



AGENDA

MEETING CALLED TO ORDER

PLEDGE

Notes on Pledge: Remain Standing for the invocation

INVOCATION – Chaplain

ANNOUNCEMENTS

Notes on Announcements:

- **KingFest: Saturday, October 4, 2025**, 10:00 a.m. – 5:00 p.m., King Central Park
- **Parks/Recreation Advisory Board, Regular Meeting: Thursday, October 9, 2025**, 6 p.m., Parks/Rec Community Building - Parlor Room, 107 White Road
- **Oktoberfest: Saturday, October 18, 2025**; 2 p.m. – 9 p.m.; *Route Description*: Dalton Road from Pulliam Street to Maple Street, South Main Street from Felts Drive to King Street (Old Hwy 52) (Event 4 pm - 8 pm)
- **King Planning Board, Regular Meeting: Monday, October 27, 2025**, 6 p.m. at City Hall Council Chambers, 229 S. Main Street
- **Downtown Safe Trick or Treating: Friday, October 31, 2025**, 5:30 p.m. – 8:00 p.m., *Route Description*: Dalton Road from Pulliam Street to Maple Street, South Main Street from Felts Drive to King Street (Event 6 pm-8 pm)
- **King City Council Regular Meeting: Monday, November 3, 2025**, 6 p.m., City Hall Council Chambers, 229 S. Main Street
- **Election Day: Tuesday, November 4, 2025** (Polls open at 6:30 am and close at 7:30 pm)
- **City Offices Closed: Tuesday, November 11, 2025**, in observance of the Veterans Day Holiday
- **Fall Bazaar & Bake Sale: Saturday, November 15, 2025**, 8 am - 1 pm, King Senior Center, 107 White Rd., King

1. ADJUSTMENTS TO AGENDA

2. APPROVAL OF MINUTES

A. Approval of Minutes

A. August 25, 2025, Planning Board Meeting

3. ADJUSTMENTS TO AGENDA

A. Administration of the Oath of Office

4. DISCUSSION ITEMS

A. Amendment to Chapter 26, Sec. 26-205 – Sidewalks/Multi-Purpose Trails - Ordinance 2025-11

B. Amendment to Chapter 32. – Zoning; Art. I. – General, Sec. 32-8. – Definitions; Art. II. – Administration and Enforcement, Div. 1. – General, Sec. 32-47. – Enforcement of Chapter; Art. IV. – Uses by Zoning District, Sec. 32-198. – Commercial.

ITEMS OF GENERAL CONCERN

ADJOURNMENT



CITY OF KING PLANNING BOARD

MEETING DATE:

09/22/2025

PART A

Subject:	APPROVAL OF MINUTES
Action Requested:	Unless any corrections are made, I recommend adopting the minutes of Aug 25, 2025, Planning Board meeting as presented.
Attachments:	1. Draft copy of minutes from Aug 25, 2025, Planning Board meeting

Nicole Branshaw Nicole Branshaw, City Clerk	This abstract requires review by:	
	City Manager	City Attorney

PART B

Introduction and Background:
Discussion and Analysis:
Budgetary Impact:
Recommendation:
Adoption of Aug 25, 2025, Planning Board minutes as presented.

MINUTES
King Planning Board
Regular Session
August 25, 2025

The King Planning Board held a regular session at King City Hall on Monday, Aug 25, 2025, at 6:06 p.m. Chairman Jeff Walker, Vice Chairman David Hudson, Jerry Messick, Joe Ramsey, Darrin Koone, Von Robertson, City Clerk Nicole Branshaw, Chaplain Donald Davis, Mayor Pro Tem Jane Cole, and Mayor Rick McCraw were present at the meeting. Interim Planning/Zoning Enforcement Officer Todd Cox was present via speakerphone.

Vice Chairman Jeff Walker called the meeting to order.

Chaplain Donald Davis offered the invocation.

MOTION: *David Hudson moved to seat Alternate Darrin Koone. Joe Ramsey seconded the motion, which passed by a unanimous vote of 4-0.*

Chairman Jeff Walker noted the announcements on the agenda and read a statement regarding public comment procedures.

PUBLIC COMMENT

Chairman Jeff Walker opened the public comment period at 6:10 pm.

Susan Warner, 134 Campbell Ridge Circle, King, addressed the Planning Board with concerns regarding the text amendment, citing information from Todd Cox. She inquired about the level of density King should aim for, pondering, "How dense did we want King to be?" She asked about the existence, publication, and update frequency of the comprehensive plan for King's growth, specifically stating, "Where's the comprehensive plan for the growth of King? Is it published? How often is it updated?" She further voiced her worries about the financial burden on taxpayers for maintaining clusters of development, querying about the costs related to "streets, water, sewer, schools, personnel, all of those will have to be overseen by other personnel."

She questioned the advantage of combining PUD and MUD for taxpayers, stating, "Is combining PUD and MUD good for the taxpayers? Do we want commercial businesses and housing side by side?" She added a personal perspective, expressing, "I wouldn't want my house beside the funeral home, and I don't mean that ugly." Reflecting on the proposal, she wondered, "This amendment... will it be retroactive?"

With no one else signed up to speak for public comment, Chairman Jeff Walker closed the public comment at 6:20 pm. ****SEE DOCUMENT #1****

1. ADJUSTMENTS TO AGENDA

No adjustments were made to the agenda.

MOTION: *Jerry Messick moved to accept the agenda as presented. David Hudson seconded the motion, which passed unanimously with a vote of 5-0.*

2. APPROVAL OF MINUTES

A. Approval of Minutes - July 28, 2025

MOTION: *Joe Ramsey moved to approve the minutes of July 28, 2025, as presented. Jerry Messick seconded the motion, which passed unanimously with a vote of 5-0.*

4. DISCUSSION ITEMS

A. Variance Request V-060 by D R Horton (Travis Tuttle)

Chairman Jeff Walker opened the public hearing at 6:21 pm. With no one signed up to speak for public comment. Chairman Jeff Walker closed the public comment at 6:21 pm.

Emerson Wright, Intern City Planner, sworn in at 6:22 pm, presented the variance request from D.R. Horton Homes for lot 17 in the High Meadows subdivision, phase 2. The request was for a 9-foot variance on a lot located on Redleaf Lane off Maverick Trail Drive. Mr. Wright explained that the lot is vacant and was being surveyed for a home when they discovered it was too close to the creek's riparian buffer. He noted that the house will have a basement, which will allow for the use of the lower levels.

Mr. Wright detailed Sec. 32-127. - Powers and duties. The zoning board of adjustment ordinance requirements shall have for granting a variance, which include:

(2) *Variances*. When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

- a.** Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- b.** 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.
- c.** The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- d.** 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.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other development regulation that regulates land use or development may provide for variances from the provisions of those ordinances consistent with the provisions of this subsection.

Sec. 32-124. - Quasi-judicial procedure.

Process required. Boards shall follow quasi-judicial procedures in determining appeals of administrative decisions, special use permits, certificates of appropriateness, variances, or any other quasi-judicial decision per 160D-406. (See this section for a continuance of the rest of the ordinance requirements.)

Staff has reviewed the applicant's request and would recommend it for approval based on the findings of items a, b, c, and d listed above. The BOA has the final say in this case.



He stated that staff had reviewed the request and recommended approval based on these findings. Mr. Wright emphasized that the Board of Adjustments would have the final say on the case.

Chairman Jeff Walker asked each board member to provide their individual answer for the findings of the facts listed above for items a, b, c, and d. Their answers are as follows:

BOA Member	Sec. 32-127 (2) Variances	a.	b.	c.	d.
Darren Koone		yes	yes	no	yes
David Hudson		yes	yes	no	yes
Jerry Messick		yes	yes	no	yes
Joe Ramsey		yes	yes	no	yes
Jeff Walker		yes	yes	no	yes

MOTION: Joe Ramsey moved to approve the variance request V-060 by D R Horton (Travis Tuttle), as presented for a 9-foot variance on a 30-foot front yard setback on Parcel

6902-75-5402. Darrin Koone seconded the motion, which passed unanimously with a vote of 5-0. ****SEE DOCUMENT #2****

B. Proposed Amendment to Chapter 32, Article III, Sec. 32-163 And Sec. 32-164; Proposed Addition to Chapter 32, Article V, Division 1, Sec. 32-261

Emerson Wright presented a proposed zoning text amendment that would add a new zoning use district, Mixed-Use (M-U), to the zoning ordinance in Sections 32-163, 164, and 32-261.

Mr. Wright explained that the city currently has a Planned Unit Development (PUD) designation in Section 32-248, which mainly applies to residential uses. Up to 20% of the total tract is allowed for business-type uses that would service the residential uses. The proposed mixed-use district would apply to almost all uses listed in sections 32-198 through 32-206, with a few exclusions such as agriculture and heavy industrial.

He noted that if approved, this would be a conditional zoning mixed-use district only, reviewed and approved or denied based on requirements in sections 32-164 and the proposed 32-261. The amendment would allow developers more flexibility with a conceptual site plan and expand the commercial percentage from 20% in a PUD to 37% in the proposed mixed-use district.

Mr. Wright mentioned that he, Todd Cox, and Planning Board Chairman Jeff Walker had met with the applicant's land planners on August 18, 2025, to address issues in the initial proposal. They negotiated sections for a more functioning ordinance that would benefit King, with a significant point being to define maximum percentages of commercial and residential uses. This would ensure projects would have at least 37% commercial use and no more than 67% residential use, creating true mixed-use developments.

Todd Cox, Interim Planner, provided additional context, noting that previous PUD projects had not been developed quickly, typically taking 3-5 years to complete. He emphasized that this would not create immediate impacts on systems or traffic, allowing the DOT time to react and make necessary improvements.

Mr. Cox mentioned that the revised language limits buildings to a maximum of three stories, improved the traffic memorandum requirements, and better-defined open space requirements for commercial versus residential areas. He felt the revised version was something that "could be used and used well."

In response to a question about potential issues, Mr. Cox stated that the revision addressed almost all previous concerns. However, he anticipated that the city attorney might still object to postponing the traffic study until before the construction documents were finalized.

Milt Hurley, a representative from the applicant, explained their collaborative effort with staff to customize the proposal for King. They chose to establish a new district rather than alter the PUD ordinance because, as expressed, "there's no reason to open that up for change." The existing PUD was seen as effective and functional without needing modification.

