

# **ARTICLE 5. ZONING DISTRICTS**

Section 5.1	Establishment of Zoning Districts .....	5-2
Section 5.2	Interpretation.....	5-2
Section 5.3	Primary Zoning Districts .....	5-2
Section 5.4	Table of Permitted/Special Uses .....	5-3
Section 5.5	Table of Area, Yard, and Height Requirements .....	5-5
Section 5.6	Establishment of Zoning Districts .....	
Section 5.7	Primary Zoning Districts.....	
Section 5.8	Conditional Zoning Districts.....	
Section 5.9	General Requirements.....	
Section 5.10	Uses Within District.....	
Section 5.11	Conditions.....	
Section 5.12	Non-Compliance within District Conditions.....	
Section 5.13	Procedure.....	
Section 5.14	Official Map Adopted-District Boundaries Established.....	

NOTE: Article 5 applies only to the zoned Hyco Lake area of Caswell County, as depicted on the Hyco Lake Zoning Map, and the Anderson, Hightowers, Leasburg, and Prospect Hill Voting Precincts of Caswell County as depicted on the Southeast Caswell Zoning Map.

# ARTICLE 5. HYCO LAKE ZONING DISTRICTS

## **SECTION 5.1 ESTABLISHMENT OF ZONING DISTRICTS.**

In accordance with the requirements of NCGS 160D-703 that zoning regulation be by districts, the Hyco Lake area, as shown on the Hyco Lake Zoning Map, is hereby divided into districts which shall be governed by all of the uniform use and dimensional requirements of this Ordinance.

The purposes of establishing the zoning districts are:

- To implement adopted plans;
- To promote public health, safety, and general welfare;
- To provide for orderly growth and development;
- To provide for the efficient use of resources;
- To facilitate the adequate provision of services.

## **SECTION 5.2 INTERPRETATION.**

Zoning districts have uses specified as permitted by right, special uses, and uses permitted with supplemental regulations. Detailed use tables are provided in Section 5.4 showing the uses allowed in each district. The following describes the processes of each of the categories that the uses are subject to:

- **Permitted by Right:** Administrative review and approval subject to district provisions and other applicable requirements only.
- **Permitted with Supplemental Regulations:** Administrative review and approval subject to district provisions, other applicable requirements, and supplemental regulations outlined in Article 6.
- **Special Uses:** Board of Adjustment review and approval of Special Use Permit subject to district provisions, other applicable requirements, and conditions of approval as specified in Section 4.5. Some Special Uses may also be subject to supplemental regulations outlined in Article 6.

## **SECTION 5.3 PRIMARY ZONING DISTRICTS.**

For the purposes of this Ordinance, the Hyco Lake area of Caswell County, North Carolina is hereby divided into the following primary zoning districts: Resort Residential District (RR), Recreation Business District (RB), and Industrial Park District (IP).





**SECTION 5.5 TABLE OF AREA, YARD, AND HEIGHT REQUIREMENTS.<sup>1, 4, 5</sup>**

District	Lot Area (minimum)	Lot Width (minimum)	Front Yard (minimum)	Side Yard (minimum)	Rear Yard (minimum)	Lot Depth (minimum)
RR Resort Residential	30,000 sq. ft. <sup>2</sup>	100 ft.	30 ft.	15 ft.	20 ft. <sup>3</sup>	150 ft.
RB Recreation Business	30,000 sq. ft. <sup>2</sup>	N/A	100 ft.	100 ft.	100 ft.	150 ft.
IP Industrial Park	5 acres	N/A	100 ft.	100 ft.	100 ft.	N/A

NOTES:

<sup>1</sup> Church steeples, chimneys, belfries, water tanks or towers, fire towers, flag poles, spires, monuments, cupolas, domes, antennas (except satellite dish antennas), and similar structures and necessary mechanical appurtenances are not subject to the zoning height limit regulations contained in this Ordinance.

<sup>2</sup> Lots of 20,000 square feet may be approved by the Caswell County Environmental Health Department provided evidence of satisfactory soil evaluation is submitted with subdivision plats, or individual lot, prior to recording plat or sale of lot.

<sup>3</sup> Minimum rear yard zero (0) feet from 420 contour line for lots adjacent to Hyco Lake.

