

Appendix 1 - ZONING

Footnotes:

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Editor's note— An ordinance adopted on June 3, 2021, amended appendix 1 in its entirety to read as herein set out. Former app. 1 pertained to the same subject matter, and derived from ordinances adopted on April 4, 1987; May 19, 1994; January 8, 1998; October 7, 2003; September 8, 2005; October 6, 2005; December 8, 2005; January 5, 2006; February 9, 2006; September 6, 2007; April 7, 2015; March 6, 2018; and June 14, 2018.

Federal law reference—Preservation of local zoning authority concerning wireless telecommunications facilities, 47 USC 322(c)(7); limited Federal preemption of state and local zoning laws affecting amateur radio facilities, Memorandum Opinion and Order, PRB-1, 101 FCC 2d 952 (1985) and 47 CFR 97.15(b); Religious Land Use and Institutionalized Persons Act, 42 USC 2000cc et seq.

State Law reference— Zoning, G.S. 160A-381 et seq.; building setback lines, G.S. 160A-306; zoning regulations for manufactured homes, G.S. 160A-383.1; wireless telecommunications facilities, G.S. 160A-400.50 et seq.; local authority, G.S. 160A-400.51A; construction of new wireless support structures or substantial modifications of structures, G.S. 160A-400.52.

ARTICLE 1. - PURPOSE AND AUTHORITY

Sec. 1.1. - Purpose.

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

The provisions of this ordinance are adopted pursuant to authority granted by the General Assembly of the State of North Carolina, particularly Article 7 of Chapter 160D of the General Statutes of North Carolina.

(Ord. of 6-3-2021)

ARTICLE 2. - ESTABLISHMENT OF DISTRICTS

Sec. 2.1. - Establishment of districts.

In order to implement the intent of this ordinance as set forth in article 1, the Town of Trent Woods is hereby divided into four districts and one overlay district with the designations and primary purposes listed below and the specifically permitted uses in each district listed in article 5 of this ordinance.

Districts	Purpose
Residential 20S	A residential district which allows single-family dwellings.
Residential 15S	A residential district which allows single-family dwellings.
Manufactured Home	A residential district which allows manufactured homes.
Institutional	An institutional district which allows institutional facilities such as offices, schools and clubs as well as (i) cemeteries and (ii) funeral homes and crematoria ancillary to such cemeteries which are located on or adjacent thereto.

Wetlands (W)	An overlay district which may overlay any zoning district established as a part of this ordinance requiring that development within such district be consistent with the wetland standards of the North Carolina Coastal Management Act of 1974, as amended.
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(Ord. of 6-3-2021)

ARTICLE 3. - DISTRICT BOUNDARIES; ZONING MAP ADOPTED

Sec. 3.1. - District boundaries.

The boundaries of the districts are shown upon the map accompanying this ordinance entitled "Zoning Map, Town of Trent Woods, North Carolina," dated September 25, 1973, and last revised September 6, 2007. The Zoning Map, all notations thereon and all amendments thereto hereby are made a part of this ordinance. The Zoning Map, properly attested, shall remain on file in the office of the Town Clerk and be available for inspection by the public during normal office hours. Town shall also maintain all prior maps in paper or digital form for public inspection.

(Ord. of 6-3-2021)

ARTICLE 4. - GENERAL PROVISIONS

Sec. 4.1. - Zoning effect.

No building, other structure or land hereafter shall be used and no building, other structures or part thereof shall be erected, moved or altered unless in conformity with the regulations herein.

(Ord. of 6-3-2021)

Sec. 4.2. - Definitions.

- (a) *Accessory use.* A use customarily incidental and subordinate to the principal use of land or building, and located on the same lot with such principal use.
- (b) *Alley.* A public way which affords only secondary means of access to abutting property and not intended for general traffic circulation.
- (c) *Building.* Any structure enclosed and isolated by exterior walls constructed or used for residence, business, or other private or public purposes, or accessory thereto, and including trailers, manufactured homes, and unattached carports consisting of a roof and supporting members, and similar structures, whether stationary or movable.
- (d) *Building, accessory.* A subordinate building on the same lot as the principal building, consisting of walls or supporting members and a roof, the use of which is customarily incidental to the use of a principal building on the same lot.
- (e) *Building, principal.* A building in which is conducted the principal use of the lot on which it is located.
- (f) *Building setback line.* A line establishing the minimum allowable distance between the nearest portion of any building (including any uncovered porches, steps, eaves, gutters and similar fixtures), and the right-of-way of any street when measured perpendicularly thereto.
- (g) *Club.* A social facility for the use of the membership of an organization recognized by the Internal Revenue Service as tax exempt and their invitees.
- (h) *Dwelling.* Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. The term "dwelling" shall not be deemed to include a motel, hotel, tourist home, or any structures designed for transient residence.
- (i) *Dwelling, single-family.* A dwelling used or designated as a residence for a single family.
- (j) *Family.* Any number of individuals living together as a single housekeeping unit.
- (k) *Incidental home occupation.* Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use:

- (i) Is clearly incidental and secondary to the use of the dwelling for dwelling purposes (i.e., not to exceed 20 percent of the sum of the total gross floor area of the dwelling) and does not change the character thereof;
- (ii) Does not involve an exterior or window display of goods or pieces of merchandise for sale or rent upon the premises;
- (iii) Employs no person not a resident on the premises in connection with the home occupation;
- (iv) Does not involve the receiving of customers or clients at the dwelling; and
- (v) Does not involve a use that would have a significantly adverse impact on surrounding properties (e.g., noise, glare of lights, traffic safety, hours of operation).