MOTION: *Darrin Koone moved to approve the Proposed Amendment to Chapter 32, Article III, Sec. 32-163 and Sec. 32-164; Proposed Addition to Chapter 32, Article V, Division 1, Sec. 32-261, as presented, and that it was favorable to the overall spirit of the city's comprehensive plan. Joe Ramsey seconded the motion, which passed with a vote of 3-2. (Darrin Koone – Yea, Joe Ramsey – Yea, Jerry Messick – Yea, Jeff Walker – Nay, David Hudson – Nay)*

ITEMS OF GENERAL CONCERN

Joe Ramsey thanked Emerson Wright, City Planner Intern. Mr. Ramsey stated that he would like to see the Planning Board meet with the Fire Department, Police Department, City Engineer, and other key staff to discuss how the city plans to grow and how the Planning Board can help make informed, planned decisions. He emphasized the importance of considering available resources when making development decisions, particularly in relation to three-story buildings and the capabilities of the fire department.

ADJOURNMENT

David Hudson moved to adjourn the meeting at 7:01 pm. Joe Ramsey seconded the motion. The motion was carried unanimously with a vote of 5-0.

***** Clerk's Note: See document 1-2 for supporting documents. *****

{SEAL}

Approved by:

Jeff Walker, Chairman

Attest:

Nicole Branshaw, City Clerk



Date: Aug 25, 2025

PUBLIC COMMENT SIGN-UP SHEET

All persons who wish to speak MUST sign up for the Public Comment period unless you wish to speak during a public hearing, in which case you must sign up for the Public Hearing. ALL SPEAKERS ARE LIMITED TO 3 MINUTES.

PLEASE PRINT ALL INFORMATION

	<u>NAME</u>	<u>ORGANIZATION (If Any)</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>SUBJECT</u>	<u>City Resident?</u>
1.	Aileen Warner		134 Campbell Ridge Circle	336-480-7861	Text	☐ yes ☒ no
2.	Warner				Amend	☐ yes ☐ no
						☐ yes ☐ no
						☐ yes ☐ no
						☐ yes ☐ no
						☐ yes ☐ no
						☐ yes ☐ no
7.						☐ yes ☐ no
8.						☐ yes ☐ no
9.						☐ yes ☐ no
10.						☐ yes ☐ no
11.						☐ yes ☐ no
12.						☐ yes ☐ no
13.						☐ yes ☐ no

BOARD: Planning

DATE: 8/25/20

DIRECTOR: [Signature]

DEPUTY DIRECTOR: [Signature]

CITY CLERK: [Signature]

SECTION 2, ITEM # A.

BOARD: Planning Board
DATE: 8/25/2025
DOCUMENT #: 1 PAGES: 1

In many cases, the City Council will receive your comments but take no action at the meeting.

A staff member will contact you to follow up on your concerns.



BOARD OF ADJUSTMENTS PUBLIC HEARING

V-060

I. APPLICANT D R Horton **DATE OF REQUEST:** 8-4-2025
ADDRESS: 4150 Mendenhall Oaks Parkway **COUNTY:** Stokes **TOWNSHIP:** Yadkin
High Point, NC 27265 **DEED BOOK:** **PAGE:**
TELEPHONE: 336.843-5492 **TAX MAP:** 6902-75- **PARCEL:** 5402
ZONING DISTRICT: R-20 **SUBDIVISION LOT NO.:**
OWNERS (SUBJECT & ABUTTING PROPERTIES): See Site Plan

II. APPLICATION IS HEREBY MADE FOR THE HEREIN DESCRIBED ZONING ACTION ON PROPERTY LOCATED: 119 Red Leaf Lane (Lot #17)
THE REQUESTED ACTION IS: Variance request of 9' off the front setback line of 30'.
IS THE PROPERTY LOCATED IN THE WATERSHED PROTECTION AREA? YES _____ No: X
IF YES SEE ATTACHMENT A

IS THE PROPERTY LOCATED IN A FLOOD PLAIN? YES _____ NO X IF YES SEE ATTACHMENT B

ZONING ENFORCEMENT OFFICER

(SEE FEE SCHEDULE) TOTAL FEE DUE: \$500.00

IV. PLANNING BOARD WILL REVIEW (IF REQUIRED): N/A
BOARD OF ADJUSTMENT WILL REVIEW (IF REQUIRED): August 25, 2025 at 6:00 pm at City Hall
COUNCIL WILL REVIEW & HOLD PUBLIC HEARING (IF REQUIRED): N/A
PROPERTY POSTED BY: _____
NOTIFICATIONS MAILED BY: _____
NEWSPAPER ADVERTISEMENT: N/A & N/A

Robert J. Walker
CHAIRMAN

MAYOR

PAID
AUG 14 2025
BY:

CITY OF KING

Richard E. McCraw, Mayor
Scott Barrow, City Manager

P.O. Drawer 1132
King, NC 27021-1132

229 S. Main Street
Telephone (336) 983-8265
Fax (336) 983-3241

09/05/2025

D R Horton
4150 Mendenhall Oaks Parkway
High Point, NC 27265

Dear D R Horton:

The King Board of Adjustment reviewed your Variance Request #V-060 to Section 32-241 of the City Code regarding Table of Area, Height, and Placement Regulations and approved a 9-foot variance on a 30-foot front yard setback on Parcel #6902-75-5402 at their August 25, 2025, meeting. This request was approved by a unanimous vote of 5-0.

If you have any questions regarding this matter, please feel free to contact the Planning Department at 336-983-8265.

Sincerely,



Nicole Branshaw
City Clerk

enclosure

COUNCILMEN

Mayor Pro Tempore Jane Co

Section 2, Item # A.

Michael Lane – Terri Fowler

Requirements for granting a variance

(2) *Variances*. When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment shall vary any of the provisions of the zoning regulation upon a showing of all the following:

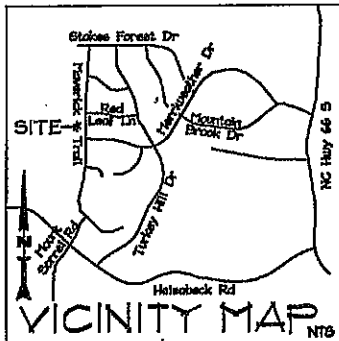
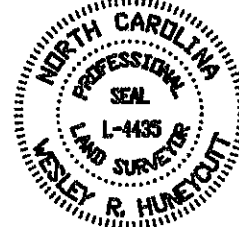
- a. Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. **Yes, there can** X **or No, there can not** ____
- b. The hardship results from conditions 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. **Yes, it can** X **or No, it can not** ____
- c. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. **Yes, it was** ____ **or No, it wasn't** X
- d. 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. **Yes, it is** X **or No, it isn't** ____

NC: C-2725
SC: COA 3459

NO FIELD WORK HAS BEEN PERFORMED BY CONTROL POINT, INC. AT THIS TIME. THIS PLOT PLAN IS A CONCEPTUAL DRAWING AND CONTENTS SHOWN HEREON ARE SUBJECT TO VARIATION UPON FINAL CONSTRUCTION. THIS IS NOT A BOUNDARY SURVEY.

Wesley R. Huneycutt L-4435 8/

L-4435 8/07/2025



PROPERTY LINE	_____
R/W	_____
ADJOINER	_____
SETBACK	_____
ADDRESS	(XX) _____
UE	_____
UTILITY EASEMENT	_____
PSDE	_____
PRIVATE STORM DRAINAGE EASEMENT	_____
STREAM	_____
RIPARIAN BUFFER	_____
#4 REBAR - UNLESS NOTED OTHERWISE	●

PROPOSED HOUSE PLAN

#2163/2164
THE PENWELL
W/BASEMENT
ELEV. J

PROP. IMPERVIOUS AREA=1,795 SF

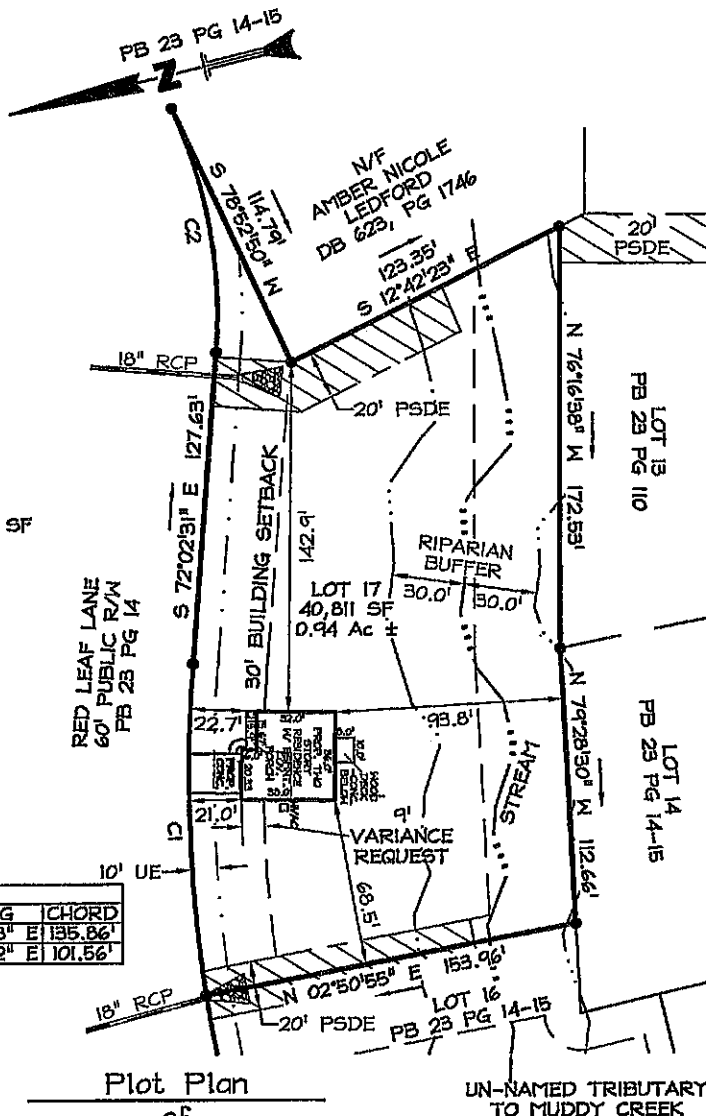
1. HOUSE=1,342 SF
2. CONC. PATIO=80 SF
3. CONCRETE DRIVE=339 SF
4. SIDEWALK=25 SF
5. HVAC PAD=9 SF

CURVE TABLE				
CURVE	RADIUS	ARC	BEARING	CHORD
C1	600.00'	136.15'	S 78°32'33" E	135.86'
C2	205.43'	102.62'	S 86°23'02" E	101.56'

ZONING: R-20
SETBACK DATA:
FRONT: 30'
SIDE: 10'
SIDE AT CORNER: 15'
REAR: 35'



Scale: 1"=60'



Plot Plan
of
Lot #17, High Meadows, Section 2

Yadkin Township
Stokes County, North Carolina

Plat Recorded in Book 23 at Page 14-15



CITY OF KING PLANNING BOARD

MEETING DATE:

09/22/2025

PART A

Subject:	Administration of the Oath of Office	
Action Requested:	Administer the Oath of Office to the newly appointed Planning Board Member.	
Attachments:	Oaths: 1) Peter Mosco	
Nicole Branshaw Nicole Branshaw, City Clerk	This abstract requires review by:	
	City Manager	City Attorney

PART B

Introduction and Background:
On September 2, 2025, at the City Council Meeting, the King City Council voted unanimously to appoint new city planning board member Peter Mosco to fill the remaining term of a member who is no longer eligible for their three-year term. This appointment will be until December 2027.
Discussion and Analysis:
Budgetary Impact:
Recommendation:
Mayor McCraw will administer the Oath to Peter Mosco.



