

ZONING ORDINANCE

TOWN OF GREENEVERS, NC

OCTOBER 1992

Prepared for:

Greenevers Board of Commissioners

Alfred Dixon, Mayor
Audrey Murray
Earl H. Murphy
Clifton Williams
Hazel Weatherspoon
Alex Brown

Prepared by:

Greenevers Planning Board

Donald Carr, Chairman
Janie Dixon
Debra McGee
Linda Farrior
Willa Bell James
Connie Boney

Assistance Provided by:

North Carolina Department of
Economic and Community Development

Estell Lee, Secretary

Division of Community Assitance

Robert Chandler, Director

Wilmington Regional Office

Thomas M. Cassell, Chief Planner
*Melba Laney, Community Planner
Sue Comeford, Secretary

127 Cardinal Drive Extension
Wilmington, North Carolina 28405
(919) 350-2002

*Responsible for this Study

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

WHEREAS, IN ORDER TO PROMOTE THE HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE INHABITANTS OF THE TOWN OF GREENEVERS, NORTH CAROLINA, TO FACILITATE THE ADEQUATE PROVISION OF TRANSPORTATION, SEWERAGE, SCHOOLS, PARKS, AND OTHER PUBLIC IMPROVEMENTS, AND TO REGULATE THE LOCATION AND USES OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE, OR OTHER PURPOSES, TO REGULATE THE ERECTION, RECONSTRUCTION, OR ALTERATION OF BUILDINGS, AND TO REGULATE THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND STRUCTURES, AND THE SIZE OF YARDS AND OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE THE DENSITY OF POPULATION, AND TO DIVIDE THE TOWN INTO ZONES OF SUCH NUMBER, SHAPE, AND AREA AS MAY BE BEST SUITED TO CARRY OUT SAID PURPOSES, IT IS DESIRABLE AND NECESSARY TO ADOPT THE ZONING ORDINANCE AND MAP FOR SAID TOWN AS HEREINAFTER SET FORTH.
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF GREENEVERS, NORTH CAROLINA:

SECTION 1

LEGAL PROVISIONS

1.1 Purpose

In order to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, sewerage, schools, parks and other public requirements; to conserve the value of buildings and encourage the most appropriate use of land throughout the corporate area, there is hereby adopted and established an official zoning plan of the Town of Greenevers.

1.2 Authority

This zoning ordinance is adopted pursuant to the authority vested in the Town of Greenevers by its charter and the General Statutes of North Carolina, particularly Chapter 160A, Article 19.

1.3 Jurisdiction

The provisions of this ordinance shall apply with the corporate limits of the Town of Greenevers, North Carolina and within its extraterritorial jurisdiction as now or hereafter fixed, as shown on the zoning map on file in the Town Hall.

1.4 Interpretation and Conflict

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity and general welfare. It is not intended by this ordinance to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this ordinance shall govern.

1.5 Validity

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by the courts, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Commissioners hereby declares that it has passed this ordinance and each section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

1.6 Effective Date

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

Approved and adopted by the Board of Commissioners this _____
day of _____, 199_____.

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

SECTION 2

DEFINITIONS

In the construction of this ordinance the word interpretations and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise.

- A. Words used in the present tense shall include the future tense.
- B. Words used in the singular number shall include the plural number and the plural singular.
- C. The word "shall" is mandatory and not discretionary.
- D. The word "may" is permissive.
- E. The word "lot" shall include the words "parcel", "plot", and "tract".
- F. The word "building" shall include all structures regardless of similarity to buildings.
- G. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", and "occupied for".

2.1 Abutting

Having property or district lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street or alley.

2.2 Access

A way of approaching or entering a property. Access also includes ingress, the right to enter, and egress, the right to leave.

2.3 Accessory Building or Use

A building or use not including signs, which is:

- A. Conducted or located on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in this Ordinance.
- B. Clearly incidental to, subordinate in area and purpose to, and serves the principal use; and
- C. Either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.

2.4 Advertising Device or Sign

Any advertising sign, billboard, statuary or poster which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed; but does not include those advertising signs, billboards, or poster panels which direct attention to the business on the premises or to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.

2.5 Alley

A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street and is not intended for general traffic.

2.6 Apartment (Dwelling Unit)

A room or suite of rooms intended for use as a residence by a single household or family (i.e. dwelling unit). Such dwelling unit may be located in an apartment house, duplex, or as an accessory use in a single family home or a commercial building.

2.7 Apartment House

See Dwelling, Multi-Family.

2.8 Automobile Service Station (Gas Station)

Any building or land used for the dispensing, sale or offering for sale at retail any automobile fuels along with accessories such as lubricants or tires, except that car washing, mechanical and electrical repairs, and tire repairs shall only be performed incidental to the conduct of the service station and are performed indoors and has no fuel pumps within fifteen (15) feet of any property line or street right-of-way. Incidental activities shall not include tire retreading, major body work, major mechanical work, or upholstery work.

2.9 Block

A tract of land or a lot or group of lots bounded by streets, public parks, golf courses, railroad rights-of-way, water courses, lakes, unsubdivided land, or a boundary line or lines of the county or its towns or any combination of the above.

2.10 Block Frontage

That portion of a block which abuts a single street.

2.11 Board of Adjustment

A local body, created by ordinance, whose responsibility is to hear appeals from decisions of the Zoning Administrator and to consider requests for variances from the terms of the Zoning Ordinance.

2.12 Board of Commissioners

The governing body of the Town of Greenevers.

2.13 Boarding House

A building other than a hotel or motel where, for compensation, meals are served and lodging is provided.

2.14 Buffer

A fence, wall, hedge, or other planted area or device used to enclose, screen, or separate one use or lot from another.

2.15 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, manufactured homes, and attached or unattached carports consisting of a roof and supporting members, and similar structures whether stationary or movable.

2.16 Building, Height of

The vertical distance from the average sidewalk grade or street grade or finished grade at the building line, whichever is the highest, to the highest point of the building.

2.17 Building, Principal (Main)

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

2.18 Building Setback Line

A line measured parallel to the front property line in front of which no structure shall be erected.

2.19 Canopy, Marquee, or Awning

Any roof-like structure extended over a sidewalk or walkway.

2.20 Cemetery

A place for burial of the dead, public or privately owned, and containing a minimum of two acres.

2.21 Certificate of Occupancy

Official certification that a premises conforms to provisions of the Zoning Ordinance (and building code) and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use. Unless such a certificate is issued, a structure cannot be occupied.

2.22 Club or Lodge (Private Nonprofit, Civic or Fraternal)

A non-profit association of persons, who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof; the use of such premises being restricted to members and their guests.

2.23 Convalescent Home (Nursing Home)

An institution, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for persons unrelated to the licensee. A convalescent home is a home for chronic or nursing patients who, on admission, are not as rule acutely ill or who do not usually require special facilities, such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities.

2.24 Day Care Facilities

Any child care arrangement which provides day care on a regular basis for more than four (4) hours per day for more than five (5) children, wherever operated and whether or not operated for profit, except that the following are not included: public schools; non-public schools whether or not accredited by the North Carolina State Department of Public Instruction, which regularly and exclusively provide a course of grade school instruction to children who are of public school age; summer camps having children in full-time residence; summer day camps; and Bible Schools normally conducted during vacation periods.

2.25 Dish Antenna (or earth station)

A dish antenna, or earth station, is any accessory structure capable of receiving, for the sole benefit of the principal use, radio or television signals from a transmitter or a transmitter relay located in planetary orbit.

2.26 Dish Antenna (or earth station) Height

The height of the antenna or dish shall be that distance as measured vertically from the highest point of the antenna or dish, when positioned at its lowest angle for operation, to ground level at the bottom of the base which supports the antenna.

2.27 Dish Antenna (or earth station) Setback

The setback of a dish antenna shall be measured from the center mounting post supporting the antenna.

2.28 Dwelling

A building or portion thereof designed, arranged, or used for permanent living quarters. The term "dwelling" shall not be deemed to include a manufactured home or house trailer, motel, hotel, tourist home, or other structures designed for transient residence.

2.29 Dwelling, Duplex

A building containing two (2) dwelling units, other than where a second dwelling unit is permitted as an accessory use.

2.30 Dwelling, Multi-Family

A building containing three (3) or more dwelling units, except where permitted as an accessory use.

2.31 Dwelling, Single-Family

A building containing one dwelling unit only, but may include one (1) separate unit as an accessory use to be occupied only by employees, guests or relatives of the household.

2.32 Family

One or more persons related by blood, marriage or adoption living together as a single house-keeping unit and having a recognized head of household. For the purposes of this ordinance such persons may include gratuitous guests, contributing roommates, and domestic servants employed on the same premises.

2.33 Floor Area (for determining off-street parking and loading requirements)

The sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, "floor area" for the purposes of measurement for off-street parking spaces shall not include: floor area devoted to primarily storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

2.34 Floor Area, Gross

The total floor area enclosed within a building.

2.35 Garage, Private

A building used as an accessory to or a part of the main building permitted in any residential district, and providing for the storage of motor vehicles and in which no business, occupation, or service for profit is in any way conducted.

2.36 Home Care Unit

A facility meeting all of the requirements of the State of North Carolina for boarding and care of not more than five (5) persons who are not critically ill and do not need professional medical attention and is located on a lot of at least one (1) acre in size.

2.37 Home Occupation

A business, profession, or occupation or trade conducted for gain or support and located entirely within a residential building or a structured accessory thereto, which use is accessory, incidental and secondary to the use of the building for dwelling purposes and does not change the essential residential character of such building. Further provided that no more than twenty-five percent (25%) of the total floor area is used for such purposes, that there is no outside window display, and no more than one person not residing on the premises is employed in connection with the same occupation.

2.38 Hotel or Motel

A building or other structure kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, where rooms are furnished for the accommodation of such guests; and may have one or more dining rooms, restaurants, or cafes where meals are served.

2.39 Incompatible Use

A use or service which is unsuitable for direct association and/or contiguity with certain other uses because it is contradictory, incongruous, or discordant.

2.40 Inoperative Vehicle

Any vehicle, designed to be self-propelled, which by virtue of broken or missing component parts, is no longer capable of self-propulsion. For the purpose of this ordinance, any vehicle which is registered with the North Carolina Department of Motor Vehicles and has a current North Carolina motor vehicle registration license affixed to it shall not be considered inoperative.

2.41 Junk Yard

Any area, in whole or in part, where waste or scrap materials are bought, sold, exchanged, stored, baled, packaged, disassembled, or handled, including but not limited to, scrap iron, and other metals, paper, rags, vehicles, rubber tires, and bottles. A "junk yard" includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

2.42 Loading Space, Off-Street

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expect to be used, and accessible to such vehicles. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

2.43 Lot

A parcel of land occupied or intended for occupancy by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, lot width and lot area as required by this ordinance, and having not less than the minimum required frontage upon a street, either shown on a plat of record, or considered as a unit of property and described by metes and bounds. For the purpose of this ordinance, the word "lot shall be taken to mean any number of contiguous lots or portions thereof, upon which one or more main structures for a single use are erected or are to be erected.

2.44 Lot, Corner

A lot abutting the intersection of two (2) or more streets or a lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot at the apex meet at any angle of less than one hundred thirty-five (135) degrees. In such a case the apex of the curve forming the corner lot shall be considered as the intersection of street lines for the purpose of this ordinance, such as in corner visibility requirements.

2.45 Lot, Interior

A lot other than a corner lot.

2.46 Lot, Through

An interior lot having frontage on two streets.

2.47 Lot, Depth

The depth of a lot is the average distance between the front and back lot lines measured at right angles to its frontage and from corner to corner.