This definition is not intended to, and does not permit the short-term rental of a dwelling for transient or temporary lodging purposes (i.e., a bed and breakfast).

- (l) *Institutional use.* Any use permitted by this ordinance in an institutional district.
- (m) *Junkyard.* Any land or area used, in whole or in part, for commercial storage and/or sale of wastepaper, rags, scrap metal or other junk, and including commercial storages of inoperative motor vehicles, boats, machinery or parts thereof.
- (n) *Lot.* A parcel of land in single ownership occupied or intended for occupancy by a principal building, together with its accessory buildings and the open space required under this ordinance. For purposes of this ordinance, the word "lot" shall be taken to mean any number of contiguous lots of record for location of one principal building and its accessory building.
- (o) *Lot, corner.* 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 building permit. Provided, however, that for any lot on which a dwelling was constructed prior to the effective date of this ordinance, the owner may specify that the front of the lot shall be the street line toward which the dwelling faces at the time such owner requests a building permit for the construction of an accessory building on the lot.
- (p) *Lot of record.* A lot which is a part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Craven County, or a lot described by metes and bounds, the description of which has been recorded.
- (q) *Lot, depth.* The distance measured from the midpoint of the front lot line to the midpoint of the rear lot line.
- (r) *Lot, width.* The distance between side lot lines as measured at the building line.
- (s) *Manufactured home.* "Manufactured home" shall have the same definition as provided in G.S. 143-145(7), or any successor statutory definition. Provided, however, in the event that G.S. 143-145(7) is repealed with no successor statutory definition, the term "manufactured home" shall mean a structure, transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or is 40 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 is designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, and includes plumbing, heating, air conditioning and electrical systems contained therein. Notwithstanding anything to the contrary herein, for purposes of this ordinance, the term "manufactured home" shall also include an on-frame modular home, as defined herein, but shall not include an off-frame modular home as defined herein.
- (t) *Manufactured home park.* Any site or tract of land which accommodates or is designed to accommodate manufactured homes, including any structure or enclosure intended for use as part of the equipment of such site.
- (u) *Nonconforming structural setback area.* The area encompassed by the outermost vertical perimeter of the nonconforming portion of a building or other structure constituting a nonconforming use.
- (v) *Nonconforming use.* The use of a building, other structure or land which does not conform to the use or dimensional regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance, or as a result of subsequent amendments which may be incorporated into this ordinance.
- (w) *Parking space.* The storage space of not less than nine feet by 18 feet for one automobile, plus the necessary access space.
- (x) *Residential use.* Any use permitted by this ordinance in a residential district.
- (y) *Sign.* Any words, lettering, figures, numerals, emblems, devices, trademarks, or trade names, or combination thereof, by which anything is made known such as the designation of an individual, firm, corporation, limited liability company, profession, business, commodity or product, and which is designed to attract attention, and/or convey a message.
- (z) *Street.* A roadway which affords the principal means of access to abutting property and has been dedicated to public use.

- (aa) *Yard*. An open space on the same lot as the principal building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.
- (bb) *Yard, front*. A yard across the full width of the lot extending from the front building setback line to the street upon which the lot fronts.
- (cc) *Yard, rear*. A yard extending across the full width of the lot from the rear building setback line to the rear lot line.
- (dd) *Yard, side*. An open unoccupied space on the same lot with the principal building, situated between the side building setback line and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot; and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot.
- (ee) *Off-frame modular home*. A structure that is designed to be used as a dwelling, is manufactured in accordance with the specifications of modular homes under the North Carolina State Residential Building Code, and bears a seal or label issued by the Department of Insurance pursuant to G.S. 143-139.1, is composed of components substantially assembled in manufacturing plant, and which is not transported to its site on an integral/permanent chassis.
- (ff) *On-frame modular home*.
 - (1) A factory-built structure that is designed to be used as a dwelling, is manufactured in accordance with the specifications for modular homes under the North Carolina State Residential Building Code, and bears a seal or label issued by the Department of Insurance pursuant to G.S. 143-139.1, and which is transported to its site on an integral/permanent chassis, or any other type of modular unit that does not expressly meet the definition of off-frame modular home as defined herein.
 - (2) For purposes of this ordinance, an on-frame modular home constitutes a manufactured home as well, and is regulated herein as a manufactured home.

(Ord. of 6-3-2021)

Sec. 4.3. - Nonconforming use.

No lawful nonconforming use of any building, other structure or land existing at the time of adoption of this ordinance or of any amendment hereto shall be affected by this ordinance or by any amendment hereto; provided, however, that no residential nonconforming use shall be enlarged, increased, or extended to occupy a nonconforming structural setback area greater than that occupied by such use at the time of the adoption of this ordinance or of any amendment hereto; provided further, however, that no other nonconforming use shall be enlarged, increased, or extended to occupy a greater area than that occupied by such use at the time of the adoption of this ordinance or of any amendment hereto. If such nonconforming use is discontinued for a continuous period of more than 180 days, any future use of said building, other structure or land shall be in conformity with the provisions of this ordinance.

A nonconforming use shall not be changed to any but a use listed as permitted in the schedule of district regulations for the district in which such nonconforming use is located.

