

Town of Turkey North Carolina

Zoning Ordinance

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TABLE OF CONTENTS

	<u>Page</u>
SECTION 1: LEGAL PROVISIONS	4
1.1 Purpose	4
1.2 Authority	4
1.3 Jurisdiction	4
1.4 Minimum Regulations	4
1.5 Validity	4
1.6 Permit Choice	5
1.7 Vested Rights	5
1.8 Effective Date	5
1.9 Bona Fide Farm Exemption	6
SECTION 2: OFFICIAL ZONING MAP AND ZONING DISTRICTS	7
2.1 Zoning Map	7
2.2 Zoning Districts	7
2.3 Interpretation of District Boundaries	7
SECTION 3: APPLICATION AND ENFORCEMENT	8
3.1 Application	8
3.2 Enforcement	8
A. Zoning Officer	8
B. Certificate of Zoning Compliance and Building Permit Required	9
C. Application Procedures	9
D. Right of Appeal	9
E. Penalty	10
F. Remedies	10
G. Cancellation of Permits	10
H. Accessory Building Exemption	10
SECTION 4: NONCONFORMING USES	11
4.1 Substandard Lots of Record	11
4.2 Extension of Nonconforming Uses	11
4.3 Change of Nonconforming Uses	11
4.4 Destruction of Nonconforming Uses	11
4.5 Repair and Alteration of Nonconforming Uses	11

SECTION 5: GENERAL PROVISIONS	12
5.1 Required Yards Not to be Used by Another Building	12
5.2 Relationship of Building to Lots	12
5.3 Street Access	12
5.4 Reduction of Lot and Yard Areas Prohibited	12
5.5 Accessory Buildings	12
5.6 Two Residential Homes.	12
SECTION 6: CONVENTIONAL ZONING DISTRICT REGULATIONS	13
6.1 Residential / Agriculture (AR)	13
6.2 Residential / Business (RB)	15
6.3 Industrial (I)	17
SECTION 7: SPECIAL USES	20
7.1 Purpose	20
7.2 Application for Special Use	20
7.3 Public Hearing	20
7.4 Action by the Board of Commissioners.	20
7.5 General Provisions in Granting Special Use Permits	21
SECTION 8: BOARD OF ZONING ADJUSTMENT	22
8.1 Creating the Board of Adjustment	22
8.2 Powers and Duties.	23
8.3 Appeal Process	24
8.4 Administration of Oaths	25
8.5 Fees for Variance or Appeals	25
SECTION 9: CHANGES AND AMENDMENTS	26
9.1 Action by the Applicant	26
9.2 Action by the Planning Board	27
9.3 Action by the Board of Commissioners	27
SECTION 10: DEFINITIONS	28

AN ORDINANCE PROVIDING FOR THE ZONING OF THE TOWN OF TURKEY, NORTH CAROLINA

SECTION 1. LEGAL PROVISIONS

1.1 PURPOSE

In order to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote the public health, safety and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the efficient and adequate provisions of transportation, sewerage, schools, parks, and other public requirements; to conserve the value of land and buildings; to protect the public water supply, and encourage the most appropriate use of land throughout the planning and development regulation jurisdiction (corporate and extra-territorial areas), there is hereby adopted and established an official Zoning Ordinance of the Town of Turkey.

1.2 AUTHORITY

This Zoning Ordinance is adopted pursuant to the authority vested in the Town of Turkey by its charter and the General Statutes of North Carolina, particularly Chapter 160A & 160D [Local Planning and Development Regulation].

1.3 JURISDICTION

The provisions of this Ordinance shall apply within the corporate limits of the Town of Turkey, North Carolina and its legally established extra-territorial jurisdiction area hereafter referred to as the Town's planning and development regulation jurisdiction, as shown on the Town's official zoning map on file in the Town Hall.

1.4 MINIMUM REGULATIONS

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, abrogate, or annul easements, covenants, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern.

1.5 VALIDITY

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid by the courts, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Commissioners hereby declares that it has 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.

1.6 PERMIT CHOICE

Per G.S. 160D-108(b), if this ordinance is amended between the time a development permit application was submitted and a development permit decision is made or if this ordinance is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal, G.S. 143-755 applies.

1.7 VESTED RIGHTS

A vested right shall be deemed established with respect to any property in accordance with GS 160D-108.1 which establishes a statutory vested right upon the approval of a site specific vesting plan.

Vested Right. A person claiming a statutory or common law vested right may submit information to substantiate that claim to the administrative officer designated by this ordinance, who shall make an initial determination as to the existence of the vested right. The decision of the Administrative Officer may be appealed under G.S. 160D-405. On appeal, the existence of a vested right shall be reviewed de novo. In lieu of seeking such a determination or pursuing an appeal under G.S. 160D-405, a person claiming a vested right may bring an original civil action as provided by G.S. 160D-1403.1.

Vested Right - Sight Specific Vesting Plan. Per G.S. 160D-108.1, if a site-specific vesting plan is based on an approval required by this ordinance, the Town shall provide whatever notice and hearing is required for that underlying approval. A duration of the underlying approval that is less than two years does not affect the duration of the site-specific vesting plan established under this section. If the site-specific vesting plan is not based on such an approval, a legislative hearing with notice as required by G.S. 160D-602 shall be held. The Town may approve a site-specific vesting plan upon any terms and conditions that may reasonably be necessary to protect the public health, safety, and welfare. Conditional approval results in a vested right, although failure to abide by the terms and conditions of the approval will result in a forfeiture of vested rights. The Town shall not require a landowner to waive the landowner's vested rights as a condition of developmental approval. A site-specific vesting plan is deemed approved upon the effective date of the Town's decision approving the plan or another date determined by the Board of Commissioners upon approval. An approved site-specific vesting plan and its conditions may be amended with the approval of the owner and the Town as follows: any substantial modification must be reviewed and approved in the same manner as the original approval; minor modifications may be approved by staff, if such are defined and authorized by this ordinance.

1.8 EFFECTIVE DATE

This Ordinance and its provisions governing the use of land and buildings, the height of buildings, and other matters as hereinafter set forth are hereby established and declared to be in full force and effect from and after its passage.

1.9 BONA FIDE FARM EXEMPTION

The provisions of this ordinance shall not apply to bona fide farms. This ordinance does not exercise controls over crop lands, timber land, pasture lands, idle or other farm lands, nor over any farm house, barn, poultry house, other farm building including tenant or other houses for persons working on said farms, as long as such houses shall be in the same ownership as the farm and located on the farm. Such agricultural uses maintain the openness of the land and achieve the purposes of this chapter without the need for regulation. Per G.S. § 160D-903, residences which are not occupied by the owner, lessee, or operator and other non-farm uses shall be subject to the provisions of this ordinance.

Approved and adopted by the Board of Commissioners this 13th day of 2008.