2.48 Lot Line

The line bounding a lot.

2.49 Lot Width

The straight line distance between the points where the building setback line intersects the two side lot lines.

2.50 Lot of Record

A lot which is a part of a subdivision, a plat of which has been recorded in the office of the County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the County Register of Deeds by the owner or predecessor in title thereto.

2.51 Manufactured Home

A dwelling unit that (i) is not constructed in accordance with the standards set forth in the North Carolina State Building Code, and (ii) is composed of one or more components, each of which was substantially assembled in a manufacturing plan and designed to be transported to the home site on its own chassis, and (iii) exceeds forty feet in length and eight feet in width.

Manufactured Home, Class A. A manufactured home constructed after July 1, 1976 that meet or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

- a. The manufactured home has a length not exceeding four times its width;
- b. The manufactured home has a minimum of twelve hundred (1,200) square feet of enclosed living area;
- c. The pitch of the roof of the manufactured home has a minimum vertical rise of two and two tenths feet for each twelve feet of horizontal run (2.2' and 12') and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- d. All roof structures shall provide an eave projection of no less than six inches which may include a gutter;
- e. The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (that does not exceed the reflectivity of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
- f. The home is set up in accordance with the standards set by the N. C. Department of Insurance, and a continuous, permanent masonry foundation or curtain wall, unpierced except for required ventilation and access, is installed under the manufactured home; and
- g. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance, attached to the primary structure and anchored securely to the ground; and
- h. The moving hitch, wheels and axles, transporting lights have been removed.

Manufactured Home, Class B. A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy all of the criteria necessary to qualify the house as a Class A manufactured home.

Manufactured Home, Class C. Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.

2.52 Manufactured Home Park

Any site or tract of land, of contiguous ownership upon which manufactured home spaces are provided for manufactured home occupancy whether or not a charge is made for such service. This does not include manufactured home sales lots on which unoccupied manufactured homes are parked for the purpose of inspection and sales.

2.53 Manufactured Home Space

A plot of land within a manufactured home park designed for the accommodation of one manufactured home.

2.54 Mobile or Manufactured Office

A structure identical to a manufactured home except that it has been converted, or originally designed and constructed, for commercial or office use.

2.55 Modular Structure

A structure that is constructed in accordance with the construction standards of the North Carolina Uniform Residential Building Code for One - and Two - Family Dwellings and composed of components substantially assembled in a manufacturing plant and transplanted to the building site for final assembly and placement on a permanent foundation.

2.56 Nonconforming Lot

A lot existing at the effective date of this ordinance or any amendment to it (and not created for the purpose of evading the restrictions of this ordinance) that cannot meet the minimum area or lot width or depth requirements of the district in which the lot is located.

2.57 Nonconforming Use

The use of a building, manufactured home, 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.

2.58 Nuisance

Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

2.59 Ordinance

This the Zoning Ordinance, including any amendments. Whenever the effective date of the ordinance is referred to, the reference includes the effective date of any amendment to it.

2.60 Parking Lot

An area or plot of land used for the storage or parking of vehicles.

2.61 Parking Space

A storage space of not less than one hundred sixty (160) square feet for one automobile, plus the necessary access space.

2.62 Planning Board

The public agency in a community usually empowered to prepare a comprehensive plan and to evaluate proposed changes in land use, either by public or private developers, for conformance with the plan.

2.63 Plat

A map showing the location, boundaries, and ownership of individual properties.

2.64 Premises

A single piece of property as conveyed in a deed or a lot or a number of adjacent lots on which is situated a land use, a building, or group of buildings designed as a unit or on which a building or group of buildings are to be constructed.

2.65 Setback

The required distance between every structure and the lot lines of the lot on which it is located.

2.66 Sign

Any words, lettering, figures, numerals, emblems, devices, trademarks, or trade names, or any combination thereof, by which anything is made known and which is designed to attract attention and/or convey a message.

2.67 Sign, Identification

A sign used to display only the name, address, crest, or trademark of the business, individual, family, organization or enterprise occupying the premises, the profession of the occupant or the name of the building on which the sign is displayed; or a permanent sign announcing the name of a subdivision, shopping center, tourist home, group housing project, church, school, park, or public or quasi-public structure, facility or development and the name of the owners or developers.

2.68 Sign, Flashing

Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such is in use. For the purpose of this ordinance, any moving, illuminated sign shall be considered a "flashing sign." Such signs shall not be deemed to include time and temperature signs or public messages displays using electronic switching.

2.69 Sign, Freestanding

Any sign supported wholly or in part by some structure other than the building or buildings housing the business to which the sign pertains, or any sign which projects more than five (5) feet from the side of the building to which it is attached.

2.70 Sign, Cross Area

The entire area within a single continuous perimeter enclosing the extreme limits of such sign. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

2.71 Sign, Off-Premises

A sign which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

2.72 Sign, Projecting

A sign attached to a wall and projecting away from that wall more than twelve (12) inches; but not more than five (5) feet.

2.73 Sign, Public Information

A sign, usually erected and maintained by a public agency, which provides the public with information and in no way relates to a commercial activity including, but not limited to, speed limit signs, stop signs, city limit signs, street name signs, and directional signs. These signs are in no way regulated by this ordinance.

2.74 Sign, Roof

A sign which is displayed above the eaves of a building.

2.75 Sign, Wall

A sign attached to a wall and not projecting away from the wall more than twelve (12) inches.

2.76 Site Plan

A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features--both natural and man-made and, depending on requirements, the location of proposed utility lines.

2.77 Street

A thoroughfare which affords the principal means of access to abutting property.

2.78 Street Line

The line between the street right-of-way and abutting property.

2.79 Street, Private

Any road or street which is not publicly owned and maintained and is used for access by the occupants of the development, their guests, and the general public.

2.80 Structure

Anything constructed or erected, the use of which requires location in or on the land or attachment to something having a permanent location in or on the land.

2.81 Structural Alterations

Any change in the supporting members of a building, such as bearing walls, columns, beams or girders except for repair or replacement.

2.82 Tourist Home

Any dwelling occupied by the owner or operator in which rooms are rented to guests, for lodging of transients and travelers for compensation, and where food may be served.

2.83 Trailer

Any vehicle or structure originally designed to transport something or intended for human occupancy for short periods of time. Trailers shall include the following:

- A. Travel Trailer. A vehicular, portable structure built on a wheeled chassis, designed to be towed by a self-propelled vehicle for use for travel, recreation, or vacation purposes, having a body width ten (10) feet or less or body length thirty-two (32) feet or less when equipped for road travel.
- B. Recreational Vehicle. A self-propelled vehicle or portable structure mounted on such a vehicle designed as a temporary dwelling for travel, recreation, and vacation.

- C. Camping Trailer. A folding structure manufactured of metal, wood, canvas, plastic, or other materials, or any combination thereof, mounted on wheels and designed for travel, recreation, or vacation use.
- D. Tow Trailer. A structure designed to be hauled by another vehicle and to transport vehicles, boats, or freight.

2.84 Use

Any continuing or repetitive occupation or activity taking place upon a parcel of land or within a building including, but not limited to, residential, manufacturing, retailing, offices, public services, recreation, and educational.

2.85 Variance

A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of a structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

2.86 Yard

An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

2.87 Yard, Front

A yard across the full width of the lot, extending from the front line of the building to the front line of the lot, including the area of steps, eaves, and uncovered porches, but not including the areas of covered porches.

2.88 Yard, Side

An open unoccupied space on the same lot with a building between the building and the side line of the lot extending through from the front building line to the rear yard or, where no rear yard is required, to the rear line of the lot.

2.89 Yard, Rear

A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

2.90 Zero Lot Line

A concept commonly used in planned developments where individual commercial buildings or dwellings are to be sold along with the ground underneath and, perhaps, a small yard or patio area. With zero lot line the minimum requirements for lot area and yards are not met and construction takes place right up to the lot line.

2.91 Zoning

A police power measure, enacted primarily by general purpose units of local government, in which the community is divided into districts or zones within which permitted and conditional uses are established as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts. The Zoning Ordinance consists of two parts: a text and a map.

2.92 Zoning Administrator

The official charged with the enforcement of the Zoning Ordinance.

SECTION 3

ADMINISTRATION

3.1 Zoning Enforcement Officer

The Zoning Administrator, or his authorized agent, is hereby authorized, and it shall be his duty, to enforce the provisions of this ordinance. This official shall have the right to enter upon the premises at any reasonable time necessary to carry out his duties. It is the intention of this ordinance that all questions arising in connection with enforcement and interpretation shall be presented first to the Zoning Administrator. Appeal from his decision may be made to the Board of Adjustment. The _____ shall be appointed as Zoning Administrator.

In administering the provisions of this ordinance, the Zoning Administrator shall:

- A. Make and maintain records of all applications for permits and requests listed herein, and records of all permits issued or denied, with notations of all special conditions or modifications involved.
- B. File and safely keep copies of all plans submitted, and the same shall form a part of the records of his office and shall be available for inspection at reasonable times by any interested party.
- C. Transmit to the appropriate board or commission and the Board of Commissioners all applications and plans for which their review and approval is required.
- D. Conduct inspections of premises and, upon finding that any of the provisions of this ordinance are being violated, notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.

3.2 Zoning Permits

A. Zoning Permit Required

A valid Zoning Permit shall be presented with any application for a Building Permit. No Building Permit shall be issued for any activity in a zoned area until such Zoning Permit is presented.

It shall be unlawful to commence the excavation for or the construction of any building or other structure including accessory structures or to commence the moving, alteration or repair of any structure or the use of any land or building including accessory structures, until the Zoning Administrator has issued a Zoning Permit for such work or use including a statement that the plans, specifications and intended use of such land, or structure, in all respects conforms with the provisions of this ordinance.

Application for a Zoning Permit shall be made in writing to the Zoning Administrator on forms provided for that purpose. Zoning Permits shall be void after six (6) months from date of issue unless substantial progress on the project has been made by that time.

B. Approval of Plans

It shall be unlawful for the Zoning Administrator to approve any plans or issue a Zoning Permit for any purpose regulated by this ordinance until he has inspected such plans in detail and found them in conformity with this ordinance. To this end, the Zoning Administrator shall require that every application for a Zoning Permit be accompanied by a plan or plat drawn to scale and showing the following in sufficient detail to enable the Zoning Administrator to ascertain whether the proposed activity is in conformance with this ordinance.

- 1) The actual shape, location, and dimensions of the lot.
- 2) The shape, size, and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.
- 3) The existing and intended use of all such buildings or other structures, parking facilities and landscaping design.
- 4) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

C. Issuance of Zoning Permits

If the proposed activity as set forth in the application is in conformity with the provisions of this ordinance, the Zoning Administrator shall issue a Zoning Permit. If any application for a Zoning Permit is not approved, the Zoning Administrator shall state in writing on the application the cause for such disapproval. Issuance of a permit shall, in no case, be construed as waiving any provision of this or any other ordinance or regulation.

3.3 Certificates of Occupancy

No new building or part thereof shall be occupied, and no addition or enlargement of any existing building shall be occupied, and no existing building after being altered or moved shall be occupied, and no change of occupancy shall be made in any existing building or part thereof, until the Building Inspector or Zoning Administrator has issued a Certificate of Occupancy therefor. The change of occupancy provision shall not apply to rooms intended for transient rental.

A Temporary Certificate of Occupancy may be issued for a portion or portions of a building which may safely be occupied prior to final completion and occupancy of the entire building or for other temporary uses.

Application for a Certificate of Occupancy may be made by the owner or his agent at the same time as submitting an application for a Building Permit, if needed, or for a Zoning Permit. The Certificate of Occupancy shall be issued automatically by the Building Inspector after all final inspections have been made.

