1993, c. 538, s. 8; c. 539, s. 9; 1994, Ex. Sess., c. 24, ss. 14(b), 14(c); 1995, c. 509, s. 133.1; 2021-138, s. 13(c).)



Town of Milton

ORDINANCE PROHIBITING UNNECESSARY NOISES

Be it ordained By the Board of Commissioners of the Town of Milton.

Section I. It is found and declared that:

- A. The making and creation of excessive, offensive, unnecessary or unusually loud noises within the limits of the Town of Milton is a condition which has existed for some time and the extent and volume for such noises is increasing;
- B. The making, creation or maintenance of such excessive, offensive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the Town of Milton;
- C. The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the Town of Milton and its inhabitants.

Section II. It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, offensive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city.

Section III. Noises Prohibited - Unnecessary Noise Standard. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive, namely:

- A. **Horns, Signaling Devices, etc.** The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
- B. **Radios, Phonographs, etc.** The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, tape player or other machine or device for the procuring or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with loud volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.



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- C. **Loud speakers, Amplifiers for Advertising.** The using, operating or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public street for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- D. **Yelling, Shouting, etc.** Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11 p.m. and 7 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- E. **Animals, Birds, etc.** The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in vicinity.
- F. **Steam Whistles.** The blowing of any locomotive steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or a warning of fire or danger, or upon request of proper city authorities.
- G. **Exhausts.** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- H. **Defect in Vehicle or Load.** The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noises.
- I. **Loading, Unloading, Opening Boxes.** The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- J. **Construction or Repairing of Buildings.** The erection (including excavation), demolition, alteration or repair of any building other than between **the hours of six (6) a.m. and six (6) p.m. on weekdays**, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector, which the permit may be granted for a period not to exceed three (3) days or less while the emergency continues and which permit may be renewed for periods of three (3) days or less while the emergency continues. If the Building Inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of six (6) p.m. and seven (7) a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.
- K. **Schools, Courts, Churches, Nursing Home.** The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are



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in use, or adjacent to any nursing home, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the nursing home, provided conspicuous signs are displayed in such street indication that the same is a school, nursing home or court street.

- L. Hawkers, Peddlers. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- M. Drums. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.
- N. Metal Rails, Pillars and Columns, Transportation thereof. The transportation of rails, pillars or columns of iron, steel or other material, over and along streets and other public places upon carts, trays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.
- O. Pile Drivers, Hammers, etc. The operation between the hours of ten (10) p.m. and seven (7) a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
- P. Blowers. The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operation gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler devise sufficient to deaden such noise.

Section IV. Exempt Activities.

Any and all parades, sporting events, concerts, meetings or public gatherings under the auspices of the Town of Milton, Caswell County, Caswell County Board of Education or the Caswell County Chamber of commerce shall be deemed exempt from the provisions herein.

Section V. Violation a Misdemeanor.

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding \$500.00 or be imprisoned in jail for a period not exceeding thirty (30) day, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as offense and shall be punishable as such hereunder.



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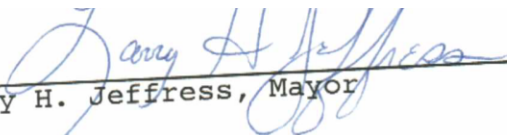
Section VI. Additional Remedy Injunction.

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machine in violation of any provision hereof and which causes discomfort or annoyance to reasonable persons of normal sensitiveness, or which endangers the comfort, repose, health or peace of residents in the area shall be deemed and is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a Court of competent jurisdiction.

Section VII. Separability.

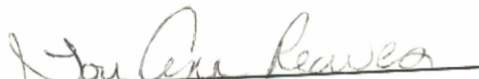
It is the intention of the Board of Commissioners that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Board of Commissioners that if any provision of this ordinance be declared to be invalid, all other provisions thereto shall remain valid and enforceable.

ADOPTED this 2nd day of August 1993.



Larry H. Jeffress, Mayor

ATTEST:



Lou Ann Reaves
Town Clerk

(TOWN SEAL)