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORMED:

Town Attorney

SECTION 2. OFFICIAL ZONING MAP AND ZONING DISTRICTS

2.1 ZONING MAP

For the purposes of this Ordinance, the Town of Turkey, including its extra-territorial jurisdiction area, is hereby divided into zoning districts whose locations and boundaries are shown on the Official Zoning Map for the Town of Turkey, which is hereby adopted by reference and declared to be a part of this Ordinance.

Per G.S. 160D-105, the Board of Commissioners has adopted a Zoning Map entitled "Official Zoning Map, Town of Turkey, NC" which is retained in the office of the Town Clerk. The Official Zoning Map and notations thereon are hereby designated, established, and incorporated as a part of these regulations and shall be as much a part of these regulations as if they were fully described herein. The maps may be in paper or a digital format approved by the town and may be reproduced by any method of reproduction that gives legible and permanent copies and, when certified by the town clerk in accordance with G.S. 160A-79, shall be admissible into evidence and shall have the same force and effect as would the original map.

Development regulations adopted pursuant to this ordinance may reference or incorporate by reference flood insurance rate maps, watershed boundary maps, or other maps officially adopted or promulgated by State and federal agencies. For these maps a regulation text or zoning map may reference a specific officially adopted map or may incorporate by reference the most recent officially adopted version of such maps. When zoning district boundaries are based on these maps, the regulation may provide that the zoning district boundaries are automatically amended to remain consistent with changes in the officially promulgated State or federal maps, provided a copy of the currently effective version of any incorporated map shall be maintained for public inspection as provided in subsection this section

2.2 CONVENTIONAL ZONING DISTRICTS

In order that the purpose of this Ordinance may be accomplished, the planning and development regulation jurisdiction of the Town of Turkey, as set forth on the official zoning map, are hereby divided into three (3) districts as follows:

Agricultural Residential - AR
Residential Business - RB
Industrial - I

2.3 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Unless otherwise specifically indicated, where district boundaries are shown on the Zoning Map as approximately parallel or following the center lines of streets, highways, utility easements, or stream beds, or such lines extended, then such lines shall be construed to be such district boundaries.
- B. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- C. Where a district boundary line divides a lot in single ownership, the requirements for the district in which the greater portion of the lot lies shall be extended to the

balance of the lot, provided that such extension shall not include any part of such lot which lies more than fifty (50) feet beyond the district boundary, and further provided that the remaining parcel shall not be less than the minimum required for the district in which it is located.

- D. Where any public street is hereafter officially vacated or abandoned, the regulations applicable to parcels of abutting property shall apply to that portion of such street or alley thereto by virtue of such vacation or abandonment.
- E. In instances where none of the above methods are sufficient to resolve the boundary location by the Zoning Officer, the Board of Adjustment shall be empowered to interpret the intent of the Zoning Map as to the location of district boundaries in case any further uncertainty exists.

SECTION 3. APPLICATION AND ENFORCEMENT

3.1 APPLICATION

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 Ordinance.

3.2 ENFORCEMENT

A. ZONING OFFICER

Per GS 160D-404, the Board of Commissioners shall appoint a Zoning Officer to enforce the provisions of this Ordinance. The Zoning Officer will keep records of all variances and amendments to this ordinance. The assistance of such other persons may be provided as the Board of Commissioners may direct.

If the Zoning Officer determines work or activity has been undertaken in violation of a development regulation adopted pursuant to this ordinance or other local development regulation or any State law delegated to the town for enforcement purposes in lieu of the State or in violation of the terms of a development approval, a written notice of violation may be issued. The notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property. The person providing the notice of violation shall certify to the town that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud. Except as provided by G.S. 160D-1123 or G.S. 160D-1206 or otherwise provided by law, a notice of violation may be appealed to the board of adjustment pursuant to G.S. 160D-405.

Per G.S. 160D-109(c), the Zoning Officer shall not make a final decision on an administrative decision required by this ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the Administrative Officer or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the Zoning

Officer or such other staff person as may be designated by this ordinance.

The Zoning Officer shall not be financially interested or employed by a business that is financially interested in a development subject to regulation under this ordinance unless the Administrative Officer is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with the Town to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the town, as determined by the town.

B. CERTIFICATE OF ZONING COMPLIANCE AND BUILDING PERMIT REQUIRED

Except as provided in Section 3.2, H. below, no land shall be used or occupied (except for agricultural purposes per G.S. 160D-903) and no building hereafter erected, structurally altered, or moved or its use changed until a Certificate of Zoning Compliance shall be issued by the Zoning Officer in conformity with the provisions of this Ordinance or after written order from the Board of Adjustment. (Amended 1/2000)

A Building Permit cannot be issued by the Building Inspector unless zoning compliance is certified.

A record of all certificates shall be kept on file in the office of the Zoning Officer and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land involved.

C. APPLICATION PROCEDURES

Each application for a Certificate of Zoning Compliance shall be accompanied by two (2) sets of plans drawn to scale, one (1) of which shall be returned to the applicant upon approval. The plan shall show the following:

- (1) The shape and dimensions of the lot on which the proposed building or use is to be erected or conducted;
- (2) The location of 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) Any other information which the Zoning Officer may deem necessary for consideration in enforcing the provisions of this Ordinance.

A fee, set by the Board of Commissioners, shall be charged for the processing of such application. The adopted fee schedule shall be posted in the Town Clerk's Office.

D. RIGHT OF APPEAL

If the Certificate of Zoning Compliance is denied, the applicant may appeal the action of the Zoning Officer to the Board of Adjustment [referred to as an Administrative Appeal per GS 160D-405]; and that from the decision of the Board of Adjustment, recourse shall be had to superior court as provided by law. An appeal to the Board of Adjustment shall be made within thirty (30) days of the order, requirement, decision, or determination made by the Zoning Officer.

The Board of Adjustment may reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination with reference to the appeal through an evidentiary hearing and quasi-judicial decision.

The Zoning Officer who made the decision shall transmit to the board all documents and exhibits constituting the record upon which the decision appealed from is taken. The Zoning Officer shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

E. PENALTY

The Zoning Officer will notify the owner of the subject property of a suspected violation of this ordinance in writing by certified mail. If the violation has not been corrected, and no appeal has been made to the Board of Adjustment within 10 days of the date of the notice, the property owner shall be fined fifty (\$50) dollars per violation per day of continued violation.

F. REMEDIES

In any case where a building is created, constructed, reconstructed, altered, repaired, converted, or maintained, or any building or land is used in violation of this Ordinance, the Zoning Officer, or any other appropriate Town authority, or any person who would be damaged by such violation, in addition to other remedies, may institute an action for injunction, or mandamus, or other appropriate action or proceeding to prevent such violation.

