

TABLE OF CONTENTS

ARTICLE 1. GENERAL PROVISIONS.....	1-1
Section 1.1 Short Title/Purpose.....	1-1
Section 1.2 Authority.....	1-1
Section 1.3 Purpose.....	1-1
Section 1.4 Jurisdiction/Applicability.....	1-2
Section 1.5 Conflicts with Other Regulations.....	1-3
Section 1.6 North Carolina State Building Code.....	1-3
Section 1.7 Relationship to Comprehensive Plan.....	1-4
Section 1.8 No Use or Sale of Land or Buildings Except in Conformity With Chapter Provisions.....	1-5
Section 1.9 Fees.....	1-5
Section 1.10 Severability.....	1-5
Section 1.11 Computation of Time.....	1-6
Section 1.12 Development Approvals Run with the Land.....	1-6
Section 1.13 Refund of Illegal Fees.....	1-6
Section 1.14 Split Jurisdiction.....	1-6
Section 1.15 Pending Jurisdiction.....	1-6
Section 1.16 Miscellaneous.....	1-7
Section 1.17 Effective Date.....	1-7
 ARTICLE 2. BASIC DEFINITIONS AND INTERPRETATIONS.....	 2-1
Section 2.1 Definitions of Basic Terms.....	2-1
Section 2.2 Lots Divided by District Lines.....	2-21
 ARTICLE 3. ADMINISTRATIVE MECHANISMS	 3-1
Part I. Administrative Staff	3-1
Section 3.1 Authorization.....	3-1
Section 3.2 Duties.....	3-1
Section 3.3 Alternative Staff Arrangements.....	3-1
Section 3.4 Financial Support.....	3-2
Section 3.5 through 3.10 Reserved.....	3-2
Part II. Planning Board.....	3-3
Section 3.11 Appointment and Terms of Planning Board Members.....	3-3
Section 3.12 Meetings of the Planning Board.....	3-3
Section 3.13 Quorum and Voting.....	3-4
Section 3.14 Planning Board Officers.....	3-4
Section 3.15 Powers and Duties of Planning Board.....	3-5
Section 3.16 Planning Board Initiated UDO Amendments.....	3-5
Section 3.17 Advisory Committees.....	3-5
Sections 3.18 through 3.25 Reserved.....	3-6
Part III. Board of Adjustment.....	3-7
Section 3.26 Appointment and Terms of Board of Adjustment.....	3-7
Section 3.27 Meetings of the Board of Adjustment.....	3-8
Section 3.28 Quorum.....	3-8
Section 3.29 Voting.....	3-8
Section 3.30 Board of Adjustment Officers.....	3-9
Section 3.31 Powers and Duties of Board of Adjustment.....	3-9
Section 3.32 Fees for Permits and Appeals.....	3-10
Section 3.33 through 3.40 Reserved.....	3-10
Part IV. Town Council	3-11
Section 3.41 The Town Council.....	3-11