In the case of existing buildings or other uses not requiring a Building Permit, after supplying the information and data necessary to determine compliance with this ordinance and appropriate regulatory codes of the Town for the occupancy intended, the Zoning Administrator shall issue a Certificate of Occupancy when, after examination and inspection, it is found that the building or use in all respects conforms to the provisions of this ordinance and appropriate regulatory codes of the Town for the occupancy intended.

3.4 Other Permits

The Zoning Administrator shall be authorized to issue other permits as required by this ordinance or the Board of Commissioners.

3.5 Administrative Procedures

A. Public Hearings

Any case involving an appeal from the Zoning Enforcement Officer's decision or variance requires a public hearing to be held by the Board of Adjustment and any case involving a change of zoning district classification or other ordinance changes requires a public hearing to be held by the Planning Board, as the representative of the Board of Commissioners.

Each Board shall fix a reasonable time for the hearing and give public notice as required by law as well as due notice to the parties in interest. At the hearing, any person or party may appear in person or by agent or attorney. Each board shall take action on a matter within a reasonable time after the termination of the proceedings.

B. Revocation of Variances

After a public hearing has been held and approval granted for a variance, the Board of Adjustment or Board of Commissioners may reverse any decision without a public hearing upon finding:

- 1) That the approval was obtained by fraud.
- 2) That the use for which such approval was granted is not being executed.
- 3) That the use for which such approval was granted has ceased to exist or has been suspended for six months.
- 4) That the permit granted is being, or recently has been exercised contrary to the terms or conditions of such approval.
- 5) That the permit granted is in violation of an ordinance or statute.

- 6) That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

C. Appeals

Appeals may be taken to the Board of Commissioners by any person, firm, or corporation aggrieved, or by any officer, department, or board of the Town affected by any decision of the Planning Board. Such appeals shall be filed with the Board of Commissioners by notice specifying the grounds for appeal. Appeal shall be filed within ninety (90) days from the date of the action being appealed.

Appeals may be taken to the Board of Adjustment by any person, firm, or corporation aggrieved, or by an officer, department, or board of the Town affected by any decision of an administrative official charged with the enforcement or interpretation of this ordinance thought to be in error. Such appeals shall be filed with the Board of Adjustment by notice specifying the grounds for appeal. Appeal shall be filed within ninety (90) days from the date of the action being appealed. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken together with any additional written reports or documents as he deems pertinent. The Board of Adjustment may, after a public hearing, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or in part, or may modify any order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.

D. Fees

Each applicant for an appeal from an administrative decision, for a variance, or with a request for rezoning or other change in this ordinance shall pay a non-refundable fee according to the towns fee schedule to cover the costs of advertising and administration. A receipt of this fee shall be issued by the Town. This fee, however, shall not apply to requests originating with any department, board, or agency of the Town of Greenevers.

SECTION 4

ENFORCEMENT AND PENALTIES

4.1 Enforcement Authority

This ordinance shall be enforceable in accordance with provisions available in the General Statutes of North Carolina Chapter 160A, Section 175.

4.2 Criminal Penalties

Any person, firm or corporation violating any section or provision of this ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined not more than \$50.00, or imprisoned not more than thirty (30) days. Each day such violation continues, however, shall be a separate and distinct offense, punishable as hereinbefore provided. [For example, a continued violation of one (1) week after receiving notice from the Zoning Administrator will accumulate penalties of up to \$350 fine or imprisonment of up to two hundred and ten (210) days.]

4.3 Civil Remedies

If a building or structure is erected, constructed, reconstructed, or altered, repaired, converted, or maintained, or any building, structure or land is occupied or used in violation of the General Statutes of North Carolina, this ordinance, or other regulation made under authority conferred thereby, the Town of Greenevers may apply to the District Court, Civil Division, or any other court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property.

In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the case. An order of abatement may direct that buildings or other structures on the property be closed, and demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the Town may execute the order of abatement. The Town shall have a lien on the property for the cost of executing an order of abatement.

4.4 Equitable Relief

The Town of Greenevers may apply to the District Court, Civil Division or other court of competent jurisdiction for an appropriate equitable remedy. It shall not be a defense to the Town's application for equitable relief that there is an adequate remedy at law.

4.5 Combination of Remedies

The Town may choose to enforce this ordinance by any one, all, or combination of the above procedures.

SECTION 5

CHANGES AND AMENDMENTS

5.1 Changes and Amendments

The Board of Commissioners may, on its own motion, upon recommendation of the Planning Board, or upon petition by any interested person, amend, supplement, change, modify or repeal the regulations or district boundaries established by this ordinance. A petition by an interested person shall be submitted to the Board of Commissioners through and reviewed by the Planning Board, which shall consider its merit and make a recommendation to the Board of Commissioners. In no case shall final action by the Board of Commissioners be taken on amending, changing, supplementing, modifying or repealing the regulations or district boundaries hereby established until a public hearing has been held by the Board of Commissioners, or in its behalf, by the Planning Board, at which parties in interest and citizens shall have an opportunity to be heard.

5.2 Action by the Applicant

A. Initiation of Amendments

1. Proposed changes or amendments to the zoning map may be initiated by the Board of Commissioners, Planning Board, Town Administration, Board of Adjustment, or by the owner(s), or his agent, of property within the area proposed to be changed.
2. Proposed amendments to the text of the ordinance may be initiated by any interested party.

B. Application

An application for any change or amendment shall contain a description and/or statement of the present and proposed zoning regulation or district boundary, and the names and addresses of the owner or owners of the property involved. Such application shall be filed not later than two weeks prior to the meeting of the Planning Board at which the application is to be considered.

C. Fees

A non-refundable fee, according to the town's fee schedule shall be paid to the Town of Greenevers for each application for an amendment, to cover costs of advertising and other administrative expenses involved.

D. Public Hearing Notices

When a change in the zoning classification of a piece of property is requested, all adjacent property owners and all owner's of property within the area under consideration shall be notified by first class mail seven (7) days prior to the public hearing. The Zoning Administrator (Town Clerk) shall mail notices of the public hearing to each person affected by such action and shall certify that fact to the Board of Commissioners. A second notification shall be mailed to the affected property owners if the Planning Board denies the request and the applicant wishes to appeal to the Board of Commissioners. The same procedure used for the first mailing shall also be used for the mailing of the second notification.

E. Reapplication for Amendment

With the exception of requests originating with the Planning Board, Board of Adjustment, or Town Administration, an application for any rezoning of the same property or any application for the same amendment to the Zoning Ordinance text shall be permitted only once within any six (6) month period. The Board of Commissioners, by eighty (80) percent affirmative vote of its total membership, may waive this restriction if it finds any emergency exists.

5.3 Action by the Planning Board

Every proposed amendment, supplement, change, modification or repeal of this ordinance shall be referred to the Planning Board for its recommendation and report. The Planning Board shall hold a public hearing, at which the Board of Commissioners may sit concurrently with the Planning Board if the Board of Commissioners so wishes. Notice of the Public Hearing shall be published in a newspaper of general circulation in the Town of Greenevers at least once each week for two successive weeks prior to the hearing according to state regulations and by mailing notices to adjoining property owners in the envelopes provided by the applicant. Notice shall also be made by posting the property concerned. The Board of Commissioners shall receive from the Planning Board written notice of the hearing and its subject matter.

The following policy guidelines shall be followed by the Planning Board concerning zoning amendments and no proposed zoning amendment will receive favorable recommendation unless:

- A. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- B. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.

- C. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.)
- D. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.
- E. The proposed change is in accord with any land use plan and sound planning principles.

A petition to amend the district boundaries or regulations established by this ordinance shall be considered by the Planning Board at its next regular monthly meeting or any called special meeting, provided it has been filed, complete in form and content, prior to such meeting.

If a public hearing is to be called, it shall be called for the next regularly scheduled meeting or any called special meeting, allowing time for proper advertisement.

The Planning Board shall render its decision on any properly filed petition within sixty (60) days after the introduction of such petition and shall transmit its recommendation and report, including the reasons for its determinations, to the Board of Commissioners.

5.4 Action by the Board of Commissioners

Before taking such lawful action as it may deem advisable, the Board of Commissioners shall consider the Planning Board's recommendations on each proposed zoning amendment. If no recommendation is received from the Planning Board within thirty (30) days after the public hearing, the proposed amendment shall be deemed to have been approved by the Planning Board. The Board of Commissioners may then call its own public hearing, if it so desires, before making a decision or it may immediately render its decision. The applicant, the Planning Board, and the Zoning Administrator shall be given written copies of the Board's decision and the reasons therefor.

5.5 Protest to the Amendment

In case of a protest against any amendment to the regulations or district boundaries established by this ordinance, signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto: either in the rear thereof or on either side thereof, extending one hundred (100) feet therefrom, or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots; such amendments shall not become effective except by favorable vote of three-fourths (3/4) of all the members of the Board of Commissioners. These provisions shall not, however, apply to any amendment which initially zones property added to the territorial coverage of the ordinance.

No protest against any change in or amendment to the regulations or district boundaries established by this ordinance shall be valid or effective under the provisions of the foregoing paragraph unless it is in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, and unless it shall have been received by the Zoning Administrator in sufficient time to allow at least two (2) normal work days, excluding Saturdays, Sundays, and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition.

5.6 Withdrawal of the Application

Any application submitted in accordance with the provisions of Section 5.2 for the purpose of amending the regulations or district boundaries established by this ordinance may be withdrawn at any time, but fees are non-refundable.

SECTION 6

BOARD OF ADJUSTMENT

6.1 Establishment of the Board of Adjustment

The Board of Commissioners of the Town of Greenevers is hereby designated as the Board of Adjustment.

6.2 Procedure of the Board of Adjustment

A. Officers

The Board of Adjustment shall elect a chairman and a vice chairman from its membership and such other officers as the Board deems best.

B. Meetings

Meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the majority of the Board may determine. All meetings of the Board of Adjustment shall be open to the public. The Board shall keep minutes of its procedures, showing the vote of each member upon each question, or, if absent or failing to vote, an indication of such fact; and final disposition of appeals shall be taken, all of which shall be of public record. No final action shall be taken on any matter without the concurring vote of four-fifths (4/5's) of the members of the Board.

C. Appeals

An appeal from the decision of the Zoning Administrator may be taken to the Board of Adjustment by any person, firm, or corporation aggrieved, or by any officer, department, board or bureau of the Town. Such appeal shall be taken within ninety (90) days after the decision by the Zoning Administrator, by filing with the Zoning Administrator and with the Board a notice of appeal, specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board of Adjustment shall fix a reasonable time for hearing of the appeal, giving notice to all participants by registered mail. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after notice of appeal has been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property or that because the violation charge is transitory in nature, a stay would seriously interfere with the enforcement of the ordinance, in which case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board or by a court of record to whom an appeal has been made.

6.3 Duties

It is the intent of this ordinance that all questions of interpretation and enforcement shall first be presented to the Zoning Administrator or his authorized representative, and that such questions shall be presented to the Board of Adjustment only on an appeal from the decision of the Zoning Administrator or his authorized representative, and that recourses from the decision of the Board of Adjustment shall be to the courts as provided by law.

6.4 Powers and Duties of the Board of Adjustment

A. Administrative Review

To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the Zoning Administrator in the enforcement of this ordinance. The Board may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination and to that end shall have powers of the Zoning Administrator from whom appeal is taken.

B. Variances

To authorize upon appeal in specific cases variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in undue hardship, so that the spirit of this ordinance shall be observed and substantial justice done.

A charge shall be made to the appellant according to town policy in order to cover administrative and advertising costs (Section 3).