G. STOP WORK ORDERS & CANCELLATION OF PERMITS

Per G.S. 160D-404, whenever any work or activity subject to regulation pursuant to this ordinance or other applicable local development regulation or any State law delegated to the town for enforcement purposes in lieu of the State is undertaken in substantial violation of any State or local law, or in a manner that endangers life or property, staff may order the specific part of the work or activity that is in violation or presents such a hazard to be immediately stopped. The order shall be in writing, directed to the person doing the work or activity, and shall state the specific work or activity to be stopped, the reasons therefor, and the conditions under which the work or activity may be resumed. A copy of the order shall be delivered to the holder of the development approval and to the owner of the property involved (if that person is not the holder of the development approval) by personal delivery, electronic delivery, or first-class mail. The person or persons delivering the stop work order shall certify to the town that the order was delivered and that certificate shall be deemed conclusive in the absence of fraud. Except as provided by G.S. 160D-1112 and G.S. 160D-1208, a stop work order may be appealed pursuant to G.S. 160D-405. No further work or activity shall take place in violation of a stop work order pending a ruling on the appeal. Violation of a stop work order shall constitute a Class 1 misdemeanor.

H. ACCESSORY BUILDING EXEMPTION FROM CERTIFICATE OF ZONING COMPLIANCE AND FEE

Accessory buildings three hundred and twenty (320) square feet in area or less need not obtain a "Certificate of Zoning Compliance" nor pay a permit fee. However, such accessory buildings must still be setback from lot lines in accord with this ordinance (see Section 5.5 and Section 6.0) and an application filed whereby the applicant signifies knowledge of the requirements and that non-compliance is a violation of this ordinance.

SECTION 4. NONCONFORMING USES

After the effective date of this Ordinance, pre-existing lots or structures, or uses of lots or structures which are prohibited under the regulations for the district in which located, shall be considered as nonconforming. Nonconforming lots, structures or uses may be continued, provided they conform to the following provisions.

4.1 SUBSTANDARD LOTS OF RECORD

Any lot of record existing at the time of the adoption of this Ordinance which has an area or width which is less than required by this Ordinance, shall be subject to the following exceptions and modifications:

A. **ADJOINING AND VACANT LOTS OF RECORD**

If two (2) or more adjoining and vacant lots of record are in a single ownership at any time after the adoption of this Ordinance and such lots individually have less frontage or area than the minimum requirements of the district in which such lots are located, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used which does not meet lot width and area requirements established by this Ordinance.

B. **LOTS NOT MEETING LOT SIZE REQUIREMENTS**

Except as set forth in (A) above, if a lot, which was recorded prior to the passage of this Ordinance, fails to meet lot area or width requirements or both in a district where single family dwellings are permitted, such lot may be used as the location of a single-family dwelling with related accessory buildings. In such cases, the Zoning Officer is authorized to issue a permit with reduced width or area requirements, but in no case shall the lot size and/or yard requirements be reduced by more than ten (10%) percent.

4.2 EXTENSION OF NONCONFORMING USES

Nonconforming portions of structures and nonconforming uses of structures or land shall not be enlarged or extended.

4.3 CHANGE OF NONCONFORMING USES

Any nonconforming use may be changed to any uses permitted in the underlying conventional zoning district. In permitting such changes appropriate conditions and safeguards in accordance with the provisions of this Ordinance shall be met.

4.4 DESTRUCTION OF NONCONFORMING USES

If a nonconforming structure or a structure occupied by a nonconforming use is destroyed by any means, such structure may be restored or reconstructed.

4.5 REPAIR AND ALTERATION OF NONCONFORMING USES

Normal maintenance and repair of a building occupied by the nonconforming use is permitted, provided it does not increase the bulk of the structure nor extend the nonconforming use.

SECTION 5. GENERAL PROVISIONS

5.1 REQUIRED YARDS NOT TO BE USED BY ANOTHER BUILDING

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

5.2 RELATIONSHIP OF BUILDING TO LOTS

Every building hereafter erected, moved, or structurally altered shall be located on a lot and in no case shall there be more than one principal building and its customary accessory buildings on the lot except as permitted in Section 5.6 below or in the case of a designed complex of institutional, residential, commercial, or industrial buildings in an appropriate zoning district, i.e., school campus, cluster housing, shopping center, etc. (Amended 5/1999)

5.3 STREET ACCESS

No building shall be erected on a lot which does not abut a public street for a distance of at least twenty-five (25) feet or does not have access to a public street by a valid right-of-way of at least twenty-five (25) feet wide which is in writing and recorded in the office of the Register of Deeds of Sampson County, North Carolina. However, a building erected as part of a designed shopping center may be erected adjoining a parking area used in common with other lots.

5.4 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 herein.

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

5.5 ACCESSORY BUILDINGS

No accessory building shall be located in any required front or side yard but may be located to within five (5) feet of any rear property line or of a side property line when located behind the principal structure. (Amended 3/1999.)

5.6 TWO RESIDENTIAL HOMES ON A SINGLE LOT to read as follows:

Two single-family dwelling units, only one of which may be a Class "A" or Class B Manufactured Home, may be located as 2 principal structures on the same lot as long as each unit will be located so that if the lot was further divided, each dwelling unit would have the minimum lot area for the district and all setback requirements for the district would be met. A plot plan (drawing) drawn to scale showing how the dwellings will meet the separate lot requirements shall be provided at the time of application. The placement of a Class "A" or Class "B" Manufactured Home shall be governed further by the standards of "Section 6. District Regulations."

SECTION 6. CONVENTIONAL ZONING DISTRICT REGULATIONS

6.1 AGRICULTURAL / RESIDENTIAL DISTRICT (AR)

The agricultural - residential district is established to accommodate low density single-family residential developments at minimum urban densities; to stabilize existing residential areas by limiting conflicting uses from occurring in such residential areas; to prevent unduly dense development in areas not receiving urban services; and to enhance the prospects for future residential development in an orderly manner.

A. PERMITTED USES

Agriculture - including orchards, pasture land for grazing animals, field crops, and forestry. Commercial poultry and swine production, cattle feed lots, and fur bearing animal farms are strictly prohibited [see G.S. 160D-903 for Bona Fide Farm exemptions].

Automobile oriented business, service stations and garages - all automobiles and equipment being serviced or repaired shall be stored within the interior of the building or in the rear or side of the property fully enclosed by a blind fence.

At the time of the adoption of this ordinance all existing automobile oriented businesses to include service stations and garages located within the planning and development jurisdiction of the Town of Turkey shall have six (6) months to comply with the standards set by this code.

Class "A" Manufactured Homes (Specifications outlined in Section 10)

Class "B" Manufactured Homes - (for living accommodations only) in good condition at the time of application as follows:

- 1) All windows & doors are in place and in working order;
- 2) All siding is in place and no visible damage;
- 3) All painting is not peeling, faded or cracking;
- 4) All roofing is in place;
- 5) The unit was manufactured after July 1, 1976;
- 6) If deemed necessary, the Zoning Officer may still inspect the unit personally;
- 7) Color photos of ALL sides and top of the unit must accompany the application.
- 8) The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation, masonry curtain wall, vinyl siding or material intended for this purpose (unpierced except for required ventilation and access) is installed under the entire perimeter of the manufactured home within 90 days and maintained as such.

