



TOWN OF MILTON ORDINANCES



NOVEMBER 8, 2022



Town of Milton

AN ORDINANCE CREATING A 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 conditions noted above may result from the lack of zoning regulations 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, Milton, 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 Regulations 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 provisions 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

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.

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.

Bed and breakfast A dwelling in which lodging, with or without meals, is provided for overnight guests for a fee.

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."

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.

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

Building Occupancy. See "Use".

Building setback line. See "Setback".



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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.

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.

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. For the purposes of Article 12 of this Chapter, the term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose. NCGS 160D-102(15)

Dwelling. Single-family. A detached building constructed on-site in compliance with the North Carolina State Building Code and designed for or occupied exclusively by one family.

Multifamily. A detached building constructed on-site in compliance with the North Carolina State Building Code and designed for two (2) or more dwelling units.

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.

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 congregated 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.



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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. 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.

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

Guest house. See "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.

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."

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.

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.

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. NCGS 160D-102(18)

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.



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Lot corner. A lot adjacent to or abutting on two (2) streets at their intersection.

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.

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



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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 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.

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.

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.

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. NCGS 160D-102(27)

Recreation or travel trailer. 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.



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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 single-family dwelling unit constructed in a series or group of attached units with property lines separating each such unit.

Travel trailer parking area. 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.

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.



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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.

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 160D-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 image-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".



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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 nightclub, bar, restaurant, or other commercial establishment that regularly features, exhibits or displays as one of its principal business purposes:

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 subrent 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".



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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.

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



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(including sexually oriented massaging) between persons of the opposite 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., leaderboards 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, profession service, commodity, product, accommodation, event, attraction or other enterprise or activity or use exists or is conducted, manufactured, sold, offered, maintained or takes place.

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.



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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.

Sign, Construction: A sign placed at a construction site giving the names or name 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.



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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." 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 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.



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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.

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



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- (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.

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.



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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 premise 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-Premise: 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.

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 premises, 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.



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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.

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



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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
2. Chimneys, flues, coves, roof overhangs, window sills 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



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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.

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.



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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.

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.



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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:

Classification

- 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 Class I Mobile Homes subject to appearance standards.
- 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. **R-3 Residential District** - To establish a district which permits one- and two-family and multi-family dwellings.
- F. **C-U-R-3 Residential District** - This District is identical to the R-3 Residential District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this Ordinance.
- G. **O & I Office and Institutional District** - To establish a district principally for office and institutional uses.
- H. **C-U-O & 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.
- I. **B-1 or C-1 Business District / Commercial District** - To establish a primary commercial district where businesses are concentrated in a central location.



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- J. C-U-B-1 or C-U-C-1 Business District / Commercial District** - This District is identical to the B-1 or C-1 Business District / Commercial District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this Ordinance.
- K. C-2 Commercial District**- To establish a district exclusively for the provision of goods and services for the convenience of residential neighborhoods.
- L. 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.
- M. C-3 Commercial District** – To establish a commercial district that permits specialized commercial services and certain light industrial uses.
- N. 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



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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 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)

The Historic 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 are 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.



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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.
- 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;
 - a. Minimum Required Lot 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.



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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.



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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 Non-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.
 - 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 O-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.



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- 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 feet Required Lot Width – 50 (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.
- 3) Off-Street Parking and Loading. Off-street parking and loading shall be provided 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 Business District / Commercial District Permitted Uses.
See Article VII Entitled Table of Permitted and Conditional Uses.

- 1) Dimensional Requirements. The following dimensional requirements shall apply in the **B-1 or C-1 Business District / Commercial District**:
 - a. Minimum Required Lot Area - None; no residential density limitation
 - b. Minimum Required Lot Width - None
 - c. Minimum Required Front Yard – None



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- 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 Rear Yard – 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.
3. Off-Street Parking and Loading. None
 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 6.6 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 B-1 District and C-2 Neighborhood Business 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



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- 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 B-3 District:
 - 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.