A public hearing shall be held at which the following conditions are found to exist:

- 1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
- 2) Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the zoning district in which the property is located.
- 3) A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the zoning district in which the property is located.

- 4) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
- 5) The special circumstances are not the result of the actions of the applicant.
- 6) The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

In considering all proposed variances from this ordinance the Board shall, before making any finding in a specified case, first determine that the proposed variance will not constitute any change in the zone shown on the zoning map and will not impair an adequate supply of light and air to adjacent property, or materially increase the public danger of fire and safety, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, morals and general welfare.

No permitted use of land in other districts shall be considered grounds for the issuance of a variance. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any expressly or by implication prohibited by the terms of this ordinance in said district.

In granting a variance the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purposes of this ordinance. Violation of such conditions and safeguards when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 4 of this ordinance.

C. Administration of Oaths

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

6.5 Appeals from the Board of Adjustment

Appeals to the Superior Court may be taken by any person, firm, or corporation aggrieved, or by any officer, department, board, or bureau of the Town of GreenEVERS affected by any decision of the Board of Adjustment, provided such appeals shall be taken within thirty (30) days after the decision of the Board of Adjustment is filed in the office of the Zoning Administrator, or after a written copy thereof is delivered to the applicant, whichever is later. The decision of the Board shall be delivered to the applicant either by personal service, by registered mail, or by certified mail, return receipt requested.

SECTION 7

GENERAL PROVISIONS

7.1 Zoning Affects All Land and Every Building and Use

Upon and after the adoption of this ordinance, no building or land shall be used and no building or part thereof shall be erected, moved, or structurally altered except in conformity with the regulations specified herein for the district in which it is located.

7.2 Required Yards Not to be Used by Building

The minimum yards or other open spaces required by this ordinance for each and every building shall not be encroached upon or considered as meeting the yard and open space requirements of any other building.

7.3 Relationship of Building to Lot

Every building hereafter erected, moved, or structurally altered, shall be located on a lot and in no case shall there be more than one principal building and its customary accessory buildings on the lot except in the case of a designed complex of professional, residential, or commercial buildings in an appropriate zoning district, i.e., school campus, shopping center, and industrial park. Detached garages and carports must meet the same setback requirements as the principal building, just as if they were attached.

7.4 Street Access

No building shall be erected on a lot which does not abut a street or have access to a street, provided that in a business district or in a planned project in a residential district, a building may be erected adjoining a parking area or dedicated open space which has access to a street used in common with other lots.

7.5 Reduction of Lot and Yard Areas Prohibited

No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least these minimum requirements.

7.6 Business Uses of Manufactured Homes and Trailers

No manufactured home or trailer shall be used in any manner for business or commercial purposes except when used for a sales office on a manufactured home sales lot and except in the I Industrial District.

7.7 Landscaping

A. Applicability

Landscaping should be used for: 1) buffering adjoining and conflicting land uses when used in conjunction with a wall or by itself; 2) landscaping parking lots with five or more parking spaces; and 3) retaining existing trees on commercial, office and institutional and industrial developments that will disturb one acre or more.

B. General Standards

The following general standards should be used for designing landscaping plans:

- 1) It is encouraged that vegetation on the site at the time of development be retained and used as part of the landscape plan.
- 2) All trees on the site greater than 18" in diameter at 4.5 feet above ground level should be preserved to the greatest extent possible and incorporated into the landscaping plan.
- 3) All new and existing plant materials used in the landscaping plan should be protected from vehicular movement and material storage.

SECTION 8

ZONING DISTRICTS AND REGULATIONS

8.1 Zoning Districts Established

In order to implement the intent of this ordinance, there are hereby created zoning districts with the following designations and general purposes:

R-20	Residential District
R-10	Residential District
R-10MHP	Residential District
MU	Mixed Use District

8.2 District Boundaries

In the creation, by this ordinance, of the respective districts, careful consideration is given to the peculiar suitability of each and every district for the particular regulations applied thereto, and the necessary, proper, and comprehensive groupings and arrangements of various uses and densities of population in accordance with a well-considered comprehensive plan for the physical development of the area.

8.3 Zoning Map

The boundaries of the districts are shown upon the map accompanying this ordinance and made a part hereof, entitled "Zoning Map Greenevers, North Carolina". The zoning map and all the notations, references and all amendments thereto, and other information shown thereon is hereby made a part of this ordinance the same as if such information set forth on the map were all fully described and set out herein. The zoning map properly attested is on file in the office of the Town Clerk and is available for inspection by the public.

8.4 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any district shown on the zoning map, the following rules shall apply:

- A. Use of Property Lines. Where district boundaries are indicated as approximately following street lines, alley lines, and lot lines, such lines shall be construed to be such boundaries. Where streets, highways, railroads, water courses, and similar areas with width are indicated as the district boundary, the actual district boundary line shall be the center line of such area.
- B. Use of the Scale. In unsubdivided property or where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map.

- C. Street Vacation. Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley abandonment.
- D. Board of Adjustment. In case any further uncertainty exists, the Board of Adjustment shall interpret the intent of the map as to location of such boundaries.

8.5 Interpretation of District Regulations

Regulations for each district shall be enforced and interpreted according to the following rules:

A. Uses by Right

All listed permitted uses are permitted by right according to the terms of this ordinance. Conditional uses are permitted subject to compliance with the additional regulations specified.

B. Minimum Regulations

Regulations set forth in this ordinance shall be minimum regulations. If the requirements set forth in this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or higher standard shall govern.

C. Restrictive Covenants and Deed Restrictions

Unless restrictions established by covenants and deed restrictions running with the land are prohibited by the provisions of this ordinance, nothing herein contained shall be construed to render such covenants or restrictions inoperative.

8.6 R-20 Residential District

This district is established in which the principal use of land is for medium density residential purposes. In promoting the general purposes of this Ordinance, the specific intent of these subsections is:

- A. To encourage construction of and the continued use of the land for residential purposes.
- B. To encourage the development of residential neighborhoods that compliment one another in creating an overall balance in the community by providing for a variety of dwellings suitable to all lifestyles and family sizes.
- C. To prohibit commercial and industrial use of the land and to prohibit any other use which would substantially interfere with development or continuation of dwellings in the district.
- D. To encourage the discontinuation of existing uses that would not be permitted as new uses under the provisions of this article.

- E. To discourage any use which would generate traffic on minor streets other than normal traffic to serve residences on those streets.
- F. To discourage any use which because of its character or size would create requirements and costs for public services, such as police and fire protection, water supply and sewerage, substantially in excess of such requirements and costs if the district were developed solely for residential purposes.

Permitted Uses

Accessory uses clearly incidental to any permitted and which will not create a nuisance or hazard.

Churches.

Day Care Centers.

Dwellings, Single Family Excluding Manufactured Homes.

Home Occupations. See Section 9.2.

Manufactured Homes - Class A & B.

Planned Residential Developments as prescribed in Section 16.

Public Utility Substation, Water Tanks & and similar facilities.

Recreation, Public, including parks, playgrounds, ballfields, swimming pools, tennis courts and picnicking.

Recreation, Private outdoor, including golf courses, tennis courts, swimming pools and club houses.

Retirement Homes.

Schools, Private, elementary and secondary.

Schools, Public, elementary and secondary.

Temporary Construction Building

Dimensional Requirements

Within the R-20 District as shown on the Zoning Map, all of the following dimensional requirements shall be complied with:

Minimum required lot area	20,000 square feet
Minimum required lot width	100 feet
Minimum required front yard setback	35 feet

Minimum required side yard: 10 feet
Provided, however, on corner lots the side yard adjacent to the street shall not be less than fifty (50) percent of the front yard required on lots in rear of such corner lots.

Minimum required rear yard setback 15 feet

Building Height Limits

No building shall exceed thirty-five (35) feet in height.

Location of Accessory Buildings

No accessory building shall be erected in any required front or side yard or within twenty (20) feet of any street line or within five (5) feet of any lot line not a street line. An accessory building or use as defined in Section 2, shall be located at a distance of not less than ten (10) feet from the principal building and five (5) feet from the rear yard line.

Corner Visibility

On a corner lot, within the area formed by a triangle twenty-five (25) feet from the intersection of right-of-way lines, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average center line grade of each street.

Signs

See Section 14.

Off Street Parking

See Section 12.

8.7 R-10 Residential District

This District is established to serve essentially the same purposes as the R-15 Residential District while allowing two family and multi-family dwellings and a slightly higher density.

Permitted Uses

Accessory uses clearly incidental to any permitted and which will not create a nuisance or hazard.

Cemeteries.

Churches.

Clubs & Lodges, Civic & Fraternal.

Convalescent and Nursing Homes.

Day Care Centers.

Dwellings, Duplexes Excluding Manufactured Homes.

Dwellings, Single Family Excluding Manufactured Homes.

Guest Houses and Boarding Homes.

Home Occupations. See Section 9.2.

Manufactured Homes - Class A and B.

Planned Residential Developments as prescribed in Section 16.

Public Utility Substations, Water Tanks and towers and similar facilities.

Recreation, Public, including parks, playgrounds, ballfields, swimming pools, tennis courts and picnicking.

Recreation, Private outdoor, including golf courses, tennis courts, swimming pools and club houses.

Retirement Homes.

Schools, Private, elementary and secondary.

Schools, Public, elementary and secondary.

Temporary Construction Buildings.

Tourist Homes.

Dimensional Requirements

Within the R-10 District as shown on the Zoning Map, all of the following dimensional requirements shall be complied with:

Minimum required lot area for first dwelling unit	10,000 square feet
Minimum required additional lot area for each dwelling unit in excess of one (1)	3,000 square feet
Minimum required lot width for the first dwelling unit	75 feet
Minimum required lot width for each dwelling unit in excess of one (1)	20 feet
Minimum required front yard setback	30 feet

Minimum required side yard:

8 feet

Provided, however, on corner lots the side yard adjacent to the street shall not be less than fifty (50) percent of the front yard required on lots in rear of such corner lots.

Minimum required rear yard setback

15 feet

Building Height Limits

No building shall exceed thirty-five (35) feet in height.

Location of Accessory Buildings

No accessory building shall be erected in any required front or side yard within twenty (20) feet of any street line or within five (5) feet of any lot line not a street line. An accessory building or use as defined in Section 2, shall be located at a distance of not less than ten (10) feet from the principal building and five (5) feet from the rear yard line.

Corner Visibility

On a corner lot, within the area formed by a triangle twenty-five (25) feet from the intersection of right-of-way lines, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average center line grade of each street.

Signs

See Section 14.

Off-Street Parking

See Section 12.

8.8 R-10 MHP Residential District

This district is established to serve essentially the same purposes as the R-10 Residential District.

Permitted Areas

Accessory uses clearly incidental to any permitted use and which will not create a nuisance or hazard.

Cemeteries.

Churches.

Clubs and Lodges, Civic and Fraternal.

Convalescent and Nursing Homes.

Day Care Centers.

Dwellings, Duplexes excluding manufactured homes.

Dwellings, Single Family excluding manufactured homes.

Guest Houses and Boarding Homes.

Home Occupations. See Section 9.2.

Manufactured Homes - Class A and B.

Manufactured Home Parks as prescribed in Section 15.

Planned Residential Developments as prescribed in Section 16.

Public Utility Substation, Water Tanks and Towers and similar facilities.

Recreation, Private outdoor, including golf courses, tennis courts, swimming pools and club houses.

Recreation, Public, including parks, playgrounds, ballfields, swimming pools, tennis courts and picnicking.

Retirement Homes.

Schools, Private, elementary and secondary.

Schools, Public, elementary and secondary.

Temporary Construction Buildings.

Tourist Homes.