<sup>4</sup> Section 9.56.19.3.4.5, page 9-71, will apply in the Hyco Lake Zoning District.

<sup>5</sup> Cluster subdivisions as provided in Section 9.56.24, page 9-72, are allowed in the Hyco Lake Zoning District.

## **SECTION 5.6 ESTABLISHMENT OF ZONING DISTRICTS.**

In accordance with the requirements of NCGS 160D-703 that zoning regulation be by districts, the unincorporated areas of the Anderson, Hightowers, Leasburg, and Prospect Hill Voting Precincts are hereby divided into districts which shall be governed by all of the uniform use and dimensional requirements of this Ordinance.

The purposes of establishing the zoning districts are:

- To implement adopted plans;
- To promote public health, safety, and general welfare;
- To provide for orderly growth and development;
- To provide for the efficient use of resources;
- To facilitate the adequate provision of services.

### ***5.6.1. TITLE***

This Ordinance shall be known as "The Caswell County Zoning Ordinance for Anderson, Hightowers, Leasburg, and Prospect Hill Voting Precincts of Caswell County, North Carolina", and may be referred to as "The Southeast Caswell Zoning Ordinance."

### ***5.6.2 JURISDICTION***

The regulations set forth in this Ordinance shall apply within the zoning areas designated on the Official Zoning Maps – Southeast Caswell Zoning Area as established by the County Commissioners on ( \_\_\_\_\_ DATE \_\_\_\_\_ ), Caswell County, North Carolina.

### ***5.6.3 BONA FIDE FARM EXEMPTION***

This Ordinance shall in no way regulate, restrict, prohibit or otherwise deter or affect property used for bona fide farm purposes, but any use of farm property for non-farm purposes shall be subject to the regulations of this Ordinance, per NCGS 160D-702. For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

- A farm sales tax exemption certificate issued by the Department of Revenue.
- A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to NCGS 105-277.3.
- A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
- A forest management plan.

A building or structure that is used for agritourism is a bona fide farm purpose if the building or structure is located on a property that (i) is owned by a person who holds a qualifying farmer sales tax exemption certificate from the Department of Revenue pursuant to G.S. 105-164.13E(a) or (ii) is enrolled in the present-use value program pursuant to G.S. 105-277.3. Failure to maintain the requirements of this subsection for a period of three years after the date the building or structure was originally classified as a bona fide purpose pursuant to this subdivision shall subject the building or structure to applicable zoning and

development regulation ordinances adopted by a county pursuant to subsection (a) of this section in effect on the date the property no longer meets the requirements of this subsection. For purposes of this section, "agritourism" means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

## **SECTION 5.7 PRIMARY ZONING DISTRICTS**

For the purposes of this Ordinance, the Southeast Caswell Zoning Area is hereby divided into the following primary zoning districts:

Residential/Agricultural (RA): refers generally to the zoned area primarily used for single family and two-family residences, bona fide farms, agricultural operations, and uses that are supplemental to agricultural operations.

Light Industrial (LI): refers generally to the zoned area which excludes residential use and includes commercial, institutional, general business operations, and similar uses.

## **SECTION 5.8 CONDITIONAL ZONING DISTRICTS**

Conditional Zoning district (bearing the designation CD) corresponds to the general purpose zoning districts and to the mixed use districts as authorized in this ordinance.

### ***5.8.1. Purpose***

Conditional Zoning districts are zoning districts in which the development and use of the property is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property.

Some land uses are of such a nature or scale that they have significant impacts on both the immediate surrounding area and on the entire community, which cannot be predetermined and controlled by general district standards. The review process established in this Ordinance provides for accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions, which ensure compatibility of the use with neighboring properties. A conditional zoning district is not intended for securing early zoning for a proposal, except when that proposal is consistent with an approved land use plan or the proposal can demonstrate that public infrastructure needed to serve the development will be made available within a reasonable time period.

### ***5.8.2. Conditional Zoning Districts***

Residential/Agricultural Conditional District (RA-CD): identical to the (RA) district except that conditional rezoning is required as a prerequisite to any use or development, as provided for in this chapter.

Light Industrial Conditional District (LI-CD): identical to the (LI) district except that conditional rezoning is required as a prerequisite to any use or development, as provided for in this chapter.