CITY OF KING PLANNING BOARD

MEETING DATE:
SEPTEMBER 22, 2025

PART A

Subject:	AMENDMENT TO CHAPTER 26, SEC. 26-205 – SIDEWALKS/MULTI-PURPOSE TRAILS
Action Requested:	Review and make a recommendation regarding a proposed amendment to Chapter 26, Sec. 26-205 – Sidewalks/multi-purpose trails.
Attachments:	• Proposed amendment. • Proposed ordinance 2025-11. • Public notice.

Todd Cox

This abstract requires review by:

City Manager

City Attorney

Todd Cox, Int. Planning & Zoning Official

PART B

Introduction and Background:

The city council has requested that staff and the planning board review our standards on sidewalks in our subdivision ordinance and see if we could change the wording to add sidewalks to both sides of a subdivision street. Currently this section reads as below –

Sec. 26-205. - Sidewalks/multipurpose trails.

Sidewalks/multipurpose trails shall be required in all subdivisions, minor or major, when such tract being subdivided and developed would be adjacent to or abut the city's pedestrian and bicycle trails comprehensive plan layout. Tracts that lie outside of this area shall be reviewed on a case-by-case basis, but in no case shall any major subdivision be developed without sidewalks on at least one side of each public street. Sidewalks/multipurpose trails may be required on both sides, if deemed necessary by the planning board, to ensure safe pedestrian travel. All sidewalks/multipurpose trails shall meet or exceed the requirements of the city's construction standards manual and be so designed as to conform to the general layout and design as described in the pedestrian and bicycle trails comprehensive plan. See construction standards manual for the various options for sidewalk/multipurpose trail installations. The following types of sidewalks/multipurpose trails shall be allowed:

(a) Sidewalks. A four-foot concrete sidewalk installed along and parallel to the street and located in the right-of-way. The sidewalk shall be installed along at least one side of every street within the subdivision. See construction standards for installation methods.

(b) Multipurpose trails. In lieu of sidewalks a developer may install multipurpose trails. Trails must be six feet paved surfaces and installed within a minimum 20-foot easement. Trails must

be able to connect, whether now or in the future, to the city's master plan of trails system. The developer must install the equivalent linear feet of trails that would equal what would have been installed in sidewalks. Subdivisions that are developed adjacent to a proposed master plan trail may opt to install the trail in lieu of sidewalks with planning board approval. See construction standards for installation methods.

(c) Biking and pedestrian lanes. In areas outside the corporate limits and where sidewalks would not be feasible the developer may install, with planning board approval, biking and pedestrian lanes. Such lanes shall be an extension of the paved street an additional five feet and shall be installed on one side of each street within the subdivision. Lanes shall be stripped and stenciled to show that they are for this purpose only. See construction standards for installation methods.

Discussion and Analysis:

Our city attorney has looked at this and attached is his recommendations for the proposed amendment. We started adding sidewalks to one side (mandatory) back in the early 2000's as a way to introduce safe pedestrian travel within a subdivision and also to get the developers used to installing them. Council feels that it is time to move forward and add sidewalks to both side of any major subdivision and only to minor subdivisions (staff approved) if they are abutting an area where council has shown, by way of the comp plan, a proposed sidewalk. We are also making a statement regarding major subdivisions found in our E.T.J. and if the developer wants to provide sidewalks what should be done.

Budgetary Impact:

Cost to add to Municode and advertise.

Recommendation:

Staff recommends the board review the proposed amendments and make a favorable recommendation to the council.

Sec. 26-205. Sidewalks/multipurpose trails.

Sidewalks/multipurpose trails shall be required in all subdivisions, minor or major, when such tract being subdivided and developed would be adjacent to or abut the city's pedestrian and bicycle trails comprehensive plan layout. Tracts that lie outside of this area shall be reviewed on a case-by-case basis, but in no case shall any major subdivision be developed without sidewalks on at least one side of each public street. For major subdivisions the planning board or city council may require sidewalks/multipurpose trails may be required on both sides, if deemed necessary by the planning board, to ensure to promote or enable safe pedestrian travel.

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Sidewalks or multipurpose trails may be approved for subdivisions along streets or roads that are not maintained by the city, provided that perpetual maintenance for such sidewalks shall be provided through a legally established homeowners' or similar owners' association, deed restrictions, covenants, or other maintenance agreements, as approved by the city attorney, and the city shall not be responsible for maintenance of such sidewalks. All long-term maintenance agreements shall perpetually run with the land.

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All sidewalks/multipurpose trails shall meet or exceed the requirements of the city's construction standards manual and be so designed as to conform to the general layout and design as described in the pedestrian and bicycle trails comprehensive plan. See construction standards manual for the various options for sidewalk/multipurpose trail installations. The following types of sidewalks/multipurpose trails shall be allowed:

- (a) *Sidewalks.* A four-foot concrete sidewalk installed along and parallel to the street and located in the right-of-way. The sidewalk shall be installed along at least one side of every street within the subdivision. See construction standards for installation methods.
- (b) *Multipurpose trails.* In lieu of sidewalks a developer may install multipurpose trails. Trails must be six feet paved surfaces and installed within a minimum 20-foot easement. Trails must be able to connect, whether now or in the future, to the city's master plan of trails system. The developer must install the equivalent linear feet of trails that would equal what would have been installed in sidewalks. Subdivisions that are developed adjacent to a proposed master plan trail may opt to install the trail in lieu of sidewalks with planning board approval. See construction standards for installation methods.
- (c) *Biking and pedestrian lanes.* In areas outside the corporate limits and where sidewalks would not be feasible the developer may install, with planning board approval, biking and pedestrian lanes. Such lanes shall be an extension of the paved street an additional five feet and shall be installed on one side of each street within the subdivision. Lanes shall be stripped and stenciled to show that they are for this purpose only. See construction standards for installation methods.

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~~{Ord. of 12-5-05(2)}~~

~~{Supp. 2}~~

Created: 2025-06-13 10:11:10 [EST]



**CITY OF KING
ORDINANCE NO. 2025-11**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KING
BY AMENDING CHAPTER 26, SEC. 26-205. – SIDEWALKS/MULTIPURPOSE TRAIL.**

WHEREAS, the City of King has the authority pursuant to Article 1 of Chapter 160D of the North Carolina General Statutes to adopt development regulations; and

WHEREAS, the City of King City Council may amend said regulations from time to time in the interest of public health, safety, and welfare; and

WHEREAS, the King City Council initiated a recommendation to amend Chapters 26, Sec. 26-205, of the City of King Code of Ordinances per the attached exhibits; and

WHEREAS, the City of King Planning Board reviewed these text amendments at its September 22, 2025, public meeting and voted _____ to recommend the request to the city council due to its potential safety and benefits to the development of the City of King; and,

WHEREAS, the City Council of the City of King, after holding a public hearing on October 6, 2025, finds that the proposed text amendments are consistent with the City of King Land Use Comp Plan; and,

WHEREAS, the City Council of the City of King, after hearing all persons wishing to comment on the proposed text amendments, desires to approve the request and amend the City's code of ordinances accordingly.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of King, North Carolina:

Section 1. In accordance N.C.G.S. 160D-Article VI, as amended and King City Code, the city's code of ordinances is hereby amended to add the following proposed amendments as submitted or amended during the public hearing.

Add – See exhibit A

Section 2. The Ordinance shall become effective upon its adoption and approval.

Adopted and approved this on the 6th day of October 2025.

Richard E. McCraw, Mayor

ATTEST:

Nicole Branshaw, City Clerk

Please publish in the Stokes News September 18, 2025, and September 25, 2025; Affidavit required.

**City of King
Notice of Public Hearing**

NOTICE IS HEREBY GIVEN that a series of public hearings will be held by the **City Council** of King at City Hall, 229 S. Main Street, on **October 6, 2025**, beginning at 6:00 p.m., for the purpose of considering the following:

Amendment of the official code of ordinances of the City of King, N.C. in the following manner:

Item 1: To review and approve or deny a proposed revision and/or addition to Chapter 12, Article II. – Nuisances, Division 2. – Junked Vehicles. Being listed as proposed Ordinance No. 2025-10.

Item 2: To review and approve or deny a proposed revision and/or addition to Chapter 26. – Subdivisions, Article VI. – Minimum Standards, Sec. 26-205. – Sidewalks/multipurpose trails. Being listed as proposed Ordinance No. 2025-11.

Item 3: To review and approve or deny a proposed revisions and/or additions to Chapter 32. – Zoning, Article I. – In General, Sec. 32-8. – Definitions; Article II. – Administration and Enforcement, Division 1. – General, Sec. 32-47; Article IV. – Uses by Zoning Districts, Sec. 32-198. – Commercial. Being listed as proposed Ordinance No. 2025-12.

In accordance with the Code of Ordinances, Chapter 32-Zoning, Sec. 32-96 the City of King **Planning Board/Board of Adjustment** will review the foregoing amendments on **September 22, 2025**, and make a formal recommendation to the City Council on items 2 and 3.

CITIZENS ARE HEREBY NOTIFIED that upon consideration of the comments at the herein-described public hearings, the City Council may amend the proposed ordinance amendments prior to adoption.

A copy of the proposed amendments is on file at the City Hall for inspection by all interested citizens or you can call the planning department or city clerk at (336) 983-8265.

Nicole Branshaw, CMC
City Clerk



**City of King
Notice of Public Hearing**

NOTICE IS HEREBY GIVEN that a series of public hearings will be held by the **City Council** of King at City Hall, 229 S. Main Street, on **October 6, 2025**, beginning at 6:00 p.m., for the purpose of considering the following:

Amendment of the official code of ordinances of the City of King, N.C. in the following manner:

Item 1: To review and approve or deny a proposed revision and/or addition to Chapter 12, Article II. – Nuisances, Division 2. – Junked Vehicles. Being listed as proposed Ordinance No. 2025-10.