Section 3.42 through 3.45 Reserved.	3-11
Part V. Edenton Preservation Commission.....	3-12
Section 3.46 Appointment and Terms of Historic Commission.	3-12
Section 3.47 Meetings of the Edenton Preservation Commission.	3-12
Section 3.48 Quorum and Voting.	3-12
Section 3.49 Edenton Preservation Commission Officers.	3-13
Section 3.50 Powers and Duties of the Edenton Preservation Commission.....	3-13
Section 3.51 Designation of Historic District.	3-13
Section 3.52 through 3.60 Reserved.	3-14
Part VI. Conflict of Interest.....	3-15
Section 3.61 Governing Board.....	3-15
Section 3.62 Appointed Boards.	3-15
Section 3.63 Administrative Staff.	3-15
Section 3.64 Quasi-Judicial Decisions.	3-15
Section 3.65 Resolution of Objection.....	3-16
Section 3.66 Familial Relationship.....	3-16
Section 3.67 through 3.70 Reserved.	3-16
ARTICLE 4. PERMITS AND FINAL PLAT APPROVAL.....	4-1
Part I. Development, Minor Special Use, and Major Special Use Permits	4-1
Section 4.1 Permits Required.	4-1
Section 4.2 No Occupancy, Use, or Sale of Lots Until Requirements Fulfilled.	4-2
Section 4.3 Who May Submit Permit Applications.	4-2
Section 4.4 Applications To Be Complete.....	4-2
Section 4.5 Staff Consultation Before Formal Application.	4-3
Section 4.6 Staff Consultation After Application Submitted.	4-4
Section 4.7 Development Permits.....	4-5
Section 4.8 Authorizing Use or Occupancy Before Completion of Development Under Development Permit.	4-5
Section 4.9 Minor Special Use Permits and Major Special Use Permits.....	4-6
Section 4.10 Burden of Presenting Evidence; Burden of Persuasion.	4-7
Section 4.11 Recommendations on Minor Special Use Permit Applications.	4-8
Section 4.12 Recommendations on Conditional Use Permits.....	4-8
Section 4.13 Council Action on Major Special Use Permits.	4-9
Section 4.14 Board of Adjustment Action on Special Use Permits.	4-10
Section 4.15 Additional Requirements on Minor Special Use and Major Special Use Permits.....	4-11
Section 4.16 Authorizing Use, Occupancy, or Sale Before Completion of Development Under Minor or Major Special Use Permits.....	4-11
Section 4.17 Completing Developments in Phases.	4-12
Section 4.18 Expiration of Permits.....	4-13
Section 4.19 Effect of Permit on Successors and Assigns.	4-14
Section 4.20 Amendments to and Modifications of Permits.....	4-14
Section 4.21 Reconsideration of Board Action.....	4-15
Section 4.22 Applications to be Processed Expeditiously.....	4-15
Section 4.23 Maintenance of Common Areas, Improvements, and Facilities.	4-15
Sections 4.24 through 4.30 Reserved.....	4-15
Part II. Major and Minor Subdivisions	4-16
Section 4.31 Regulation of Subdivisions.....	4-16
Section 4.32 No Subdivision Without Plat Approval.....	4-16
Section 4.33 Minor Subdivision Approval.....	4-18
Section 4.34 Major Subdivision Approval Process.....	4-19
Section 4.35 Endorsements on Major Subdivision Plats.....	4-20

Section 4.36	Plat Approval Not Acceptance of Dedication Offers.....	4-22
Section 4.37	Appeals of Decisions on Subdivision Plats.	4-22
Section 4.38	Guarantees	4-23
Section 4.39	Maintenance of Dedicated Areas Until Acceptance.....	4-25
Section 4.40	Commercial Subdivisions.....	4-25
Section 4.41	Subdivisions in the Historic District.	4-26
Sections 4.42 through 4.50	Reserved.....	4-26
ARTICLE 5. APPEALS, VARIANCES, INTERPRETATIONS.....		5-1
Section 5.1	Appeals.....	5-1
Section 5.2	Variances.....	5-2
Section 5.3	Variances from Floodplain or Floodway Requirements.....	5-3
Section 5.4	Interpretations.....	5-3
Section 5.5	Requests to be Heard Expeditiously.....	5-4
Section 5.6	Burden of Proof in Appeals and Variances.....	5-4
ARTICLE 6. HEARING PROCEDURES FOR APPEALS AND APPLICATIONS.....		6-1
Section 6.1	Hearing Required on Appeals and Applications.....	6-1
Section 6.2	Notice of Hearing.....	6-1
Section 6.3	Administrative Materials.....	6-2
Section 6.4	Presentation of Evidence.....	6-2
Section 6.5	Appearance of Official; New Issues.....	6-2
Section 6.6	Oaths.....	6-2
Section 6.7	Subpoenas.....	6-2
Section 6.8	Modification of Application at Hearing.....	6-3
Section 6.9	Record.....	6-3
Section 6.10	Appeals in the Nature of Certiorari.....	6-3
Section 6.11	Decision.....	6-3
Section 6.12	Rehearings.....	6-4
Section 6.13	Judicial Review.....	6-4
ARTICLE 7. ENFORCEMENT AND REVIEW.....		7-1
Section 7.1	Notices of Violation.....	7-1
Section 7.2	Stop Work Orders.....	7-1
Section 7.3	Remedies.....	7-1
ARTICLE 8. NONCONFORMING SITUATIONS.....		8-1
Section 8.1	Definitions.....	8-1
Section 8.2	Continuation of Nonconforming Situations and Completion of Nonconforming Projects.....	8-2
Section 8.3	Nonconforming Lots.....	8-2
Section 8.4	Extension or Enlargement of Nonconforming Situations.....	8-3
Section 8.5	Repair, Maintenance, and Replacement.....	8-4
Section 8.6	Change in Use of Property Where a Nonconforming Situation Exists.....	8-5
Section 8.7	Abandonment and Discontinuance of Nonconforming Situations.....	8-6
Section 8.8	Completion of Nonconforming Projects.....	8-6
Section 8.9	Nonconforming Signs.....	8-9
Section 8.10	Termination of Miscellaneous Nonconforming Situations.....	8-10
Section 8.11	Nonconforming Manufactured Homes (Class C) and Manufactured Home Parks.....	8--10
ARTICLE 9. ZONING DISTRICTS AND ZONING MAP.....		9-1
Part I. Zoning Districts.....		9-1
Section 9.1	Residential Districts Established.....	9-1