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- 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 CUD rezoning could not only offer a reasonable use for the property but, also help solve a land relationship problem.
2. Requirements within a Conditional Use District. Only those uses authorized as permitted 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 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.



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Section 6.9 Overlay Districts

A. Flood Damage Prevention District

- 1) Purpose. The Flood Damage Prevention District establishes standards to minimize public and private losses due to flood conditions in specific areas.
- 2) General Development Standards
 - a. 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	SIC	R-1	R-2	R-3	O-1	C-1	C-2	C-3	SR
<u>Educational & Institutional Uses</u> (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	
<u>Business, Professional & Personal Services</u>									
accounting, auditing, or bookkeeping	8721				X	X	X	X	
administrative or management services	8740				X	X	X	X	



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B. Historic District (HD) NCGS 160D Article 9, Part 4

- 1) Purpose. The Historic District establishes regulations which will help maintain the historic integrity of certain areas within the Town.
- 2) Designation Procedure. Historic districts, as provided for herein may be designated, amended or repealed through *the following* procedure:
 - a) 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 thereon made to the Planning Board.
 - b) 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.
 - c) 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.
 - d) 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 additional districts shall also be submitted to the Department of Cultural Resources in accordance with the provisions of this subsection.
 - e) 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.



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

- a) All street setback, 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.
- b) 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:
 - (i) that the lesser standard will not create problems due to increase on-street parking; and
 - (ii) that the lesser standard will not create a threat to the public safety.

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

- a) The ordinary maintenance or repair of any exterior architectural feature in a historic district which does not involve a change in design, material, or outer appearance thereof.
- b) The construction, reconstruction, alteration, restoration, moving or demolition of any such feature 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.

5. 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 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 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



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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 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.
6. Application Procedures:
- a) 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.



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- b) 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)
- c) 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.
- d) 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.
- e) 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.
- f) Any appeal from the Board of Adjustment's decision in any such case shall be heard by the Superior Court of the County.
- 7) Review Criteria:
- a) 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.
- b) The Commission shall not consider interior arrangement.



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c) 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 a minimum of every five (5) years. At a minimum, the criteria shall contain guidelines addressing the following factors:

i) 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:

- a) 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
- b) that embody the distinctive characteristics of a type, period, or method of
- c) construction; or
- d) 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 that have yielded, or may be likely to yield, information important in prehistory or local, State or national history; and

ii) 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:

- a) Exterior features as described in subsection 5. above (Certificate of Appropriateness Required);
- b) Height of the building or structure;
- c) Setback and placement on lot of the building or structure, including lot coverage and orientation-
- d) Exterior construction materials, including textures, patterns colors.
- e) Architectural detailing, such as lintels, cornices, brick bond, foundation materials and decorative wooden features;
- f) Roof shapes, forms and materials;
- g) Proportions, shapes, positionings and locations, patterns, and sizes of any elements of fenestration;
- h) General form and proportions of buildings and structures;



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- i) Appurtenant fixtures and other features such as lighting;
- j) Structural condition and soundness;
- k) Use of local or regional architectural traditions; and
- l) Effect of trees and other landscaping elements.

8. Delay in Demolition of Landmarks and Buildings;

- a) 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.
- b) 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 on 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.
- c) 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.
- d) 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 **NCGS 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:

1. "x" indicates the use is permitted by right and a zoning permit may be obtained.
2. "c" indicates the use requires approval of a Conditional Use Permit in accordance with the procedures of Section 13.5.
3. 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.
4. 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.



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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.