Dimensional Requirements

Within the R-10 MHP District as shown on the Zoning Map, all of the following dimensional requirements shall be complied with:

Minimum required lot area for first dwelling unit	10,000 square feet
Minimum required additional lot area for each dwelling unit in excess of one (1)	3,000 square feet
Minimum required lot width for the first dwelling unit	60 feet
Minimum required lot width for each dwelling unit in excess of one (1)	20 feet
Minimum required front yard setback	30 feet

Minimum required side yard: 8 feet

Provided, however, on corner lots the side yard adjacent to the street shall not be less than fifty (50) percent of the front yard required on lots in rear of such corner lots.

Minimum required rear yard setback 15 feet

Building Height Limits

No building shall exceed thirty-five (35) feet in height.

Location of Accessory Buildings

No accessory building shall be erected in any required front or side yard within twenty (20) feet of any street line or within five (5) feet of any lot line not a street line. An accessory building or use as defined in Section 2, shall be located at a distance of not less than ten (10) feet from the principal building and five (5) feet from the rear yard line.

Corner Visibility

On a corner lot, within the area formed by a triangle twenty-five (25) feet from the intersection of right-of-way lines, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average center line grade of each street.

Signs

See Section 14.

Off-Street Parking

See Section 12.

8.9 MU Mixed Use District

The MU, Mixed Use District is established as a district which allows for a mixture of land uses which while different, can also be compatible. The area which this district covers has an existing land use of predominately residential with some commercial and office uses mixed in. It is anticipated that more commercial activity will occur in this district as well as continued residential activity.

Permitted Uses

Accessory uses clearly incidental to any permitted or conditional use and which will not create a nuisance or hazard.

Alcoholic Beverage Stores.

Ambulance Services.

Automobile and Other Vehicle Sales and Service.

Automobile Body Shop.

Automobile Service Stations.

Banks and Other Financial Institutions.

Business and Professional Offices including architects, real estate, legal, engineering firms, accountants, insurance, physicians and dentists.

Building Materials & Supplies.

Cabinet Makers.

Churches.

Clubs and Lodges, Civic and Fraternal.

Community Centers.

Contractor's Offices.

Convalescent and Nursing Homes.

Convenience Stores.

Day Care Centers.

Dry-Cleaning and Laundry.

Dwellings - Duplexes Excluding Manufactured Homes.

Dwellings - Single Family Excluding Manufactured Homes.

Farmers or Produce Markets.

Farm Equipment Sales & Service.

Feed and Seed Sales.

Greenhouses and Nurseries, Commercial.

Guest Houses and Boarding Homes.

Home Occupations. See Section 9.2.

Hotels and Motels.

Laboratories, including scientific, research, testing and medical.

Libraries and Museums.

Manufactured Homes - Class A & B.

Media Offices and Studios, including newspaper, radio and television.

Medical Facilities and Services, including hospitals, clinics, doctor and dentist offices.

Off-Street Automobile Parking.

Planned Residential Developments as prescribed in Section 16.

Printing and Publishing Establishments.

Public Buildings, not including repair yards or garages.

Public Buildings, including repair yards or garages.

Public Utility Substations, Water Tanks and Towers and similar facilities.

Recreation, Private indoor, including movie or live theaters, video-arcades, billiard halls, health spas, gyms, bowling alleys, and skating rinks.

Recreation, Private outdoor, including golf courses, tennis courts, swimming pools, and club houses.

Recreations, Public, including parks, playgrounds, ballfields, swimming pools, tennis courts and picnicking.

Restaurants.

Restaurants, Drive In.

Retirement Homes.

Sales, Retail, including baked goods, bicycles, books, cameras, candy, clothing, cosmetics, drugs, fabric, flowers, furniture, gardening supplies, gifts, groceries, hardware, hobby supplies, household appliances, ice cream, jewelry, lawn mowers, magazines, newspapers, notions, office supplies, pets, radios, shoes, televisions, toys, watches and similar goods.

Schools, Fine Arts, including Art, music, dance and drama.

Schools, Private, elementary and secondary.

Schools, Trade and Professional, including beauty and barber schools, nursing schools and business schools.

Services, including beauty and barber shops, car washes, caterers, funeral homes, locksmiths, gunsmiths, pawnshops, photographers, reducing salons, and repair shops for shoes, small appliances and watches.

Taxi Stands

Temporary Construction Buildings.

Tourist Homes.

Upholstery Shops.

Dimensional Requirements

Within the MU Mixed Use District as shown on the Zoning Map, all of the following dimensional requirements shall be complied with:

Minimum required lot area for first dwelling unit 10,000 square feet

Minimum required additional lot area for each dwelling unit in excess of one (1) 3,000 square feet

Minimum required lot width for the first dwelling unit 75 feet

Minimum required lot width for each dwelling unit in excess of one (1) 20 feet

Minimum required front yard setback 30 feet

Minimum required side yard: 8 feet

Provided, however, on corner lots the side yard adjacent to the street shall not be less than fifty (50) percent of the front yard required on lots in rear of such corner lots.

Minimum required rear yard setback 15 feet

Building Height Limits

No building shall exceed thirty-five (35) feet in height.

Location of Accessory Buildings

No accessory building shall be erected in any required front or side yard within twenty (20) feet of any street line or within five (5) feet of any lot line not a street line. An accessory building or use as defined in Section 2, shall be located at a distance of not less than ten (10) feet from the principal building and five (5) feet from the rear yard line.

Corner Visibility

On a corner lot, within the area formed by a triangle twenty-five (25) feet from the intersection of right-of-way lines, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average center line grade of each street.

Signs

See Section 14.

Off Street Parking

See Section 12.

8.10 List of Permitted and Conditional Uses

Uses	R-20	R-10	R-10 MHP	MU
Accessory uses clearly incidental to any permitted or conditional use and which will not create a nuisance or hazard	P	P	P	P
Alcoholic Beverage Stores				P
Ambulance Services				P
Automobile body shops				P
Automobile junk yards and similar used material industries				
Automobile and other vehicle sales and service				P
Automobile service stations				P
Bakeries, Industrial, including discount retail sales				
Banks and Financial Institutions				P
Building Materials and Supplies				P
Bus Stations				
Business and Professional Offices including architects, real estate, legal, engineering firms, accountants, insurance, physicians and dentists				P
Cabinet Makers				P
Campgrounds				
Carpentry Shops				
Cement Plant				
Cemeteries		P	P	
Churches	P	P	P	P
Clubs and Lodges, Civic and Fraternal		P	P	P
Community Centers				P
Contractor's Office				P
Convalescent and Nursing Homes		P	P	P
Convenience Stores				P

8.10 List of Permitted and Conditional Uses

Uses	R-20	R-10	R-10 MHP	MU
Day Care Centers	P	P	P	P
Dry-Cleaning and Laundry, less than 1,500 square feet				P
Dwellings, Duplexes		P	P	P
Dwellings, Multi-family				
Dwellings, Single Family	P	P	P	P
Fairgrounds, horse arenas.				
Farm Equipment Sales and Service				P
Farmers or Produce Markets				P
Feed and Seed Sales				P
Food Manufacturing and Processing				
Fuels Bulk Storage				
Greenhouses and Nurseries, commercial				P
Guest Houses and Boarding Homes		P	P	P
Home Occupations	P	P	P	P
Hotels and Motels				P
Laboratories, including scientific, research, testing and medical				P
Libraries and Museums				P
Media Offices and Studios, including newspaper, radio and television				P
Medical Facilities and Services, including hospitals, clinics, doctor and dentist offices				P
Machine Shops				
Mail Order Houses				
Manufacturing, including textiles, furniture, electronic equipment, appliances, machinery, clothing, glass products and similar products				
Manufactured Homes - Class A	P	P	P	P
Manufactured Homes - Class B	P	P	P	P

8.10 List of Permitted and Conditional Uses

Uses	R-20	R-10	R-10 MHP	MU
Manufactured Home Parks			P	
Manufactured Home Sales				
Motor Freight Terminals and Truck Rentals				
Moving and Storage Companies				
Off-Street Automobile Parking				P
Planned Residential Developments	P	P	P	P
Public Buildings, not including repair yards or garages				P
Public Buildings, including repair yards or garages				P
Public Utility Storage or Service Yards				P
Public Utility Substations, Water Tanks and Towers and similar facilities	P	P	P	P
Printing and Publishing Establishments				P
Recreation, private indoor, including movie or live theaters, video-arcades, billiard halls, health spas, gyms, bowling alleys and skating rinks				P
Recreation, private outdoor, including golf courses, tennis courts, swimming pools and club houses	P	P	P	P
Recreation, public including parks, playgrounds, ballfields, swimming pools, tennis courts and picnicking	P	P	P	P
Restaurants				P
Restaurants - Drive In				P
Retirement Homes	P	P	P	P
Sales, Retail, including baked goods, bicycles, books, cameras, candy, clothing, cosmetics, drugs, fabric, flowers, furniture, gardening supplies, gifts, groceries, hardware, hobby supplies, household appliances, ice cream, jewelry, lawn mowers, magazines, newspapers, notions, office supplies, pets, radios, shoes, televisions, toys, watches and similar goods				P

8.10 List of Permitted and Conditional Uses

Uses	R-20	R-10	R-10 MHP	MU
Sales, Wholesale				
Schools, Fine Arts, including art, music, dance and drama				P
Schools, Private, elementary and secondary	P	P	P	P
Schools, Public, elementary and secondary	P	P	P	P
Schools, Trade and Professional including beauty and barber schools, nursing schools and business schools				P
Services, including beauty and barber shops, car washes, caterers, funeral homes, locksmiths, gunsmiths, pawnshops, photographers, reducing salons and repair shops for shoes, small appliances and watches				P
Taxi Stands				P
Temporary Construction Buildings	P	P	P	P
Tobacco Warehouses				
Tourist Homes		P	P	P
Upholstery Shops				P
Vehicle and Farm Equipment Rental and Leasing				
Warehouses				
Waste Disposal Facilities, including treatment plants, incinerators and landfills				
Water Treatment Plants				
Other Manufacturing, Processing, Storage or Commercial Uses similar to those listed as permitted in the I Industrial District and found not to be obnoxious, unhealthful or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors or toxic or noxious matter or glare or heat. Also, where there is no unusual fire, explosion or safety hazard				

SECTION 9

TEMPORARY AND ACCESSORY USES

9.1 Temporary Uses

A. Mobile Offices and Modular Units

Mobile offices and modular units may be used on a temporary basis for such purposes as construction offices, blood mobiles, book mobiles, traveling museums, churches and governmental uses. However, such uses must obtain a temporary occupancy permit from the Zoning Administrator if the use is to last more than forty-eight (48) hours at one site.

Mobile offices and modular units may also be used for other office or business purposes in cases where the permanent structure has been destroyed through no fault of the owner or tenant. A temporary occupancy permit must be obtained before the use of the mobile office or modular unit is initiated. This occupancy permit shall be valid for a specified period of time while reconstruction takes place not to exceed twelve (12) months and may be renewed no more than once.

9.2 Accessory Uses

A. Home Occupations

Home occupations are permitted only as an accessory use. Provided further home occupations shall be permitted subject to the following limitations:

- 1) No display of products shall be visible from the street;
- 2) No mechanical equipment shall be installed or used except such that is normally used for domestic, professional, or hobby purposes and which does not cause noise or other interference in radio and television reception;
- 3) Not over twenty-five (25) percent of the total actual floor area or five hundred (500) square feet, whichever is less, shall be used for a home occupation;
- 4) No more than one person not residing in said dwelling may be engaged in the home occupation; and
- 5) Traffic generation shall not exceed the traffic volumes generated by nearby residents.
- 6) Accessory buildings may be used in conjunction with a home occupation. No more than four hundred (400) square feet of an accessory building may be devoted to such use.