At the time of the adoption of this ordinance all existing manufactured homes located within the Town of Turkey and the extra-territorial jurisdiction will have 90 (ninety) days to comply with the standards set by this code. (Amended 2008)

Single-family dwellings

Schools - elementary and/or secondary, meeting all requirements of the

compulsory education laws of North Carolina.
B. AGRICULTURAL / RESIDENTIAL PERMITTED USES CONTINUED

Public parks and recreation facilities

Religious uses including churches and other places of worship; religious education buildings and parish houses

Home occupations

Accessory uses and structure. Any use or structure customarily incidental to a principal use or structure or to a special use for which a permit has been issued. (Amended 3/1999)

On Premises Business Signs (total sign area shall not exceed thirty-two (32) square feet.

Temporary health care structures per G.S. 160D-915.

Outside storage, provided that in the interest of safety to children and adjacent property, such storage shall be completely enclosed by a blind fence. Storage shall not be stacked or piled to a height which is greater than its distance to the nearest property line.

B. SPECIAL USES

Cemetery

Social uses such as social halls, lodges, fraternal organizations, clubs, and similar activities (excluding night club or adult entertainment facilities)

Nursing home, rest home, medical clinic, or dental clinic

Mortuary or funeral home

Libraries, and other public institutions

Private nonprofit outdoor recreation facilities

Public utility and municipal transformer station, pumping station, water and sewer treatment plant, etc. All structures except fences shall be set back from all property lines by at least one foot for every foot of structure height. All such structures shall be architecturally in keeping with surrounding development to the maximum extent possible.

C. DIMENSIONAL REQUIREMENTS

Lot	Width	Minimum 100 feet
	Area	Minimum 20,000 square feet
Yards	Front	Minimum 35 feet
	Rear	Minimum 25 feet
	Side	Minimum 15 feet
	Corner	
	Side	Minimum 25 feet

COMPATIBILITY BUFFER REQUIREMENTS

All commercial developments shall provide and maintain along sides and rear property lines a continuous visual buffer. The buffer shall consist of one, or a combination of, the following:

1. A compact evergreen hedge or any combination of tree and or bush evergreen foliage which shall reach a height of six feet (6') within four years and shall be maintained at a minimum of six feet (6') in height thereafter.
2. A 6' tall blind fence as defined in Section 10 of this ordinance.

This requirement can be waived upon the recommendation of the Zoning Administrator along any boundary which is naturally screened by evergreen plant materials or topography.
(Amd. 06/20/2023)

6.2 RESIDENTIAL / BUSINESS DISTRICT (RB)

The residential / business district is established to accommodate the historic mix of small businesses and single-family residential developments traditionally associated with the town.

A. PERMITTED USES

Automobile oriented businesses, service stations and garages - all automobiles and equipment being serviced or repaired shall be stored within the interior of the building or in the rear or side of the property fully enclosed by a blind fence.

At the time of the adoption of this ordinance all existing automobile oriented businesses to include service stations and garages located within the planning and development jurisdiction of the Town of Turkey shall have six (6) months to comply with the standards set by this code.

Agriculture - including orchards, hay fields, field crops, and forestry. Commercial poultry and swine production, cattle feed lots, and fur bearing animal farms are strictly prohibited [see G.S. 160D-903 for Bona Fide Farm exemptions].

Class "A" Manufactured Homes (Specifications outlined in Section 10)

Class "B" Manufactured Homes - (for living accommodations only) in good condition at the time of application as follows:

- 1) All windows & doors are in place and in working order;
- 2) All siding is in place and no visible damage;
- 3) All painting is not peeling, faded or cracking;
- 4) All roofing is in place;
- 5) The unit was manufactured after July 1, 1976;
- 6) If deemed necessary, the Zoning Officer may still inspect the unit personally;
- 7) Color photos of ALL sides and top of the unit must accompany the application. (Amended 1/2000 - Complete Use section added.)
- 8) The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation, masonry curtain wall,

vinyl siding or material intended for this purpose (unpierced except for required ventilation and access) is installed under the entire perimeter of the manufactured home within 90 days and maintained as such.

At the time of the adoption of this ordinance all existing manufactured homes located within the Town of Turkey and the extra-territorial jurisdiction will have 90 (ninety) days to comply with the standards set by this code. (Amended 2008)

Single-family dwellings

Schools - elementary and/or secondary, meeting all requirements of the compulsory education laws of North Carolina.

Shopping centers

Social uses such as social halls, lodges, fraternal organizations, clubs, and similar activities (excluding night club or adult entertainment facilities)

A. BUSINESS / RESIDENTIAL PERMITTED USES CONTINUED

Public parks and recreation facilities

Religious uses including churches and other places of worship; religious education buildings and parish houses

Home occupations

Retail / wholesale shops and stores

Offices for business and professional purposes

Governmental offices and services

Public utilities and facilities, excluding outside storage yards

Parking lots

Banks

Accessory uses and structure. Any use or structure customarily incidental to a principal use or structure or to a special use for which a permit has been issued.

On Premises Business Signs (total sign area shall not exceed thirty-two (32) square feet.

Temporary health care structures per G.S. 160D-915.

Outside storage, provided that in the interest of safety to children and adjacent property, such storage shall be completely enclosed by a blind fence. Storage shall not be stacked or piled to a height which is greater than its distance to the nearest property line.

B. SPECIAL USES

Bed and breakfast Homes & Inns

Cemeteries

Nursing homes rest homes, medical clinics, or dental clinics

Mortuary or funeral homes

Libraries, and other public institutions

Private nonprofit outdoor recreation facilities

Storage provided the use is within a building and the use is not visible from outside the building.

C. DIMENSIONAL REQUIREMENTS

Residential Uses:

Lot	Width	Minimum 80 feet
	Area	Minimum 6,000 square feet
Yards	Front	Minimum 20 feet
	Rear	Minimum 20 feet
	Side	Minimum 10 feet

D. COMMERCIAL/BUSINESS DIMENSIONAL REQUIREMENTS CONTINUED

Commercial / Business Uses

Lot	Width	Minimum 100 feet
	Area	Minimum 20,000 square feet
Yards	Front	Minimum 50 feet
	Rear	Minimum 25 feet
	Side	Minimum 15 feet

E. COMPATIBILITY BUFFER REQUIREMENTS

All commercial developments shall provide and maintain along sides and rear property lines a continuous visual buffer. The buffer shall consist of one, or a combination of, the following:

1. A compact evergreen hedge or any combination of tree and or bush evergreen foliage which shall reach a height of six feet (6') within four years and shall be maintained at a minimum of six feet (6') in height thereafter.
2. A 6' tall blind fence, as defined in Section 10 of this Ordinance.