No provision on this ordinance shall prevent the restoration of a nonconforming building destroyed by fire, explosion, other casualty or act of God or the public enemy if the restoration of such building is commenced within 180 days of the date of such damage and completed within the period of validity of the building permit issued therefor.

(Ord. of 6-3-2021)

Sec. 4.4. - Relationship of building to lot.

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

(Ord. of 6-3-2021)

Sec. 4.5. - Street access.

No building shall be erected on a lot which does not abut either a street as defined in section 4.2 of this ordinance or, if in a special development, a parking area or other open space used in common with other lots which in turn abuts a street as defined in section 4.2 of this ordinance.

(Ord. of 6-3-2021)

Sec. 4.6. - Reduction of lot size prohibited.

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

(Ord. of 6-3-2021)

Sec. 4.7. - Vacant lot below minimum size.

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

(Ord. of 6-3-2021)

Sec. 4.8. - Required parking areas.

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

(Ord. of 6-3-2021)

ARTICLE 5. - PERMITTED USES

Sec. 5.1. - Tabulation of permitted uses.

Uses permitted in the various districts are indicated by an "X" mark in the appropriate column(s) of the permitted use table. Any use not specifically designated as permitted shall be deemed to be prohibited. (See table at the end of this ordinance.) Permitted uses shall include retail sales related to any such permitted use. If a use or a class of use is not listed in this ordinance and not otherwise prohibited or restricted by this ordinance, such use or class of use is an "unlisted use" that shall only be permitted if approved by the zoning enforcement officer pursuant to the process listed below:

- (a) *Procedure for approving unlisted uses.* Where a particular use category or use type is not specifically allowed under this ordinance and is also not prohibited or restricted by this ordinance, the zoning enforcement officer may permit the use category or type if the criteria of subsection (b) below are met. The zoning enforcement officer shall give due consideration to the intent of this ordinance concerning the district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question.
- (b) *Criteria for approving unlisted uses.* The zoning enforcement officer shall determine which listed use to which the unlisted use is most similar in nature, function, and duration and shall make a permitting decision based on the criteria in this ordinance for that similar listed use. If the listed use is a special use requiring a special use permit, then a special use permit is required for the unlisted use. In order to determine that the proposed use has an impact that is similar in nature, function, and duration to the other uses allowed in a specific zoning district, the zoning enforcement officer shall assess all relevant characteristics of the proposed use, including, but not limited to, the following:
 - (1) The volume and type of sales, retail, wholesale; size and type of items sold and nature of inventory on the premises;
 - (2) Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution; any dangerous, hazardous, toxic, or explosive materials used in the processing; and
 - (3) The nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside the principal building; and predominant types of items stored (such as business vehicles, work in process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders); and
 - (4) The type, size and nature of buildings and structures; and
 - (5) The number and density of employees and customers per unit area of site in relation to business hours and employment shifts; and
 - (6) Transportation requirements, including the modal split for people and freight, by volume type and characteristic of traffic generation to and from the site, trip purposes and whether trip purposes can be shared by other uses on the site; and
 - (7)

Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other uses; and

- (8) The amount and nature of any nuisances generated on the premises, including, but not limited to, noise, smoke, odor, glare, vibration, radiation and fumes; and
 - (9) Any special public utility requirements for serving the proposed use, including, but not limited to, water supply, waste water output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
 - (10) The impact on adjacent properties created by the proposed use will not be greater than that of other uses in the zoning district.
- (c) *Determination by the zoning enforcement officer; effects.* All determinations by the zoning enforcement officer made pursuant to subsection (a) above shall be in writing. In making the determination described in subsection (a) above, the zoning enforcement officer shall initiate an amendment to this ordinance if the particular use or category of use(s) is likely to be common or to recur frequently, or that omission of specific inclusion and reference to this ordinance is likely to lead to public uncertainty and confusion. Until final action has been taken on such proposed amendment, the determination of the zoning enforcement officer shall be binding on all officers and departments of the town. If no amendment is initiated, the zoning enforcement officer's determination shall thereafter be binding on all officers and departments of the town, without further action or amendment of this ordinance.
- (d) *Appeal of determination of the zoning enforcement officer.* The determination of the zoning enforcement officer may be appealed to the board of adjustment pursuant to the procedures set forth in section 8.9 of this ordinance.

(Ord. of 6-3-2021)

ARTICLE 6. - DIMENSIONAL REQUIREMENTS

Sec. 6.1. - Residential 20S dimensional requirements.

Within the residential 20S district, as shown on the official zoning map, the following dimensional requirements shall be complied with:

- (a) Minimum lot area: 20,000 square feet; provided, however, that for lots of record as of June 9, 1988, which are served by a central water system, a central sewer system, or both, 15,000 square feet.
- (b) Intentionally deleted.
- (c) Minimum required setback: 30 feet from the right-of-way line upon which the lot fronts and 20 feet from the right-of-way line of any adjoining side street.
- (d) Minimum side yard: Ten feet.
- (e) Minimum rear yard: Ten feet.
- (f) Accessory building location: No accessory building shall be erected in any required front or side yard or within three feet of any rear lot line.
- (g) Corner visibility (sight line): on any corner lot designated by the Town Board of Commissioners as having a visibility hazard, there shall be no obstruction to vision between a height of three feet and ten feet within the area formed by the center lines of the intersecting streets and a line connecting points on the street center lines located at a distance 80 feet from the streets' center line intersection.
- (h) Buffer area: Notwithstanding the above dimensional requirements, when the use of the lot is a permitted use other than as, or ancillary to, a dwelling (see permitted use table), to the extent that the rear lot line or any side lot line of the lot shall abut property within a residential or manufactured home district subject to the provisions of this ordinance, there shall be provided and maintained along each such lot line a buffer area 15 feet in width upon which no improvements and/or parking areas shall be constructed or allowed; and, prior to the use of the lot for such permitted use, there shall be planted and thereafter maintained within each such buffer area evergreen trees and shrubbery or a mixture of evergreen and deciduous trees and shrubbery sufficient to provide within a period of three years thereafter a visual screen between such properties a minimum of six feet in height.