B. Swimming Pools

All public, commercial, or private outdoor swimming pools of three (3) feet or more in depth, either above ground or below ground, and of either permanent or temporary construction shall meet the following requirements in addition to setbacks and other requirements specified elsewhere:

- 1) That the setback for an above ground swimming pool from any lot line equals the required setback for accessory structures in the district in which it is located plus one (1) foot for each foot over five (5) of pool height.
- 2) That a fence be erected to a minimum height of four (4) feet to completely enclose all sides of the pool not bounded by a building. A gate of equal height shall be installed and securely fastened when the pool is not in use.
- 3) That all mechanical equipment be located a minimum of five (5) feet from any property line.

C. Dwellings As Accessory Uses

Dwellings may be accessory uses in residential districts if located inside the principal home or if detached as a garage apartment and only if used as a residence by household servants or relatives and no rent is charged. Mobile homes shall not be used as accessory residences in any residential district.

D. Fences and Walls

Ornamental fences and walls not over four (4) feet high may project into or may enclose any front or side yard, and fences or walls enclosing rear yards may be six (6) feet high. An open fence or wall through which clear vision is possible from one side to the other on a horizontal plane and such openings occupy fifty (50) percent or more of the area of the fence or wall, may be erected in the rear yard to a maximum height of ten (10) feet in nonresidential districts.

E. Satellite Dish Antennas

- 1) General Requirements.
 - a) A building permit is required when installing, moving, or substantially constructing or reconstructing a dish antenna over ~~four (4)~~ ^{Ten (10)} feet in diameter.
 - b) A dish antenna must be installed in compliance with the manufacturers specifications at a minimum.
 - c) In all residential districts dish antennas must be permanently installed on the ground and shall not exceed twelve (12) feet in diameter.

- d) In business and industrial districts, dish antennas may either be installed on the ground or on the roof of the building. If installed on the roof, the dish shall not be larger than twelve (12) feet in diameter, shall not project higher than ten (10) feet above the maximum building height of the zoning district or more than one third (1/3) the actual building height above the roof, whichever is less, shall be set back from the front and sides of the building at least eighteen (18) feet and shall not be used for any advertising purposes. A dish antenna may be installed on the top of another part of the building which is lower than the roof, and such as a balcony or parking deck only if such location is at the rear or side of the building and all other requirements are met.
- e) A dish antenna may be attached to an accessory building which is permanently secured to the ground, but may not be attached to the principal building except as provided for in 1)d) above.
- f) If a dish antenna is repainted, the only permissible colors are the original color used by the manufacturer, off-white, pastel beige, grey, or pastel grey-green. The paint must have a dull (non-glossy) finish and no patterns, lettering, or numerals shall be permitted on either side of the dish surface.
- g) No dish antenna shall be installed in any public right-of-way or in any drainage or utility easement.

2) Location in Yards.

- a) A dish antenna shall be installed in the rear yard only, in all districts except as provided for in 1)a) above and in 2)b) below.
- b) In business and industrial districts only, a dealer selling dish antennas may have a maximum of one (1) such antenna installed in the front or side yard for display purposes providing all other requirements are met. If a dealer displays a dish antenna in front or side yard, his permissible sign area shall be reduced by one half (1/2).

3) Setback Requirements.

- a) The minimum required setback for dish antennas, from the side lot line, shall be the same as for the principal building except on corner lots, on the side abutting the street, the minimum required setback shall be the same as the required front yard setback along that street.

- b) The minimum required setback for dish antennas from the rear lot line shall be (6) feet or the same as accessory buildings, whichever is greater, but in no case shall any part of the antenna come closer than one (1) foot to the property line.
 - c) In districts where there are no side or rear yard requirements, a minimum setback of six (6) feet from the side and rear lot lines shall be required of dish antennas, but in no case shall any part of the antenna come closer than one (1) foot to the property line.
 - d) In all cases no dish antenna shall be located within fifteen (15) feet of any street right-of-way.
- 4) Maximum Height Requirements.
- a) In all residential districts the maximum height of dish antennas shall be fifteen (15) feet or the height of the principal building, whichever is less.
 - b) In business and industrial districts, the maximum height of dish antennas installed on the ground shall be twenty (20) feet. Dish antennas mounted on the roof of a building shall not project higher than ten (10) feet above the maximum building height of the district or more than one third (1/3) the actual building height above the room, whichever is less.
- 5) Buffering Requirements.
- In business and industrial districts, dish antennas must be screened from view from abutting residential property and residential streets. Dish antennas abutting residential property & residential streets shall be surrounded on all sides with any one or combinations of evergreen vegetation, landscaped earth berm, or architectural features such as fences so that the view of the lower one half (1/2) of the dish area is restricted. If evergreen vegetation is used, a species and size may be planted which can be expected to screen the required area within two (2) years of normal growth. Any screening vegetation which dies must be replaced.

SECTION 10

EXCEPTIONS AND MODIFICATIONS

The dimensional requirements of this ordinance shall be complied with in all respects except that under the specific conditions as outlined in this ordinance the requirements may be waived or modified as stated; and in addition, the dimensional requirements may be changed or modified by the Board of Adjustment as provided for in Section 6.

10.1 Front Yard Modifications In Residential Districts

Where fifty (50) percent or more of the lots in any block or within 600 feet on both sides of the proposed structure, whichever is less, is composed of lots which have been developed with buildings whose front yards are less than the minimum required front yard as specified in the Dimensional Requirements, the required front yard shall be the average depth of front yards of the developed lots, or the minimum front yard as specified in Section 8, whichever is less. Provided further that if any lot lies between two buildings which are less than 100 feet apart, the required front yard for such lot shall be no greater than the average front yard of the two adjoining lots or twenty-five (25) feet, whichever is more.

When fifty (50) percent or more of the lots in any block or within 600 feet on both sides of the proposed structure, whichever is less, is composed of lots with buildings which front yards are greater than the minimum required front yard as specified in Section 8, the required front yard shall be the average depth of front yards of the developed lots. Provided further that if any lot lies between two buildings which are less than 100 feet apart, the required front yard for such lot shall be no less than the average front yard of the two adjoining lots.

10.2 Other Yard Modifications

Where through lots occur, the required front yard shall be provided on both streets. Architectural features such as open or enclosed fire escapes, steps, outside stairways, balconies and similar features, and uncovered porches may not project more than four (4) feet into any required yard. Sills, cornices, eaves, gutters, buttresses, ornamental features, and similar items may not project into any required yard more than thirty (30) inches.

10.3 Height Limit Exceptions

Church steeples, chimneys, belfries, water tanks or towers, fire towers, flag poles, spires, wireless and broadcasting towers, monuments, cupolas, domes, antennas (except satellite dish antennas), and similar structures and necessary mechanical appurtenances are not subject to the height limit regulations contained in this ordinance. However; water tanks or towers, fire towers, wireless and broadcasting towers, and antennas over thirty-five (35) feet in height shall be set back from all property lines at the rates of one (1) foot for each two (2) foot rise in height in addition to the required setback.

10.4 Retaining Walls

The setback and yard requirements of this ordinance shall not apply to a retaining wall not more than three (3) feet high, as measured from the lowest ground elevation to the top of the wall. The Board of Adjustment may permit a retaining wall greater than three (3) feet in height where it finds that due to the topography of the lot such a wall is necessary.

10.5 Lot Size Without All Public Utilities

- A. All lots where not served by public sewer and water shall be at least 20,000 square feet in area, not less than 100 feet wide at the building line nor less than 150 feet deep.
- B. All lots served by one (1) but not both public water or public sewer shall be at least 8,000 square feet in area, not less than 80 feet wide at the building line, nor less than 110 feet deep.

SECTION 11

NONCONFORMING USES

Upon the effective date of this ordinance, and any amendment thereto, pre-existing structures or lots of record and existing and lawful uses of any building or land which do not meet the minimum requirements of this ordinance for the district in which they are located or which would be prohibited as new development in the district in which they are located shall be considered as nonconforming. It is the intent of this ordinance to permit these nonconforming uses to continue until they are removed, discontinued, or destroyed, but not to encourage such continued use, and to prohibit the expansion of any nonconformance.

11.1 Definitions

A. Nonconforming Situation

A situation that occurs when, on the effective date of this ordinance or any amendment to it, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures do not satisfy maximum height or minimum floor-space limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with the ordinance, or because land or buildings are used for purposes made unlawful by the ordinance.

B. Nonconforming Use

A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a nonconforming use.)

C. Dimensional Nonconformity

A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

D. Nonconforming Lot

A lot existing at the effective date of this ordinance or any amendment to it (and not created for the purpose of evading the restrictions of this ordinance) that cannot meet the minimum area or lot-width requirements of the district in which the lot is located.

E. Nonconforming Project

Any structure, development, or undertaking that is incomplete at the effective date of this ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

F. Expenditure

A sum of money paid out in return for some benefit or to fulfill some obligation. Whenever the term is used hereafter, it also includes binding, contractual commitments to make future expenditures, as well as any other substantial changes in position.

11.2 Substandard Lots of Record and Structures

Any lot of record or structure existing at the time of the adoption of this ordinance, which has dimensions which do not meet the requirements of this ordinance, shall be subject to the following exceptions and modifications:

A. Adjoining Lots

When two or more adjoining lots with continuous frontage are in one ownership at any time after the adoption of this ordinance, and such lots individually are less than the minimum width required in the district in which they are located, then such group of lots shall be considered as a single lot or several lots of minimum permitted area and width for the district in which located.

B. Lot Not Meeting Minimum Lot Size Requirements

Except as set forth in the above, in any district in which single family dwellings are permitted, any lot of record existing at the time of the adoption of these regulations which has dimensions which are less than required by these regulations may be used as a building site for a single family dwelling providing the lot area and width are not less than eighty (80) percent of the requirements in the district. If the lot is smaller or narrower, a variance may be requested of the Board of Adjustment.

C. Yard Requirements Modified

Except as set forth in (A) above, where a lot has width or depth less than that required in the district to which it is located, a yard modification may be permitted with a variance granted by the Board of Adjustment.

11.3 Extension or Enlargement of Nonconforming Situations

- A. Except as specifically provided in this subsection, it shall be unlawful for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation.
- B. Subject to paragraph (D) of this subsection, a nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this ordinance, was manifestly designed or arranged to accommodate such use. However, subject to subsection 11.4 of this section a nonconforming use may not be extended to additional buildings or to land outside the original building.
- C. A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural materials from the lot (e.g., a quarry) may be expanded to the boundaries of the lot where the use was established at the time it became nonconforming, if 10 per cent or more of the earth products had already been removed at the effective date of this ordinance.
- D. The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this subsection occur.
- E. Physical alteration of structures or the placement of new structures on open land are unlawful if they result in:
 - 1. An increase in the total amount of space devoted to a nonconforming use;
 - 2. Greater nonconformity with respect to dimensional restrictions such as yard requirements, height limitations, or density requirements; or
 - 3. The enclosure of previously unenclosed area, even though those areas were previously used in connection with the nonconforming activity. An area is unenclosed unless at least 75 per cent of the perimeter of the area is marked by a permanently constructed wall or fence.
- F. Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged.