This requirement can be waived upon the recommendation of the Zoning Administrator along any boundary which is naturally screened by evergreen plant materials or topography.
(Amd. 06/20/2023)

6.3 INDUSTRIAL DISTRICT

The purpose of this district is to promote and protect both existing industrial activities and potential sites where urban services are available and which are considered suitable for continued or future industrial use; to prohibit uses or land which would substantially interfere with the continuation of uses permitted in the district; and to

promote the operation of industrial facilities in a relatively clean and quiet manner with minimal negative impacts to adjacent property.

A. Permitted Uses:

- (1) Warehousing, completely within an enclosed building;
 - (2) Freight terminal offices and warehouses;
 - (3) Brewery;
 - (4) Manufacture, assembly, or packaging of products of the following previously prepared materials: cloth, plastic, paper, leather, precious, and semiprecious metals and stones; wood products; and of any inorganic type; manufacturing area shall be less than fifteen thousand (15,000) square feet;
 - (5) Reserved.
 - (6) Experimental, film, or testing laboratories; building operation shall be less than fifteen thousand (15,000) square feet;
 - (7) Manufacture or processing of food products and pharmaceuticals, exclusive of the production of fish or meat products, sauerkraut, vinegar or the like, and exclusive of the rendering or refining of fats and oils; manufacturing area shall be less than fifteen thousand (15,000) square feet;
 - (8) Outside storage, provided that in the interest of safety to children and adjacent property, such storage shall be completely enclosed by a blind fence. Storage shall not be stacked or piled to a height which is greater than its distance to the nearest property line;
 - (9) Sale or storage of garden supplies, landscape supplies; retail or wholesale;
 - (10) Mini-storage; no storage in building setbacks. Outside storage shall consist of only motor vehicles, recreational vehicles, recreational trailers, heavy equipment; outside storage shall be completely enclosed by a blind fence;
 - (11) Public utility uses and governmental uses;
 - (12) Convenience store/gasoline service stations, provided that no inoperative automobiles shall be stored on the exterior except in conformity with the requirements for outside storage contained in subsection (8) of this section;
 - (13) Wholesale offices and warehouse sales;
 - (14) Building trades and services; shall conform to subsection (8) of this section;
 - (15) Processing enterprises not otherwise prohibited in section 22-224; building operation shall be less than fifteen thousand (15,000) square feet.
- Buffers shall be required where any use permitted adjoins land zoned for residential use. Refer to section 10 for specific buffer requirements.

B. Prohibited Uses:

No building or land shall be used and no building shall be hereafter erected or structurally altered for the purpose of conducting any of the uses listed in this section within any of the various districts as established by this chapter, unless plans for the abatement of noise, odor, smoke, ignitable corrosivity, toxicity, or other nuisance or menace to the public welfare which may be created by such activity are submitted to the Board of Commissioners after recommendation from the planning board. These plans shall include a statement of the level of noise, odor, smoke, or other emissions which is to be emitted from such installation, using a recognized standard of measurement. If the Board of Commissioners finds after public hearing as required for amendments to this chapter that the use will not be detrimental to the public health, safety, and welfare, they may issue a special use permit to allow the use in the industrial district. If at any time any of the following uses exceeds the

level of emission as stated in the application for a special use permit, the use shall be discontinued until such time as the stated level is reached:

- (1) Abattoirs;
- (2) Acetylene gas manufacture and/or storage;
- (3) Acid manufacture;
- (4) Airports and landing fields for fixed wing aircraft;
- (5) Ammonia, bleaching powder or chlorine manufacture;
- (6) Asphalt manufacture or refining;
- (7) Brick, tile or terracotta manufacture;
- (8) Cellophane manufacture;
- (9) Cement, lime, plaster manufacture;
- (10) Creosote manufacturing or treatment plants;
- (11) Distillation of bones, coal, petroleum, refuse grain, tar, and wood;
- (12) Explosives, ammunition, fireworks, gunpowder manufacture;
- (13) Fat rendering or storage (greater than two thousand (2,000) gallons, or the production of fats and oils from animal or vegetable products by boiling or distillations;
- (14) Fertilizer manufacture;
- (15) Forging plants;
- (16) Garbage, offal, and animal reductions, or processing;
- (17) Glue and size manufacture;
- (18) Linseed oil, shellac, turpentine, manufacture or refining;
- (19) Oilcloth or linoleum manufacture;
- (20) Ore reduction;
- (21) Racing of vehicles;
- (22) Rubber manufacture;
- (23) Tanning, cutting, curing, cleaning or storing of green hides or skins;

B. DIMENSIONAL REQUIREMENTS

Lot	Width	Minimum 100 feet
	Area	Minimum 1 Acre
Yards	Front	Minimum 50 feet
	Rear	Minimum 25 feet
	Side	Minimum 25 feet

C. COMPATIBILITY BUFFER REQUIREMENTS

There shall be provided and maintained along sides and rear property lines a continuous visual buffer. The buffer shall consist of one, or a combination of, the following:

1. A compact evergreen hedge or any combination of tree and or bush evergreen foliage which shall reach a height of six feet (6') within four years and shall be maintained at a minimum of six feet (6') in height thereafter.
2. A 6' tall blind fence as defined in Section 10 of this Ordinance.

This requirement can be waived upon the recommendation of the Zoning Administrator along any boundary which is naturally screened by evergreen plant materials or topography.

(Amd. 06/20/2023)

SECTION 7. SPECIAL USES

7.1 PURPOSE

The development and execution of this Ordinance is based on the division of the Town of Turkey, and its extra-territorial jurisdiction area, into zoning districts within which the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are some land uses that are basically in keeping with the intent and purposes of the district in which they are to be located, but that may have an impact on the area around them which can only be determined by review of the specific proposal. These uses may be established, under certain conditions and with proper controls, in such a manner as to minimize any adverse effects. In order to insure that these uses, in their proposed locations, would be compatible with surrounding development and in keeping with the purposes of the district in which they are to be located, their establishment shall not be as a matter of right, but only after review and approval of a Special Use Permit preceded by an Evidentiary Public Hearing and quasi-judicial decision by the Board of Commissioners. .

7.2 APPLICATION FOR SPECIAL USE

Applications for Special Use Permits, signed by the applicant, shall be addressed to the Town Clerk and forwarded to the Zoning Officer. A fee as posted in the Town Clerk's office shall be paid to the Town of Turkey for each application to cover the costs of advertising and administrative costs. Each application shall contain or be accompanied by such legal descriptions, maps, plans and other information so as to completely describe the proposed use and existing conditions.

7.3 PUBLIC HEARING

The Board of Commissioners, through the Zoning Officer, shall schedule a public hearing on the application for a Special Use Permit to be held within 60 days after the application is filed. Notice of evidentiary public hearings conducted pursuant to this Section shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice. In the absence of evidence to the contrary, the Town may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The Board of Commissioners may continue an evidentiary public hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

7.4 ACTION BY THE BOARD OF COMMISSIONERS

The Board OF Commissioners shall review the application and conduct the public hearing.