### **Section 5.9 General Requirements**

Property may be rezoned to a conditional zoning district only in response to and consistent with an application submitted in compliance with this section.

***5.9.2. Application.*** Rezoning to a conditional zoning district shall only be considered upon request of the property owner or the authorized agent of the owner. In addition to the documents specified in subsection 5.9.3.2. below, all applications shall also contain the following information:

1. The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed explanation of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same.
2. The changed or changing conditions, if any, of the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.
3. The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.
4. The requested amendment is either essential or desirable for the public convenience or welfare.
5. All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.
6. Information required on the application form received from the Planning Department.

### ***5.9.3. Plans and other information to accompany application.***

***5.9.3.1.*** The application shall include a site plan, drawn to scale, with supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to the predetermined ordinance requirements, will govern the development and use of the property. The following information must be provided, if applicable:

- Information showing the boundaries of the proposed property as follows:
- If the entire parcel will be zoned, a GIS or survey map and parcel number of the subject property.

- If only a portion of the parcel will be zoned, a boundary survey and vicinity map showing the property's total acreage, parcel number, current zoning classification(s) and the general location in relation to major streets, railroads, and/or waterways,
- Legal Description of proposed conditional zoning district
- All existing and proposed easements, reservations, and rights-of-way;
- Proposed number and general location of all building sites, their approximate location, and their approximate dimensions;
- Proposed use of all land and structures, including the number of residential units and the total square footage of any nonresidential development;
- All yards, buffers, screening, and landscaping required by these regulations or proposed by the applicant;
- All existing and proposed points of access to public and/or private streets;
- Stream buffers required through this or other Caswell County Ordinances or Regulations, and other Local, State, or Federal regulatory agencies. Delineation of areas within the regulatory floodplain as shown on the Official Flood Insurance Rate Maps for Caswell County
- Proposed phasing, if any;
- Generalized traffic, parking, and circulation plans;
- Proposed provision of utilities;
- The location of known sites of historic or cultural significance within or adjacent to the project area, including any structure over 50 years old;
- The approximate location of any cemetery,
- Proposed number, location, and size of signs;
- Location and description of any proposed lighting on the project site with a note that any lighting will comply with Section 13; and
- The location of existing and/or proposed storm drainage patterns and facilities intended to serve the proposed development, and impervious surface calculations; and

**5.9.3.2.** The Zoning Administrator has the authority to waive any application requirement where the type of use or scale of the proposal makes providing that information unnecessary or impractical.

**5.9.3.3.** In the course of evaluating the proposed use, the Zoning Administrator, Planning Board, or Board of Commissioners may request additional information from the applicant. This information may include, but not be limited to, the following:

- Proposed screening, buffers, and landscaping over and above that required by these regulations, as well as proposed treatment of any existing natural features;
- Existing and general proposed topography;
- Scale of buildings relative to abutting property;
- Height of structures;
- Exterior features of the proposed development;

- A traffic impact analysis of the proposed development prepared by a qualified professional. The traffic impact analysis shall follow the NCDOT TIA Analysis Guidelines, and shall also include consideration for non-motorized and public transportation;
- Any other information needed to demonstrate compliance with these regulations.

**5.9.3.4.** The site plan and any supporting text shall constitute part of the application for all purposes under this section.

### **Section 5.10. Uses Within District**

Within a conditional zoning district, only those uses listed (or determined to be equivalent uses) as permitted uses or conditional uses in the corresponding zoning district shall be permitted, and no use shall be permitted except as a conditional use subject to approval of a conditional zoning district rezoning authorized by the Board of Commissioners as provided herein.

### **Section 5.11. Conditions**

In approving a reclassification of property to a conditional zoning district, the Planning Department and Planning Board may recommend, and the Board of Commissioners request, that reasonable and appropriate conditions be attached to approval of the rezoning. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, storm water drainage, the provision of open space, and other matters that the Board of Commissioners may find appropriate or the applicant may propose. Such conditions to approval of the rezoning may include dedication to the County or State, as appropriate, of any rights-of-way or easements for roads, water, or other public utilities necessary to serve the proposed development. The applicant shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the Board of Commissioners.

### **5.12. Non-Compliance with District Conditions**

Any violation of a use or condition included in the approval of a conditional zoning district shall be treated the same as any other violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation. Any violation of such a condition shall be deemed to be the same type of violation as the use of a property for a use not permitted under the district regulations, for the reason that any use permitted in a conditional zoning district is permitted only subject to the specified conditions.