Item 2: To review and approve or deny a proposed revision and/or addition to Chapter 26. – Subdivisions, Article VI. – Minimum Standards, Sec. 26-205. – Sidewalks/multipurpose trails. Being listed as proposed Ordinance No. 2025-11.

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Nicole Branshaw, CMC
City Clerk



CITY OF KING PLANNING BOARD

MEETING DATE:
SEPTEMBER 22, 2025

PART A

Subject:	AMENDMENT TO CHAPTER 32. – ZONING; ART. I. – GENERAL, SEC. 32-8. – DEFINITIONS; ART. II. – ADMINISTRATION AND ENFORCEMENT, DIV. 1. – GENERAL, SEC. 32-47. – ENFORCEMENT OF CHAPTER; ART. IV. – USES BY ZONING DISTRICT, SEC. 32-198. – COMMERCIAL.
Action Requested:	Review and make a recommendation regarding a proposed amendment to Chapter 32, Sec. 32-8, 47, and 198.
Attachments:	• Proposed amendment. • Proposed ordinance 2025-12. • Public notice.

This abstract requires review by:

City Manager	City Attorney
Todd Cox, Int. Planning & Zoning Official	

PART B

Introduction and Background:

Recently I issued a warning citation to an electronic gaming business that had located at the Mountainview Shopping Center. We had received a complaint that they felt it was too close to the daycare in the front of the shopping center, which it was. Their attorney called our attorney and basically, we ended up dropping the citation due to the fact that our ordinance was unenforceable the way it was worded. So, the council decided to ask our attorney to review the ordinance and see what changes could be made to make it more sound. See attached.

Currently this section reads as below –

Sec. 32-198. - Commercial.

Commercial uses shall be permitted in the zoning use districts as indicated:

[illegible]

Discussion and Analysis:

Our city attorney has looked at this and attached is his recommendations for the proposed amendment.

Budgetary Impact:

Cost to add to Municode and advertise.

Recommendation:

Staff recommends the board review the proposed amendments and make a favorable recommendation to the council.

Sec. 32-261. Electronic Gaming.

These standards shall apply to all Electronic Gaming, Internet Sweepstakes, NFT Trading, Skill Based Gaming, Video Sweepstakes, and Internet Café Businesses. Where permitted, the following shall apply:

1. No such establishment shall be located within 1,000 feet measured in a straight line from property line to property line of a church, public or private elementary or secondary school, child day care center or nursery school, public park, establishment with an on-premises ABC license, private residence, or residentially zoned property.

2. No such establishment shall be located or operate within 1,000 feet, measured in a straight line from property line to property line, from any other such establishment.

3. No enclosed parking area shall be permitted.

4. Days/Hours of operation: businesses engaging in electronic gaming operations activities may operate from 8:00 am until 12:00 midnight each day, seven (7) days per week.

5. The maximum number of machines/terminals/computers for any electronic gaming operations business is 20.

6. All applicable permits must be issued to the applicant prior to the opening of business. If food or beverage is served, the establishment must meet the requirements of the Stokes County Health Department, including any and all necessary permits and/or licenses.

7. No alcoholic beverages shall be possessed or consumed on the premises.

Sec. 32-8. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use. A use that is subordinate to the principal building and located on the same lot as the principal building. Examples would be garages, storage sheds, swimming pools, etc.

Administrative decision. Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this chapter or local government development regulations. 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 bookstore. Notwithstanding the definition of "adult bookstore" contained in G.S. 14-202.10(1), means a business establishment that: (i) receives a majority of its gross income during any calendar month from the sale of publications which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified anatomical areas, specified sexual activities or sexually oriented devices; (ii) has as one of its principal business purposes the sale or rental of publications which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified anatomical areas, specified sexual activities or sexually oriented devices. In addition to all other information available to the zoning officer in making a determination whether a particular use is an adult bookstore, any of the following shall be an indication that an establishment has as one of its principal business purposes the sale or rental of publications which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities, specified anatomical areas or sexually oriented devices:

- (1) Restricted access to the business establishment or portions of the business establishment by persons under 16 years of age.
- (2) Posted signs or notices outside or inside the business establishment indicating that the material offered for sale or rental might be offensive.
- (3) The building or portion of the building containing the business establishment does not have windows or has windows that are screened or otherwise obstructed or are situated in a manner that restricts visual access from outside the building to materials displayed within for sale or rental.
- (4) Having a preponderance of its publications distinguished or characterized by their emphasis on matter depicting, describing or relating to specified anatomical areas, specified sexual activities or sexually oriented devices.

As used in this definition, the term "publications" includes books, magazines, other periodicals, movies, videotapes and other products offered in photographic, electronic, magnetic, digital or other imaging medium.

Adult care center. Any establishment that provides supervision and care for adults on a regular basis for more than five persons unrelated to the operator for a period of less than 24 hours a day and which receives a payment, fee, or grant for any of the persons receiving care.

Adult establishment. Any structure or use of land which is an adult bookstore, an adult live entertainment business, an adult motion picture theatre, an adult mini-motion picture theatre or a massage business.

Adult live entertainment. Has the meaning set forth in G.S. 14-202.10(3).

Adult live entertainment business. Has the meaning set forth in G.S. 14-202.10(4).

Adult mini-motion picture theatre. Notwithstanding the definition of "adult mini-motion picture theatre" contained in G.S. 14-202.10(6), means an enclosed building with one or more viewing booths or partitioned areas designed to

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hold patrons for the presentation and viewing of motion pictures (film, videotape, laser disc, CD-ROM or other imaging media), where: (i) one of the principal business purposes is the presentation and viewing of motion pictures in the viewing booths that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified anatomical areas, specified sexual activities or sexually oriented devices; or (ii) a substantial or significant portion of the stock of motion pictures available for viewing or that are actually viewed in the viewing booths are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified anatomical areas, specified sexual activities or sexually oriented devices. In addition to all other information available to the zoning officer in making a determination whether a particular use is an adult mini-motion picture theater, any of the following shall be an indication that the business establishment has as one of its principal business purposes the presentation and viewing in viewing booths of motion pictures which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities, specified anatomical areas or sexually oriented devices:

- (1) Restricted access to the business establishment or portions of the business establishment where viewing booths are located by persons under 16 years of age.
- (2) Posted signs or notices outside or inside the business establishment indicating that the material offered for presentation and viewing in the viewing booths might be offensive.
- (3) The portion of the building containing the viewing booths is screened or otherwise located or situated in a manner that restricts or limits complete visual access to the booths from the primary or principal clerk or cashier area.

Adult motion picture theatre. Has the same meaning as set forth in G.S. 14-202.10(5).

Apartment. One or more habitable rooms with kitchen and bathroom facilities exclusively for the use of and under the control of the occupants of those rooms. Control of the apartment may be by rental agreement or ownership.

Accessory apartment. A dwelling unit that is secondary to the principal single household dwelling unit in terms of gross floor area, intensity of use, and physical character, but which has kitchen and bath facilities separate from the principal dwelling and may have a separate entrance.

Apartment house/structure. Any building or part of a building in which there are three or more apartments, providing accommodation on a monthly or longer basis.

Applicant. The party applying for permits or other zoning approvals required by this chapter.

Billboard. Outdoor structure or display, pictorial or otherwise, either freestanding or attached to a building, which advertises or attracts attention to a business, commodity, service, or other activity conducted, sold or offered elsewhere than on the premises on which such structure or display is located.

Boardinghouse (including bed and breakfast facilities). A dwelling where the owner shares a common facility with boarders. Separate facilities such as bathrooms and kitchens shall not be allowed. Not more than five boarders may stay at the house at any one time.

Bona fide farm. Any property whether owned or leased that meets the requirements of G.S. 160D-903.

Buffer. A strip that includes but is not limited to landscaping of at least ten feet in width consisting of a compact evergreen hedge of at least six feet in height at maturity or other type of evergreen foliage or vegetative screening of at least eight feet in height or a decorative fence of at least eight feet in height. No building, part of a building, driveway or parking area shall occupy any part of the buffer. See section 32-256.

Building. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials. The connection of two or more buildings by means of an open porch, breezeway, passageway, carport, or other such open structure, with or

without a roof, shall be deemed to make them one building. This term does not apply to camping trailers, motorized homes, pickup coaches, travel trailers or to self-contained travel trailers.

Building height. The vertical distance from the mean elevation of the finished grade along the front of a building to the highest point of a flat roof, or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, gambrel, and pitch roofs.

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

Building setback line. A line establishing the minimum allowable distance between the main or front wall of any building, excluding the outermost three feet of any uncovered porches, steps, eaves, gutters and similar fixtures, and the street right-of-way line (or the assumed right-of-way line) when measured perpendicularly thereto.

Certificate of zoning compliance. A statement, signed by the zoning administrator, stating that the plans for a building, structure or use of land complies with this chapter.

Classic vehicle. Any vehicle between 20 years old and 40 years old.

Condominium. A dwelling unit owned as a single-family home within a multiple unit property together with an undivided portion of ownership in areas and facilities held in common with other property owners in the development. The purchaser has title to his or her interior space in the building and an undivided interest in parts of the interior, exterior, and other common elements. The common areas and structures may include underlying land, parking areas, recreation facilities, swimming pools and, club house, hallways, basements, heating units and elevators.

Comprehensive plan. The comprehensive plan, land-use plan, small area plans, neighborhood plans, transportation plan, capital improvement plan, and any other plans regarding land use and development that have been officially adopted by the governing board.

Conditional zoning. A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

Craft shop/residential dwelling. A structure containing both a craft shop and residential dwelling including, but not limited to, a kitchen, bathroom, living room and bedroom. The commercial uses of the building shall not cover more than 50 percent of the total floor area of the structure.

Day care facility. Any child care arrangement where five or more children less than 13 years of age receive care away from their primary residence by persons other than their parents, grandparents, aunts, uncles, brothers, sisters, first cousins, guardian, or full-time custodians, or in the child's primary residence where other unrelated children are in care. Care must be provided on a regular basis at least once per week for more than four hours per day.

Development. Any of the following:

- (1) The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure;
- (2) The excavation, grading, filling, clearing, or alteration of land;
- (3) The subdivision of land as defined in G.S. 160D-802;
- (4) 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 chapter 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

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approvals required by regulations adopted pursuant to this chapter, including plat approvals, permits issued, development agreements, entered into, and building permits issued.

Development regulation. A unified development ordinance, zoning regulations, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention 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 chapter, or local act or charter that regulates land use or development.

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 chapter.