The Board of Commissioners shall approve, modify or deny the application for Special Use Permit following the public hearing. A member of Board of Commissioners exercising quasi-judicial functions pursuant to this Section shall not participate in or vote on any quasi-judicial matter in

a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. In granting a Special Use Permit the Board of Commissioners shall make written findings that the applicable regulations of the district in which it is located are fulfilled. With due regard to the nature and state of all adjacent structures and uses, the district within which same is located, and official plans for future development, the Board of Commissioners shall also make written findings that the following provisions are fulfilled:

- A. The use requested is listed among the special uses in the district for which application is made; or is similar in character to those listed in that district.
- B. The requested use is essential or desirable to the public convenience or welfare;
- C. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare, nor create a nuisance or hazard;
- D. The requested use will be in conformity with the Comprehensive Plan;
- E. Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided;
- F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets, and
- G. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

No Special Use Permit shall be issued until after review and approval by the Town of Turkey Board of Commissioners.

7.5 GENERAL PROVISIONS IN GRANTING SPECIAL USE PERMITS

A. COMPLIANCE WITH OTHER CODES

Granting of a Special Use Permit does not exempt applicant from complying with all of the requirements of building codes and other ordinances.

Per G.S. 160D-705, prior to the granting of any special use, the Board of Commissioners may stipulate, such conditions and restrictions as agreed upon by the applicant. Reasonable and appropriate conditions and safeguards may be imposed upon the special use permits. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made for recreational space and facilities. Conditions and safeguards imposed under this subsection shall not include requirements for which the town does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the town, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S.

136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land.

B. REVOCATION

In any case where the conditions of a Special Use Permit have not been or are not being complied with, the Zoning Officer shall give the permittee notice per GS 160D-403 of intention to revoke such permit prior to a Board of Commissioners review thereof. After conclusion of the review, the Board of Commissioners may revoke such permit.

C. EXPIRATION

In any case where a Special Use Permit has not been exercised within two (2) years, then without further notice, the permit shall be null and void. "Exercised" as set forth in this section shall mean that binding contracts for the construction of the main building have been let; or in the absence of contracts that the main building is under construction to a substantial degree; or that prerequisite conditions involving substantial investment are contracted for, in substantial development, or completed (sewerage, drainage, etc.). When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the condition set forth in the permit.

D. DURATION OF SPECIAL USE

Any conditions imposed in a special use authorized and exercised shall be perpetually binding upon the property unless expressly limited by the Special Use Permit or subsequently changed or amended by the Board of Commissioners after an evidentiary public hearing.

SECTION 8. BOARD OF ZONING ADJUSTMENT

8.1 CREATING THE BOARD OF ADJUSTMENT

- A. The Town of Turkey Zoning Board of Adjustment is hereby established. The word "Board" when used in this Section shall be construed to mean the Zoning Board of Adjustment. Per G.S. 160D-309, All members appointed to the Board of Adjustment under this Article shall, before entering their duties, qualify by taking an oath of office as required by G.S. 160A-61. Said Board shall consist of four (4) members and one (1) alternate member, appointed by the Board of Commissioners, each to be appointed for a term of three (3) years. The original appointment shall be made in this manner: One member shall be appointed for a term of one (1) year; two members shall be appointed for a term of two (2) years; and two members shall be appointed for a term of three (3) years. Alternate members shall serve only to replace regular members who are absent or cannot vote because of conflicts. At the expiration of the terms of all members first appointed, all new or reappointments shall be made for a term of three (3) years. All appointments to fill vacancies shall be for the un-expired term. The Board shall elect a Chairman from its membership and such other officers as the Board deems best. The members of the Board shall receive no compensation for their services.
- B. All meetings of the Board shall be held at a regular place and shall be open to the public. The Board shall keep minutes of its proceedings in a book maintained for that purpose only, showing the vote of each member upon each question, or if absent or failing to vote, an indication of such fact; and final disposition of appeals shall be by recorded resolution indicating the reasons of the Board

therefore, all of which shall be a public record. A concurring vote of four-fifths of the members of the Board shall be necessary to grant a variance. A simple majority vote shall be required to reverse any decision of the Administrative Officer or his representative, or to decide in favor of the applicant on any matter upon which it is required to consider under any ordinance. For the purposes of this section, vacant positions on the board and members who are disqualified from voting due to a conflict of interest shall not be considered "members of the board" for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such members. A member of the board of adjustment exercising quasi-judicial functions pursuant to this Section shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation, and that member does not recuse himself/herself, the remaining members shall by majority vote rule on the objection.

15

- C. An appeal from the decision of the Zoning Officer may be taken to the Board of Adjustment by any person aggrieved or any officer, department, board or bureau of the town affected by such decision. Such appeal shall be taken within a reasonable time as provided by the rule of the Board by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The office to which the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.
- D. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the Board after the notice of appeal shall have been filed with him by reasons of fact stated in the certificate, a stay would in his opinion cause imminent peril to life or property or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of this Ordinance. In such case proceedings shall not be stayed except by a restraining order, which may be granted by the Board or by a court of record on application of notice to the Zoning Officer and on due cause shown.

8.2 POWERS AND DUTIES

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

- A. Administrative Appeal
To reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and shall make any order, requirement, decision, or determination that in its opinion ought to be made in the premises. To this end the Board shall have all the powers of the Zoning Officer from whom the appeal is taken.
- B. Variance
Per G.S. 160D-705(d), 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 the 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. The existence of a nonconforming use of neighboring land, buildings, or structures in the same district or of permitted or nonconforming uses in either districts shall not constitute a reason for the requested variances. Such variances may be granted in such individual case of unnecessary hardship only upon findings by the Board of Adjustment after an evidentiary public hearing that the following conditions exist:

1. Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship; and
4. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

Notice of the evidentiary hearing for a variance conducted pursuant to this Section shall be mailed to the person or entity whose request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice. In the absence of evidence to the contrary, the Town may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The Board of Adjustment may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement

8.3 APPEAL PROCESS

Appeals from the enforcement and interpretation of this Ordinance and requests for variances, shall be filed with the Zoning Officer specifying the grounds thereof. The Zoning Officer shall transmit to the Board of Adjustment all applications and records pertaining to such appeals and variances.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties, and decide it within a reasonable time.

A simple majority vote of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning

Officer.

Every decision of the Board shall be subject to review by the Sampson County Superior Court by proceedings in the nature of certiorari. Any appeal to the Superior Court shall be taken within thirty (30) days after the decision of the Board is filed in the office of the Zoning Officer, or after a written copy thereof is delivered to the appellant by personal service or registered mail, whichever is later.

8.4 ADMINISTRATION OF OATHS

The Chairman or any member temporarily acting as chairman is authorized to administer oaths to witnesses in any matter coming before the Board. All testimony before the Board must be under oath and recorded.

8.5 FEES FOR VARIANCE OR APPEALS

The Board of Commissioners shall set a fee, payable to the Town of Turkey, North Carolina, to cover the necessary administrative costs and advertising of each application for a variance or appeal. The set fee shall be posted in the Town Clerk's office.