(Ord. of 6-3-2021)

Sec. 6.2. - Residential 15S dimensional requirements.

Within the residential 15S district, as shown on the official zoning map, the following dimensional requirements shall be complied with:

- (a) Minimum lot area: 15,000 square feet.
- (b) Intentionally deleted.
- (c) Minimum required setback: 30 feet from the right-of-way line upon which the lot fronts and 20 feet from the right-of-way line of any adjoining side street.
- (d) Minimum side yard: Ten feet.
- (e) Minimum rear yard: Ten feet.
- (f) Accessory building location: No accessory building shall be erected in any required front or side yard or within three feet of any rear lot line.
- (g) Corner visibility (sight line): On any corner lot designated by the Town Board of Commissioners as having a visibility hazard, there shall be no obstruction to vision between a height of three feet and ten feet within the area formed by the center lines of the intersecting streets and a line connecting points on the street center lines located at a distance of 80 feet from the streets' center line intersection.
- (h) Buffer area: Notwithstanding the above dimensional requirements, when the use of the lot is a permitted use other than as, or ancillary to, a dwelling (see permitted use table), to the extent that the rear lot line or any side lot line of the lot shall abut property within a residential or manufactured home district subject to the provisions of this ordinance, there shall be provided and maintained along each such lot line a buffer area 15 feet in width upon which no improvements and/or parking areas shall be constructed or allowed; and, prior to the use of the lot for such permitted use, there shall be planted and thereafter maintained within each such buffer area evergreen trees and shrubbery or a mixture of evergreen and deciduous trees and shrubbery sufficient to provide within a period of three years thereafter a visual screen between such properties a minimum of six feet in height.

(Ord. of 6-3-2021)

Sec. 6.3. - Manufactured home dimensional requirements.

Within the manufactured home district, as shown on the official zoning map, the following dimensional requirements shall be complied with:

- (a) Minimum lot area: 7,000 square feet.
- (b) Minimum required setback: 30 feet from the right-of-way line upon which the lot fronts and 20 feet from the right-of-way line of any adjoining side street.
- (c) Minimum side yard: Ten feet.
- (d) Minimum rear yard: Ten feet.
- (e) Accessory building location: No accessory building shall be erected in any required front or side yard or within three feet of any rear lot line.
- (f) Minimum distance between each manufactured home unit: 20 feet.
- (g) Corner visibility (sight line): On any corner lot designated by the town board of commissioners as having a visibility hazard, there shall be no obstruction to vision between a height of three feet and ten feet within the area formed by the center lines of the intersecting streets and a line connecting points on the street center lines located at a distance or 80 feet from the streets' center line intersection.
- (h) Buffer area: Notwithstanding the above dimensional requirements, when the use of the lot is a permitted use other than as, or ancillary to, a dwelling (see permitted use table), to the extent that the rear lot line or any side lot line of the lot shall abut property within a residential or manufactured home district subject to the provisions of this ordinance, there shall be provided and maintained along each such lot line a buffer area 15 feet in width upon which no improvements and/or parking areas shall be constructed or allowed; and, prior to the use of the lot for such permitted use, there shall be planted and thereafter maintained within each such buffer area evergreen trees and shrubbery or a mixture of evergreen and deciduous trees and shrubbery sufficient to provide within a period of three years thereafter a visual screen between such properties a minimum of six feet in height.

(Ord. of 6-3-2021)

Sec. 6.4. - Institutional dimensional requirements.

Within the institutional district, as shown on the official zoning map, the following dimensional requirements shall be complied with:

- (a) Minimum lot area: 20,000 square feet.
- (b) Minimum required setback: 40 feet from the right-of-way line upon which the lot fronts and 30 feet from the right-of-way line of any adjoining side street.
- (c) Minimum side yard: Ten feet.
- (d) Minimum rear yard: Ten feet.
- (e) Corner visibility (sight line): On any corner lot designated by the town board of commissioners as having a visibility hazard, there shall be no obstruction to vision between a height of three feet and ten feet within the area formed by the center lines of the intersecting streets and a line connecting points on the street center lines located at a distance of 80 feet from the streets' center line intersection.
- (f) Buffer area: To the extent that the rear lot line of any lot shall abut property within a residential or manufactured home district subject to the provisions of this ordinance, there shall be provided and maintained along such line a buffer area 25 feet in width upon which no improvements and/or parking areas shall be constructed or allowed; and, prior to the occupancy of any improvements located on such lot, there shall be planted and thereafter maintained within such buffer area evergreen trees and shrubbery or a mixture of evergreen and deciduous trees and shrubbery sufficient to provide within a period of three years thereafter a visual screen between such properties a minimum of six feet in height.