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. Unless the context clearly indicates otherwise, the term means any of the following:

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

This definition does not alter the scope of regulatory authority granted by this chapter.

Development approval. An administrative or quasi-judicial approval made pursuant to this chapter 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 chapter, 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 chapter, or a local act or charter that regulates land use or development.

Dwelling, multifamily. A building or portion thereof used or designed as residence for three or more families living independently of each other, including apartment houses, apartment hotels and group housing projects.

Dwelling, single-family. A detached building designed for or occupied exclusively by one family.

Dwelling, two-family. A building arranged or designed to be occupied by two families living independently of each other.

Dwelling unit. A building or portion thereof providing complete and permanent living facilities for one family. The term "dwelling" shall not be deemed to include a motel, hotel, tourist home, structure designed for transient residence or a travel trailer.

Easement. A grant of one or more of the property rights for a specific purpose by the property owner to, or for the use by, the public or another person.

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Easement, negative access. An easement which allows no driveway or vehicles access to a lot from an adjacent public street.

Easement, drainage. An easement which grants the right to allow for the transport of stormwater runoff or drainage from adjacent properties upon the subject property. Easement may be private or dedicated to the city for public use and maintenance.

Easement, pedestrian. Where it is necessary to facilitate pedestrian circulation between neighborhoods, schools, shopping, recreation, or other activity centers in addition to that provided for adjacent to a street, pedestrian access easements shall be dedicated to the city or a HOA for maintenance.

Easement, private off-site access. An easement which grants the right of access to properties owned differently from the property underlying the access easement. Private off-site easements shall be a minimum of 30 feet in width and serve no more than three separately platted lots.

Easement, site. An easement which grants the right to maintain an unobstructed view across property located at a street intersection.

Easement, utility. Any easement owned by the city or state and acquired, established, dedicated, or devoted for public utility purposes not inconsistent with telecommunications facilities, a right-of-way, easement, or use restriction acquired for public use for sewers, pipelines, pole lines, electrical transmission and communication lines, pathways, storm drains, drainage, water transmission lines, and similar purposes.

Electronic Gaming. Any business or enterprise where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including but not limited to sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Such businesses or enterprises have as a part of its operation the running of one or more games or processes with any of the following characteristics: (1) payment, directly or as an intended addition to the purchase of a product, whereby the customer receives one or more electronic sweepstakes tickets, cards, tokens or similar items entitling or empowering the customer to enter a sweepstakes, and without which item the customer would be unable to enter the sweepstakes; or, (2) payment, directly or as an intended addition to the purchase of a product, whereby the customer can request a no purchase necessary free entry of one or more sweepstakes tickets or other item entitling the customer to enter a sweepstakes. The term electronic gaming operations includes, but is not limited to, cyber-gaming establishments, internet cafes, internet sweepstakes, beach sweepstakes, video sweepstakes or cyber-cafes, who have a finite pool of winners. This does not include any lottery endorsed or permitted by the State of North Carolina. See also Sec. 32-262.

Electronic Gaming Machine or Electronic Gaming Machine Used as an Accessory to a Principal Use. An electronic machine, including but not limited to a computer and/or gaming terminal, used in Electronic Gaming or by the customers or clientele of an Electronic Gaming Business.

Encroachment. Any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the public frontage, or above a height limit.

Evidentiary hearing means 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 chapter.

Family. One or more individuals occupying a premise and living as a single, nonprofit housekeeping unit.

Family care home.

- (1) A home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than six resident persons with disabilities.
- (2) Persons with disabilities means a person with a temporary or permanent physical, emotional, or mental disability including but not limited to an intellectual or other developmental disability, cerebral

palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)b.

- (3) A family care home is deemed a residential use of property for zoning purposes and is a permissible use in all residential districts. No local government shall require that a family care home, its owner, or operator, because of the use, a special use permit or variance from any such zoning regulation, however, local government may prohibit a family care home from being located within a one-half mile radius of an existing family care home.
- (4) A family care home is deemed a residential use of property for the purposes of determining charges or assessments imposed by local governments or businesses for water, sewer, power, telephone services, cable television, garbage and trash collection, repairs or improvements to roads, streets, and sidewalks, and other services, utilities, and improvements.

Garages, auto. means establishments primarily engaged in furnishing auto repair, rental, leasing and parking services to the general public.

Go-kart track. Any establishment that provides on a rental basis go-karts for public recreation. Go-karts shall be five horsepower or less and shall meet all applicable county or city noise ordinances. In no case shall the track be used for competition racing and no nonrental go-karts will be allowed. Go-kart tracks shall be of an impervious surface.

Governing board. The city council or board of county commissioners. The term is interchangeable with the terms "board of aldermen" and "boards of commissioners" and shall mean any governing board without regard to the terminology employed in charters, local acts, other portions of the General Statutes, or local customary usage.

Greenhouse, commercial. A building usually made largely of glass or plastic in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants. Plants are raised to be sold to the general public or to wholesalers.

Greenhouse, private. A temperature-controlled building used for the raising of plants for the personal enjoyment of the property owner or his tenant.

Gross floor area. The total floor area of all buildings in a project including easements, mezzanines and upper floors, exclusive of stairways and elevator shafts. It excludes separate service facilities outside the main building such as boiler rooms and maintenance shops.

Group home. See *family care home*.

Hazardous waste. A solid waste or combination of solid wastes which, because of its quantity, concentration or physical, chemical, or infectious characteristics may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

Heavy industrial. Areas for heavy industry and related uses and is designed to accommodate all but the most objectionable industries; however, industries permitted by right are required to minimize their emission of smoke, dust, fumes, glare, noise, and vibrations. The following standards are established for this district and designed to promote sound permanent heavy industrial development, and to protect nearby areas from undesirable aspects of industrial development: (i) outside storage must be screened from public view by opaque fencing, screening or landscaping; (ii) outside storage shall be limited to the rear and side of the principal building; (iii) storage of unsafe (corrosive, flammable or explosive materials) or hazardous material shall comply with any local, state or federal requirements; and (iv) outside storage must be on the premises of the business. This district should be separated

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from residential areas whenever possible by natural or structural features such as sharp breaks in topography, strips of vegetation or traffic arteries. This district shall be located adjacent to and/or with direct access to thoroughfare roads or streets.

Home occupation, incidental. Any use conducted entirely within a dwelling or accessory structure carried on by the occupant thereof, which use is incidental and secondary to the use of the dwelling for residential purposes and which does not change the character thereof. See section 32-258.

Hotel (motel). A building or other structure kept, used, maintained, advertised as, or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, where rooms are furnished for the accommodation of such guests and having or not having one or more dining rooms, restaurants or cafes, if existing, being conducted in the same buildings in connection therewith.

Internet Café shall have the same meaning as Electronic Gaming.

Internet Sweepstakes shall have the same meaning as Electronic Gaming.

Impervious surface. A surface through which water cannot penetrate, like a roof, road, sidewalk, or paved parking lot. The amount of impervious surface increases with development and establishes the need for drainage facilities to carry the increased runoff.

Junked or wrecked motor vehicles. Motor vehicles which are not registered with the state or do not have current state inspection stickers or are either incapable of operation or are partially dismantled for a period of three months. See section 32-542.

Junkyard. An establishment operated or maintained for the purpose of storing, dismantling, salvaging, recycling, buying, or selling scrap or used materials such as paper products or articles, machinery, vehicles, appliances and the like, or more. See section 32-202.

Kennel, commercial. A facility where animals, particularly dogs and cats, are boarded and grooming services are offered. These services are open to the general public and a fee may be charged.

Kennel, private. A facility where three or more adult animals, particularly dogs and cats, are housed.

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

Landscaping. A portion of the site or property containing vegetation to exist after construction is completed. Landscaped areas can include, but are not limited to, natural areas, streetscapes, lawns and plantings.

Legislative decision. The adoption, amendment, or repeal of a regulation under this chapter 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 X of this chapter.

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

Light manufacturing. A business activity that combines retailing and light manufacturing in the same building. Usually the retailing operation provides an outlet for the goods produced there. The entire operation, excluding parking or loading areas, is enclosed inside the building. Outdoor storage is limited to minimal area and must be screened from public view per ordinance requirements.

Local act. As defined in G.S. 160A-1(5).

Local government. A city or county.

Lot. A parcel of land in single ownership occupied or intended for occupancy by a principal building together with its accessory buildings, including the open space required under this chapter. For the purpose of this chapter,

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the word "lot" shall mean any number of contiguous lots or portions thereof upon which one principal building and its accessory buildings are located or are intended to be located.

Lot, corner. A lot which occupies the interior angle at the intersection of two street lines which make an angle of more than 45 degrees and less than 135 degrees with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two street lines are equal, in which case the owner shall be required to specify which is the front when requesting a zoning permit.

Lot depth. The distance measured in the mean direction of the side lines of the lot from the midpoint of the front lot line to the midpoint of the opposite main rear line of the lot.

Lot, interior. A lot other than a corner lot.

Lot of record. A lot which is part of a subdivision, a plat of which has been duly recorded in the office of the register of deeds prior to the adoption of this chapter, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of the ordinance from which this chapter derives.

Lot, through. An interior lot having frontage on two streets.

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

Manufactured housing. A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of HUD and complies with the standards established under the Act.

For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width. "Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width.

Massage. Has the same meaning as set forth in G.S. 14-202.10(7).

Massage business. Has the same meaning as set forth in G.S. 14-202.10(8).

Mini-warehouse. A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the dead storage of customers' goods and wares.

Mixed-use. Properties on which various uses like office, commercial, institutional, and residential are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A "single site" may include contiguous properties.

Mobile home. See manufactured housing.

Manufactured home park. Any site or tract of land where two or more manufactured homes are located that are utilized as dwelling units and a rental fee is paid to the landowner or park operator.

Manufactured home space. Any parcel of ground within a manufactured home park designated for the exclusive use of one manufactured home.

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Modular home. A factory-built structure that is designed to be used as a dwelling, is manufactured in accordance with the specifications for modular homes under the North Carolina State Residential Building Code, and bears a seal or label issued by the department of insurance pursuant to G.S. 143-139.1.

NFT Trading shall have the same meaning as Electronic Gaming.

Nonconforming use or structure. Any use of a building or land which does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of the ordinance from which this chapter derives or as a result of subsequent amendments which may be incorporated into this chapter.

Notice (of hearing). A legal document announcing the opportunity for the public to present their views to an official representative or board of a public agency concerning an official action pending before the agency.

Obstruction. Any structure, fence, shrub, tree, bush, flower, plant, motor vehicle or any other object that obscures, impairs, or prevents view or sight through, over or across the horizontal or vertical distance area.