Section 9.2 Commercial Districts Established.....	9-1
Section 9.3 Industrial Districts Established.	9-2
Section 9.4 Overlay Districts Established	9-3
Section 9.5 Conditional Zoning District.	9-3
Section 9.6 through 9.10 Reserved.	9-4
Part II. Zoning Map	9-5
Section 9.11 Official Zoning Map.	9-5
Section 9.12 Amendments to Official Zoning Map.	9-5
Sections 9.13 through 9.20 Reserved.....	9-5
ARTICLE 10. PERMITTED USES	10-1
Section 10.1 Table of Permitted Uses.....	10-1
Section 10.2 Use of the Designations Z, S, M in Table of Permitted Uses.	10-1
Section 10.3 Board of Adjustment Jurisdiction Over Uses Otherwise Permitted with a Development Permit.	10-1
Section 10.4 Permitted Uses and Specific Exclusions.....	10-1
Section 10.5 Accessory Uses.	10-2
Section 10.6 Permitted Uses Not Requiring Permits.	10-3
Section 10.7 Change in Use.	10-3
Section 10.8 Combination Uses.....	10-4
Section 10.9 More Specific Use Controls.....	10-5
Section 10.10 Edenton UDO Table of Permitted Uses	10-6
ARTICLE 11. SUPPLEMENTARY USE REGULATIONS	11-1
Section 11.1 Planned Residential Developments.	11-1
Section 11.2 Manufactured Home Parks.	11-1
Section 11.3 Service Stations/Gas Sales Operations.....	11-2
Section 11.4 Special Events.	11-2
Section 11.5 Temporary Use/Sales.	11-2
Section 11.6 Bed and Breakfast Establishments.	11-3
Section 11.7 Granny Pods/Temporary Health Care Structures.	11-4
Section 11.8 Inn.	11-5
Section 11.9 Tiny Houses.	11-5
Section 11.10 Special Services Homes.	11-5
Section 11.11 Day Care Centers, Adult and Child.	11-6
Section 11.12 Cemeteries.....	11-6
Section 11.13 Microbreweries.....	11-6
Section 11.14 Airport Hazard Overlay District Requirements.	11-7
Section 11.15 Historic Overlay District Requirements.	11-8
Section 11.16 South Broad Street Residential Overlay District Requirements	11-12
Section 11.17 Multi Family Dwellings.....	11-12
Section 11.18 Institutional Care Facilities.	11-12
Section 11.19 Golf Courses.	11-12
Section 11.20 Solid Waste Disposal.	11-13
Section 11.21 Tattoo Parlors.	11-13
Section 11.22 Fuel Oil/Propane Sales.	11-14
Section 11.23 Marina.	11-14
Section 11.24 Waterfront Subdivisions.	11-14
Section 11.25 Public Water Access.....	11-15
Section 11.26 Compliance with State Guidelines for Areas of Environmental Concern.	11-15
Section 11.27 Walls and Fences.	11-15
Section 11.28 Satellite Dish Antenna.....	11-15