### **5.13. Procedure**

Applications for new conditional zoning districts or expansion of existing Conditional Zoning Districts shall be processed, considered and voted upon using the following procedure. Before filing an application for a conditional zoning district, the applicant(s) is encouraged to meet with the Planning Department staff to discuss the nature of the proposed reclassification, the standards for development under the existing and proposed classifications, and concerns that persons residing in the vicinity of the property may have regarding the proposed reclassification, if known.

### **5.13.1. Submittal to Planning Department**

**5.13.1.1.** A completed application and supporting information shall be submitted to the Planning Department at least forty-five (45) days prior to the Public Hearing. A digital copy of the application and all accompanying materials shall be submitted pursuant to the Planning Department Digital Document Submission Guidelines.

**5.13.1.2.** The Planning Department shall, before scheduling the public hearing, ensure that the application contains all the required information as specified in Section 5.

**5.13.1.3.** The Planning Department shall have fifteen (15) days from the date of submittal to notify the applicant that the application is complete for scheduling the public hearing.

**5.13.1.3.1.** If the Planning Department determines the information is not sufficient for review, the Department shall notify the applicant of the specific information that is required for review.

**5.13.1.3.2.** The Planning Department shall take no further action on the application until the applicant submits the required information.

**5.13.2.1.3.** Once the applicant corrects the identified deficiencies, the applicant shall resubmit to the Planning Department at least 45 days prior to the next Public Hearing meeting, and the Department shall have 15 days to review the information and notify the applicant that the information is sufficient for review.

**5.13.2.1.4.** A determination that an application contains sufficient information for review as provided in this subsection does not limit the ability of other county agencies, the Planning Board or the Board of Commissioners to request additional information during the review process.

### **5.13.2 Community Meeting**

The applicant is required to hold a community meeting prior to the application deadline for a conditional zoning district rezoning. The applicant shall provide mailed notice of the meeting.

- Notice of the meeting shall be provided to owners of abutting property, as listed with the Caswell County Tax Department, and include properties directly across a street, easement or public or private right of way.
- Notice may be sent to additional properties by the applicant.

- At a minimum, the notice shall be sent by standard mail and be postmarked at least fourteen (14) days prior to the date of the community meeting. Additional types of notice may be provided by the applicant.

**5.13.2.1.** A written report of the community meeting shall be included as part of the application packet.

- The written report of the meeting shall include a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the time, date, and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning application made by the applicant as a result of the meeting.
- In the event the applicant has not held at least one meeting pursuant to this subsection, the applicant must file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The adequacy of the meeting held or a report filed pursuant to this subsection shall be considered by the Board of Commissioners, but shall not be subject to judicial review.

**5.13.2.2.** Revisions to existing Conditional Zoning Districts and existing Special Use Permits shall not require a community meeting if the physical boundaries of the district or permit are not proposed to be expanded.

### ***5.13.3. Rezoning Process***

Following the Community Meeting, amendments for rezoning shall follow the procedures set forth in Article 4, Section 4.1.

### ***5.13.4. Effect of Approval***

**5.13.4.1.** If an application for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's classification, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and the zoning maps.

**5.13.4.2.** If an application is approved, only those uses and structures indicated in the approved application and site plan shall be allowed on the subject property. A change of location of any structures may be authorized pursuant to Section 5.9.

**5.13.4.3.** Following the approval of a rezoning application for a conditional zoning district, the subject property shall be identified on the Zoning Map by the appropriate district designation.

**5.13.4.4.** Upon completion of the development subject to the conditional rezoning, an as-built site plan shall be produced. This site plan shall include the rezoning conditions and the date of their approval on the face of the plat. The plat shall be at least 18 inches by 24 inches in size and recorded with the Caswell County Register of Deeds no more than 30 days after a Certificate of Occupancy is received.

**5.13.4.5.** Any conditional zoning district shall have vested rights pursuant to Section 4.3.

### ***5.13.5. Alterations to Approval***

**5.13.5.1.** Except as provided in subsection 5.13.5.2., changes to the approved conditional zoning district application or to the conditions attached to the approval shall be treated the same as a new application for a conditional zoning district and shall be processed in accordance with the procedures in Section 5.7.