SECTION 9. ZONING TEXT AND MAP AMENDMENTS

The Board of Commissioners may amend, supplement, or change the text regulations [text amendments] and zoning district lines [map amendments] according to the following procedures:

9.1 ACTION BY THE APPLICANT

The following actions shall be taken by the applicant:

A. Initiation of Amendments:

Proposed changes or amendments may be initiated by the Board of Commissioners, Planning Board, Board of Adjustment, or by the owner(s), or their agent, of property within the area proposed to be changed.

B. Application:

Application for any change or amendment shall be filed with the Town Clerk at least twenty-five (25) days prior to the Board of Commissioners' meeting in which advertisement of a hearing for the proposed amendment will be considered. The application shall contain a description of the proposed amendment and the names and addresses of property owners directly affected by the proposed change. The Planning Board shall review each proposed amendment after which it shall make recommendations to the Board of Commissioners.

C. Fee

The Board of Commissioners shall set a fee payable to the Town of Turkey, North Carolina, to cover the necessary administrative costs and advertising of each application for a change or amendment. The set fee shall be posted in the Town Clerk's Office.

D. Notice of Legislative Public Hearing Letters

Newspaper Notice. Per G.S. 160D-601(a), before action on the amendment, the Board of Commissioners shall hold a legislative public hearing. A notice of the hearing shall be given once a week for two consecutive calendar weeks in a newspaper have general circulation in the area. The notice shall be published the first time not more than 25 nor less than ten days before the date fixed for the hearing. In computing such period, the day of publication is not to be included, but the day of the hearing shall be included.

When zoning regulations are changed or property is rezoned (zoning map amendment), the owner of that parcel affected by such rezoning parcels of land as shown on the county tax listing and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of a public the hearing on a proposed zoning map amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. If the zoning map amendment is being proposed in conjunction with an expansion of municipal extraterritorial planning and development regulation jurisdiction under G.S. 160D-602, a single hearing on the zoning map amendment and the boundary amendment may be held. In this instance the initial notice of the zoning map amendment hearing may be combined with the boundary hearing notice and the combined hearing notice mailed at least 30 days prior to the hearing.

Posting property. The property shall also be posted at least ten days but

not more than 25 days before the public hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the town shall post sufficient notices to provide reasonable notice to interested persons.

9.2 ACTION BY THE PLANNING BOARD

The Planning Board shall consider and make recommendations to the Board of Commissioners concerning each proposed zoning text or map amendment. Per G.S. 160D-604(d), When conducting a review of a proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.

A Planning Board member shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A planning board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

9.3 ACTION BY THE BOARD OF COMMISSIONERS

A. Notice and Public Hearing

No text or zoning map amendment shall be adopted by the Board of Commissioners until after a legislative public notice and hearing as provided in Section 9.1.

B. Board of Commissioners Action

Before making a legislative decision as it may deem advisable, the Board of Commissioners shall consider the Planning Board's recommendation on each proposed zoning text or map amendment. If no recommendation is received from the Planning Board within thirty (30) days after public hearing by the Board of Commissioners, the proposed amendment shall be deemed to have been approved by the Planning Board.

A board of commissioners member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A board of commissioner member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

Plan Consistency. Per G.S. 160D-605, when adopting or rejecting any zoning text or map amendment, the board of commissioners shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the

minutes of the Board of Commissioners that at the time of action on the amendment the Board of Commissioners was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently. The plan consistency statement is not subject to judicial review. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the board of commissioners shall provide a statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.

Additional Reasonableness Statement for Rezonings. When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the Board of Commissioners. This statement of reasonableness may consider, among other factors, (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the board of commissioners statement on reasonableness may address the overall rezoning.

C. Citizen Comments

If any resident or property owner in the Town submits a written statement regarding a proposed amendment, modification, or repeal to this ordinance to the Town Clerk at least two business days prior to the proposed vote on such change, the Town Clerk shall deliver such written statement to the Board of Commissioners. Any resident or property owner who submits a written statement of citizen concern may withdraw their written statement any time prior to the meeting at which the item will be considered.

D. Reconsideration; One-Year Limitation

Whenever an application requesting an amendment has been acted on and denied by the Board of Commissioners, such application, or one substantially similar, shall not be reconsidered sooner than one year after the previous denial.

E. Moratorium

Any proposed moratorium adopted that affects any development allowed under the provisions of this ordinance shall follow regulations as set out in GS 160D-107.

SECTION 10. DEFINITIONS

Except where specifically defined herein all words used in this Ordinance shall carry their customary meanings. Words used in the present tense shall include the future tense; the singular number includes the plural; the word "building" includes the word "structure"; the word "lot" includes the word "plot" or "parcel"; the term "shall" is always

mandatory; the words "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied."

Administrative decision. Decisions made in the implementation, administration, or enforcement of development regulations that involves the determination of facts and the application of objective standards set forth in this ordinance. These are sometimes referred to as "ministerial" decisions or "administrative determinations."

Administrative hearing. A proceeding to gather facts needed to make an administrative decision.

Adult Entertainment facility. A night club, bar, restaurant, or other commercial establishment that stays open after 10:00 PM on weekends or on more than an occasional basis that offers food and beverages or entertainment or amusements. This definition includes, but is not limited to, establishments that serve beverages to persons 21 years of age and older, dance halls, discotheques, and similar establishments to include any sexually oriented business such adult book store, adult massage parlor or the like. Excluded from this definition are restaurants that meet the requirements established through GS 18B-1000(6), clubs or lodges used by non-profit organizations.

Blind Fence. Blind fence means a wall, fence, or buffer that diminishes visibility from one side to the other to such a degree that sight is difficult or nonexistent. Some examples of blind fences are masonry, stone or brick walls, solid wood fences, or chain link fences with vinyl slats or mesh installed to create an opaque barrier. Walls or fencing shall be a minimum of six (6) feet in height. Walls and fencing shall not exceed six (6) feet unless topography or other cause would defeat the purpose of the blind fence and only with the approval of the zoning administrator. Where visibility for public roads, driveways entrances would be impaired or for other public safety issues, the zoning administrator may adjust blind fence requirements. The property owner shall be responsible for the maintenance of all blind fence buffers. Litter and debris shall be kept cleared, and dead plants shall be replaced with plants meeting the above specifications. All structures shall be kept in good repair.
(Amd. 06/20/2023)

Bona fide farm purposes. Those agricultural activities set forth in G.S. 160D-903.

Buffer. A compact evergreen hedge or other type of evergreen foliage screening which shall reach the height of at least six (6) feet within three (3) years approximately, or shall be a combined fence and/or shrubbery screen. It shall be maintained at a minimum of six (6) feet in height thereafter and effectively accomplish complete visual screening.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Building, Accessory. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal building or use.

Building, Principal. A building in which is conducted the principal use of the lot on which said building is situated.