Section 11.29	Manufactured Homes Sales.....	11-16
Section 11.30	Sexually Oriented Businesses.....	11-16
Section 11.31	Bars, Night Clubs, and Taverns.....	11-17
Section 11.32	Shopping Centers.....	11-17
Section 11.33	Department, Variety or General Merchandise Stores 25,000 Square Feet or Larger.....	11-19
Section 11.34	Resort/Conference Facility.....	11-20
Section 11.35	Wireless Communications (Adopted 2/02).....	11-21
Section 11.36	Fairgrounds (Adopted 5/04).....	11-38
Section 11.37	Roadway Corridor Overlay District Requirements (Adopted 8/03).....	11-38
Section 11.38	Solar Farms (Adopted 3/16).....	11-38
Section 11.39	Beekeeping (Adopted 6/2018).....	11-41
Section 11.40	Food Trucks (Adopted 5/2018).....	11-41
ARTICLE 12. DENSITY AND DIMENSIONAL REGULATIONS.....		12-1
Section 12.1	Minimum Lot Size.....	12-1
Section 12.2	Residential Density.....	12-1
Section 12.3	Minimum Lot Widths.....	12-2
Section 12.4	Building Setback Requirements.....	12-3
Section 12.5	Accessory Building Setback Requirements/Maximum Lot Coverage.....	12-6
Section 12.6	Building Height Limitations.....	12-7
Section 12.7	Cluster Subdivisions.....	12-8
Section 12.8	Architecturally Integrated Subdivisions.....	12-9
Section 12.9	Density on Lots Where Portion Dedicated to Town.....	12-9
ARTICLE 13. RECREATIONAL FACILITIES AND OPEN SPACE.....		13-1
Section 13.1	Miniparks Required.....	13-1
Section 13.2	Miniparks: Purpose and Standards.....	13-1
Section 13.3	Usable Open Space.....	13-2
Section 13.4	Ownership and Maintenance of Recreational Areas and Required Open Space.....	13-2
Section 13.5	Dedication of Open Space.....	13-3
Section 13.6	Payments in Lieu of Dedication.....	13-3
Section 13.7	Procedure for Requesting Payment in Lieu of Dedication of Land.....	13-4
Section 13.8	Homeowners' Associations.....	13-4
Section 13.9	Flexibility in Administration Authorized.....	13-4
Section 13.10	Authority to Sell.....	13-5
Section 13.11	Land Acceptance.....	13-5
ARTICLE 14. STREETS AND SIDEWALKS.....		14-1
Section 14.1	Street Classification.....	14-1
Section 14.2	Access to Lots.....	14-2
Section 14.3	Access to Arterial Streets.....	14-2
Section 14.4	Entrances to Streets.....	14-2
Section 14.5	Coordination with Surrounding Streets.....	14-2
Section 14.6	Relationship of Streets to Topography.....	14-3
Section 14.7	Street Width, Sidewalk, and Drainage Requirements in Subdivisions.....	14-3
Section 14.8	General Layout of Streets.....	14-5
Section 14.9	Street Intersections.....	14-5
Section 14.10	Construction Standards and Specifications.....	14-6
Section 14.11	Private Streets and Private Roads in Subdivisions.....	14-6
Section 14.12	Road and Sidewalk Requirements in Unsubdivided Developments.....	14-8
Section 14.13	Attention to Handicapped in Street and Sidewalk Construction.....	14-9
Section 14.14	Street Names and House Numbers.....	14-9