(Ord. of 6-3-2021)

Sec. 6.5. - Accessory uses prohibited in all zoning districts.

Notwithstanding anything contained in this ordinance to the contrary, the following activities shall not be regarded as accessory to a principal use on any property, and are prohibited in all zoning districts:

- (a) Use of travel trailer, recreational vehicle, or tent as a residence. The use of a travel trailer, recreational vehicle (RV), or tent as a residence, permanent or temporary is prohibited. However, an RV may be used as a temporary residence for up to two weeks, provided the RV is located in the driveway or a side or rear yard, such that the RV is no closer to the front or corner side of a lot than the principal structure. In addition, an RV or travel trailer may also be used as a temporary residence for up to 90 days upon property that is undergoing construction authorized by a valid building permit and during the pendency of said building permit, provided the RV or travel trailer is located in the driveway or a side or rear yard, such that the RV or travel trailer is no closer to the front or corner side of a lot than the principal structure. Utilization of an RV as a temporary residence is not considered as "storage" as described in subsection 6.5(b).
- (b) Use of motor vehicle, trailer, or shipping or storage container for sales, service, storage, or other business. The use of any motor vehicle, trailer, or shipping or storage container, as a structure in which, out of which, or from which any personal property or other goods are sold or stored, any services performed, or any business conducted. However, this subsection shall not prohibit the following:
 - (1) Use of a trailer, or shipping or storage container in conjunction with construction authorized by a valid building permit and during the pendency of said building permit; but in no event for more than six months unless the town council grants an extension of time; or
 - (2) Use of a trailer, or shipping or storage container for the temporary loading and unloading of goods not intended for retail sale, provided that no individual trailer or container is in place longer than 30 days.
 - (3) Use of a trailer, or shipping or storage container if it is completely screened from public view, and from the view of all adjoining properties. Such screening may only be achieved through the use of vegetation.

(Ord. of 6-3-2021)

ARTICLE 7. - OFF-STREET PARKING STANDARDS

Sec. 7.1. - Off-street parking requirements.

- (a) At the time of erection of any building, or at the time any building is enlarged or increased in capacity or converted from one type of use to another, there shall be provided permanent off-street parking conforming to the provision of this article. Off-street parking spaces shall be properly graded or paved, shall be no smaller than nine feet by 18 feet in size and shall be located on the same lot as the building for which provided or, provided that such separate lot is owned by the owner of the building or is leased to the lessee of the building for a period at least as great as the lease for the building, on a separate lot within 300 feet of any entrance to the building.
- (b) Except as herein provided, no part of any off-street parking area required for any building or use shall be included in a part of any other off-street parking area required for another building or use; provided, however, that the off-street parking areas for two or more uses on the same property may be combined and used jointly so long as the total off-street parking requirements for all such uses are met; and provided, further, that the off-street parking areas for two or more buildings or units in a or special development approved in accordance with the subdivision ordinance of the Town of Trent Woods may be provided, in whole or in part, on a common area or areas owned by persons other than the owner or lessee of the building or buildings for which same is required provided that there is a recorded non-terminable license or easement subjecting such areas to such use by the owner or lessee of the building or buildings.
- (c) All parking areas shall be designed so as not to necessitate vehicular backing onto any street right-of-way and so that no part of any vehicle when parked will extend onto any street right-of-way.

(Ord. of 6-3-2021)

Sec. 7.2. - Parking ratios.

Churches	1 space for every 4 seats in principal auditorium.
Clubs and related sales	1 space for every 5 seats in principal assembly room.
Day nurseries	1 space for each adult attendant and 1 space for every 6 children.
Dwelling	2 spaces per dwelling unit.
Libraries, museums, and art galleries	1 space for every 400 feet of gross floor area.
Offices	1 space for every 300 square feet of gross floor area.
Schools, elementary or junior high	3 spaces for each room used for administrative offices or class instructions, or 1 space for each 6 seats in auditoriums and other places of assembly or facilities available for the public, whichever is greater.
Schools, senior high	1 space per school employee and 1 space per 4 students.

(Ord. of 6-3-2021)

Sec. 7.3. - Applications.

Each application for a certificate of zoning compliance shall include information as to:

- (a) Location and dimension of off-street parking spaces.
- (b) Distance between parking spaces and each adjacent street right-of-way.

(c) Ingress and egress to the property from each street right-of-way.

The information required hereunder shall be in sufficient detail to enable the zoning enforcement officer to determine whether or not the requirements of this article are met.

(Ord. of 6-3-2021)

ARTICLE 8. - ADMINISTRATION AND ENFORCEMENT

Sec. 8.1. - Administrative official.

The town board of commissioners shall designate a zoning enforcement officer to administer and enforce this ordinance. He may be assisted by such other persons as the town board of commissioners directs. If the zoning enforcement officer shall find that any of the provisions of this ordinance are being violated, upon the direction of the town board of commissioners he shall notify in writing the person responsible for such violations 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 other structures; removal of illegal buildings or other 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 violation of its provisions. The notice of violation may be posted on the property. If posted, the zoning enforcement officer shall certify to the town that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud. Except as provided by G.S. 160D-1123 or G.S. 160D-1206 or otherwise provided by law, a notice of violation may be appealed to the board of adjustment pursuant to section 8.9 of this ordinance.