- G. Any structure used for single-family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to yard size and setback requirements. In particular, a mobile home may be replaced with a larger mobile home, a "single-wide" mobile home may be replaced with a "double-wide." This paragraph is subject to the limitations stated in subsection 11.6 on abandonment and discontinuance of nonconforming situations.
- H. A structure that is nonconforming in any respect or a structure that is used in a nonconforming manner may be reconstructed or replaced if partially or totally destroyed, subject to the following restrictions:
1. The total amount of space devoted to a nonconforming use may not be increased, except that a larger, single-family residential structure may be constructed in place of a smaller one, a larger mobile home intended for residential use may replace a smaller one, and a mobile home may be replaced by a frame structure;
 2. The reconstructed building may not be more nonconforming with respect to dimensional restrictions such as yard requirements, height limitations, or density requirements, and such dimensional nonconformities must be eliminated if that can reasonably be accomplished without unduly burdening the reconstruction process or limiting the right to continue the nonconforming use of such building;
 3. The reconstructed building may not enclose areas that were previously unenclosed, even though those areas were used in connection with the nonconforming activity. An area is unenclosed unless at least 75 per cent or more of the perimeter of the area is marked by a permanently constructed wall or fence.
 4. A building permit is obtained from the Building Inspector within one (1) year from the time the damage or destruction took place.

11.4 Completion of Nonconforming Projects

- A. The construction or erection of any nonconforming project may be completed provided all construction is done pursuant to a valid building permit.

11.5 Change in Kind of Nonconforming Use

- A. A nonconforming use may be changed to a conforming use. Thereafter, the property may not revert to a nonconforming use.
- B. A nonconforming use may be changed to another nonconforming use only in accordance with approval issued by the Board of Adjustment.

The Board shall issue such approval if it finds that the proposed use will be more compatible with the surrounding neighborhood than the use in operation at the time the approval is applied for. If a nonconforming use is changed to any use other than a conforming use without obtaining approval pursuant to this paragraph, that change shall constitute a discontinuance of the nonconforming use, and the property involved may thereafter be used only for conforming purposes.

A nonconforming accessory use or building may only be changed to another nonconforming accessory use or building in accordance with approval issued by the Board of Adjustment.

- C. If a nonconforming use and a conforming use, or any combination of a conforming and nonconforming uses, or any combination of nonconforming uses exist in one (1) lot, the use made of the property may be changed substantially (except to a conforming use), only in accordance with approval issued by the Board of Adjustment. The Board shall issue such approval if it finds that the proposed use will be more compatible with the surrounding neighborhood than the use of combination of uses in operation at the time the approval is applied for.

11.6 Abandonment and Discontinuance of Nonconforming Situations

- A. When a nonconforming use is discontinued for a consecutive period of one hundred eighty (180) days, the property involved may thereafter be used only for conforming purposes.
- B. For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this Section, all of the buildings, activities and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one (1) apartment in a nonconforming apartment building or one (1) space in a nonconforming mobile home park for one hundred eighty (180) days shall not result in the loss of the right to rent that apartment or space thereafter so long as the apartment building or mobile home park as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter. And so, if a mobile home is used as a nonconforming use on residential lot where a conforming residential structure also is located, removal of that mobile home for one hundred eighty (180) days terminates the right to replace it.

SECTION 12

OFF-STREET LOADING AND PARKING

At the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, or before conversion from one type of use or occupancy to another, permanent off-street parking space shall be provided in the amount specified by this Section. Such parking space may be provided in a parking garage or properly graded open space. Refer to Volume I-C, North Carolina State Building Code for Handicapped Parking requirements.

12.1 Certification of Minimum Parking Requirements

Each application for a Zoning Permit or a Certificate of Occupancy shall include information as to the location and dimensions of off-street parking and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Zoning Administrator to determine whether the requirements of this Section are met.

12.2 Combination of Required Parking Space

The required parking space for any number of separate uses may be combined in one (1) lot but the required space assigned to one (1) use may not be assigned to another use, except that one-half (1/2) of the parking space required for churches whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.

12.3 Requirements for Parking Lots

Where parking lots for more than five (5) cars are permitted or required, the following provisions shall be complied with:

- A. The lot may be used only for parking and not for any type of loading, sales, dead storage, repair work, dismantling or servicing, but shall not preclude convention exhibits or parking of rental vehicles.
- B. All entrances, exits, barricades at sidewalks, and drainage plans shall be approved and constructed before occupancy.
- C. A strip of land five (5) feet wide adjoining any street line or any lot zoned for residential uses shall be reserved as open space, guarded with wheel bumpers and planted in grass and/or shrubs or trees.
- D. Only one (1) entrance and one (1) exit sign no larger than two (2) square feet prescribing parking regulations may be erected at each entrance or exit.
- E. Required off-street parking areas including drives and access ways shall be surfaced with an all-weather surface material.

- F. Where parking or loading areas are provided adjacent to a public street, ingress and egress thereto shall be made only through driveways not exceeding twenty-five (25) feet in width at the curb line of said street, except where the Zoning Administrator finds that a greater width is necessary to accommodate the vehicles customarily using the driveway.
- G. Where two or more driveways are located on the same lot, other than a manufactured home park, the minimum distance between such drives shall be thirty feet or one third (1/3) of the lot frontage, whichever is greater.
- H. No driveway shall be located closer than twenty-five (25) feet to any street intersection.
- I. Any lighting of parking areas shall be shielded so as to cast no light upon adjacent properties and streets.

12.4 Manufactured Home Parking and Storing

It shall be unlawful to park or otherwise store for any purpose whatsoever any manufactured home within any zoning district except as follows:

- A. At a safe, lawful, and unobstructed location on a street, alley, highway, or other public place, provided that the manufactured home shall not be parked overnight.
- B. On any other lot or plot provided that a storing permit for any manufactured home to be parked or stored for longer than seven (7) days shall be obtained from the Zoning Administrator.

12.5 Vehicle Storage

A. Residential Districts

Only vehicles intended for personal use shall be parked or stored on any property zoned for residential use. No storage of commercial inventory whatsoever shall be permitted and no inoperative vehicle shall be permitted to be parked or stored out of doors longer than thirty (30) days. Commercial trucks or vans driven home by employees must be parked in the driveway and never on the street.

B. Business and Industrial Districts

Customer and employee parking is permitted along with the parking and storing of governmental or commercial vehicles, in any business or industrial district. Inoperative vehicles shall only be permitted to be parked or stored while undergoing repairs at a commercial garage or automobile service station or if stored in an approved junk or wrecking yard in an industrial district.

12.6 Minimum Parking Requirements

The number of off-street parking spaces required by this Section shall be provided on the same lot with the principal use and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. For purposes of this ordinance an off-street parking space shall be no less than one hundred sixty (160) square feet in area plus adequate ingress and egress provided for each off-street parking space.

<u>Land Uses</u>	<u>Required Parking</u>
Air, motor and rail freight terminals	Two (2) parking spaces for each three (3) employees, plus one (1) space for each vehicle used in the operation.
Assembly, Places of, funeral homes, and stadiums	One (1) parking space for each four (4) seats in each assembly room.
Automobile Service Stations	Five (5) parking spaces for each service bay plus one (1) parking space for each employee.
Barber Shops	Two parking spaces for each service chair plus one (1) additional parking space for each employee.
Beauty Shops	One (1) parking space for each service chair plus one (1) additional parking space for each employee.
Bowling Alleys	Two (2) parking spaces for each alley plus one (1) space for each 300 square feet of gross floor space for affiliated uses such as restaurants, bars, and the like.
Churches	One (1) parking space for every 4 seats in the sanctuary.
Dwellings	Two (2) parking spacer per dwelling manufactured homes unit.
Home Occupations	One (1) parking space per home occupation in addition to residence requirements.
Industrial Uses	Three (3) parking spaces for each four (4) employees on the largest shift plus spaces for vehicles used in the operation.

Land Uses

Required Parking

Libraries

One (1) parking space for each four (4) seats provided for patron use.

Lodging Facilities, including hotels, motels, additional rooming houses, tourist homes, and boarding houses.

One (1) parking space for each room to be rented plus one (1) parking space for each two (2) employees, plus additional parking as may be required for any commercial or business uses.

Medical Facilities and Special Care homes, including retirement homes, hospitals, sanitariums, nursing convalescent homes.

One (1) parking space for each five patients or residents at full capacity plus one (1) parking space for each employee on the largest shift.

Medical Offices and clinics

Four (4) parking spaces for each doctor plus one (1) parking space for each employee.

Offices

One (1) parking space for each three hundred (300) square feet of gross floor space.

Public Buildings

Two (2) parking spaces for each employee plus one (1) parking space for each five (5) seats in each assembly room.

Recreational Facilities not otherwise listed (without facilities for spectators)

One (1) parking space for each employee plus one (1) parking space for every two participants at full capacity.

Recreational Facilities not otherwise listed (with facilities for spectators)

Same as for recreational facilities without spectators plus one (1) parking space for every four (4) spectator seats.

Restaurants, Cafeterias, Private Clubs and Lounges

One (1) parking space for each four (4) seats at tables, and one (1) parking space for each two (2) seats at counters or bars plus one (1) parking space for each two employees.

Retail Uses, Financial, Institutions, Civic and Fraternal Clubs, and Community Centers

One (1) parking space for each two hundred (200) square feet of gross floor area.

Land Uses

Required Parking

Schools, Elementary and Junior High
or Middle Schools

One (1) parking space for each classroom and administrative office, plus one (1) parking space for each employee and one (1) large space for each bus.

Schools, Senior High

One (1) parking space for each ten (10) students, plus one (1) parking space for each employee, plus one (1) large space for each bus.

Schools, Colleges, Technical and
Trade

One (1) parking space for every six (6) students, based upon the maximum number of students attending classes at any one time, plus one (1) space for each employee.

Services not otherwise listed

One (1) parking space for each employee plus one (1) parking space for each client at full capacity.

Shopping Centers

Five (5) parking spaces for each 1,000 square feet of gross leasable floor space in the center.

Theaters, Indoor

One (1) parking space for each four (4) seats up to 400 seats, plus one (1) space for each six (6) seats above 400.

Vehicle, Manufactured Home, and
Farm Equipment Sales and Service

Two (2) parking spaces for each employee in sales plus one (1) for each additional employee, plus five (5) spaces for each service bay, plus spaces for inventory.

Videarcades

One (1) parking space for every four (4) game machines plus one space for each employee.

Warehouses and Other Storage
Services

One Parking space for each employee plus one (1) space for each vehicle used in the operation.

12.7 Off-Street Loading Purpose and General Requirements

Off-street loading requirements are established in order to ensure the proper and uniform development of loading areas throughout the Town, to relieve traffic congestion in the streets, and to minimize any detrimental effects of off-street loading areas on adjacent properties.

Each application for a Zoning Permit or Certificate of Occupancy shall include plans and other information of sufficient detail to enable the Zoning Administrator to determine whether or not the requirements of this Section have been met. Plans for off-street loading areas shall include information as to:

- A. The location and dimensions of driveway entrances, access aisles and loading spaces.
- B. The provision for vehicular and pedestrian circulation.
- C. The location of sidewalks and curbs.

The Zoning Permit or Certificate of Occupancy for the construction or use of any building, structure or land where off-street loading space is required shall be withheld by the Zoning Administrator until the provisions of this Section have been met. If at any time such compliance ceases, any Certificate of Occupancy which shall have been issued for the use of the property shall immediately become void and of no effect.

12.8 Minimum Loading Requirements

Off-street loading shall be provided and maintained as specified in the following schedule.