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	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	
amusement or water parks	7996	46						C	7



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USE TYPES	SIC	R-1	R-2	R-3	O-1	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									
ambulance services	4119				X	X	X	X	
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	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	5684 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									
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	



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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	C-1	C-2	C-3	SR
<u>Business, Professional & Personal Services</u> (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	13
automobile towing & storage services	7549							X	13
automobile washing facilities	7542						X	X	
automobile wrecking or junk yards	5093							C	13
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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communicative facilities, including radio & television broadcasting excluding towers that exceed the heights limits	0000				X	X	X	X	
computer maintenance & repairs	7378				X	X	X	X	
USE TYPES	SIC	R-1	R-2	R-3	O-1	C-1	C-2	C-3	SR
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	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	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	
structures & uses clearly incidental to a permitted use	0000								



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USE TYPES	SIC	R-1	R-2	R-3	O-1	C-1	C-2	C-3	SR
truck & utility trailer rental, sales & Leasing, heavy	0000								
truck washing	7542								
upholstering & furniture refinishing	7641							X	
utility company offices	0000				X	X	X	X	
utility stations & plants	0000							X	
veterinary services (no kennels)	0740							X	
vocational, business or secretarial schools	8240				X	X	X	X	
watch or jewelry repair shops	7631					X	X	X	
<u>Retail Trade</u>									
ABC sales for on premises consumption						X	X	X	
antique shops	5936					X	X	X	
apparel sales	5600					X	X	X	
appliance sales & service	5722					X	X	X	
art studios & galleries	8412					X	X	X	
arts & craft sales	0000					X	X	X	
automobile & truck depreciation and used	7510								



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USE TYPES	SIC	R-1	R-2	R-3	0-1	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	



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USE TYPES	SIC	R-1	R-2	R-3	0-1	C-1	C-2	C-3	SR
Retail Trade (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	



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USE TYPES	SIC	R-1	R-2	R-3	0-1	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	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	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	
<u>Manufacturing and Industrial Uses</u>									
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	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	C-1	C-2	C-3	SR
Manufacturing & Industrial Uses (continued)									
motor vehicle parts & accessories	3714							C	
motorcycle assembly	3751							C	
musical instruments	3930							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 NCGS 160D-102(23) NCGS 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 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.



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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 (SR 5. Including Condominiums and Townhouses)

a. In the R-3 and O-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 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.



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4. In any case where more than one multi-family building or more than one series of attached 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).

ii. Yard Requirements. The following yard requirements are hereby established:

(a) Exterior. Along each exterior property line or public street, a minimum front, rear and side yard setback of twenty (20) feet shall be maintained.

(b) 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 the Town and/or dedicated for public use shall be the responsibility of the project owner,



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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 clubhouses, swimming pools, lighted tennis courts, or athletic fields and adjacent residentially
- b. 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 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.

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 Article 3, Section 3.2) NCGS 160D-902(b) NCGS 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-premise 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 uses 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 NCGS 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.
- 11. 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.
- 12. 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 occupants, the space occupied, and the time of arrival and departure shall be maintained

SR 17. 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 / 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 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:	(Any Fractional space eg;47.3 shall be considered the next whole number, eg;48)
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 and consumer financial services

Barber shop and other personal services

Beauty shops

Car washes

Delivery, ambulance and 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 and nightclubs serving meals

Fire Stations

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 employees

1 space per vehicle, plus 1space 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



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Classification

Off-Street Parking Requirements

Mobile home sales

5 spaces, plus 1 space per 10,000 square feet of gross land area

Manufacturing, industrial, warehousing and wholesaling

1 space per 3 employees on the largest shift

Post offices

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

Retail sales except those listed below

1 space per 200 square feet of gross floor area

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

1 space per 300 square feet of gross floor area

Retail uses dealing primarily in service and/or repair

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

Radio, TV stations

2 spaces per 3 employees on the largest shift

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

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

Wholesale with related retail

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

Office and Industrial

Bed and Breakfast Inn

1 space per room for rent



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Classification

Child Care and kindergarten, 6 or more children

Churches

Dormitories

Fraternity, sorority houses

Elementary and junior high schools

Funeral homes

General Offices

Hospital, nursing and convalescent homes

Library, museum and art galleries

Medical, dental and similar offices

Nursing, convalescent homes designed and used primarily for the elderly

Orphanage, juvenile homes

Senior high schools, trade and vocational schools, colleges and universities

Auditoriums, stadiums, assembly halls and gymnasiums located on a high school, college or university campus