The zoning enforcement officer shall make no final decision on an administrative decision required by this ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the zoning enforcement officer or if the applicant or other person subject to that decision is a person with whom the zoning enforcement officer has a close familial, business, or other associational relationship. If the zoning enforcement officer has a conflict of interest under this section, the decision shall be assigned to the mayor.

(Ord. of 6-3-2021)

Sec. 8.2. - Certification of zoning compliance.

Before the erection, construction or alteration of any building or structure, or part of same, or change in use which would require a greater number of off-street parking spaces than originally required, there shall be submitted to the zoning enforcement officer, by the owner or his authorized agent, an application for a certificate of zoning compliance on appropriate forms to be furnished by the zoning enforcement officer. Each application shall be accompanied, as applicable, by a plat, drawn to scale, showing accurate dimensions of the lot to be built upon, accurate dimensions of the building and other structures to be constructed or altered, their proposed location on the lot, and the information required in section 7.3. If it shall appear to the zoning enforcement officer that the provisions of this ordinance are met, he then shall issue the certificate. Plats, plans and other information submitted to the zoning enforcement officer shall be kept on file in the town hall for future reference. It shall be within the discretion of the zoning enforcement officer to issue certificates of zoning compliance for minor construction work without plats, plans and other information.

(Ord. of 6-3-2021)

Sec. 8.3. - Creation; composition.

A board of adjustment ("board") is hereby established pursuant to G.S. 160D-302, consisting of five regular members to be appointed by the town council. All appointments to the board shall be for a period of three years, and all members of the board shall have equal rights, privileges and duties with regard to all matters within the town. Members of the board may be compensated according to a schedule adopted by the town council from time to time. Members of the board may be removed for cause by the town council upon written charges and after public hearing. In the filling of vacancies caused by the expiration of the terms of existing members, the town council may appoint certain members for less than three years so that the terms of all members shall not expire at the same time. The town council may appoint alternate members. If appointed, alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member serving on behalf of any regular member has all the powers and duties of a regular member.

(Ord. of 6-3-2021)

Sec. 8.4. - Meetings; officers.

The board shall elect one of its members as chair, one of its members as a vice-chair, and shall appoint a secretary and other subordinates as it deems in its best interest. The board shall adopt any rules of procedure under which it will operate. Meetings of the board shall be held at the call of the chair, or in his absence the vice-chair, or at least two members of the board. All meetings of the board shall be open to the public. The board shall keep full and accurate minutes of its proceedings.

(Ord. of 6-3-2021)

Sec. 8.5. - Powers and duties.

The board shall have the following powers and duties:

- (a) *Administrative review.* To hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcement of this ordinance.
- (b) *Interpretation.* To interpret the terms of this ordinance and zoning maps and to pass upon disputed questions of lot lines or district boundary lines and similar questions as they arise in the administration of this ordinance.
- (c) *Special use permits.* To hear and decide special use permits in accordance with standards and procedures specified in this ordinance. Reasonable and appropriate conditions may be imposed upon these permits as follows:
 - (1) Before it shall grant a special use permit, the board shall make a written finding that the proposed use:
 - (A) Will not adversely affect the zoning plan and will not be detrimental to the area;
 - (B) Will not adversely affect the health and safety of residents and workers in the area;
 - (C) Will not be detrimental to adjacent properties and other neighborhood uses;
 - (D) Will not be affected adversely by existing uses;
 - (E) Will comply with dimension and parking requirements of this ordinance and, if required, will comply with the subdivision ordinance;
 - (F) Will not constitute a nuisance or hazard because of the number of persons who will use the facility; i.e., traffic, noise, pollution or dangerous type of physical activity; and
 - (G) Will comply with standards set forth for each particular use for which a permit is or may be granted.
- (d) *Subpoena.* To subpoena witnesses and compel the production of evidence, through the chair, or in the chair's absence anyone acting as the chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, the applicant, town, or persons with standing under G.S. 160D-1402(c) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board or the party seeking the subpoena may apply to the general court of justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties
- (e) *Oath.* The chair of the board, or any member acting as chair, and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board, willfully swears falsely is guilty of a class 1 misdemeanor.
- (f) *Variance; in general.* When unnecessary hardships would result from carrying out the strict letter of this ordinance, the board may vary any of the provisions of the ordinance upon a showing of all of the following:
 - (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Provided, however, no change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

- (g) *Variance; Federal Fair Housing Act.* Notwithstanding the provisions of subparagraph (f) above, the Board may provide for a variance under the Federal Fair Housing Act upon the following:

- (1) *Application requirements; determination of completeness.*

- (A) Persons authorized to file applications. An application for a reasonable accommodation may be filed only by the owner of the land affected by the reasonable accommodation; an agent, lessee, or contract purchaser specifically authorized by the owner to file such application; or any unit of government that is not the owner of the lot but proposes to acquire the lot by purchase, gift, or condemnation.
- (B) Pre-application conference. Before filing an application for a reasonable accommodation, the applicant may request a pre-application conference with the zoning enforcement officer.
- (C) Application filing. An application for a reasonable accommodation shall be filed with the zoning enforcement officer. No filing fee is required for such application. Once the application is complete, the zoning enforcement officer shall schedule the application for consideration at a hearing before the board, and shall transmit to the board all applications and other records pertaining to such reasonable accommodation prior to the hearing on the application.