**5.13.5.2.** The Zoning Administrator shall have the delegated authority to approve an administrative amendment change to an approved site plan. The standard for approving or denying such a requested change shall be that the change does not significantly alter the site plan or its conditions and that the change does not have a significant impact upon abutting properties. Any changes that increase the intensity of the development are limited for nonresidential development to 10% of the approved building square footage or 5,000 square feet, whichever is less. For residential development, increases in density are not allowed as an administrative change.

**5.13.5.3.** The Zoning Administrator shall always have the discretion to decline to exercise the delegated authority because a rezoning application for a public hearing and Board of Commissioners action is deemed appropriate under the circumstances. If the Zoning Administrator declines to exercise this authority, then the applicant can only file a rezoning application for a public hearing and Commissioner decision.

## **Section 5.14 OFFICIAL MAP ADOPTED - DISTRICT BOUNDARIES ESTABLISHED**

### **5.14.1. Zoning Map**

The location and boundaries of zoning districts shall be as kept in spatial databases entitled "Zoning" and "Zoning Overlays" that are maintained as part of the County's geographic information system (GIS). This depiction of zoning boundaries along with additional reference data in the GIS shall constitute the Official Zoning Map for the County's zoning jurisdiction, and is adopted into this Ordinance by reference. The County Clerk, as applicable, may upon validation by the Planning Director, or designee, certify a paper copy of the Official Zoning Map, or portions of the map, as a

true and accurate copy of the Official Zoning Map, or a portion thereof, under the authority of G.S. 160A- 79(b) and G.S. 153A-50.

The Planning Director, or designee, shall direct the county's GIS Department to revise the Official Zoning Map when amendments are passed by the governing body in accordance with this section. The Planning Director, or designee, shall also cause a correction of errors in the map as they are discovered.

No unauthorized person may alter or modify the Official Zoning Map. Errors in the Official Zoning Map shall be corrected as they are discovered, and the corrected information shown on the GIS system.

The Planning Director, or designee, may authorize printed copies of the Official Zoning Map to be produced, and shall maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.

#### **5.14.2. Interpretation of Boundaries**

The Planning Director, or designee, may authorize periodic changes to the boundaries of the Official Zoning Map in conformance with this section. Interpretations of zone boundaries may be appealed to the Board of Adjustment.

##### **5.14.2.1. Boundaries That Follow Lot Lines**

A boundary shown on the Official Zoning Map as following a lot line or parcel boundary shall be construed as following the lot line or parcel boundary as it actually existed at the time the zoning boundary was established, as shown on maps submitted or used when the boundary was established. If, subsequent to the establishment of the zoning boundary, a minor property line adjustment is made, such as from settlement of a boundary dispute, the zoning boundary shall be construed to move with the lot line or parcel boundary if the adjustment is less than ten feet.

##### **5.14.2.2. Boundaries That Do Not Follow Lot Lines**

Where the ordinance establishing a zoning boundary identifies the boundary as following a particular natural feature such as a ridgeline, contour line, a river, stream, lake or other water course, or reflects a clear intent that the boundary follow the feature, the boundary shall be construed as following that feature as it actually exists. If, subsequent to the establishment of the boundary, such natural feature should move as a result of natural processes (slippage, subsidence, erosion, flooding, sedimentation, etc.), the boundary shall be construed as moving with the natural feature.

A boundary shown on the Official Zoning Map as approximately following a street or railroad line shall be construed as following the centerline of the street or railroad right-of-way. If, subsequent to the establishment of the boundary, the centerline of the street or railroad right-of-way should be moved as a result of its widening or a minor realignment (such as at an

intersection), the boundary shall be construed with moving with the centerline only if the centerline is moved no more than 25 feet.

A boundary shown on the Official Zoning Map as approximately parallel to, or as an apparent extension of, a feature described above shall be construed as being actually parallel to, or an extension of, the feature.

If a zoning boundary splits an existing lot or parcel, the metes and bounds description, if one was submitted at the time the zoning boundary was established, shall be used to establish the boundary.

If the specific location of the boundary cannot be determined from application of the above rules to the Official Zoning Map, it shall be determined by scaling the mapped boundary's distance from other features shown on the map.