

SUBCHAPTER 29C - BUTNER ORDINANCES

SECTION .0100 - PURPOSE AND APPLICATION

10A NCAC 29C .0101 DEFINITIONS

(a) Except where specifically defined in this Subchapter, all words used in this Subchapter shall carry their customary meanings. Words used in the present tense include the future tense; the singular number includes the plural; the word building includes the word structure; the word lot includes the word plot or parcel; the term shall is always mandatory; the words used or occupied, as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied".

(b) The following words and terms shall have the following indicated definitions when used in this Subchapter:

- (1) accessory use--a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building;
- (2) alley--a public way which affords only a secondary means of access to abutting property and not intended for general traffic circulation;
- (3) apartment house--see dwelling, multiple;
- (4) billboard--any notice or advertisement, pictorial or otherwise, with an area of 300 or more square feet, and also all those used as an outdoor display for the purpose of making anything known, the origin or place of sale of which is not on the plot with such display; Advertising structures of smaller dimension shall be considered as signs;
- (5) boarding, rooming or tourist home--a building where, for compensation, lodging or meals are provided for not more than seven persons;
- (6) building--any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, free-standing billboards and signs, and similar structures whether stationary or movable;
- (7) building accessory--a subordinate building, the use of which is incidental to that of a principal building on the same plot;
- (8) building principal--a building in which is conducted the principal use of the plot on which it is situated;
- (9) building line--a line establishing the minimum allowable distance between the nearest portion of any building, excluding the outermost three feet of any uncovered porches, steps, gutters and similar fixtures, and the property line when measured perpendicularly thereto;
- (10) building, height of--the vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof;
- (11) day nursery or kindergarten--any agency, organization or individual providing day time care of six or more children not related by blood or not the legal wards or foster children of the attendant adult;
- (12) district--any land area within Butner in which zoning regulations are uniform;
- (13) dwelling--any building, or portion thereof, which is designed for living and sleeping purposes; The term dwelling shall not be deemed to include a motel, hotel, tourist home, mobile home or other similar structure;
- (14) dwelling, single-family--a building arranged or designed to be occupied by one family, the structure having only one dwelling unit;
- (15) dwelling, two-family or duplex--a building arranged or designed to be occupied by two families, the structure having only two dwelling units;
- (16) dwelling, multiple-family or apartment--a building arranged or designed to be occupied by three or more families;
- (17) family--one or more persons occupying a single dwelling unit, provided that unless all members are related by blood, legal adoption, or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families;
- (18) home occupation--an occupation customarily conducted for profit within a dwelling and carried on by the occupant thereof, which use is clearly secondary to the use of the dwelling for residential purposes;

- (19) hotel--a building used as an abiding place of more than seven persons who for compensation are lodged with or without meals and in which no provision is made for cooking in any individual room or suite;
- (20) junk yard or scrap metal yard--any land or area used, in whole or in part, for commercial storage or sale of waste paper, rags, scrap metal or other junk and including storage of motor vehicles and dismantling of such vehicles or machinery;
- (21) lot--a parcel of land occupied or to be occupied by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, lot width and lot area as are required by this ordinance, and having not less than the minimum required frontage upon a street, either shown on a plot of record, or considered as a unit of property and described by metes and bounds;
- (22) lot, depth of--the average horizontal distance between front and rear lot lines measured through the proposed building site;
- (23) lot width--the average horizontal distance between side lot lines measured at proposed building site;
- (24) mobile home--any vehicular relocatable structure, built on a chassis, designed as a dwelling and containing as an integral part of its construction, kitchen facilities and a flush toilet, lavatory, bathtub or shower; Any such unit shall be considered a mobile home whether or not the wheels have been removed and whether or not set on jacks, skirtings, masonry blocks or other temporary or permanent foundation;
- (25) mobile home park--any site or tract of land upon which two or more mobile homes occupied for dwelling or sleeping purposes are located;
- (26) motel or motor lodges--a building or a group of buildings containing sleeping rooms, designed for or used temporarily by automobile transients, with garage or parking space conveniently located to each unit;
- (27) parking space, off-street--the storage space for one automobile of not less than 8 feet by 20 feet, plus the necessary access space; It shall always be located outside the dedicated street right-of-way;
- (28) nonconforming use--a legal use of a building or of land that antedates the adoption of these regulations and does not conform to the regulations for the zoning district in which it is located;
- (29) nonconforming building--any building or structure which does not conform to the dimensional requirements of this ordinance for the zoning district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments;
- (30) open space--land area that is unobstructed by buildings and unoccupied except for landscaping and planting;
- (31) rooming house--see boarding, rooming or tourist home;
- (32) service station--any building or land used for the dispensing, sale, or offering for sale at retail of any automobile fuels, lubricants, or tires, except that indoor car washing, minor motor adjustment, and flat tire repair are only performed incidental to the conduct of the service station;
- (33) shelter, fallout--a structure usually underground intended to provide protection to human life during periods of danger to human life from nuclear fallout, air raids or storms;
- (34) sign--a structure or display used as an advertisement or notice with an area of less than 300 square feet, containing words, lettering, figures, emblems or trademarks designed to attract attention or convey a message;
- (35) sign area--that area measured by the smallest square, rectangle, triangle, circle or combination thereof, encompassing the entire advertising copy area on any sides including architectural trim and structural embellishments;
- (36) story--that portion of a building, other than the basement, included between the surface of any floor and the surface floor next above it; or, if there be no floor above it, the space between the floor and the ceiling next above it;
- (37) story, half--a space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use;
- (38) street--a public thoroughfare which affords principal means of access to abutting property;
- (39) street line--the dividing line between a street or road right-of-way and the contiguous private property;

- (40) structures--anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including accessory buildings, shelters, advertising signs, and billboards;
- (41) tourist home--see boarding, rooming or tourist home;
- (42) yard, front--an open space on the same lot with a building, between the front line of the building (exclusive of steps) and the front property or street right-of-way line and extending across the full width of the lot;
- (43) yard, rear--an open space between the rear line of the principal building (exclusive of steps) and the rear line of the lot and extending the full width of the lot and may be used for accessory buildings;
- (44) yard, side--an open, unoccupied space on the same lot with a building between the side line of the building (exclusive of steps) and the side line of the lot and extending from the front yard line to the rear yard line.

History Note: Authority G.S. 122-95; 143B-10;
 Eff. March 21, 1980;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0102 PURPOSE

In order that the future development of Butner, North Carolina, may be guided by a comprehensive plan of land use, thoroughfares, community facilities, utilities and population density, the Secretary of the Department of Health and Human Services hereby adopts the following regulations. These regulations are designed to encourage and regulate the growth of the various functions and elements of Butner in accordance with basic standards of building development, zoning districts, and land design.

History Note: Authority G.S. 122-95; 143B-10;
 Eff. March 21, 1980;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0103 SHORT TITLE

- (a) This Subchapter shall be known and cited as the Butner ordinances.
- (b) The Secretary of Human Resources shall hereinafter be referred to as the "secretary."
- (c) The planning advisory committee for Butner shall hereinafter be referred to as the "committee."
- (d) The business manager of John Umstead Hospital shall hereinafter be referred to as the "manager."

History Note: Authority G.S. 122-95; 143B-10;
 Eff. March 21, 1980;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0104 APPLICATION OF REGULATIONS

No subdivision plat may be recorded with the Register of Deeds of Granville County until a zoning and development permit shall have been issued by the manager. And no building shall be erected, moved or altered until a zoning and development permit and a building permit shall have been issued by the manager. No permit shall be granted until after an application has been filed and approved by the committee nor until all the provisions of this ordinance have been complied with.

History Note: Authority G.S. 122-95; 143B-10;
 Eff. March 21, 1980;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0105 ZONING AND DEVELOPMENT PERMIT APPLICATION

An application for a zoning and development permit shall be accompanied by a development plan at a minimum scale of not more than 200 feet to the inch or larger showing the location, dimensions, and proposed use of all property and buildings, contours, street names, utility plans, minimum setback lines, all existing and proposed public or private easements, rights-of-way, curb cuts, driveways, off-street parking, walkways, and the proposed walls, fences or plantings; the types of paving to be used and various other site information as may be necessary to describe completely the proposed development.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0106 APPLICATION FEES

When making application the following investigation and compliance fees shall be paid:

- (1) subdivision of land--one dollar (\$1.00) per lot;
- (2) erection of new buildings--five dollars (\$5.00);
- (3) mobile home park--five dollars (\$5.00); and
- (4) extensions or alterations to existing buildings--two dollars (\$2.00).

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0107 PROCEDURES

- (a) The business manager shall submit all applications with accompanying development plans to the planning advisory committee for review.
- (b) The planning advisory committee shall review the application and development plan against the appropriate zoning regulations, development principles and the official development plan and approve, approve conditionally or disapprove such applications. All applications shall be listed on an agenda and to secure such consideration must be received by the chairman or secretary at least three days before any meeting.
- (c) Approval is authorization for the manager to issue a zoning and development permit.
- (d) If approved conditionally, the stated conditions and reasons thereof shall become a part of such approval and the committee shall require the applicant to submit a revised development plan to the manager before a zoning and development permit is issued.
- (e) If disapproved, the reasons for such action shall be stated and recommendations made on the basis of which the application could be approved.
- (f) Failure on the part of the committee to act within 45 days after the first meeting at which the application was submitted shall be deemed approval.
- (g) The manager shall not issue any building permit or provide for the extension or connection of any utility service unless he has examined such application and found it in conformance with all regulations.
- (h) Appeal from the decision of the committee shall be to the Secretary or his designee.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0108 CHANGES AND AMENDMENTS

In those instances where applications are made to change the zoning districts or amend the development standards and regulations, these shall be heard by the committee for their recommendations before being submitted to the Board for their consideration. The committee may require all applications to be filed not later than one week prior to the meeting at which the application is to be considered.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0109 BOND

No subdivision plat shall be presented for recording to the Granville County Register of Deeds until the improvements required of the subdivider have been constructed in a satisfactory manner and approved by the manager. In lieu of prior construction, the committee may accept a bond with surety in an amount equal to the estimated cost of installation of the required improvements or in lieu of bond, any guarantee satisfactory to the committee, whereby improvements may be made and utilities installed without cost to the state or county in the event of default by the subdivider.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .0110 PERMIT LIMITED

When a zoning and development permit has been approved and issued and has not been substantially started within 12 months after the date of said approval or authorization, such permit shall be void. The applicant may reapply for a new zoning and development permit.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .0111 TEMPORARY PERMIT

(a) The manager on approval of the committee may issue a temporary zoning and development permit for bazaars, carnivals, religious revivals, construction offices, existing mobile home parks and other temporary structures. Such permits shall be issued for a fixed period of time, but not to exceed 12 months and shall be subject to such limitations as the committee may impose to protect the character of the district affected.

(b) Temporary permits may only be renewed on sufficient findings by the committee and made a part of the public record that the original circumstances continue to exist through no fault of the applicant who shall have made recognizable efforts to remedy the temporary conditions.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .0112 MODIFICATIONS

(a) Modifications from the development standards and regulations other than permitted use regulations may be approved by the committee on finding the following:

- (1) that special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures;
- (2) that literal interpretations of these regulations deprive the applicant of rights commonly enjoyed by other properties; and
- (3) that an arrangement other than specified in these regulations can be shown to provide adequate vehicular and pedestrian circulation, off-street parking, loading spaces, sign control, public areas, landscaping and other controls; and in the committee's judgment is equal to or better than an arrangement which would conform.

(b) No modification shall reduce requirements by more than 20 percent and the committee's findings as well as permitted modifications shall become a part of the public record. Wherever practical for each area of land gained by an applicant because of a reduction below the minimum requirements, equal amounts of land shall be required as open space for greenbelts, parks, recreation areas or related uses.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .0113 PENALTIES

Any person violating any provisions of the foregoing ordinance, or who shall violate or fail to comply with any order made thereunder; or who shall falsify plans or statement filed thereunder, or who shall continue to work upon any structure after having received written notice from the manager to cease work, shall be guilty of a misdemeanor and punishable by a fine not to exceed fifty dollars (\$50.00). Each day such violation shall be permitted to exist shall constitute a separate offense. Notice of violation by revoking a permit by the manager shall be sufficient if directed to such owner, the agent of the owner or the contractor and left at his known place of residence or place of business.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .0114 SEPARABILITY OF PROVISIONS

Should any section or provision of this Subchapter be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

SECTION .0200 - ZONING DISTRICTS AND PERMITTED USES

10A NCAC 29C .0201 ZONING DISTRICTS ESTABLISHED

For the purposes of this ordinance, Butner is hereby divided into the following districts:

- (1) R-1 residential district,
- (2) R-2 residential district,
- (3) R-3 apartment district,
- (4) R-4 mobile home park district,
- (5) B-1 central business district,
- (6) B-2 neighborhood business district,
- (7) B-3 secondary business district,
- (8) M-1 manufacturing district, and
- (9) I-1 institutional district.

These districts are shown on the official development plan which is hereby adopted and declared to be a part of these regulations. The official development plan as amended from time to time, shall be on file in the manager's office and available for inspection at all reasonable hours.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .0202 USE REGULATIONS

- (a) Within each district only those uses designated shall be permitted.
- (b) Utility substations, fire and police stations, shall be permitted in any district provided that they are approved by the committee in regard to their location, lot area, screening, protection against "attractive nuisance" characteristics, access and parking.
- (c) Customary accessory structures and uses shall be permitted in all districts provided they are clearly incidental to the permitted use of building and located to the rear of the principal building.

(d) Signs shall be permitted in Butner provided they comply with the regulations set forth in Section .1100, Design Standards and Regulations for Signs.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .0203 RESIDENTIAL (R-1) DISTRICT

(a) Within a (R-1) residential district only the following uses shall be permitted:

- (1) Single family dwellings served with public or semi-public water and sewer shall be permitted on lots with no less than 10,000 square feet and 75 foot drainage.
- (2) Churches shall be permitted on lots of no less than two acres.
- (3) Parks and recreation areas shall be permitted on land areas of no less than three acres.
- (4) Golf courses shall be permitted on land areas of no less than 40 acres.
- (5) Elementary schools shall be permitted on land areas of not less than 12 acres.

(b) Doctors' offices and child care facilities, where services are performed for the welfare of the community, shall be permitted as home occupations when all the following conditions are met:

- (1) when they are clearly secondary to the use of the dwelling for residence;
- (2) when they do not employ more than one non-resident person; and
- (3) when the total number of children cared for does not exceed six with not more than three children under 18 months of age, or if all children being cared for are under three years of age, the maximum number shall not exceed five.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .0204 RESIDENTIAL (R-2) DISTRICT

Within a (R-2) residential district only the following uses shall be permitted:

- (1) Single family dwellings served with public or semi-public water and sewer shall be permitted on lots with no less than 10,000 square feet and 75 foot frontage.
- (2) Duplexes served with public or semi-public water and sewer shall be permitted on lots with no less than 15,000 square feet.
- (3) Churches shall be permitted on lots of no less than two acres.
- (4) Public parks and recreation areas shall be permitted on land areas of no less than three acres.
- (5) Elementary schools shall be permitted on land areas of no less than three acres.
- (6) Day nurseries and kindergartens shall be permitted on land areas of no less than one acre.
- (7) A home occupation customarily conducted for profit within a dwelling and carried on by the occupant thereof shall be permitted on finding the following:
 - (a) that the activity is clearly secondary to the use of the dwelling for residence and does not change the character thereof;
 - (b) that the activity does not produce dust, noise, outdoor storage, odors or other objectionable effects; and
 - (c) that the activity does not employ more than one non-resident person.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .0205 RESIDENTIAL (R-3) APARTMENT DISTRICT

Within a (R-3) apartment district multi-family housing designed to be occupied by three or more families shall be permitted on lot areas of no less than one acre and developed to a maximum density of 15 units per acre.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .0206 RESIDENTIAL MOBILE HOME PARK (R-4) DISTRICT

Within a (R-4) mobile home park district mobile homes or trailers shall be permitted only when located within a mobile home park which conforms with the regulations set forth in Section .0800 of this Subchapter.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .0207 CENTRAL BUSINESS (B-1) DISTRICT

Within a (B-1) central business district only the following uses shall be permitted:

- (1) stores retailing groceries, meats, vegetables, fruits, drugs, hardware, clothing, shoes, home furnishings, sporting goods, musical instruments, furniture, radios, televisions, office supplies, art supplies, books, candy, flowers, jewelry, gifts, hobby supplies, paints, upholstery;
- (2) personal services as follows: motels, barber and beauty shops, shoe repair, laundry, dry cleaning, restaurants, radio, television and appliance repair, photographer, interior decorator, theater, bowling alley, skating rink, social clubs;
- (3) offices as follows: banks, finance companies, savings and loan, governmental, medical, legal, dental, engineering, architectural, accounting and other professional offices and agencies; and
- (4) service stations for the dispensing, sale, or offering for sale at retail any automobile fuels, lubricants, or tires, and that car washing, minor motor adjustment and tire repair are only performed incidental to the conduct of the establishment.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .0208 NEIGHBORHOOD BUSINESS (B-2)

Within the (B-2) neighborhood business district only the following uses shall be permitted:

- (1) offices rendering professional services such as governmental, legal, medical, dental, engineering, architectural and accounting services;
- (2) offices or headquarters for religious, charitable, civic, union or fraternal agencies;
- (3) neighborhood stores retailing drugs, flowers, gifts, groceries, fish, meat and baked goods;
- (4) personal services such as barber and beauty shops, shoe repair, lock or watch repair, self-service laundries, and dry cleaning; and
- (5) service stations for the dispensing, sale or offering for sale at retail any automobile fuels, lubricants, or tires, and that car washing, minor motor adjustment and tire repair are only performed incidental to the conduct of the establishment.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .0209 SECONDARY BUSINESS (B-3) DISTRICT

Within a (B-3) secondary business district only the following uses shall be permitted:

- (1) lumber supply,
- (2) farm implement,
- (3) automobile garages,
- (4) machinery repair,

- (5) electrical fixtures and supplies,
- (6) plumbing fixtures and supplies,
- (7) wholesale establishments,
- (8) sheet metal shops,
- (9) roofing establishments,
- (10) heating and air conditioning establishments,
- (11) contractors' yards,
- (12) utility yards,
- (13) storage yards, and
- (14) tire recapping.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .0210 MANUFACTURING (M-1) DISTRICT

- (a) Within a (M-1) manufacturing district uses shall be limited to those industries which in the judgment of the committee shall not be significantly injurious or offensive to Butner or to the occupants of adjacent premises.
- (b) The committee shall consider each applicant in regard to the following factors:
- (1) the emission of noxious, toxic or corrosive fumes or gases;
 - (2) the emission of odors, heat or glare;
 - (3) the exhaust of dust or waste into the air;
 - (4) sewage and water characteristics;
 - (5) the fire or explosive hazards; and
 - (6) any unsightly, dangerous or unattractive nuisances.

The committee's findings on each factor shall become a part of the public record. In no instance shall the committee grant a permit for any manufacturing use on a lot area of less than four acres nor a width of less than 300 feet.

- (c) The committee may permit those establishments permitted in the secondary business district to be located in the M-1 manufacturing district if in their opinion such uses are compatible to those permitted in the particular district and such establishments shall be regulated by the requirements of the B-3, secondary business district.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .0211 INSTITUTIONAL (I-1) DISTRICT

Within an (I-1) institutional district only the following uses shall be permitted and shall be developed on lot areas of not less than five acres:

- (1) public parks, parkways, land reserves;
- (2) public golf courses, play grounds, play fields, recreation areas;
- (3) public water conservation areas and flood and drainage control areas, and greenbelts or open spaces;
- (4) public and semi-public institutions, including hospitals, children's homes, convalescent homes, rehabilitation centers and the like; and
- (5) public and quasi-public community facilities including schools, libraries, armories, cemeteries, utilities, museums, aboretums and the like.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

SECTION .0300 - GENERAL DEVELOPMENT DESIGN STANDARDS AND REGULATIONS

10A NCAC 29C .0301 MISCELLANEOUS BUILDING

Swimming pools, bomb shelters, automobile or garden storage units and similar types of construction shall meet the requirements for accessory buildings. (see Rule .0202 of this Subchapter)

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0302 LIGHTING

All lighting used to illuminate entrances, exits, service roads, parking aisles, or buildings must be so arranged to avoid glare or reflection into adjacent streets or property.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0303 OUTDOOR STORAGE

No outdoor storage shall extend into any required yard nor be placed on the front side of any principal building. Outdoor storage on any side street shall be enclosed by a fence.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0304 UTILITIES

The applicant shall submit satisfactory evidence that every possible effort has been made with the serving utilities to install underground all new facilities necessary to furnish utility service to the proposed development.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0305 LANDSCAPING

Provisions for landscaping shall be included with each application plot plan showing proposed development. These shall include, but are not limited to, provisions for screen planting, lawn areas, trees, shrubs, fences, and walls. It shall be the responsibility of the owner or developer to carry out this program, and to provide such maintenance and care as is required to obtain the effect intended by the original plan.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0306 DEVELOPMENT SCHEDULE

The committee may require the applicant to submit a proposed progress schedule for development indicating that the improvements described in the development plan will be made prior to occupancy of the structure.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0307 PROFESSIONAL DESIGN SERVICES REQUIRED

All site plans, subdivision layouts, and plot plans showing the arrangement of business, manufacturing or institutional buildings shall be prepared by recognized members of the city planning, landscape architecture, architectural or engineering professions.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

SECTION .0400 - DESIGN STANDARDS AND REGULATIONS FOR OPEN SPACE

10A NCAC 29C .0401 OPEN SPACE REQUIRED

Open space on the same lot with a principal building shall be provided that is unoccupied and unobstructed by structures excepting the following encroachments:

- (1) Architectural features--fire escapes, cornices, eaves, steps, gutters, buttresses which are reasonable in size may project into any required yard;
- (2) Retaining walls, terraces, steps and other similar landscape structures shall be exempt from the open space requirements;
- (3) Fences shall be permitted within any open space; however, no fence shall be constructed on any property line without the mutual consent of both parties;
- (4) Accessory buildings shall be permitted within 10 feet of the rear lot line in R-1 and R-2 districts;
- (5) Signs as indicated in Section .1100 of this Subchapter.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .0402 OPEN SPACE A MATTER OF RECORD

All open space requirements shall be placed on the official description or plat of any property.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .0403 FRONT YARD

Open space in the front of a principal building or structure and adjacent to the street property line shall adhere to the following requirements:

- (1) 30 feet for all single and two family residences,
- (2) 50 feet for all multi-family apartments,
- (3) 15 feet for all business establishments,
- (4) 15 feet for all manufacturing establishments, and
- (5) 50 feet for all institutional establishments.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .0404 CORNER LOTS

On corner lots, the applicant shall specify the front of the lot and open space of half the depth required shall be provided on the other public street frontage.

History Note: Authority G.S. 122-95; 143B-10;

Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0405 SIDE YARDS

(a) Open space between a building and the side lot line extending from the front of the property to the rear shall adhere to the following requirements:

- (1) 15 feet for any single or two family residences,
- (2) 20 feet for any multi-family apartments, and
- (3) 50 feet for any institutional establishments.

(b) No open space on the side shall be required for business or manufacturing establishments and buildings may be constructed on the property lines. However, if open space is provided on the side it shall be at least 12 feet in width.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0406 REAR YARDS

Open space measured from the rear property line shall adhere to the following requirements:

- (1) 20 feet for any single family residences,
- (2) 20 feet for any multi-family residences,
- (3) 15 feet for any business or manufacturing establishments, and
- (4) 50 feet for all institutional establishments.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

SECTION .0500 - DESIGN STANDARDS AND REGULATIONS FOR STREETS AND BLOCKS

10A NCAC 29C .0501 PERMIT REQUIRED

No applications or permits issued shall be approved except in conformity with the following standards for street design and development.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0502 STREETS

(a) Official Plan. In any new residential area streets shall generally conform to the arrangement and locations indicated on the latest official plans or maps as officially adopted for Butner. In areas for which such plans have not been completed, streets must provide for the continuation or appropriate projection or principal streets in surrounding areas and provide reasonable means of ingress and egress for surrounding acreage tracts.

(b) Right-of-Way. Major streets as designated on the major thoroughfare plan for Butner shall have the following minimum right-of-way:

- (1) major highways--100 feet;
- (2) major streets--80 feet;
- (3) collector streets--60 feet;
- (4) minor (residential) streets--60 feet; and
- (5) marginal access streets--40 feet.

(c) Paving Widths

- (1) Curbs and Gutters. Where approved curbs and gutters are provided, the paving widths back to back of curbs shall be not less than the following:

- (A) major streets and highways--49 feet;
 - (B) collector streets--37 feet;
 - (C) minor (residential) streets--31 feet;
 - (D) marginal access streets--27 feet; and
 - (E) cul-de-sacs--27 feet.
- (2) No Curbs and Gutters. Where curbs and gutters are not provided, the paving widths shall not be less than 20 feet on all streets.
- (3) Grades
- (A) Unless necessitated by exceptional topography street grades shall be not more than 10 percent nor less than one-half of one percent on any street.
 - (B) Grades approaching intersections shall not exceed five percent within a distance of not less than 100 feet from the center line of said intersection.
 - (C) Street grades shall be established wherever practicable in such a manner as to avoid excessive leveling of topography by grading.
 - (D) All vertical curves shall have such length as necessary to provide safe sight distance and a gradual change in grade.
- (4) Circular Curve. When a street center line deflects at any point by more than 10 degrees, a circular curve shall be introduced, having a radius of curvature of said center line of not less than the following:
- (A) major streets--300 feet;
 - (B) collector streets--200 feet; and
 - (C) minor streets--100 feet.
- (5) Tangents
- (A) A tangent at least 100 feet long shall be provided between reverse curves on all streets.
 - (B) Streets shall be laid out so far as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 60 degrees.
 - (C) Street jogs with center line offsets of less than 100 feet on collector or major streets shall be prohibited.
 - (D) Intersections with a major street or highway less than 800 feet apart shall be avoided.
- (6) Cul-de-Sacs. Permanent dead-end streets and cul-de-sacs shall be no longer than 600 feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 80 feet and a street property line diameter of at least 80 feet and a street property line diameter of at least 100 feet.
- (7) Curb Cuts
- (A) No portion of any entrance driveway leading from a public street shall be closer than 50 feet to the property line corner of any intersection measured from the right-of-way line in manufacturing and institutional districts and no closer than 20 feet in business and residential districts.
 - (B) The width of any entrance driveway leading from the public street shall not exceed 30 feet at its intersection with the curb or street line.
 - (C) No two driveways leading from a public street shall be within 20 feet of each other measured along the full height of the curb.
- (8) Corner Visibility. No obstruction of any kind or nature to the visibility of vehicles on streets at intersections shall be erected, maintained or allowed to exist. This area of visibility shall be considered to be not more than three feet higher than the curb level and not less than 10 feet from the property corner.

*History Note: Authority G.S. 122-95; 143B-10;
 Eff. March 21, 1980;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .0503 BLOCKS

- (a) Blocks shall be laid out with special attention given to the type of use contemplated.
- (b) Blocks shall not exceed 1,500 feet in length or be less than 500 feet.

- (c) Blocks shall have sufficient width to provide for lots fronting on each street. Buffer strips of at least 25 feet shall be required to separate residential development from traffic, railroad lines or other types of development.
- (d) Pedestrian ways or crosswalks, not less than 12 feet in width, may be provided across any block 900 feet or more in length to provide adequate pedestrian circulation or access to schools, shopping centers, churches, or transportation facilities.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0504 LOTS

- (a) Lot sizes, shapes, and locations shall be made with due regard to topographic conditions, contemplated use, and the surrounding area.
- (b) Every lot shall front or abut on a public street.
- (c) Corner lots shall have extra width to facilitate an adequate building relationship to the side street.
- (d) If easements are planned they shall have minimum width of 20 feet. It is desirable that they be centered on rear or side lot lines.
- (e) If alleys are planned to provide utility access to lots they shall have a minimum right-of-way of 20 feet.
- (f) A storm water easement or drainage right-of-way conforming substantially with the lines of existing water courses shall be provided where property is traversed by a water course, drainage way, channel or stream.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

SECTION .0600 - DESIGN STANDARDS AND REGULATIONS FOR OFF-STREET PARKING

10A NCAC 29C .0601 OFF-STREET PARKING REQUIRED

Off-street automobile parking or storage shall be provided for every establishment on every lot or in case no parking space can be reasonably provided on the same lot, such space shall be provided on any lot a substantial portion of which is within 400 feet of such establishment.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0602 COMBINED LOTS PERMISSIBLE

The required parking space for any number of separate establishments may be combined in one lot, but the required spaces assigned to one establishment may not be assigned to another establishment at the same or any other time, except that one-half of the parking spaces required for establishments, such as churches, theaters or assembly halls whose peak attendance will be at night or on Sundays may be assigned to an establishment which will be closed at nights or on Sundays.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0603 MINIMUM REQUIRED SPACES

- (a) Each automobile parking space shall be not less than 200 square feet in area exclusive of adequate access drive and maneuvering space. Such space shall be provided with vehicular access to a street or alley. Such use shall not thereafter be encroached upon or altered; and shall be equal in number to at least the following minimum specified requirements:

- (1) single and two-family residences--one space for each dwelling unit;
- (2) multi-family residences--one and one-half spaces for each dwelling unit;
- (3) dormitories--one space for each three beds;
- (4) tourist homes and room renting--one space for each guest room;
- (5) home occupations--except in the case of doctors, one additional space plus one space for any employee (Doctors shall provide three spaces plus one for employees.);
- (6) medical offices--three spaces for each doctor, plus one space for each employee;
- (7) hospitals and clinics--one space for every three beds, plus one space for each three staff doctors, plus one space for each three employees on the largest shift;
- (8) nursing or rest homes--one space for each six beds plus one space for each three employees;
- (9) day care centers, kindergartens, nurseries, elementary and junior high schools--three spaces for each class room plus off-street passenger loading arrangements;
- (10) senior high schools, trade and vocational schools, business and professional schools, colleges and universities--five spaces for each class room plus off-street passenger loading arrangements;
- (11) library, museum, art gallery or other cultural facility--one space for each 400 square feet of gross floor area for use by the public;
- (12) church, auditorium, coliseum, stadiums, arenas, theaters--one space for each five fixed seats in the largest assembly area;
- (13) fraternal or social clubs--one space for each 200 square feet of customer participation area, plus one space for each 200 feet of spectator area;
- (14) commercial recreation whether indoor or outdoor--one space for each 200 square feet of customer participation area, plus one space for each 200 feet of spectator area;
- (15) business and professional offices such as banks, post office, savings and loan, real estate, lawyers, insurance, governmental, etc.--one space for each 200 square feet of floor area in the building;
- (16) personal service establishments such as barber shop, beauty shop, shoe repair, dry cleaning, washerette, and retail stores not otherwise specified--one space for each 200 square feet of floor area in the building;
- (17) furniture stores--one space for each 200 square feet of sales floor area below 5,000 square feet plus one space for each 400 square feet above 5,000;
- (18) auto sales--four spaces for each salesman on the largest shift;
- (19) service station--four spaces for each grease or wash rack;
- (20) drive-in windows--off-street movement lane to accommodate two cars to the front and two cars to the rear of each window;
- (21) auto wash--one space for each three employees, plus reservoir space equal to five times the capacity of the laundry;
- (22) drive-in food sales--the provision of parking space equal to five times the square feet in the principal building;
- (23) funeral homes or mortuaries--one space for each four seats in the chapel plus off-street passenger loading accommodations for the cars;
- (24) wholesale establishments--one space for each two employees plus one space for each 100 square feet of sales area; and
- (25) manufacturing establishments--one space for each three persons employed on the largest shift plus additional spaces for customers, visitors and all vehicles used directly in conducting such operation.

(b) When uncertainty exists with respect to the off-street parking spaces required for a specific establishment, the committee shall interpret such requirements in accordance with this Section.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .0604 PARKING BAYS NOT PERMITTED

Except for residential service on minor or collector streets, no parking bays shall be allowed and all off-street parking lots shall be so arranged that egress is by forward motion of the vehicle.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0605 SCREEN REQUIRED

On the street fronts of all off-street parking facilities a screen of hedge or fence shall be provided to shield headlights, fumes, heat, blowing papers and dust. In addition all areas not used for loading, access ways, or pedestrian walks shall be landscaped with grass, trees or shrubs for the same purpose.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0606 LIGHTING REQUIRED

Parking lots and access ways shall be properly lighted to provide pedestrian safety.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0607 TRAILER PARKING

Multi-family residences should provide additional space for travel or boat trailers.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

SECTION .0700 - DESIGN STANDARDS AND REGULATIONS FOR OFF-STREET LOADING

10A NCAC 29C .0701 PERMITS REQUIRED

Every building or structure used for business, trade, or manufacturing establishments shall hereafter provide off-street space as indicated herein for the loading and unloading of vehicles. Off-street loading requirements for institutions shall generally follow the principles of this Section and be interpreted by the committee.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0702 MINIMUM SIZE

An off-street loading space shall have a minimum dimension of 12 feet by 40 feet with an overhead clearance of 14 feet.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0703 LOADING SPACES REQUIRED

Off-street loading spaces shall be provided according to the following schedule:

- (1) One space shall be provided for the first 5,000 square feet building floor area or fraction thereof.

- (2) One additional space shall be provided for each additional 10,000 square feet of building floor area up to 50,000 square feet.
- (3) One additional space shall be provided for each additional 50,000 square feet of building floor area.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

SECTION .0800 - MOBILE HOME PARK DESIGN STANDARDS AND REGULATIONS

10A NCAC 29C .0801 GENERAL PROVISIONS

- (a) It shall be unlawful for any person to place or maintain any mobile home or any vehicular relocatable structure, built on a chassis, designed as a dwelling for unlimited periods of time, containing as an integral part of its construction, kitchen facilities and a completely equipped bathroom consisting of a flush toilet, lavatory, and bathtub or shower (Such unit shall be considered a mobile home whether or not the wheels have been removed and whether or not set on jacks, skirtings, masonry block or other temporary or permanent foundations.), on any premises within the limits of Butner unless it be contained within a mobile home park, any site or tract of land upon which two or more mobile homes occupied for dwelling or sleeping purposes are located, which complies with the provisions of this ordinance and all other ordinances of Butner.
- (b) This Rule shall apply to all mobile homes within the limits of Butner.
- (c) For the purpose of occupancy or sales, all mobile homes shall be located within mobile home parks which meet the requirements of this ordinance.
- (d) It shall be unlawful for any person to store any mobile home for more than 24 hours on any street, alley, highway or other public place.
- (e) Any mobile home park now in use shall conform to the provisions of this ordinance within one year of the date this ordinance is adopted. During the interim period, such park shall be allowed to operate under a temporary permit.
- (f) The provisions of this Section shall not apply to mobile home sales operations conducted independently of mobile home parks, provided there shall be no occupancy.
- (g) Travel trailers or any vehicle or similar portable structure mounted on wheels, designed and intended primarily for short term occupancy for dwelling or sleeping or other habitation, and also including any such vehicle which does not contain as an integral part of its construction kitchen facilities and a completely equipped bathroom consisting of a flush toilet, lavatory, and a bathtub or shower, shall not be occupied within Butner for more than two weeks in any one year.
- (h) A temporary permit may be issued for the use of a mobile home as a construction office provided that active construction is taking place at the site where the mobile home office is located.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .0802 MOBILE HOME PARK DESIGN REQUIREMENTS

The mobile home park plan of the entire site, drawn to scale, shall show all existing conditions, the proposed site development and all the following requirements:

- (1) **Size of Mobile Home Park.** All mobile home parks shall be developed on a parcel of land not less than three acres in size and shall contain no more than eight mobile home plots per gross acre of land.
- (2) **Size of Mobile Home Plot.** The mobile home park plan shall show a plot for the accommodation of each mobile home, which plot shall be at least 40 feet wide and at least 70 feet long, but shall contain a minimum of 2,800 square feet in area.
- (3) **Arrangement of Mobile Homes.** Mobile homes shall be separated one from the other by at least 25 feet side to side, 15 feet side to rear and 10 feet back to back; shall be no closer than 25 feet to any interior drive; and shall be no closer than 50 feet to any exterior street or property line of the mobile home park.

- (4) Drainage. The park shall be located on a well drained and properly graded site.
- (5) Interior Drives. No mobile home shall have direct access to an interior drive of no less than 20 feet in width, which shall have unobstructed access to a public street or highway. All interior drives shall be hard surfaced and continuous and shall be adequately maintained by the owner.
- (6) Off-drive Parking. Each mobile home plot shall be provided with at least one off-drive parking space. Such space shall be no farther away than 50 feet from the plot it serves. In addition there shall be provided one off-drive parking space for each three mobile home spaces in the mobile home park. Each off-drive parking space shall be at least nine feet wide and at least 20 feet long and shall be paved. Off-drive parking may be provided in conjunction with the interior drive which shall be at least 36 feet wide and include concrete gutter.
- (7) Recreation Space. A playground or playgrounds shall be provided by the owner at a ratio of 200 square feet for each mobile home plot. The length of such playgrounds shall be no greater than twice the width. Such open spaces shall be maintained by the owner and shall be exclusive of area required for mobile home plots and for interior drives, parking, and utility spaces. No playground shall contain less than 4,000 square feet.
- (8) Special Conditions and Safeguards. In recommending the issuance of any zoning and development permit for a mobile home park the committee may attach special conditions and safeguards to protect both the occupants of the parcel and the occupants of surrounding property in regard to such matters as noise, lights, and dust. Where required to serve these ends, walls, walks, fences, plantings, surfacing or other natural or artificial means for protection may be required as a part of such special conditions on which issuance of the zoning and development permit is based. Failure to meet such conditions shall be grounds for revocation of the zoning and development permit.
- (9) Exceptions to Paragraphs (2) and (3). When an arrangement other than that specified by Paragraphs (2) and (3) of this Rule can be shown to provide more useful open space without infringing upon the privacy of mobile home dwellers or neighboring property owners or when screening devices can be shown to compensate for any slight reductions in space between mobile homes or space between mobile homes and another building or property, the committee may recommend approval of a special use permit, if in its opinion, the mobile home park plan submitted is equal to or better than an arrangement which would conform to Paragraphs (2) and (3) of this Rule. No minimum dimension shall be reduced by more than 20 percent. For each square foot of land gained within a mobile home park, through the reduction of a plot size below the minimum requirements, equal amounts of land shall be retained as open space for park, recreation and related uses. This "open space" shall not be developed for any other means and shall be maintained by the developer for the life of the park.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24,
2019.*

10A NCAC 29C .0803 GENERAL MOBILE HOME REQUIREMENTS

- (a) Minimum Size of Mobile Homes. No mobile home shall be placed in said park which is less than 8 feet by 30 feet size or does not contain a built-in bathroom with water closet, lavatory and shower or tub which are in working condition.
- (b) Water, Sewerage, and Electricity. Each mobile home plot shall be provided with and each mobile home connected to the sanitary sewerage and water supply systems of Butner. A minimum of two electrical outlets, one 220 volts, shall be provided for each mobile home space in an approved manner.
- (c) Lighting. All interior drives and walkways within the park shall be lighted at night with electric lamps of not less than 50 watts each, spaced at intervals of no more than 100 feet, or equivalent lighting as approved by the committee. Such lighting shall be the responsibility of the park owner.
- (d) Refuse Collection Facilities. One metal garbage can with tight fitting cover and capacity of at least 20 gallons shall be provided by the owner for each mobile home. Garbage cans shall be located no farther than 100 feet from any mobile home plot. The cans shall be kept in sanitary conditions at all times by the owner of the park. Garbage collection shall be the responsibility of the owner.
- (e) Storage Sheds and Additions. Any storage sheds or building addition shall be built in conformance with uniform construction plans provided by the owner.

(f) Service, Administrative and Other Buildings

- (1) Within a mobile home park, one mobile home may be used as an administrative office. Other administrative and service buildings housing sanitation and laundry facilities, or any other such facilities shall be permanent structures complying with all applicable ordinances and statutes regarding buildings, electrical installations, and plumbing and sanitary systems. The owner should provide adequate additional space for the storage of travel trailers, boats, etc.
- (2) No building shall be located closer than 20 feet to any mobile home.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

SECTION .0900 - REQUIRED IMPROVEMENTS

10A NCAC 29C .0901 IMPROVEMENTS REQUIRED

No zoning and development permit shall be issued nor any application approved unless the following improvements either have been constructed or a performance bond accepted guaranteeing the proper installation of improvements according to the plans approved by the committee and manager.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0902 MONUMENTS

Permanent concrete monuments four inches in diameter or square, three feet long, shall be placed at not less than two corners of the subdivision provided that additional monuments shall be placed where necessary so that no point within the subdivision lies more than 500 feet from a monument. Two or more of the required monuments shall be designated as control corners. The top of each monument shall have an indented cross, metal pin, or metal plate to identify properly the location of the point. A monument shall be set at least 30 inches in the ground with at least six inches exposed above the ground unless this requirement is impractical because of traffic or other factors. All monuments shall be shown on the final plat.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0903 PROPERTY CORNER TIE

At least one corner of the property surveyed shall be designated by course and distance (tie) from a readily discernible reference marker. If a corner is within 2,000 feet of a U.S. coast and geodetic station or N.C. grid system coordinated monument, then this corner shall be accurately tied to this station or monument by computed x and y coordinates which shall appear on the map with a statement identifying this station or monument and to an accuracy of 1:15000. When such a monument or station is not available, the tie shall be made to some pertinent and readily recognizable landmark or identifiable point, physical object or structure.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0904 MARKERS

All lot corners, all points where the street lines intersect the exterior boundaries of the subdivision, all angle points and points of curve in each street shall be marked with an iron pipe not less than three-fourths of an inch in diameter and 30 inches long, driven so as to be two inches above the finished grade.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0905 GRADING

All street rights-of-way shall be cleared and graded so as to provide the required street width, an eight foot shoulder and drainage ditches on each side of the roadway. Finished grades, cross sections and profiles shall be approved by the manager.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0906 PAVEMENTS

All streets shall be surfaced to pavement widths set forth under Rule .0502 of this Subchapter, and shall conform to specifications acceptable to the manager and to the North Carolina State Highway Commission.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0907 DRAINAGE

An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water. Plans, specifications and finished construction shall conform to specifications acceptable and approved by the manager.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0908 CURBS AND GUTTERS

Rolled concrete curbs or integral concrete curbs and gutters shall be required in all new subdivisions except when all lots of a subdivision have a minimum width of 110 feet at the property line and a minimum area of 20,000 square feet.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .0909 WATER AND SEWER

Each lot or other site shall be connected to a public or semi-public water and sanitary sewerage system by lines of sufficient size to accommodate the anticipated requirements. Lot service connections shall be stubbed in so that there will be no necessity for cutting into any pavement in order to make any future connections. Plans, specifications and finished construction shall conform to specifications acceptable and approved by the manager.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

SECTION .1000 - BUILDING: ELECTRICAL: PLUMBING AND FIRE CODES

10A NCAC 29C .1001 ADOPTING CONSTRUCTION CODES

The following codes as heretofore adopted and revised, are hereby adopted to apply to all construction and installations, including any expansion of existing construction and installation in Butner:

- (1) "North Carolina State Building Code, Volume I--General Construction" and "Accumulative Supplement" through January 15, 1976 adopted by the North Carolina Building Code Council and available from the North Carolina Department of Insurance, Engineering and Building Codes Division, P.O. Box 26387, Raleigh, North Carolina 27611 at a cost of five dollars (\$5.00);
- (2) "North Carolina State Building Code, Volume II--State Plumbing Code" and all revisions through January 15, 1976, adopted by the North Carolina Building Code Council and available from the North Carolina Department of Insurance, at the same address, at a cost of one dollar and fifty cents (\$1.50);
- (3) "North Carolina State Building Code, Volume IV--State Electrical Code, National," and all revisions through January 15, 1976, adopted by the North Carolina Building Code Council, and available from the North Carolina Department of Insurance, at the same address at a cost of five dollars and fifty cents (\$5.50);
- (4) "Administrative and Laws--Electrical" and all revisions through January 15, 1976 adopted by the North Carolina Building Code Council, and available from the North Carolina Department of Insurance, at the same address, at a cost of one dollar (\$1.00);
- (5) "North Carolina Uniform Residential Building Code," prepared by the North Carolina Department of Insurance and available from the department at the same address for fifty cents (\$0.50);
- (6) The "Flammable and Combustible Liquids Code, Pamphlet #30," adopted by the National Fire Prevention Association and available from the association, 60 Batterymarch Street, Boston, Massachusetts 02110, at a cost of two dollars (\$2.00);
- (7) The "Fire Prevention Code," adopted in 1970 and the September, 1974 revision, all adopted by the American Insurance Association, and available from the association, 85 John Street, New York, New York 10038 at a cost of two dollars (\$2.00).

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .1002 FIRE DISTRICT DELINEATED

Those areas designated on the Butner Development Plan as business including the central business district, neighborhood business district and secondary business district shall be within the Butner Fire District. And, all buildings constructed within the limits of such district shall conform to the applicable regulations of the North Carolina State Building Code.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .1003 PERMIT REQUIRED

- (a) No person, firm or corporation shall on or after the date this ordinance becomes effective erect, build, alter or add to any building, construction or make improvement to any building or construction without first obtaining a permit for the erection, construction, or the addition or alteration of any building or construction in Butner from the business manager of John Umstead Hospital, whose duty it shall be to enforce such codes as are adopted herein.
- (b) Any person may be permitted to perform construction and electrical work upon his own property, except property intended for rent, sale or gift, provided he first makes an application and obtains a permit to do the specific work contemplated, and provided, that he is competent to perform the work in a satisfactory manner.
- (c) No permit for electrical, plumbing, and heating installations shall be issued to other than duly licensed persons, firms or corporations, provided, however, that plumbing and heating permits may be issued to persons, firms or corporations which can submit satisfactory proof of having engaged in such business continuously for a period of

three years. Such satisfactory proof shall be the presentation of an official document such as a city or state privilege license.

(d) No permit shall be required, except as hereinafter set out, for any construction or installations costing less than two hundred and fifty dollars (\$250.00).

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .1004 FEES FOR CONSTRUCTION PERMITS

(a) Fees for building permits except as otherwise specifically set out herein, are established as follows:

(1)	\$ 250--\$1,500 cost	\$3.00 fee;
(2)	1,500-- 5,000 cost	3.50 fee;
(3)	5,000--10,000 cost	4.50 fee;
(4)	10,000--20,000 cost	6.50 fee;
(5)	20,000--40,000 cost	10.50 fee; and
(6)	40,000-- up cost	13.50 fee.

(b) A fee of two dollars (\$2.00) will be charged for permits and inspection of trailers, changes in electrical hot water heaters and electrical ranges and temporary electrical switches for construction purposes.

(c) Additional inspections or inspection trips made necessary through fault of the contractor shall be deemed extra building inspections and a fee of three dollars (\$3.00) shall be charged against and paid by the contractor.

(d) No building permit shall be issued until the fee for the same shall have been paid.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .1005 PENALTIES

Any person, firm or corporation who shall violate any of the provisions of this ordinance, or who shall fail to correct any defect within a reasonable specified time, after having been notified in writing, shall be guilty of a misdemeanor and shall be punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each offense, together with the costs of prosecution, or in default of payment thereof by imprisonment of not less than 10 days nor more than 30 days. Each defect remaining uncorrected for a period of 30 days shall constitute a separate offense and each 30 day period thereafter shall constitute successive separate offenses.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .1006 LIABILITY FOR DAMAGES

This ordinance shall not be construed to relieve from nor lessen the liability of any party for damages to persons or property caused by any defect therein, nor shall the Department of Health and Human Services be held as assuming any liability by reason of the authorized enforcement herein provided.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

SECTION .1100 - DESIGN STANDARDS AND REGULATIONS FOR SIGNS

10A NCAC 29C .1101 SIGN CLASSIFICATION

A sign shall be considered as any device designed to inform or attract the attention of persons not on the premises on which the sign is located, and shall be considered under the following classifications:

- (1) Business Signs. A business sign directs attention to a business, profession, service or entertainment sold or offered upon the premises where such sign is located or to which it is attached.
- (2) Advertising Signs. An advertising sign directs attention to a business, activity, service or profession not necessarily conducted, sold or offered upon the premises where such sign is located.
- (3) Other Signs. Other signs shall include such signs as church billboards, real estate signs, professional name plates and temporary signs such as placards and banners.
- (4) The Surface Area of a Sign. The surface area of a sign shall be computed as including the entire area within a parallelogram, triangle, circle or semi-circle comprising all of the display area of the sign and including all of the elements of the matter displayed, but not forming part of the display itself, or frames surrounding display areas.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .1102 PERMIT REQUIRED

It shall be unlawful for any person to erect, alter or relocate any sign or other advertising structure within the limits of Butner unless it complies with the provisions of this Section and without first obtaining a zoning and development permit from the manager, except as provided in Rule .1104 of this Section.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .1103 ALL SIGNS MUST CONFORM

Any sign now existing which does not conform with the requirements of this Section shall be taken down and removed by the owner, agent or person having the beneficial use of the building or land or structure upon which such sign may be found within 18 months after written notice authorized by the committee. Upon failure to comply with such notice within the time specified, removal of such sign shall be authorized by the manager.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .1104 STANDARDS AND REGULATIONS FOR OTHER SIGNS

The following signs shall be permitted within any required open space and no permit shall be required for these signs when they comply with the provisions of this Rule:

- (1) directional or traffic signs of any governmental agency;
- (2) signs not exceeding six square feet and not obstructing traffic visibility providing directions or information for public institutions, civic organizations and churches;
- (3) signs not exceeding six square feet advertising the sale or rental of the premises;
- (4) signs not exceeding six square feet indicating the name, profession or activity of an occupancy in a residential district and with no part extending more than three feet above ground level;
- (5) signs not exceeding 15 square feet, indicating the name and address of multi-family residences, mobile home parks, schools, recreation areas or churches; and
- (6) temporary signs, banners, placards, decorations, and the like constructed of light materials for business promotions or civic, political or charitable enterprises or events and displayed in any business district for periods not exceeding 10 days continuously and totalling not more than 30 days in any one year, except for public holiday decorations.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .1105 STANDARDS AND REGULATIONS FOR BUSINESS SIGNS

The following design standards and regulations shall control the erection of all business signs:

- (1) All establishments permitted within the business, institutional and manufacturing zoning districts shall be permitted to erect not more than three signs whose combined surface area shall not exceed three square feet of sign area for each lineal foot of principal building, with letters occupying no more than 50 percent of the total allowable sign area. The total surface area permitted may be used in a lesser number of signs than the maximum permitted, but the maximum number shall not be exceeded, even though the total permissible surface area is not used.
- (2) Business signs connected to buildings shall be constructed flat against the building and their size and number shall be restricted to the permissible surface area.
- (3) One of the three signs permitted each business establishment may be a free-standing sign within any required open space with a surface area not exceeding 40 square feet; this sign shall not exceed 30 feet in height and shall be used as part of the permissible surface area and number of signs attached to buildings.
- (4) One of the three signs permitted within any required open space for each business establishment may be a free-standing sign not exceeding six square feet denoting special information necessary to the operation of the business, and the surface area of such sign shall be used as part of the total permissible surface area.
- (5) Business signs shall only identify the premises and the general nature of the business conducted.
- (6) No signs shall be constructed more than two feet above a roof top or parapet.
- (7) No flashing, blinking or "running" electric signs and no strings of electric light bulbs shall be permitted.
- (8) A business sign may be illuminated, provided that no flashing or intermittent illumination shall be used except where time and temperature clocks are on a five second cycle. Such illumination shall be continued to the area of the sign to avoid glare or reflection into any portion of a street or onto residential property.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .1106 STANDARDS AND REGULATIONS FOR ADVERTISING SIGNS

The following design standards and regulations shall control the erection of all advertising signs:

- (1) Outdoor advertising structures or billboards shall only be permitted in the secondary business and industrial zoning districts. One structure shall be permitted on each lot of 100 feet with one additional structure being permitted for each additional 100 feet of lot frontage. Billboards shall be considered as principal uses of land and shall meet all open space and other Butner zoning and development requirements.
- (2) Billboards or advertising structures may be illuminated, provided no flashing or intermittent illumination shall be used and such illumination confined to the area of the sign to avoid glare or reflection into any portion of a street or other property.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

SECTION .1200 - UNSAFE BUILDINGS

10A NCAC 29C .1201 DUTY OF BUILDING INSPECTOR

(a) Any building or structure or part thereof, partially destroyed or otherwise, which is found by the building inspector to be in such a dilapidated state of disrepair or other substandard condition as to be dangerous to life, health, or other property, or to constitute a fire or safety hazard or a public nuisance shall be declared by the building inspector to be unsafe.

(b) Such unsafe condition may be caused by defective construction, overloaded structural parts, decay, susceptibility to fire, or any other hazardous conditions or circumstances.

(c) The building inspector shall have authority, and it shall be his duty, to declare all such buildings or structures unsafe and to take appropriate action to have such conditions corrected or removed.

(d) Such declaration by the building inspector shall be in writing and shall constitute an order of condemnation for the purposes of this ordinance.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .1202 DUTY OF OWNER: PROCEDURE

Whenever any building or structure has been condemned by the building inspector, and the existence of such building or structure in a dilapidated state of disrepair or other substandard condition is found and determined by the building inspector or, upon appeal from or report by the building inspector as hereafter provided, by the Secretary of Human Resources to be dangerous to life, health, or other property, or is in such condition as to constitute a fire or safety hazard or a public nuisance, the owner or owners of such building or structure shall be required to demolish and remove the same and remedy such conditions under the regulations and procedures herein provided; and in the event such owner fails or refuses to do so within the time directed by the building inspector or by the Secretary or his designee, as hereinafter provided, the Secretary or his designee, in his judgment, may cause the same to be demolished and removed or such other steps taken as he may find to be necessary to suppress and abate the nuisance and remove the fire or safety hazard and the danger to life, health, or other property found to exist, and specially assess the cost and expense of doing said work against the lot or parcel of land on which the said building or structure is located.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .1203 NOTICE AND HEARING

Before any building or structure may be ordered to be demolished and removed as provided in Rule .1202 of this Section, the building inspector shall notify the owner or owners thereof, in writing, by certified or registered mail to the last known address of such owner, or by personal service of such notice by said building inspector or his assistant or by posting notice as hereinafter provided, that said building or structure is in such condition as appears to constitute a fire or safety hazard or dangerous to life, health, or other property, or to be a public nuisance, and that a hearing will be held before said building inspector at a designated place at a time not less than 10 days after the date of such written notice, at which time and place the owner shall be entitled to be heard in person or by counsel upon all legal or factual questions relating to the matter and shall be entitled to offer such evidence as he may desire which is relevant or material to the questions sought to be determined or the remedies sought to be effected. If the name or whereabouts of the owner cannot, after due diligence, be discovered, the notice herein referred to shall be considered properly and adequately served if a copy thereof is posted on the outside of the building or structure in question at least 10 days prior to the date fixed for the hearing and a notice of the hearing is published one time in a newspaper having general circulation in the Town of Butner at least one week prior to the date fixed for such hearing. Such notice shall state the address or location of the building or structure and the time, place and purpose of the hearing.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;*

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .1204 ORDER TO REMEDY OR DEMOLISH

If, upon such hearing, the building inspector shall find that the building or structure in question is in such a dilapidated or substandard state of disrepair as to constitute a fire or safety hazard or to be dangerous to life, health or other property, or is a public nuisance, he shall make an order in writing, directed to the owner of said building or structure, requiring the owner to remedy such conditions so found to exist by demolishing and removing said building or structure or taking such other steps as may be necessary to abate the nuisance and remove the hazards, within such period, not less than 60 days, as the building inspector may prescribe.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .1205 APPEAL: FINALITY OF ORDER IF NOT APPEALED

The owner of any building or structure ordered by the building inspector to be demolished and removed, or who is directed by the building inspector to take any other steps to abate a nuisance or remove hazards found by the building inspector to exist, shall have the right of appeal from such orders to the Secretary or his designee; provided, such owner gives notice of appeal to the building inspector at the time of the hearing at which the order is made or, within 10 days after such order is made, files with the building inspector a written notice of such appeal. Notice of appeal shall state the grounds therefor. Unless an appeal is taken within the time and the manner herein prescribed, the action of the building inspector shall be deemed final, subject only to such action as the Secretary or his designee may take as herein elsewhere provided. Where an appeal has been properly taken and notice thereof given in accordance with the provisions of this Section, it shall be the duty of the building inspector to report the same to the business manager of John Umstead Hospital who shall cause the matter to be reported to the Secretary or his designee. The Secretary or his designee shall have the right to continue the hearing of the appeal from time to time, at his discretion.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .1206 REPORT WHEN OWNER FAILS TO COMPLY

In the event the owner does not appeal from the final order or direction of the building inspector requiring that the building or structure be demolished and removed or the taking of such other steps as may be required to abate the nuisance and remove the hazards, and fails or refuses to comply with such order and direction, it shall be the duty of the building inspector to file a written report thereof with the business manager of John Umstead Hospital, who shall cause such report to be reported to the Secretary or his designee. The building inspector shall mail a copy of said report by certified or registered mail to the owner at his last known address, or have a copy of said report delivered to said owner.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .1207 ASSESSMENT OF COSTS

In all cases referred to in this ordinance which reach the Secretary for action, either upon appeal of the owner from the ruling of the building inspector or upon report of the building inspector that the owner fails or refuses to comply with his order or direction, the Secretary or his designee shall hear the matter, and if he finds and determines that the building or structure in question is in such a dilapidated or substandard state of disrepair as to constitute a fire or safety hazard, or to be dangerous to life, health, or other property, or is a public nuisance, and that the owner of said building or structure has failed or refused to abate the nuisance and has failed or refused to have said building or

structure demolished and removed or has failed or refused to take such other steps as may be necessary to abate the nuisance and remove the hazards found to exist, he may cause the demolition and removal of such building or structure to be done, or effect such other remedies as may be necessary to abate the nuisance and remove the hazards, and specially assess the cost of such work against the lot or parcel of land on which the building or structure was situated; and such assessment shall constitute a specific lien upon said lot or parcel of land, which may be enforced by an action instituted in the name of the Town of Butner in the nature of an action to foreclose a mortgage as provided by G.S. 105-414 in the case of ad valorem taxes and local improvement assessments.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .1208 NOTICE OF HEARING

In cases in which the building inspector has been unable to give to the owner actual notice of hearing in the manner hereinabove provided, and has given such notice by posting and publishing the same as authorized in Rule .1203 of this Section, and the owner has failed or refused to comply with the order or direction of the building inspector to demolish and remove the building or structure, or take such other remedial action as will remove the hazards, and such case is referred to the Secretary or his designee for action, the Secretary shall before taking such action, cause to be posted on the outside of the building or structure in question at least 10 days prior to the date fixed for the hearing, and to be published one time in a newspaper having general circulation in the Town of Butner at least one week prior to the date fixed for such hearing, a written notice stating the address or location of the building or structure involved and the time, place, and purpose of the hearing, and such other information as the Secretary or his designee may deem advisable.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .1209 PRESUMPTION OF DANGER TO PUBLIC

In all cases in which the Secretary or his designee, under authority of this Section, causes the demolition and removal of any building or structure to be carried out, or directs such other remedial steps to be taken as may be necessary to abate the nuisance and remove the hazards, it shall be conclusively presumed that the public nuisance and the fire and safety hazard and danger to life, health or other property, created and maintained by the continued presence of said building or structure in such condition as is found to exist, constitute a clear and present danger amounting to a situation of emergency involving the public health, safety and general welfare, which requires entry upon private property for the summary abatement and removal of such danger, in the public interest.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .1210 WILLFUL FAILURE OR REFUSAL TO COMPLY WITH ORDER

It shall be unlawful for any person to willfully fail or refuse to comply with any final order or direction of the building inspector or secretary or his designee made by virtue and in pursuance of this ordinance, and any person violating this ordinance shall, upon conviction, be punished as provided by G.S. 14-4 for the violation of municipal ordinances, and every day such person shall willfully fail or refuse to comply with any final order or direction of the building inspector or secretary or his designee made by virtue and in pursuance of this ordinance shall constitute a separate and distinct offense.

History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .1211 CONSTRUCTION OF ARTICLE

(a) It is the legislative intent of the Secretary in enacting this section that each section and subdivision is separate and divisible from any other section, and if any provision hereof should be held or declared by a court of competent jurisdiction to be invalid for any reason, such decision or holding shall not affect the validity of any other section or provision hereof.

(b) This Section is in addition to, and not in substitution for, any other ordinance affecting the same subject matter.

*History Note: Authority G.S. 122-95; 143B-10;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

SECTION .1300 - PROCEDURES FOR CLOSING STREETS AND ALLEYS IN BUTNER

10A NCAC 29C .1301 ADOPTION OF RESOLUTION

When permanently closing streets and alleys in Butner, the Secretary of the Department of Health and Human Services upon his own volition or upon the recommendation of the business manager of John Umstead Hospital, shall first adopt a resolution declaring his intent to close the street or alley and calling a public hearing on the question.

*History Note: Authority G.S. 122-95(1);
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .1302 NOTIFICATION OF HEARING

The Secretary of the Department of Human Resources shall cause:

- (1) the resolution to be published once a week for four consecutive weeks before the hearing in a newspaper of general circulation in Butner,
- (2) a copy of the resolution to be sent by certified mail to each owner as shown on the county tax records of property adjoining the street or alley, and
- (3) a notice of the closing and the time and date of the public hearing to be prominently posted in at least two places along the street or alley.

*History Note: Authority G.S. 122-95(1);
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .1303 THE HEARING

At the hearing, the Secretary of the Department of Human Resources or his designee shall hear all interested persons who appear with respect to whether the closing would be detrimental to the public interest or to any individual property rights.

*History Note: Authority G.S. 122-95(1);
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 29C .1304 THE CLOSING ORDER

(a) If, after the hearing, the Secretary of the Department of Health and Human Services or his designee is satisfied that closing the street or alley is not contrary to the public interest and that no individual property owner in the vicinity of the street or alley would thereby be deprived of reasonable means of ingress or egress to his property, the Secretary may adopt an order closing the street or alley.

(b) A certified copy of the order shall be filed in the office of the register of deeds of the county involved.

History Note: Authority G.S. 122-95(1);
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

SECTION .1400 - TRAFFIC ORDINANCES FOR THE TOWN OF BUTNER

10A NCAC 29C .1401 SAFETY AND TRAFFIC RULES FOR JOHN UMSTEAD HOSPITAL

The provisions of this Section only apply to the Town of Butner. Safety and traffic rules for John Umstead Hospital are filed in 10 NCAC 15E Section .1400.

History Note: Authority G.S. 122-94; 143B-10(j);
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 29C .1402 OPERATION OF VEHICLES WITH NOT MORE THAN THREE WHEELS

(a) No person shall operate a motorcycle, as defined by G.S. 20-4.01(27)(d), without a proper driver's license and a helmet or other equipment required by G.S. 20-140.4.

(b) No person shall operate a motorcycle, as defined by G.S. 20-4.01(27)(d), upon any area except a public vehicular area, as defined by G.S. 20-4.01(32). Such definition of public vehicular area includes any drive, driveway, road, roadway, street, alley or parking lot. Such definition does not include sidewalks.

(c) Upon the violation of any of the provisions of (a) and (b) of this Rule by any person, the manager shall serve a warrant upon that person to initiate criminal proceedings under G.S. 122-97.

History Note: Authority G.S. 122-94; 122-95; 122-97;
Eff. March 21, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.