- (2) *Approval criteria.* The board shall grant a reasonable accommodation to any provision of the ordinance if it finds by a greater weight of the evidence that the proposed reasonable accommodation is determined to be both reasonable and necessary, in accordance with the following:

- (A) *Reasonable.* An accommodation will be determined to be reasonable if it would not undermine the legitimate purposes and effects of existing planning regulations, and if it will not impose significant financial and administrative burdens upon the town and/or constitute a substantial or fundamental alteration of the ordinance's provisions; and
- (B) *Necessary.* An accommodation will be determined to be necessary if it would provide direct or meaningful therapeutic amelioration of the effects of the particular disability or handicap, and would afford an equal opportunity to enjoy and use housing in residential areas in the town.

- (3) *Effect of approval or denial.*

- (A) After the board approves a reasonable accommodation, the applicant shall follow the normal procedures set forth in the ordinance, and any other applicable ordinance, for approval of any permits, certificates, and other approvals required in order to proceed with development or use of the property. All orders, decisions, determinations, and interpretations made by administrative officers under those procedures shall be consistent with the reasonable accommodation granted by the board.
- (B) The board shall refuse to hear a reasonable accommodation request that has been previously denied, unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.

- (4) *Lapse.* Failure of an applicant to apply for a building permit or any other required development permit, and commence uninterrupted construction or action with regard to a variance granted hereunder within one year of receiving approval of the reasonable accommodation shall automatically render the variance null and void.

- (h) *Decision.* As used in this ordinance, the term "decision" includes any final and binding order, requirement, or determination. The board shall follow quasi-judicial procedures when deciding appeals and requests for variances and special use permits. The board shall hear and decide all matters upon which it is required to pass under any statute or this ordinance.

(Ord. of 6-3-2021)

Sec. 8.6. - Notice of hearing.

Notice of hearings conducted pursuant to this ordinance shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the zoning or unified development ordinance. In the absence of evidence to the contrary, the town may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least ten days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

(Ord. of 6-3-2021)

Sec. 8.7. - Voting.

- (a) The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For all other matters, a majority of the members shall be required. For the purposes of this section, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members. Abstentions by a member not otherwise excused from voting shall be counted as a vote in favor of any motion or action.
- (b) A member of the board 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. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.
- (c) A member of the board shall not vote on any advisory decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
- (d) The board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from, and shall make any order, requirement, decision, or determination that in its opinion ought to be made.

(Ord. of 6-3-2021)

Sec. 8.8. - Quasi-judicial decisions and judicial review.

- (a) The board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the ordinance specifies. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.
- (b) Every quasi-judicial decision shall be subject to review by the Craven County Superior Court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402. A petition for review shall be filed with the Clerk of Craven County Superior Court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with subsection 8.8(a). When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

(Ord. of 6-3-2021)

Sec. 8.9. - Appeals.

The board shall hear and decide appeals from decisions of administrative officials charged with enforcement of this ordinance, pursuant to all of the following:

- (a) Any person who has standing under G.S. 160D-1402(c) or the town may appeal a decision to the board. An appeal is taken by filing a notice of appeal with the town clerk and payment of any applicable fees. The notice of appeal shall state the grounds for the appeal.
- (b) The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.
- (c) The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal. In the absence of evidence to the contrary, notice given pursuant to G.S. 160D-403(b) by first-class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.
- (d) It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "zoning decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least ten days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Absent an ordinance provision to the contrary, posting of signs shall not be required.
- (e) The official who made the decision shall transmit to the board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.
- (f) An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the board after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of this ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board of adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations, the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.
- (g) Subject to the provisions of subdivision (f) of this section, the board shall hear and decide the appeal within a reasonable time.
- (h) The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the town would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing. The board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision.
- (i) When hearing an appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in G.S. 160D-1402 (j).
- (j) The parties to an appeal that has been made under this ordinance may agree to mediation or other forms of alternative dispute resolution.

(Ord. of 6-3-2021)

ARTICLE 9. - AMENDMENTS

Sec. 9.1. - Procedures for amendments.

The town board of commissioners, on its own motion, the zoning enforcement officer pursuant to subsection 5.1(c) of this ordinance, or upon petition by any person within the zoning jurisdiction of the Town of Trent Woods, after review and public notice and hearing as herein provided, may amend, supplement, change, modify, or repeal the regulations herein established or the maps which are a part of this ordinance. No

regulation or map shall be amended, supplemented, changed, modified, or repealed until after (i) review by and receipt of recommendations from the planning board, and (ii) a public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard.

Persons requesting a zoning change shall file an application with the town clerk. Such application shall contain a legal description of the property to be affected by the change, the names and addresses of all persons requesting the change, the names of all owners of parcels of land within such property and of parcels of land abutting same as shown on the county tax listing, and the last addresses listed for all such owners on the county tax abstracts. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor. Each application shall be accompanied by a fee in an amount stated in the town's most recently adopted fee schedule to offset town administrative expense related thereto. In addition, on or before the date of the public hearing related to the requested zoning change, the persons requesting such change shall (i) pay to the town, if such costs are then known, the actual costs incurred by the town in advertising the requested change and in mailing notices related thereto as required by law, or (ii) deposit with the town, if such costs are not then known, an amount determined by the town clerk to be sufficient to pay the actual costs incurred by the town in advertising the requested change and in mailing notices related thereto as required by law. To the extent that any deposit with the town as provided above exceeds the actual costs incurred by the town with regard thereto, the overage shall be returned to the persons who deposited same. Further, to the extent that any such deposit is insufficient to pay the actual costs incurred by the town with regard thereto, the persons who deposited same shall pay to the town the balance of such costs upon notification by the town of the amount of such insufficiency.

The notice of the hearing must be provided as follows:

(a) *Zoning map amendments.*

- (1) Mailed notice. The owners of affected parcels of land and the owners of all parcels of land abutting that parcel of land shall be mailed a notice of the hearing on a proposed map amendment by first-class mail at the last addresses listed for such owners on the county tax abstracts. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor. This notice must be deposited in the mail at least ten but not more than 25 days prior to the date of the hearing.
- (2) Optional notice for large-scale zoning map amendments. The first-class mail notice required under this subsection is not required if the zoning map amendment proposes to change the zoning designation of more than 50 properties, owned by at least 50 different property owners, and the town elects to use the expanded published notice provided for in this subsection. In this instance, the town may, instead of making the mailed notice provided herein, may elect to publish notice of the hearing provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement is effective only for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the first-class mail notice provisions of this subsection.
- (3) Posted notice. The town shall prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed map amendment, a posting on each individual parcel is not required but the town shall post sufficient notices to provide reasonable notice to interested persons.
- (4) No amendment to this ordinance or the map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the town.

(b) *Legislative amendments.*

- (1) The notice of the hearing must be published once a week for two successive weeks.

The notice of the hearing shall be published the first time not less than ten days nor more than 25 days before the date scheduled 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.

No application for any change in the zoning classification of property or any part thereof shall be filed until the expiration of one year from the date of last determination by the town board of commissioners as to a prior request for rezoning; provided, however, that the one-year waiting period for filing an application shall not be applicable for rezoning property previously considered for rezoning by the town board of commissioners where the new application requests rezoning to a different zoning classification than that previously requested.

A member of the board of commissioners shall not vote on any legislative or map amendment to this ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A member of the board of commissioners shall not vote on any amendment to this ordinance or map if the applicant for the amendment is a person with whom the member has a close familial, business, or other associational relationship.

(Ord. of 6-3-2021)

ARTICLE 10. - LEGAL PROVISIONS

Sec. 10.1. - Conflicts with other ordinances.

This ordinance shall not repeal, annul, or impair any existing provision of law, ordinance or rule or regulation previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings, other structures or land; provided, however, where the terms of this ordinance require a greater width or size of yard or other open space or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of this ordinance shall govern. Where the provisions of any other statute, local ordinance or regulation require a greater width or size of yard or other open space or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in this ordinance, the provisions of such statute, local ordinance or regulation shall govern. This ordinance shall remain in effect insofar as required for the initiation of any proceedings against such violations and for the prosecution of any violations heretofore commenced.

(Ord. of 6-3-2021)

Sec. 10.2. - Effect of invalidity of one section.

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

(Ord. of 6-3-2021)

Sec. 10.3. - Penalty.

In addition to those other penalties and remedies contained in section 1-22 [of the Code of Ordinances], if a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this ordinance, the town, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate the violation, to prevent occupancy of the building, structure or land, or to prevent any illegal act, conduct, business or use in or about the premises.

(Ord. of 6-3-2021)

ARTICLE 11. - EXCLUSIONS FROM APPLICABILITY

[Sec. 11.1. - Exclusions from applicability.]

Except as herein provided, neither the provisions of section 4.4 or 4.6 of article 4 nor the provisions of article 6 of this ordinance shall be applicable to a special development approved in accordance with the subdivision regulations of the Town of Trent Woods, North Carolina; provided, however, that in no event shall a special development be approved after September 1, 2006, within any district which shall effect an increase in the number of units permitted within the special development above the number of units which would be permitted in such area by the minimum lot area requirements of such dimensional requirements were the area not developed as a special development. When calculating the minimum lot area requirements for the purpose of this article, waterways, floodways, wetlands, marshes, or submerged lands (whether natural or manmade) shall not be used in such calculation. All special developments existing in the town as of September 1, 2006, are deemed in conformance with the density requirements of the town's zoning ordinance regardless of the special development's density as of said date.

(Ord. of 6-3-2021)

ATTACHMENT "A"

Permitted Use Table

Permitted Use:	R20S	R15S	Inst
Barber shops and beauty salons			X
Cemeteries and crematoria ancillary to such cemeteries which are located on or adjacent thereto; funeral home			X
Churches	X	X	X
Correctional facilities			
Dwelling, single-family	X	X	
Gardens (noncommercial only)	X	X	
Golf courses; yacht clubs with more than 50 slips			X
Grounds and facilities for recreation (noncommercial only)	X	X	X
Human health services (excluding hospitals)			X
Incidental home occupation	X	X	
Libraries, museums and art galleries			X
Manufactured homes			X
Office buildings			X
Pet groomers			X
Police and fire stations			X
Public administrations and governmental offices (excluding correctional facilities)			X
Schools: Elementary, junior and senior	X	X	X
Shooting ranges			
Sweepstakes			
Swimming pools	X	X	X
Utility services equipment (excluding cell towers, windmills and solar farms)	X	X	X

Commercial gardens			X
Commercial recreational facilities			X
Cell towers, windmills and solar farms			X
Drug treatment facilities			X
Hospital facilities			X

(Ord. of 6-3-2021)