Off-site improvements. Conditions that can be required of a project that involves the installation of streets, curbs, gutters, sidewalks, street trees and other improvements that are located adjacent to the project on public property.

Open space. Undeveloped land or land that is used for recreation. Farmland as well as all natural habitats (forests, fields, wetlands etc.) is lumped in this category.

Operating permit. A permit issued by the zoning enforcement officer, planning board, board of adjustment, or the city council to a property owner or developer upon the completion of meeting the requirements of this chapter.

Ordinance. A law or regulation adopted by a public agency, usually a city or county.

Overlay districts. A zoning district(s) in which additional regulatory standards are superimposed on existing zoning. Overlay districts provide a method of placing special restrictions in addition to those required by basic zoning ordinances. (See sections 6-176, 14-32, and 32-271.)

Parking space. A space of not less than nine feet by 18 feet for one automobile, plus the necessary access isles. It shall be always located outside the dedicated street right-of-way.

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.

Pet cemeteries. Land used or intended to be used for the burial of the dead animals, including crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of the cemetery.

Planning board. The planning board of the city pursuant to G.S. 160D-301. See section 22-36.

Public sewage disposal system. A system of subterranean conduits that carries refuse liquids or waste matter to a plant where the sewage is treated.

Private sewage disposal system. A sewage-treatment system that includes a settling tank through which liquid sewage flows and in which solid sewage settles and is decomposed by bacteria in the absence of oxygen. Septic systems are often used for individual-home waste disposal where an urban sewer system is not available. The system is designed and approved by the county health department.

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

Public water system. A system for collection, treatment, storage, and distribution of potable water from the source of supply to the consumer.

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Private water system (well). A private water system is any water system, other than a public water supply system, for the provision of water for human consumption. Private water systems shall be approved by the county health department prior to installation.

Public works and public utility facilities, or public safety of public utility facilities, or public works and public facilities. Any structure, facility or operation or use by or of any public utility as defined in G.S. 62-3(23) or of any person operating under certificate of convenience and necessity or under public franchise or ownership.

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.

Retail business. An establishment that is primarily engaged in selling merchandise for personal or household consumption to the consumer. Service shall be as follows but not limited to: Eating and drinking establishments, hotels and motels, finance centers, real estate and insurance, personal services, motion pictures, amusement and recreation services, healthcare, educational, legal and tax services, social services, hardware and mercantile centers, clothing centers, and fuel stations.

Right-of-way. A strip of land occupied or intended to be occupied by certain transportation and public use facilities, like roads, railroads, and utility lines.

Service station. A building or lot dedicated to the rendering of services such as the sale of gasoline, oil, grease and accessories, and the minor repair of automobiles, excluding body working, overhauling and painting.

Setback lines. The lines on the front, rear and sides of a lot which delineate the area within which a structure may be built and maintained according to the district regulations.

Sexually oriented devices. Has the same meaning as set forth in G.S. 14-202.10(9).

Sign. Any form of publicity which is visible from any public way, directing attention to an individual, business, commodity, service, activity or product, by means of words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks, or other pictorial matter designed to convey such information, and displayed by means of paint, bills, posters, panels, or other devices erected on an open framework, or attached or otherwise applied to stakes, posts, poles, trees, buildings, or other structures or supports. See section 32-426.

Sign area. The entire face of a sign and all wall work, including illuminating tubing incidental to its decoration, shall be included for measurement of sign areas, excluding architectural trim and structural embellishments.

Sign, freestanding. Any sign which is attached to or mounted upon the ground by means of one or more upright posts, pillars or braces placed upon the ground, and which is not attached to any building (excludes billboards, poster panels and outdoor advertising signs).

Sign, off premises. A sign which draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity which is conducted, sold, or offered at a location other than the premises on which the sign is located.

Sign, off-site (billboard). One advertising device used to disseminate information concerning a person, place or thing, not pertaining to the use of the land upon which it is located.

Sign, on premises. A sign displaying information pertaining only to a business, industry, activity, or profession located on the premises where the sign is displayed, and pertaining only to the name of the business, type of product sold, manufacturer, or assembled, and/or service, activity, or entertainment offered on such premises, including business identification and occupancy signs.

Sign, on-site. Signs relating in subject matter to the premises on which they are located or to products, accommodations, services or activities on the premises.

Sign, permanent. Signs erected, located or affixed in a manner enabling continued use of the sign for a relatively long, unspecified period of time.

Sign, portable. A sign that is not permanent, affixed to a building, structure or the ground. They include signs on wheels, trailers, truck beds or other devices which are capable of/ or intended to be moved from one location to another.

Sign, projecting. A sign projecting from the exterior wall of a building or suspended from and supported by the underside of a horizontal surface, such as a canopy.

Sign, temporary. A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material, and designed or intended to be displayed for a short period of time.

Sign, types of. Are as follows:

- (1) *Advertising sign.* A sign which directs attention to a business, commodity or product, service, profession, activity or entertainment not conducted, sold or offered upon the premises where such sign is located.
- (2) *Business sign.* A sign which directs attention to a business, profession, commodity or product, service, activity or entertainment conducted, sold or offered upon the premises where such sign is located.
- (3) *Nameplate sign.* An unlighted sign which states only the name and title or address, or both, of the occupant of the lot where the sign is located.
- (4) *Directional sign.* A sign indicating the direction to churches, schools, hospitals, parks, scenic or historic sites, or other such public places, including off-street parking and transportation terminals. Such signs shall contain only the name and address of the public place.
- (5) *Temporary construction sign.* Signs identifying the name and address of the building or uses, the developer and architect.
- (6) *Real estate sign.* A sign advertising the property on which it is located for sale, rent or lease.
- (7) *Public signs.* Signs and notices erected by or at the direction of an authorized municipal official.
- (8) *Private signs.* Signs erected other than by or at the direction of an authorized municipal, state or federal highway official.
- (9) *Identification sign.* A permanent sign announcing the name of a church, school, park or other public or quasi-public structure or facility, located on the premises at major entrances and limited to announcing only the name of the structure, facility or development, the owners or developers, and the date of its establishment.
- (10) *Projecting sign.* A sign which is attached to the building wall and extends more than 18 inches from the surface of such a wall.
- (11) *Roof sign.* A sign erected on or over the roof of a building.
- (12) *Freestanding sign.* A sign erected on poles or other supports wholly or partially independent of a building for support.

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- (13) *Wall mounted or applied sign.* A sign erected, painted, applied parallel to the face or outside wall or window of a building, supported throughout its entire length by the building, and not projecting more than six inches from the building.
 - (14) *Suspended sign.* A sign suspended beneath a canopy or marquee.
 - (15) *Illuminated sign.* A sign which has characters, letters, figures, designs or outlines illuminated by electric lighting or luminous tubes as part of the sign.
 - (16) *Indirectly illuminated sign.* An illuminated, non-flashing sign whose illumination is derived entirely from an external artificial source. It shall be arranged and designed not to shine directly into the eyes of oncoming drivers or into neighboring houses that create hazardous or nuisance situations.
 - (17) *Flashing sign.* A sign that uses an intermittent or flashing light source to attract attention.
 - (18) *Animated sign.* Any sign that uses movement or change of light or text to depict action or create a special effect or scene. Examples of such signs would be time/temperature and scrolling text signs.
 - (19) *Directory sign.* A sign that is used to give specific information regarding a multi-tenant center. Such signs shall only list business names and directional arrows or directional information. Such signs shall not contain any commercial message.

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 controls 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.

Skill Based Gaming or Businesses that involve Skill Based Gaming shall have the same meaning as Electronic Gaming.

Solid waste. Any unwanted or discarded material that is not a liquid or gas. Includes organic wastes, paper products, metals, glass, plastics, cloth, brick, rock, soil, leather, rubber, yard wastes, and wood, but does not include sewage and hazardous materials.

Specified anatomical areas. Has the same meaning as set forth in G.S. 14-202.10(10).

Specified sexual activities. Has the same meaning as set forth in G.S. 14-202.10(11).

Special use. A development that would not be generally appropriate without restriction throughout the zoning district, but which, if controlled as to number, area, and location, in relation to the neighborhood, would promote the health, safety, morals, general welfare, order, comfort, convenience, appearance or prosperity. Such uses may be permitted in this chapter by the city council, board of adjustment or planning board as a special use.

Special use permit. A permit issued to authorize development or land use 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.

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

Street apron. The concrete driving surface that is at the terminus of a private drive and the intersection of the public street. See section 32-254(f).

Street, private. Any road or street that is not publicly owned and maintained and used for access by the occupants of the development, their guests, and the general public. See section 26-201(d).

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Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground.

Subdivision. The division of land for the purpose of sale or development as specified in G.S. 160D-802.

Temporary family health care structure. A transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that: (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the North Carolina State Building Code and G.S. 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted. (See section 32-537.)

Temporary use. A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Townhome (townhouse). A single dwelling unit in a townhouse group, located or capable of being located on a separate lot, and being separated from the adjoining dwelling unit by an approved wall extending from the foundation through the roof and structurally independent of the corresponding wall of the adjoining unit. Each unit is separately owned, with the owner of such unit having title to the land on which it sits.

Travel trailer (recreational vehicle). A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect-type utilities and security devices and has no permanently attached additions.

Use. The purpose for which a lot or structure is or may be leased, occupied, maintained, arranged, designed, intended, constructed, erected, moved, altered, and/or enlarged in accordance with the city or county zoning ordinance and general plan land use designations.

Variance. A modification of this chapter by the board of adjustment when strict enforcement of this chapter would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

Vested right. The right to undertake and complete the 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.

Video Sweepstakes Business shall have the same meaning as Electronic Gaming.

Watershed. The total area above a given point on a watercourse that contributes water to its flow; the entire region drained by a waterway or watercourse that drains into a reservoir, lake, river, or sea.

Yard. An open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward except where encroachments and accessory buildings are expressly permitted.

Yard, front. An open, unoccupied space extending the full width of the lot and situated between the centerline of the street and the front line of the building projected to the sides of the lot.

Yard, rear. An open, unoccupied space extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the sidelines of the lot.

Yard, side. An open, unoccupied space situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

Zoning. A classification of land in a community into different areas and districts. Zoning is a legislative process that regulates building dimensions, density, design, placement and use within each district.

Zoning administrator. A planning department staff member responsible for processing minor zoning permits. The zoning administrator also serves as the liaisons to the planning board, board of adjustment, and the governing board on matters pertaining to rezonings, major subdivisions, variances, and special use permits and may interpret the provisions of the zoning ordinance when questions arise. The decision made by the zoning administrator may be appealed to the local board of adjustment.

Zoning district. A designated section of a city for which prescribed land use requirements and building and development standards are required. See section 32-161.

Zoning enforcement officer. A planning department staff member who shall have the power to grant zoning compliance permits, to make inspections of buildings or premises, revoke permits, and to perform other procedures necessary to carry out the enforcement of this chapter. In connection with the enforcement of this chapter, the zoning officer shall make all necessary determinations and interpretations as required by this chapter. Persons aggrieved by a decision or a determination made by the zoning officer may appeal that action to the board of adjustment.

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 regulation. A zoning regulation authorized by Article 7 of Chapter 160D.

(Ord. No. 8-85, art. XVI, § 6, 9-23-85; Ord. No. 8.10-85, art. XVI, 4-1-91; Ord. No. 8.12.1-85, art. III, § 2, 5-3-93; Ord. of 5-7-07(2); Ord. No. 2013-04, 3-4-13; Ord. No. 2024-01, 1-2-24; Ord. No. 2024-03, § 1(Exh. A), 3-4-24)

Cross reference(s)—Definitions generally, § 1-2.

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Sec. 32-47. Enforcement of chapter.

- (a) ~~Reserved.~~ **Violations.** It is unlawful and a violation to establish, create, expand, alter, occupy, or maintain any use, land development activity or structure, including, but not limited to, signs and buildings, that violates or is inconsistent with any provision of this chapter or any order, approval or authorization issued pursuant to this chapter. Approvals and authorizations include, but are not limited to, special use permits, building permits, zoning permits, certificates of occupancy, variances, development plans, planting plans, site plans, sign plans and conditions of such permits, certificates, variances, and plans. It is also a violation to engage in any construction, land development activity or use without all approvals and authorizations required by this chapter.
- (b) Each day. Each day of a violation is a separate and distinct violation.
- (c) **Violators.** Violators include any person who owns, leases, occupies, manages, designs, or builds any structure or land development activity in violation of this chapter and any person who owns, leases, or occupies a use in violation of this chapter. A violation may be charged against more than one violator.
- (d) **Complaints.** When a violation of this chapter occurs, or is alleged to have occurred, any person may submit a written or verbal complaint. Such complaint shall state fully the cause and basis thereof and shall be filed with the Zoning Administrator, or his or her authorized agent. An investigation shall be made within ten days. Actions as provided in these regulations shall be taken. Pursuant to G.S. § 160D-403, City staff are authorized to enter any premises within the City's jurisdiction, including the extra territorial jurisdiction, at all reasonable hours for the purposes of enforcement action, upon presentation of proper credentials, provided the appropriate consent has been given for inspection of areas not opened to the public or that any appropriate inspection warrant has been secured.
- (e) **Notice.** When a violation is discovered and is not remedied through informal means, written notice of the violation shall be given. Pursuant to G.S. § 160D-404, 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 zoning enforcement officer, the Zoning Administrator, or his or her designated Code Enforcement Officer providing the notice of violation shall certify to the City that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud.
- (1) The notice shall include the following:
- (a) A description of the violation and its location;
 - (b) The measures necessary to correct it;
 - (c) The possibility of civil penalties and judicial enforcement action;
 - (d) Notice of right to appeal; and
 - (e) The time period allowed, if any, to correct the violation, which time period may vary depending on the nature of the violation and knowledge of the violator.
- (2) The notice may assess a civil penalty of \$50.00 per day that the violation continues past the time period allowed, if any, to correct the violation.
- (3) This notice is an administrative determination subject to appeal as provided below.
- (f) **Appeal to the Board of Adjustment.** A violator who has received a notice of violation may appeal the determination that a violation has occurred to the Board of Adjustment by making a written request and

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paying the appropriate fee within 30 days of receipt of the notice of violation in accordance with Ch. 32-125. Citations for the same violative use or activity that follow the original notice of violation may not be appealed to the Board of Adjustment. The Board of Adjustment shall hear the appeal and may affirm, or reverse, wholly or partly, or may modify the determination of the violation. If there is no appeal, the determination of the Zoning Administrator is final.

(g) Failure to comply with notice or decision. If the violator does not comply with a notice of violation, which has not been appealed, or with a final decision of the Board of Adjustment, the violator shall be subject to civil enforcement action as prescribed by G.S. § 160A-175 and this chapter.

(b) Civil penalty procedure.

(1) **Offender.** An offender is any person or entity whom the zoning enforcement officer reasonably believes has violated any zoning ordinance. An offender may be the occupant, owner, lessee, or lessor, or any person or entity having beneficial use of the affected property, or any or all of the above.

(2) **Warning citation.** Prior to issuing a civil citation for violation of these zoning ordinances, except for violations of article VIII of these zoning ordinances relating to signs, the zoning enforcement officer shall issue and serve upon the offender a warning citation which shall provide the following information:

a. Nature of the violation(s);

b. The ordinance(s) violated;

c. A reasonable period of time within which the violation(s) shall be cured, which reasonable time shall be deemed to be 30 days from the date of service of the warning citation unless

1. There is risk to public safety or health, in which case the warning citation may require the violations to be cured immediately or,

2. A warning citation has been previously issued to the offender for the same offense within the previous three years, in which case the warning citation may require the violations to be cured within ten days;

d. If the violations are not cured within the prescribed time, that subsequent citation(s) shall be issued causing the offender to incur penalties in the amount of \$50.00 per day until the violations are cured; and

e. A time, place and date for a hearing to be held before the zoning enforcement officer, which is no more than 30 days from the date of the warning citation.

(3) **Warning citation hearing.** At the hearing noticed in the warning citation, the offender and any party in interest shall have the right to appear before the zoning enforcement officer and give evidence concerning the alleged violations. Rules of evidence applicable in courts of law and equity shall not apply. At the hearing, the zoning enforcement officer can rescind, modify, or take no action with respect to the warning citation. If no action is taken, or if the offender fails to attend the hearing, the warning citation shall remain in full force and effect and the violations cited therein must be cured within the time prescribed by the original warning citation.

(4) **Civil citation.** If the violations are not cured within the time prescribed by the warning citation, the zoning enforcement officer may issue a civil citation, which shall be served upon the offender requiring the offender to pay the sum of \$50.00 on or before the date that is 15 days after the date of service of the civil citation.

(5) **Subsequent civil citations.** Once a warning citation has been issued for an offender concerning a violation, there is no need to issue additional warning citations or to hold additional warning citation

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hearings with respect to that violation by the offender. Each day's continuing violation shall be a separate and distinct offense irrespective of whether an additional citation is issued to the offender. The citation shall state that each day of the continuing violation shall be a separate and distinct offense, and shall subject the offender to an additional civil penalty of \$50.00 per day.

(h6) ~~Failure to comply~~ **pay civil penalties.** If the offender-violator fails to pay the fine-civil penalty, if any, assessed in the civil citation by the notice of violation within 15 days from the date of service after it arises, the city may institute-initiate a civil action in the nature of debt to collect such civil penalty, and shall be entitled to collect the fine or fines upon which the suit is brought, interest at the legal rate, costs, and attorneys' fees.

(7) ~~Service.~~ Warning citations and civil citations shall be served upon the offenders by any manner allowed under Rule 4 of the North Carolina Rules of Civil Procedure. Additionally, if the identities or whereabouts of any offenders are unknown and cannot be ascertained by the zoning enforcement officer after due diligence or if the offenders refuse service, and the zoning enforcement officer makes an affidavit to that effect, then service of the warning citation or civil citation may be made by posting the citation in a conspicuous place on the affected property. With respect to the issuance of a warning citation, service must be perfected ten days prior to the hearing scheduled therein, unless:

a. The code enforcement officer deems that public health and safety are at risk, in which case service must be perfected 24 hours prior to the time of the hearing, or

b. The offender has within the previous three years been issued a warning citation for the same offense, in which case service must be perfected at least five days prior to the hearing scheduled therein.

(c) ~~Civil penalties for violation of article VIII.~~

(1) No warning citation shall be required for a violation of article VIII of the zoning ordinance. Upon a violation of article VIII, the zoning enforcement officer shall issue a civil citation to the offender.

(2) All violations of section 3 of article VIII shall subject the offender to a \$10.00 civil penalty. All other violations of article VIII shall subject the offender to a \$50.00 civil penalty.

(3) Each day's continuing violation shall be a separate and distinct offense.

(di) ~~Injunction and abatement~~ **Additional or Alternative Enforcement Remedies.**

(1) Any provision of this chapter may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general-court-of-justice **General Court of Justice** shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the city for equitable relief that there is an adequate remedy at law.

(2) Any provision of this chapter or any other city ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction or order of abatement, by a general-court-of-justice. When a violation of such a provision occurs the city may apply to the appropriate division of the general-court-of-justice **General Court of Justice** for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

(3) In addition to an injunction, the city may seek and the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this article.

Commented [BF1]: Interest and costs are imposed by statute. Unfortunately, attorneys' fees are assessable only when authorized by statute, and they are not authorized for civil penalty collection.

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Commented [BF2]: This is covered by the same procedure, above.

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Commented [BF3]: What is Article VIII? And What is Section 3 of Article VIII? I guess this refers back to the Article and Section numbering in the original ordinance and not the codified ordinance?

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(4) If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the city may execute the order of abatement. The city shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction.

~~(e) *Revocation of permit.* The city may at any time review any conditional zoning or special use permit for compliance with agreed upon terms and conditions of the original approved permit. If the term(s) and/or condition(s) are not being continuously met the city shall notify the owner(s) of said violation(s) and ask that the term(s) and/or condition(s) be brought into compliance per the permit issued. Failure to do so within a set time shall cause the city to revoke the permit. If the permit is revoked it must be done after a hearing before the specific board that granted the original permit. A permit may be re-instated by the approving board when proof is shown that the term(s) and/or condition(s) are being met again. G.S. 160D-403(f).~~

~~(f) *Method of enforcement.* These zoning ordinances may be enforced by any one, all, or a combination of the remedies authorized and prescribed herein.~~

~~(Ord. No. 8-85, art. XVII, § 7, 9-23-85; Ord. No. 8-17-85, §§ 7.1, 7.4, 7.5, 12-5-94; Ord. of 6-13-00 §§ 7.1-7.5; Amend. of 5-7-01; Ord. No. 2024-01, 1-2-24)~~

Commented [BF4]: We can rely on the statutory language for this without adopting as part of the ordinance.

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Sec. 32-198. Commercial.

Commercial uses shall be permitted in the zoning use districts as indicated:

	R-R	R-20	R-15	R-MF-A	R-MF-C	R-MF-T	R-MH	R-MH-1	R-MH-2	O-I	B-1	B-2	PD-RC	L-I	H-I
ABC store (state-licensed retail store of liquor and/or wine)												x			
Adult establishment (see section 32-255) (reference G.S. 160D-902 & 14-202.10)												S (GB)			
Antique store											x				
Arcades (video games)											S (PB)	S (PB)			
Auto parts and supplies, new												x			
Auto repair garages and vehicle impound lots (1) All vehicles stored for more than 30 days shall be kept in a fenced in lot. Fence must be 8' in height and can be chainlink with slats, wood privacy fencing or vinyl fencing.												x		x	
Auto sales, new or used (see section 32-254)												x		x	
Banks and other financial institutions, including loan and finance offices										x	x	x	x		
Bowling alleys												x	x		
Car wash												x	x	x	
Cemeteries, for profit (provided that the following	S (BOA)											S (BOA)			

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	conditions are met):																
(1)	Minimum lot size of three acres.																
(2)	Minimum setback from all property lines shall be 50 feet. A minimum of 300 feet shall be maintained from wells and septic systems.																
(3)	A plat shall be recorded at the register of deeds describing the location of the burial sites.																
	Clubs, private (with on-premises beer and wine sales)												x				
	Communications towers (see section 32-256)												s (GB)		s (GB)	s (GB)	
	Communications towers as accessory use (see section 32-257)	s(BOA)	s (typ)	s	s	s	s	s	s	s	s	s	s		s		
	Convenience stores, including gasoline sales												x	x			
	Dry cleaners												x	x			
	Electronic Gaming/Internet Sweepstakes/NFT Trading/Businesses that involve Skill Based Gaming (See Section 32-261)												x				
(1)	No Electronic Gaming																

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	operation or E lectronic G aming M achine used as an accessory to a principal use shall be located within 1,000 feet measured in a straight line from property line to property line of a church, public or private elementary or secondary school, child day care center or nursery school, public park, establishment with an on- premises ABC license, private residence, or residentially zoned property.															
(2)	No E lectronic G aming, V ideo S weepstakes B usiness and/or I nternet C afé business shall operate within 1,000 feet, measured in a straight line from property															

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	line to property line, from any other video sweepstakes business and internet café business.																
(3)	No enclosed parking area shall be permitted.																
	Fitness centers										x	x	x				
	Food stores (grocery stores)											x	x				
	Go-kart track(s) provided the following are met:											s (PB)		s (PB)			
(1)	Go-kart tracks shall be located on sites of two acres or more in size.																
(2)	The race track shall have a minimum setback from all property lines and any adjoining street right-of-way of at least 50 feet.																
(3)	The race track or any repair/storage area shall be located at least 200 feet from the nearest existing residential unit or vacant residentially zoned lot.																
(4)	When adjacent to property																

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	zoned for residential uses, the hours of operation shall be limited to 10:00 p.m. on weeknights and 11:00 p.m. on weekends.															
(5)	The race track as well as repair/storage areas shall be paved with an acceptable material approved by the code enforcement officer.															
(6)	All interior lighting shall not shine directly on adjoining land uses.															
	Hair stylist, including barber and beauty shop										x	x	x			
	Hardware stores											x	x	x		
	Hotels											x	x			
	Launderettes and laundromats										x	x	x	x		
	Mercantile uses (see section 32-244) Add - Mini-storage facilities											x x	x x			
	Mixed uses (commercial on first floor, residential use on second floor)										x	s (PB)				
	Mixed uses: Craft shop/residential dwelling provided										s (PB)					

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the following conditions are met:																	
(1)	Craft shop shall be the only type of retail sales operation allowed.																
(2)	Commercial activities shall not occupy more than 50 percent of the total floor area of the structure.																
(3)	The craft shop shall be operated by the occupants of the building. However, the craft shop manager may employ individuals who do not reside on the property.																
(4)	No on-street parking shall be allowed. Parking shall be provided in the rear yard, if possible, and be screened from adjacent residential uses.																
(5)	Outside displays of crafts shall be permitted on the porch, but not in any front, side or rear yard of																

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	the house. Any storage of materials shall be inside the principal building or an accessory building such as a garage or utility building.																
(6)	Business signs shall be limited to one freestanding or wall-mounted sign. In addition, no business sign shall exceed 12 square feet in area, and any freestanding sign shall not exceed eight feet in height. All signs shall comply with other applicable regulations of article IX Signs.																
	Motels												X				
	Newspaper offices												X	X			
	Pet cemeteries, provided the following conditions are met:	s (BOA)											s (BOA)				
(1)	All applicable federal, state and local regulations governing cemeteries shall be met.																
(2)	No cemetery shall be developed on																

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	a site less than two acres in size.															
(3)	No interment shall take place within 30 feet of any property line.															
(4)	All structures shall be set back a minimum of 25 feet from any boundary line.															
(5)	All areas between the setback lines and property lines shall be covered with vegetative landscaping features, including, but not limited to, trees, shrubs, groundcovers, berms, or planter walls.															
	Professional offices such as accountants, lawyers, doctors and insurance agencies									x	x	x	x	x		
	Real estate sales and rental offices									x	x	x	x			
	Repair shops (where the entire operation is inside an enclosed structure)										x	x	x	x		
	Repair shops (with outdoor storage) Provided that the following conditions are met:											x		x		
1.	In B-2 district a minimum of															

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	two-acre tract shall be required.																
2.	All storage areas in B-2 or L-1 shall be placed behind the primary business structure. No side or front yard storage. Storage areas shall be fenced with either a chainlink fencing with screening slats or a decorative wood fencing of at least six feet in height. Fencing shall surround the entire area with the exception of where the rear of the structure is used as part of the containment area. Storage area shall be secured at all times from the general public. No items meeting the description of repair shops (with outdoor storage) shall be found outside of the																

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	enclosed storage area.																
3.	Storage areas in B-2 shall be limited to one-quarter the lot size and one-third the lot size in L-1.																
4.	All storage areas in B-2 or L-1 shall have 20-foot landscaped buffer, measured from the property line, installed around the perimeter of the entire storage area.																
	Restaurants, excluding drive-in/drive-through											X	X	X	X		
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	Retail centers with more than 50,000 square feet in a single building or 21,000 square feet in multiple buildings, see Sec. 32-244												X	X			
	Retail stores such as jewelry, clothing, drug and sporting goods											X	X	X	X		
	Service stations (gas stations), provided all gasoline pumps and other stationary equipment shall be located at least 12												X	X	X		

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feet behind the property line															
Small strip centers (less than 21,000 sq. ft.)												x			
Tire sales (excluding recapping or manufacturing)												x	x	x	x

(Ord. No. 8-85, art. III, § 2, 9-23-85; Ord. No. 8.10-85, art. III(2), 4-1-91; Ord. No. 8.12.1-85, art. III, § 2, 5-3-93; Ord. of 6-6-05(1); Ord. of 5-2-06; Amend. of 4-1-19(2); Ord. No. 2024-01, 1-2-24)



**City of King
Notice of Public Hearing**

NOTICE IS HEREBY GIVEN that a series of public hearings will be held by the **City Council** of King at City Hall, 229 S. Main Street, on **October 6, 2025**, beginning at 6:00 p.m., for the purpose of considering the following:

Amendment of the official code of ordinances of the City of King, N.C. in the following manner:

Item 1: To review and approve or deny a proposed revision and/or addition to Chapter 12, Article II. – Nuisances, Division 2. – Junked Vehicles. Being listed as proposed Ordinance No. 2025-10.

Item 2: To review and approve or deny a proposed revision and/or addition to Chapter 26. – Subdivisions, Article VI. – Minimum Standards, Sec. 26-205. – Sidewalks/multipurpose trails. Being listed as proposed Ordinance No. 2025-11.

Item 3: To review and approve or deny a proposed revisions and/or additions to Chapter 32. – Zoning, Article I. – In General, Sec. 32-8. – Definitions; Article II. – Administration and Enforcement, Division 1. – General, Sec. 32-47; Article IV. – Uses by Zoning Districts, Sec. 32-198. – Commercial. Being listed as proposed Ordinance No. 2025-12.

In accordance with the Code of Ordinances, Chapter 32-Zoning, Sec. 32-96 the City of King **Planning Board/Board of Adjustment** will review the foregoing amendments on **September 22, 2025**, and make a formal recommendation to the City Council on items 2 and 3.

CITIZENS ARE HEREBY NOTIFIED that upon consideration of the comments at the herein-described public hearings, the City Council may amend the proposed ordinance amendments prior to adoption.

A copy of the proposed amendments is on file at the City Hall for inspection by all interested citizens or you can call the planning department or city clerk at (336) 983-8265.

Nicole Branshaw, CMC
City Clerk

Please publish in the Stokes News September 18, 2025, and September 25, 2025; Affidavit required.

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Nicole Branshaw, CMC
City Clerk



**CITY OF KING
ORDINANCE NO. 2025-12**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KING
BY AMENDING CHAPTER 32, SEC. 32-8, 47, 198 AND ADDING SEC. 32-261. – ELECTRONIC GAMING.**

WHEREAS, the City of King has the authority pursuant to Article 1 of Chapter 160D of the North Carolina General Statutes to adopt development regulations; and

WHEREAS, the City of King City Council may amend said regulations from time to time in the interest of public health, safety, and welfare; and

WHEREAS, the King City Council initiated a recommendation to amend Chapters 32, Art. I. – In General, Sec. 32-8; Art. II. – Administration and Enforcement, Div. 1, Sec. 32-47; Art. IV. – Uses by Zoning District, Sec. 32-198; Art. V. – Development Standards, Div. 1. – General, add Sec. 32-261. – Electronic Gaming of the City of King Code of Ordinances per the attached exhibits; and

WHEREAS, the City of King Planning Board reviewed these text amendments at its September 22, 2025, public meeting and voted _____ to recommend the request to the city council due to its potential safety and benefits to the development of the City of King; and,

WHEREAS, the City Council of the City of King, after holding a public hearing on October 6, 2025, finds that the proposed text amendments are consistent with the City of King Land Use Comp Plan; and,

WHEREAS, the City Council of the City of King, after hearing all persons wishing to comment on the proposed text amendments, desires to approve the request and amend the City's code of ordinances accordingly.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of King, North Carolina:

Section 1. In accordance N.C.G.S. 160D-Article VI, as amended and King City Code, the city's code of ordinances is hereby amended to add the following proposed amendments as submitted or amended during the public hearing.

Add – See exhibit A

Section 2. The Ordinance shall become effective upon its adoption and approval.

Adopted and approved this on the 6th day of October 2025.

Richard E. McCraw, Mayor

ATTEST:

Nicole Branshaw, City Clerk