Off-Street Parking Requirements

1 space per teacher or staff, plus stacking of. For 4 cars for drop off and pickup or stacking for 1 car per 10 children, whichever is greater

1 space per 4 seats in the largest assembly room

1 space per 4 beds

1 space per 2 beds

5 spaces, plus 1 space per teacher or staff

1 space per 4 seats in the main chapel

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)

1 space per 2 beds, plus 1 space per staff doctor and other medical practitioners

1 space per 300 square feet of gross floor area and 1 space per employee

7 spaces per doctor or practitioner

1 space per 3 beds, plus 1 space per staff doctor or practitioner

1 space per 4 beds

1 space per 5 students and 1 space for each employee

1 space per 12 fixed seats and 1 space per 12 movable seats in largest assembly room



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Classification

Recreation:

Amusements, dance halls, nightclubs not serving meals

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

Bowling alleys

Golf courses

Indoor movie theaters

Public swimming pools

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

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

Off-Street Parking Requirements

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

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

4 spaces per lane

4 spaces per tee

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

1 space per 100 square feet of water area and deck

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

1 space per 25 memberships or tenants

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/Night Time Assignments



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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.

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 travelway.



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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 and Industries

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

Office and Institutions

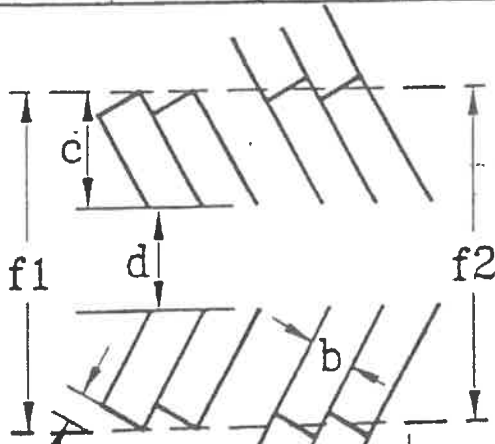
1 space for each 50,000 square feet of gross floor area or fraction thereof



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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.



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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 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



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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 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 sign 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 Violation of Non-Conforming Situations

Enforcement of violations will follow guidelines as set forth in NCGS 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 NCGS Article 3, 160D-301, 160D-302, and NCGS 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.



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Section 13.5 Powers and Duties of the Board of Adjustment

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

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.
2. The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.
3. 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/~~Business~~ Application the Board shall make the following affirmative findings:



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

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/Application or within twelve (12) months of hearing of any previous proposal to amend or change any such Permit/Application.



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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.

As defined in NCGS 160D-405 and NCGS Article 14, 160D-1403.1



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Article XIV AMENDMENT PROCEDURES; CONDITIONAL USE DISTRICTS **As defined in NCGS 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:

- d. 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.

- e. 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



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Ordinance and on the application form. Applications which are not complete, or otherwise do not 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.



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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;
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:

- f. The date of final determination by the Board of Commissioners; or
- g. 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

As defined by Article XIII, the Planning Board of the Town of Milton shall serve as the Board of Adjustment/Zoning Board of Adjustment under its existing organizational framework.

Section 15.1 Zoning Administrator

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;



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2. The location of the said lot with respect to adjacent rights-of-way;
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 NCGS 160A-31 or NCGS 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 NCGS 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;



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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. NCGS 160D-405

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. NCGS 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.

B. Civil Penalties



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



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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 8th day of November, 2022, by Milton Town Board of the Town of Milton, North Carolina.

Patricia Williams, Mayor

Town of Milton

Attest:

Shirley Wilson, Town Clerk

Town of Milton

Seal:

