

ARTICLE I

PURPOSE AND AUTHORITY

For the purpose of promoting the health, safety, morals and the general welfare of the community, an ordinance regulating the uses of buildings, structures and land for trade, industry, commerce, residence, recreation, public activities or other purposes; the size of yards, courts and other open spaces; the location, height, bulk, number of stories and size of buildings and other structures, the density and distribution of populations; creating districts of said purposes, and establishing the boundaries thereof; defining certain terms used herein; providing for the method of administration, amendment and enforcement; providing penalties for violations; providing for a Board of Adjustment and defining the duties and powers of said board; repealing conflicting ordinances; and for other purposes pursuant to the authority granted by the General Statutes of North Carolina, Chapter 160A, Article 19, Part 3.

ARTICLE II

SHORT TITLE

This Ordinance shall be known as the "Zoning Ordinance of the Town of Hudson, North Carolina," and the map which is identified by the title "Official Zoning Map, Hudson, North Carolina," may be known as the "Zoning Map."

ARTICLE III

ENACTMENT CLAUSE

The Board of Commissioners of the Town of Hudson, in pursuance of the authority granted by the General Statutes of North Carolina, particularly Chapter 160A, Article 19, Part 3, hereby ordains and enacts into law the following Articles and Sections.

ARTICLE IV

ZONING INTERPRETATION AND APPLICATION

Section 40. Interpretation and Application. In interpreting and applying this Ordinance, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purposes of the Ordinance. Except as herein provided, this Ordinance shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever any easements, covenants, or other agreements between parties. Whenever the provisions of this Ordinance impose

greater restrictions upon the use of the land or buildings or upon the height of buildings or require a larger percentage of lot to be left unoccupied than the provisions of other ordinances, rules, regulations, permits or any easements, covenants, or other agreements between parties, the provisions of this Ordinance shall govern, except as provided in Article XV of this Ordinance.

40.1 Compliance with Ordinance. No land, building, or structure shall be used, no buildings or structure shall be erected, and no existing building or structure shall be moved, added to, enlarged or altered except in conformity with this Ordinance.

40.2 Zoning Jurisdiction. The provisions of this Ordinance shall be applicable to all property within the corporate limits of the Town of Hudson and that land designated by the Zoning Map as authorized by North Carolina General Statute 160A-360, to be known as extraterritorial area.

ARTICLE V

PROVISIONS FOR OFFICIAL ZONING MAP

Section 50. Official Zoning Map. The districts established in Article VII of this Ordinance as shown on the Official Zoning Map, which, together with all explanatory matter thereon, are hereby adopted as part of this Ordinance.

Section 51. Identification of Official Zoning Map. The Official Zoning Map shall be identified by signature of the Mayor, attested by the Town Clerk, and bearing the seal of the Town of Hudson.

ARTICLE VI

DEFINITION OF TERMS

Section 60. Interpretation and Definition of Certain Terms and Words. For the purpose of interpreting this Ordinance, certain words or terms are herein defined. Unless otherwise stated, the following words shall for the purpose of this Ordinance have the meaning herein indicated.

- a. Words used in the present tense include the future tense.
- b. Words used in the singular tense include the plural and words used in the plural number include the singular.
- c. The word "person" includes a firm association, organization, partnership, corporation, trust and company, as well as an individual.
- d. The word "lot" includes the word "structure".

- e. The word "building" includes the word "structure".
- f. The word "shall" is mandatory, not directory.
- g. The words "used" or "occupied" as applied to any land or buildings shall be construed to include the words "intended, arranged or designed to be used or occupied."

Section 60.1 Definitions.

60.11 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.

60.12 Alley. A public or private thoroughfare which affords only a secondary means or access to abutting property and not intended for general traffic circulation.

60.12.1 Automobile Dealership: Storage and display for sale of more than two motor vehicles or any type of truck semi-trailer, and where repair, body work or part sales is incidental to the operation of the new or used vehicle sales. Motor vehicles sales include motor vehicle retail or wholesale sales. Motor vehicle may include, but is not limited to boats, trucks and truck-semi trailer dealerships. All Automobile Dealerships are subject to the provisions of Article X Section 108 of this ordinance. (5/03)

60.13 Billboard. An outdoor structure or display, pictorial or otherwise, either freestanding or attached to a building, which advertises or attracts attention to a business, commodity, service or other activity conducted, sold or offered elsewhere than on the premises on which said sign is located. Billboards located within the Hudson Planning Jurisdiction shall not exceed 300 square feet and shall not be located within 500 feet of another billboard.

60.14 Boarding House. A building where, for compensation, lodging and/or meals are provided for not more than ten (10) persons. This term shall also include the term rooming house and tourist home.

60.15 Buffer Strip. A buffer strip as required by certain sections of this Ordinance shall be one of or equal to the following:

- a. A six-foot high wood, basket weave type face;
- b. A six-foot high solid picket type fence with the pickets being placed facing the adjoining property;
- c. A six-foot high chain link type fence with panel inserts;
- d. A six-foot high, open type fence with evergreen vegetation planted facing the adjoining property and completely blocking the view from one area to another;

- e. A six-foot high masonry wall;
- f. Additional suitable landscaping as determined by the Zoning Enforcement Officer. This landscaping may include existing vegetation.

Each application for a zoning permit or certificate of occupancy for those use districts where a buffer is required shall include information as to the location and type of buffer to be erected. In instances where a commercial or industrial use directly abuts a residential use, a fence or wall may be required by the Zoning Enforcement Officer. Once the buffer strip is erected, it shall be properly maintained.

- 60.16 Building. Any roofed structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.
- 60.17 Building, Accessory. A building subordinate to the main building on a lot and used for purposes customarily incidental to the main or principal building, and located in the same lot therewith. Such accessory building may not be used for human habitation. No transport trailer, or manufactured home shall be allowed as an accessory building or use. Pools and spas shall be included in this definition as well as detached canopies. See definition Pool, spas 60.57.1 (Amended 6/20/2017)
- 60.18 Building Height. The vertical distance measured from the average elevation of the finished lot grade at the front building line to the highest point of the roof beams adjacent to the front of the wall in the case of a flat roof, to the average height of the gables in the case of a pitched roof, and to the deck line in the case of a masonry roof.
- 60.19 Building, Principal. A building in which is conducted the main or principal use of the lot on which said building is situated.
- 60.20 Building Setback 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, eaves, gutters, and similar fixtures), and the street or highway right-of-way line when measured perpendicularly thereto.
- 60.21 Cellar. A story having more than one-half of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measurement.
- 60.22 Clinic. An establishment where patients are admitted for special study and treatment by one or more licensed practitioners in medically related arts.
- 60.23 Conditional Use Permit. A permit granted by the Board of Adjustment after said Board holds a public hearing. Such a permit authorizes a use, the nature of which, would not be appropriate generally throughout the zoning district but which, if controlled as to number, size, location or relation to the neighborhood, would promote the public health, safety and general welfare.

- 60.24 Condominium. A system of separate ownership of individual units in a multiple-unit building.
- 60.25 Customary Home Occupation. Any use conducted entirely within the dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof, nor is visible from a street and in connection with which there is no display, no outside storage, or display of anything, no stock-in-trade nor commodity sold on the premises; provided further that no person not a resident on the premises is employed in connection with the activity, except that not more than two assistants may be employed by the following occupations: physician, dentist, attorney, chiropractor. Such occupation shall be carried on solely within the main dwelling and shall not occupy more than twenty-five percent (25%) of the total floor space of the dwelling.
- 60.26 Day Nursery. An agency, organization, or individual providing daytime care of six (6) or more children not related by blood or marriage to, or not the legal wards or foster children of the attendant adult.
- 60.27 Dwelling Unit. An enclosure containing sleeping, kitchen and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.
- 60.28 Dwelling, Single-Family. A building designed for and containing one (1) dwelling unit.
- 60.29 Dwelling, Two-Family. A building designed for and containing two (2) dwelling units.
- 60.30 Dwelling, Multi-Family. A building designed for and containing three (3) or more dwelling units.
- 60.31 Family. One or more blood or marriage related persons or five (5) or fewer unrelated persons occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boarding house or hotel as herein defined.
- 60.32 Family Care Home. A home licensed by the North Carolina State Department of Human Resources with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six (6) resident handicapped persons defined by the State of North Carolina. Such family care homes shall not be within a one-half mile radius of an existing family care home or group home as measured from property line to property line. This definition shall also include the term "Group Home."
- 60.32a Food Cart (Unmotorized). A cart not to exceed thirty (30) cubic feet of storage area for goods beings sold. Entire size of cart may be no larger than thirty-five (35) square feet. A food cart may not have any sign larger than three square feet associated with the business,

must be attached to the cart, and not be a banner.

- 60.33 Grade. An average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.
- 60.34 Gross Floor Area. The total floor area of all buildings in a project including basements, mezzanines and upper floors exclusive of stairways and elevator shafts. It excludes separate service facilities outside the main building such as boiler rooms and maintenance shops.
- 60.35 Group Camp. A camp providing camping facilities for ten (10) or more people.
- 60.36 Heliports. A landing and takeoff place for a helicopter.
- 60.36.1 Internet Sweepstakes Café's/Electronic Gaming Establishment. Any business enterprise where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Electronic gaming operations may include, but are not limited to, internet cafes, internet sweepstakes, electronic gaming machines/operations, or cyber cafes. This does not include any lottery approved by the State of North Carolina or any non-profit operation that is otherwise lawful under State Law (i.e. church or civic organization fundraisers). Such uses will be permitted in the H-B (Highway Business) District
- 60.37 Junkyard. The use of more than 200 square feet of the area of any lot for the storage, keeping or abandonment of junk, including scrap metals, or other scrap materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or parts thereof.
- 60.38 Kenel. Any location where boarding, caring for or keeping of more than a total of three (3) dogs or cats or other small animals or a combination thereof (except litters of animals of not more than six months of age) is carried on, and also raising, breeding, caring for or boarding dogs, cats or other small animals for commercial purposes.
- 60.39 Kenel, Noncommercial. Any location where the boarding, caring for and keeping of more than three (3) but not more than ten (10) dogs or cats or other small animals or combination thereof (except litters of animals of not more than six months of age) is carried on, not for commercial purposes, but as a hobby such the raising of show and hunting dogs.
- 60.40 Lot. A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.
- 60.41 Lot, Corner. A lot which occupies the interior angle at the intersection of two street lines which make an angle of more than 45 degrees and less than 135 degrees with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two street lines are equal, in which case the owner shall be required to specify which is the front when requesting a zoning compliance permit.
- 60.42 Lot Coverage. The percentage of a lot which may be covered with buildings or structures, excluding walks, drives, and other similar uses and recreational facilities which are accessory to a permitted use.

- 60.43 Lot Depth. The mean horizontal distance between the front and rear lot lines.
- 60.44 Lot of Record. A lot which is part of a subdivision, a plat of which has been recorded in the office of the Caldwell County Register of Deeds or a lot described by metes and bounds, description of which has been so recorded at the Caldwell County Register of Deeds.
- 60.45 Lot Width. The distance between side lot lines measured at the building setback line.
- 60.46 Manufactured Home. A dwelling unit constructed and designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of forty (40) feet or more in length and eight (8) feet or more in width. It shall also comply with the National Mobile Home Construction and Safety Standards adopted by the U.S. Department of Housing and Urban Development and meet the Appearance Criteria established by Section 97 of this Ordinance. This term shall also include the term "Mobile Home".
- 60.47 Manufactured Home Park. Any place or tract of land maintained, offered or used for the parking of two or more mobile homes or trailer houses, used or intended to be used as a dwelling unit.
- 60.48 Manufactured Home Stand. That part of an individual lot which has been reserved for the placement of one manufactured home unit.
- 60.49 Modular Home. A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home shall consist of two or more sections transported to the site on a truck and erected or joined together on the site.
- 60.50 Motel. A building in which lodging or board and lodging are provided for transient guests and offered to the motoring public for compensation in which ingress and egress to and from all rooms are made primarily direct from an exterior walkway rather than from an inside lobby.
- 60.51 Nonconforming Use. A building or land which does not conform to the use regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance, or as a result of subsequent amendments which may be incorporated into this Ordinance.
- 60.52 Nursing Home. A home for the aged or ill persons in which three (3) or more persons not of the same immediate family are provided with food, shelter and care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment. This definition shall also include the term "rest home."