Section 14.15	Bridges.....	14-9
Section 14.16	Utilities.....	14-9
Section 14.17	Cost of Street and Sidewalk Improvements.....	14-10
Section 14.18	Street Name and Traffic Signs.....	14-10
ARTICLE 15. UTILITIES		15-1
Section 15.1	Utility Ownership and Easement Rights.....	15-1
Section 15.2	Lots Served by Governmentally Owned Water or Sewer Lines.....	15-1
Section 15.3	Sewage Disposal Facilities Required.....	15-1
Section 15.4	Determining Compliance with Section 15.3.....	15-1
Section 15.5	Water Supply System Required.....	15-3
Section 15.6	Determining Compliance with Section 15.5.....	15-3
Section 15.7	Lighting Requirements.....	15-6
Section 15.8	Excessive Illumination.....	15-6
Section 15.9	Electric Power.....	15-6
Section 15.10	Telephone Service.....	15-7
Section 15.11	Underground Utilities.....	15-7
Section 15.12	Utilities to be Consistent with Internal and External Development.....	15-7
Section 15.13	As-Built Drawings Required.....	15-7
Section 15.14	Fire Hydrants.....	15-8
Section 15.15	Sites for and Screening of Dumpsters.....	15-8
Section 15.16	Sites for and Screening of Recycling Collection Boxes.....	15-9
ARTICLE 16. FLOOD HAZARD AREAS, DRAINAGE, STORM WATER MANAGEMENT		16-1
Part I. Flood Hazard Areas		16-1
Section 16.1	Statutory Authorization, Findings of Fact, Purpose and Objectives.....	16-1
Section 16.2	Definitions.....	16-2
Section 16.3	General Provisions.....	16-12
Section 16.4	Administration.....	16-13
Section 16.5	Provisions for Flood Hazard Reduction.....	16-26
Section 16.6	Legal Status Provisions.....	16-43
Sections 16.7 through 16.10	Reserved.....	16-44
Part II. Drainage, Erosion Control, Storm Water Management		16-45
Section 16.11	Natural Drainage System Utilized to Extent Feasible.....	16-45
Section 16.12	Developments Must Drain Properly.....	16-45
Section 16.13	Storm Water Management.....	16-45
Section 16.14	Sedimentation and Erosion Control.....	16-46
Sections 16.15 through 16.20	Reserved.....	16-47
ARTICLE 17. SIGNS		17-1
Section 17.1	Purpose/Definitions.....	17-1
Section 17.2	Permit Required for Signs.....	17-2
Section 17.3	Signs Not Requiring A Permit.....	17-3
Section 17.3	Certain Temporary Signs: Permit Exemptions and Additional Regulations.....	17-5
Section 17.4	Determining the Number of Signs.....	17-6
Section 17.5	Computation of Sign Area.....	17-6
Section 17.6	Signs in Residential Districts.....	17-7
Section 17.7	Signs in MA and OS Districts.....	17-7
Section 17.8	Signs in CD Districts.....	17-7
Section 17.9	Signs in CN Districts.....	17-7
Section 17.10	Signs in CH Districts Within 1,000 Feet of U.S. Highway 17.....	17-7
Section 17.11	Signs in CH Districts Not Within 1,000 Feet of U.S. Highway 17.....	17-8

Section 17.12	Shopping Center Signs. (Amended 6/02)	17-8
Section 17.13	Signs in IW Districts.	17-9
Section 17.14	Subdivision and Multi Family Development Entrance Signs.	17-9
Section 17.15	Location Requirements.	17-9
Section 17.16	Sign Illumination and Signs Containing Lights.	17-9
Section 17.17	Miscellaneous Restrictions and Prohibitions.	17-10
Section 17.18	Sign Maintenance.	17-12
Section 17.19	Nonconforming Signs.	17-12
Section 17.20	Discontinued Signs.	17-12
ARTICLE 18. PARKING		18-1
Section 18.1	Definitions.	18-1
Section 18.2	Number of Parking Spaces Required	18-1
Section 18.3	Flexibility in Administration Required.	18-7
Section 18.4	Parking Space Dimensions.	18-7
Section 18.5	Required Widths of Parking Area Aisles and Driveways.	18-8
Section 18.6	General Design Requirements.	18-8
Section 18.7	Vehicle Accommodation Area Surfaces.	18-9
Section 18.8	Joint Use of Required Parking Spaces.	18-9
Section 18.9	Satellite Parking.	18-10
Section 18.10	Special Provisions for Lots With Existing Buildings.	18-10
Section 18.11	Loading and Unloading Areas.	18-11
Section 18.12	Parking Area Landscaping.	18-12
Section 18.13	Landscaping of Preexisting Vehicle Parking Areas.	18-13
Section 18.14	Flexibility in Administration Required.	18-14
ARTICLE 19. SCREENING, LANDSCAPING AND TREES		19-1
Part I. Landscaping and Screening		19-1
Section 19.1	Purpose.	19-1
Section 19.2	Parking and Loading Area Landscaping.	19-1
Section 19.3	Screening of Dumpsters.	19-2
Section 19.4	Screening of Adjoining Incompatible Land Uses.	19-2
Section 19.5	Alternative Screening Methods.	19-3
Section 19.6	Maintenance.	19-4
Section 19.7	Use of Existing Screening.	19-4
Section 19.8	Obstruction Prohibited.	19-4
Section 19.9	Guarantee in Lieu of Immediate Installation of Landscaping and Screening Materials.	19-5
Sections 19.10 through 19.15	Reserved.	19-5
Part II. Shading		19-5
Section 19.16	Council Findings and Declaration of Policy on Shade Trees.	19-5
Section 19.17	Required Trees Along Dedicated Streets.	19-6
Section 19.18	Retention and Protection of Large Trees.	19-6
Section 19.19	Tree Protection During Construction.	19-6
Section 19.20	Shade Trees in Parking Areas.	19-7
Section 19.21	Compliance with Landscaping and Screening Standards.	19-8
Section 19.22 through 19.25	Reserved.	19-8
Part III. Supplemental Standards Applicable to All Landscaped Areas		19-8
Section 19.26	Irrigation.	19-8
Section 19.27	Revegetation.	19-8
Section 19.28	Preservation of Existing Vegetation.	19-8
Section 19.29	Specificity of Plans.	19-8

ARTICLE 20. LEGISLATIVE PROCEDURES	20-1
Part I. Amendments.	20-1
Section 20.1 Process for Adoption of Development Regulations.....	20-1
Section 20.2 Notice of Hearing on Proposed Zoning Map Amendments.....	20-1
Section 20.3 Citizen Comments.....	20-2
Section 20.4 Planning Board Review and Comment.....	20-2
Section 20.5 Town Council Statement.....	20-3
Section 20.6 through 20.10 Reserved.....	20-3
Part II. Vested Rights and Permit Choice.....	20-4
Section 20.11 Findings.	20-4
Section 20.12 Permit Choice.	20-4
Section 20.13 Process to Claim Vested Right.	20-4
Section 20.14 Types and Duration of Statutory Vested Right.....	20-4
Section 20.15 Continuing Review.....	20-6
Section 20.16 Exceptions.	20-6
Section 20.17 Miscellaneous Provisions.....	20-7
Section 20.18 through 20.20 Reserved.....	20-7
Part III. Development Agreements.....	20-8
Section 20.21 Authorization.	20-8
Section 20.22 Definitions.	20-9
Section 20.23 Approval of Town Council Required.....	20-9
Section 20.24 Size and Duration.	20-9
Section 20.25 Public Hearing.....	20-9
Section 20.26 Content and Modification.....	20-10
Section 20.27 Vesting.....	20-11
Section 20.28 Breach and Cure.....	20-11
Section 20.29 Amendment or Termination.....	20-12
Section 20.30 Change of Jurisdiction.	20-12
Section 20.31 Recordation.....	20-12
Section 20.32 Applicability of Procedures to Approve Debt.....	20-12
Section 20.33 through 20.35 Reserved.....	20-12
Part IV. Moratoria.....	20-13
Section 20.36 Authority.....	20-13
Section 20.37 through 20.40 Reserved.....	20-13

APPENDICES

Appendix A-Information Required with Applications
Appendix B-Specifications on Driveway Entrances
Appendix C-Specifications for Street Design and Construction
Appendix D-Vehicle Accommodation Area Surfaces
Appendix E-Screening and Trees
Appendix F-Planting, Pruning and Annual Maintenance Practices for Street and Park Trees
Appendix G-Plants for Buffer and Parking Lot Landscaping
Appendix H-Street Trees Approved for Use
Appendix I-Graphics Illustrating Major Buffering and Landscaping Requirements
Appendix J-Guidelines for The Preparation of a Traffic Impact Assessment
Appendix K-Guidelines for the Preparation of an Environmental Review
Appendix L-Guidelines for The Preparation of a Fiscal Impact Statement
Appendix M-Design Standards