Building Line. See Setback Line.

Comprehensive plan. A comprehensive plan that has been officially adopted by the Board of Commissioners pursuant to G.S. 160D-501.

Decision-making board. A governing board, planning board, board of adjustment, historic district board, or other board assigned to make quasi-judicial decisions under this ordinance.

Determination. A written, final, and binding order, requirement, or determination regarding an administrative decision.

Developer. A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Development. Includes any of the following:

- (a) The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- (b) The excavation, grading, filling, clearing, or alteration of land.
- (c) The subdivision of land as defined in G.S. 160D-802.
- (d) The initiation or substantial change in the use of land or the intensity of use of land.

Development approval. An administrative or quasi-judicial approval made pursuant to this ordinance that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this ordinance, including plat approvals, permits issued, development agreements entered into, and building permits issued.

Development regulation. A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to this ordinance, or a local act or charter that regulates land use or development.

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 G.S. 160D, the term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

Dwelling, Single Family. A detached residence designed for or occupied by one family only.

Evidentiary hearing. A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under this ordinance.

Family. One or more persons related by blood, marriage, or adoption occupying a premise and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging, or hotel.

Frontage. The distance between the two side lot lines as measured along the front street line.

Governing board. The Turkey Board of Commissioners. The term is interchangeable with the terms "board of aldermen" and "boards of commissioners" and means any governing board without regard to the terminology employed in charters, local acts, other portions of the General Statutes, or local customary usage.

Inoperable Automobile. Any automobile and/or motor vehicle which by reasons of dismantling; disrepair or other cause, is incapable of being propelled under its own power.

Home Occupations. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof, and in connection with which there is no display and no person not a resident on the premises is employed specifically with the home occupation, except that no more than one (1) assistant may be employed by the following home occupations: attorney, dentist, physician, chiropractor, and osteopath. Provided further, that no mechanical equipment is installed or used except such that is used for domestic or professional purposes, and that not over twenty-five (25%) percent of the total floor space of any structure is used for home occupations.

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

Legislative decision. The adoption, amendment, or repeal of a regulation under this ordinance or an applicable local act. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of Article 10 of G.S. 160D.

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

Lot. A parcel of land having frontage on a public street or other officially approved means of access occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this Ordinance and the following definitions.

Lot, substandard. A parcel of land held in separate ownership having frontage on public street, occupied or intended to be occupied by a principal building or structure together with accessory buildings, and uses, having insufficient size to meet the lot width, lot area, yard, or other open space provisions of this Ordinance.

Lot, depth. The mean horizontal distance between front and rear lot lines.

Lot of Record. A lot which is part of a subdivision or plat of which has been recorded in the office of the Register of Deeds of Sampson County, or a lot described by metes and bounds, the description of which has been so recorded.

Lot, width. The distance between side lot lines measured at the building line.

Manufactured Home, Class A. A manufactured home meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following size and appearance standards:

- a. The manufactured home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis;
- b. The manufactured home has a minimum of 1,200 square feet of enclosed and heated living area;
- c. The pitch of the roof of the manufactured home has minimum vertical rise of three and two tenths feet for each twelve feet of horizontal run (3.2 feet and 12 feet) and the roof is finished with a type of composition shingle that is commonly used in standard residential construction;
- d. The roof eaves and gable overhangs shall be 6-inch minimum (rain gutters may not be included in the minimum dimensions);
- e. The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
- f. The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, vinyl or other material intended for this specific purpose (unpierced except for required ventilation and access) is installed under the perimeter of the manufactured home;
- g. The front entrance to the manufactured home has stairs and a porch, the porch being at least four feet by six feet in size. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the North Carolina State Building Code; and
- h. The moving hitch, wheels, axles, and transporting lights have been removed.

It is the intent of these criteria to insure that a Class "A" manufactured home, when installed, shall have substantially the appearance of an on-site conventionally built, single-family dwelling, to include landscaping in harmony with surrounding dwellings.

Manufactured Home, Class B. A manufactured home that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development and must meet the regulations as set forth in Section 6 (District Regulations).

Modular Home. Any building or closed construction which is made or assembled in manufacturing facilities on or off the building site for installation or assembly and installation on the building site other than mobile homes or recreational vehicles. Modular homes shall comply with all codes applicable to residential construction and shall be considered

the same as any conventional, site-built home.

Nonconforming Use. The use of a building or land which does not conform to the use regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments which may be incorporated into this Ordinance.

Outside Storage. The keeping of personal or business property such as materials, equipment, vehicles, etc. outdoors.

Person. An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

Planning and development regulation jurisdiction. The geographic area defined in Part 2 of G.S. 160D within which the Town may undertake planning and apply the development regulations authorized by this ordinance.

Property. All real property subject to land-use regulation by the town. The term includes any improvements or structures customarily regarded as a part of real property.

Quasi-judicial decision. A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

Service Station. A building or lot dedicated to the rendering of services such as the sale of gasoline, oil, lubricants, and accessories and the minor repair of automobiles such as tune-ups, brake adjustments, and tire changes excluding body work, overhauling, and painting.

Setback Line. The line on the front, rear, and sides of a lot, set according to the district regulations, which delineates the area upon which a structure may be built or maintained.

Site plan. A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

Special use permit. A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as special use permits or special exceptions.

Shopping Center. Two or more commercial establishments planned and constructed as a single unit with off-street parking and loading facilities provided on the property and related in location, size, and type of shops to the trade area which the unit serves.

24

Street. A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Structure. Anything constructed or erected, the use of which requires permanent or semi-permanent location on the ground, or attachment to something having permanent location on the ground, including advertising signs.

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

Yard. A required open space on the same lot as the principal building, unoccupied and unobstructed (other than for vegetation) from the ground upward except as otherwise provided herein.

Yard, front. A yard extending across the front of a lot measured from side lot line to side lot line and lying between the abutting street right-of-way and the front building setback line.

Yard, rear. A yard extending across the rear of the lot measured from side lot line to side lot line and lying between the rear property line and the rear building setback line.

Yard, side. A yard extending along either side of a lot measured from front yard line to rear yard line and lying between the side lot line and the side setback line.

Vested Right. The right to undertake and complete development and use of property under the terms and conditions of an approval secured as specified in G.S. 160D-108 or under common law.

Zoning map amendment or rezoning. An amendment to a zoning regulation for the purpose of changing the zoning district that is applied to a specified property or properties. The term also includes (i) the initial application of zoning when land is added to the territorial jurisdiction of a local government that has previously adopted zoning regulations and (ii) the application of an overlay zoning district or a conditional zoning district. The term does not include (i) the initial adoption of a zoning map by a local government, (ii) the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction, or (iii) updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district.

Zoning Officer. The person or official or his authorized representative, whom the Board of Commissioners has designated as its agent for administration of this Ordinance.

Zoning regulation. A zoning regulation authorized by Article 7 of G.S.
160D