- 60.53 Open Space. Any front, side or rear yards, courts, usable open space provided about a building in order to meet the requirements of this Ordinance.
- 60.54 Open Storage. Unroofed storage area, whether fenced or not.
- 60.55 Parking Space. A storage space of not less than 9 feet by 18 feet for one automobile plus the necessary access space.
- 60.56 Parking Lot. Any designated area designed for temporary accommodation of motor vehicles of the motoring public in normal operating condition whether for a fee or as a service.
- 60.57 Planned Unit Development (PUD). A form of development characterized by a unified site design for a number of housing units, clustering of buildings and providing common open space, density increases, and a mix of building types. It permits the planning of a project and a calculation of densities over the entire development rather than on an individual lot-by-lot basis. The site must include two or more principal buildings. Such development shall be based on a plan which allows for flexibility of design most available under normal district requirements.
- 60.57.1 Pools, spas. Includes all above ground, on ground, below ground, portable, nonportable, pools and spas. Any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes a spa in which all controls, water-heating and water-circulating equipment are an integral part of the product (Appendix G, Section AG101-108, 2012 North Carolina Residential Code). (Adopted 6/20/2017)
- 60.58 Principal Use. The primary use and chief purpose of a lot or structure. See Principal Building (60.19).
- 60.59 Satellite Dish Antenna. An antenna, three (3) feet in diameter or larger, designed to receive television, radio, and other communication signals primarily from orbiting satellites.
- 60.60 Sewerage System, Public. A system serving two or more connections. Plans for public and community sewer systems must be approved by the Division of Environmental Management, North Carolina Department of Natural Resources and Community Development.
- 60.61 Sewerage System, Individual. An individual septic tank system of sewage disposal. Individual sewage disposal systems must be installed and maintained in accordance with the Division of Health Services, North Carolina Department of Human Services "Rules and Regulations Governing the Disposal of Sewage from any Residence, Place of Business or Place of Public Assembly in North Carolina," and the regulations of the County Board of Health.
- 60.62 Sign. Any form of publicity, visible from any public thoroughfare directing attention to an individual activity, business, service, commodity or product and conveyed by means of words, figures, numerals, lettering, emblems, devices, designs, trademarks, or trade names or other pictorial matter designed to convey such information and displayed by means of bills, panels, posters, paints, or other devices erected on an open framework, or attached or otherwise applied to posts, stakes, poles, trees, buildings or other structures or supports.

- 60.63 Sign, On-Site. A sign which directs attention to a business, profession, commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is attached.
- 60.64 Sign, Off-Site. A sign which directs attention to a business, commodity, activity, service or product not necessarily conducted, sold or offered upon the premises where such sign is located. (See Billboard, 60.13).
- 60.65 Sign Area. Sign area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof, which will encompass the entire advertising copy area, excluding architectural trim and structure members. In computing area, only one side of a double-faced sign shall be considered.
- 60.66 Story. That portion of a building comprised between a floor and the floor or roof next above. The first floor of a two or multi-story building shall be deemed the story that has no floor immediately below it that is designed for living quarters or for human occupancy. Those stories above the first floor shall be numbered consecutively.
- 60.67 Street (Road, Lane, Way, Terrace, Drive). A dedicated, recorded and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.
- 60.68 Structure. Anything constructed or erected, which requires location on the ground or attachment to something having a fixed location on the ground, including but not limited to principal and accessory building, pools and spas (Section 60.57.1), manufactured home, signs, fences, walls, bridges, monuments, flagpoles antennas transmission poles, towers. (Amended 6/20/2017)
- 60.69 Structural Alterations. Any change on the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any structural change in the roof, or dimensions of the rooms therein.
- 60.70 Subdivision. All divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of a sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or change in existing streets; but the following shall not be included within this definition:
- a. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town of Hudson Subdivision Regulations, as amended; and
 - b. The division of land into parcels greater than ten (10) acres where no new street

right-of-way dedication is involved; and

- c. The public acquisition by purchase of strips of land for the widening or opening of streets; and
- d. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Town of Hudson Subdivision Regulations, as amended.

60.71 Temporary Health Care Structure (Granny Pods) A temporary health care structure, commonly referred to as a "Granny Pod" is defined as a "transportable residential structure, providing an environment facilitating a caregivers provision of care for a mentally or physically impaired person, that is (i) primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, or to that persons caregiver (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

60.72 Variance. The term "Variance" shall mean a modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. See Section 135.3.

60.73 Water System, Public. Water supply systems serving ten (10) or more connections are classified as a public water supply by State law. Plans and specifications must be approved by the Sanitary Engineering Section, Division of Health Services, North Carolina Department of Human Resources.

60.74 Water System, Semipublic. Water supply systems serving from two (2) to nine (9) connections, inclusive. This system may be regulated by the County Board of Health, and plans should be approved by the Caldwell County Health Department.

60.75 Water System, Individual. A drilled or bored well or spring which serves a single connection. Individual water supply systems should be located, constructed and operated in accordance with the Division of Health Services, North Carolina Department of Human Resources.

60.76 Yard. An open space on the same lot with a principal building, unoccupied and unobstructed from the ground upward.

60.77 Yard, Front. An open space on the same lot with a principal 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.

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

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

60.80 Zoning Enforcement Officer. The Town of Hudson official, duly appointed by the Board of Commissioners, who is charged with the responsibility of enforcing this Ordinance.

60.81 Zoning Compliance Certificate. A permit issued by the Zoning Enforcement Officer authorizing the recipient to make use of the property in accord with the requirements of this Ordinance.