- A. For uses containing a gross floor area of less than 20,000 square feet, each off-street loading space shall have minimum dimensions of fifteen (15) feet in width and thirty (30) feet in length.
- B. For uses containing a gross floor area of 20,000 square feet or more, each off-street loading space shall be fifteen (15) feet in width and forty-five (45) feet in length as a minimum.
- C. Uses which normally handle large quantities of goods, including, but not limited to, industrial plants, wholesale establishments, storage warehouses, freight terminals, hospitals or sanitariums, and retail sales establishments shall provide off-street loading facilities in the following amounts:

<u>Gross Floor Area</u> <u>(Square Feet)</u>	<u>Minimum Number of</u> <u>Spaces Required</u>
5,000 - 20,000	1
20,001 - 50,000	2
50,001 - 80,000	3
80,001 - 125,000	4
For each additional 45,000	1 additional

- D. Uses which do not handle large quantities of goods, including, but not limited to, office buildings, restaurants, funeral homes, hotels, motels, apartment buildings, and places of public assembly, shall provide off-street loading facilities in the following amounts:

<u>Gross Floor Area</u> <u>(Square Feet)</u>	<u>Minimum Number of</u> <u>Spaces Required</u>
5,000 - 80,000	1
80,001 - 200,000	2
200,001 - 320,000	3
320,001 - 500,000	4
For each additional 180,000	1 additional

SECTION 13

BUFFERS

Each application for a building permit or Certificate of Occupancy shall include, for those use districts where a buffer is required, information as to the location and type of buffer to be erected. Once erected, a buffer shall be properly maintained. The construction and maintenance of a buffer shall be the responsibility of the land owner or developer.

A buffer shall be a six (6) foot high attractive blind barrier which shall not permit the passage of light from one side to the other and which will also damper noise where needed. Such barrier may be a decorative masonry wall, a wood basket weave type fence, an open type fence with evergreen vegetation planted facing the adjoining property, or the like. No fence at all is necessary where evergreen vegetation will be of a thickness and variety discouraging people from pushing their way through. Where evergreens are used, a species shall be planted which will normally be expected to reach a height of six (6) feet in three (3) years time.

SECTION 14

SIGNS

14.1 Signs

No sign shall be larger than one hundred (100) square feet in size or more than thirty (30) feet in height. No business or industrial use shall have more than two (2) signs larger than ten (10) square feet in size. In residential districts signs shall only show the street, building, or apartment number and the name of the occupant, development, subdivision, church, school, or other establishment. Also, no sign shall advertise a place of business, product, or service not pertaining to the property on which the sign is located.

14.2 Flags

No flag of the United States or the State of North Carolina shall be displayed as part of a commercial promotion. When displayed, the flags shall be allowed to hang free and never draped or tied back.

Section 15

Manufactured Home Parks

Manufactured Home Parks are allowed as a permitted use in the R-10 MHP District with the following requirements. A park plan is required to be submitted to the Zoning Administrator prior to the issuance of a Zoning Certification to assure compliance with these regulations.

15.1 What the Park Plan Shall Show

The park plan shall be drawn on reproducible sheets to a scale of not less than one (1) inch equals forty (40) feet and shall show the following on one or more sheets:

- 1) The name of the manufactured home park, the names and addresses of the owner(s) and the designer of the park.
- 2) Date, approximate north arrow, and scale.
- 3) The boundary line of the tract, with accurate linear and angular dimensions, drawn to scale and the area of the park in square feet or acres.
- 4) A location map with a scale no less than 1" = 1000' showing the location of the manufactured home park.
- 5) The locations of existing and platted property lines, streets, buildings, water courses, railroads, bridges, water mains, sewers, culverts, drainpipes, and any utility easements. The Zoning Administrator may require similar information to be shown on proposed park boundaries. The names of adjoining subdivisions or the names of recorded owners of adjoining parcels of unsubdivided land shall also be indicated.
- 6) The names, proposed location and approximate dimensions of proposed streets, alleys, driveways, entrances, exits, walkways, easements, recreation areas, parks and open spaces, reservations, manufactured home spaces, manufactured home stands, parking areas, and building lines within the park. The locations, dimensions, and types of all buffers which must meet the requirements detailed in Section 13.

In all cases the proposed characteristics shall be shown in a manner that shall distinguish them clearly from the existing characteristics of the land.

- 7) When deemed necessary by the Zoning Administrator, profiles of all proposed public or private streets or drives, showing natural and finished grades drawn to a scale of not less than 1" = 40' horizontal and 1" = 4' vertical.

- 8) Proposed storm drainage for each manufactured home space and for the entire manufactured home park including all proposed grading and sewer installations which may be deemed necessary to insure proper drainage and the elimination of ponding. Proper drainage requires a storm drainage capacity to the ten (10) year storm level.
- 9) Location and number of garbage receptacles.
- 10) A detailed plan for electrical installations prepared to meet the National Electrical Code and State and local codes or ordinances.
- 11) Where public water or public sewer is not available, a written statement from the County Health Department shall be submitted with the manufactured home park plan indicating that the manufactured home park has adequate land area and suitable soils and topography to accommodate the proposed methods of water supply and sewage disposal.
- 12) A detailed drawing to scale of not less than 1" = 10' shall be prepared of a typical manufactured home space showing the location of the manufactured home stand, all utilities, the manufactured home utility connections, the patio, concrete footing, walks, parking spaces, driveways, and all other improvements.

15.2 Design Standards

The following design standards must be met on the park plan before a Permit can be issued.

- A. Every manufactured home park shall be located on a tract of land not less than two (2) acres in size.
- B. Each manufactured home space shall be clearly established on the ground by permanent monuments or markers. Spaces served by municipal water and sewer systems or community water and sewer systems shall be at least six thousand (6,000) square feet of ground area. Spaces served by municipal sewer system or by a municipal, community, or any approved water system shall be at least eight thousand (8,000) square feet of ground area. Spaces not served by a municipal, community, or any approved water system or municipal sewer system shall be at least twenty thousand (20,000) square feet of ground area.
- C. No more than one manufactured home may be parked on any manufactured home space.
- D. Each manufactured home space shall be provided with a patio of at least one hundred (100) square feet constructed of concrete, brick, flagstone, or other such hard-surfaced material, or a porch of similar size raised above the ground. A paved or gravel walkway two (2) feet wide minimum leading from the road or off-street parking space to the patio shall be provided. Each patio and walkway shall be graded and properly drained to prevent ponding.

E. The following dimensional requirements shall be met:

Minimum manufactured home park area:	2 acres
Minimum park width:	100 feet
Maximum density:	7 units per acre
Minimum size of mobile home space:	6,000 square feet
Minimum manufactured home space width:	50 feet
Minimum manufactured home space depth:	100 feet
Minimum setbacks on all sides for a manufactured home within a space: (Any attached accessory structure such as room extension, porches and porch roofs, and carports shall, for the purpose of this setback requirement, be considered to be part of the mobile home.)	10 feet
Minimum setbacks for a manufactured home to external park boundaries:	
Front yard:	40 feet
Side and rear yards:	20 feet
Maximum building height:	35 feet

- F. A driveway and parking space sufficient to accommodate at least two (2) automobiles shall be constructed within or assigned to each manufactured home space and shall be paved or covered with crushed stone or other suitable material.
- G. The manufactured home park shall be located so as not to be susceptible to flooding and graded so as to prevent any water from ponding or accumulating on the premises. Where storm drainway pipes are located in adjacent streets, underground drainage facilities with connections to the storm drainage system shall be provided for the manufactured home park when needed so long as the capacity of the existing system can handle the additional load.
- H. Each manufactured home stand and the manufactured home space shall be graded to provide adequate storm drainage away from the manufactured home and such that there will exist no more than three (3) feet difference between the chassis of the manufactured home and the finished grade of the manufactured home stand along the entire perimeter of the manufactured home proper.
- I. The manufactured home park shall have paved or gravel roads and streets, lighted at night, that directly abut all manufactured home spaces. Road surface widths shall be at least:

One-way, no parking	11 feet
One-way, parking on one side only	18 feet
Two-way, no parking	20 feet
Two-way, parking on one side only	26 feet
Two-way, parking on both sides	32 feet

- J. No manufactured home space shall have direct vehicular access to a public street.
- K. Area to provide proper drainage ditches and a three (3) to one (1) back slope shall be provided where determined necessary by the Building Inspector or Zoning Administrator.
- L. Closed ends of dead-end streets shall be provided with an adequately surfaced vehicular turning circle at least sixty (60) feet in diameter or a turning "Y" with an angle of at least ninety (90) degrees.
- M. Each manufactured home stand shall have adequate access, for both the manufactured home and autos, with a minimum access width of twenty (20) feet unless more is deemed necessary because of topographical conditions or street curvature, so that the parking, loading, or maneuvering of a manufactured home shall not necessitate the use of any public street or right-of-way or any private property not part of the manufactured home park.
- N. When the manufactured home park has more than one direct access to a public street, they shall not be less than two hundred (200) feet apart or less than two hundred (200) feet from a public street intersection unless topographical or site conditions demand otherwise.
- O. Signs for the identification of manufactured home parks must meet the requirements of Section 14.
- P. Buffers shall be installed around the entire perimeter of the manufactured home park. Such buffers must meet the requirements of Section 13 and not be included within the dimensions of any manufactured home space.
- Q. The following utility standards shall apply. In every manufactured home park, all installations (other than those within the manufactured home itself) of plumbing and electrical wiring and all gas and oil appliances shall comply with the provisions of the building, plumbing, electrical, heating, and gas regulations of the state, county, and town.
 - 1) Utilities. All utilities shall be installed underground.
 - 2) Manufactured Home Stand Utilities. Each manufactured home stand shall be equipped with plumbing and electrical connections grouped together within the manufactured home stand.

- 3) **Water Supply.** Each manufactured home park shall obtain water from a public water supply when available, and when unavailable, from a source approved by the County Health Officer. The supply shall be adequate for the park requirements. The drinking, cooking, laundry, and general bathroom water supply for each individual manufactured home shall be obtained from faucets or other plumbing connections located within each manufactured home.
 - 4) **Sewage Disposal.** Each manufactured home park shall be provided with an adequate sewage disposal system, either by connection to a public sewage system or septic tank system approved by the County Health Department.
- R. Ground anchors shall be installed at each manufactured home stand to permit tiedowns of manufactured homes. Each ground anchor shall be capable of resisting an allowable working load equal to or exceeding 3,150 pounds applied in the direction of the tiedown. In addition, each ground anchor shall be capable of withstanding a fifty (50) percent overload without failure. Ground anchors must be resistant to weathering deterioration. The anchors shall be not more than eight (8) feet on centers beginning from the front line of the manufactured home stand (congruent with the front wall of the manufactured home). Not more than six (6) feet open-end spacing shall be provided at the rear line of the manufactured home stand. These distance requirements may be modified if the entire tiedown system, including ground anchors, is designed by a Registered Professional Engineer or Architect. Ground anchors for diagonal ties shall be provided in conjunction with each vertical tiedown anchor.

15.3 Operating Standards (Subsequent to Permit)

A. Manufactured Home Sales in Manufactured Home Parks

It shall be unlawful to conduct on a commercial basis the sale of manufactured homes or travel trailers within a manufactured home park.

B. Residential Units Not to be Travel Trailers

No manufactured home park shall permit a travel trailer as herein defined to located within its boundaries for periods greater than one week if used for any dwelling whatsoever.

C. Manufactured Home Equipment

Each manufactured home shall have a flush toilet, lavatory, bathtub or shower, cooking facilities, and electric wiring and shall be required to connect with the utilities provided at each manufactured home space.

D. Refuse Disposal

All garbage and refuse in every manufactured home park shall be stored in suitable water-tight and fly-tight receptacles which shall be kept covered with closely fitting covers. The size and type of all garbage receptacles shall be in conformance with town standards. No person shall throw or leave garbage or refuse upon the ground of any manufactured home park. It shall be the duty of the manufactured home park operator to make certain that all garbage and refuse are regularly disposed of in a sanitary manner.

E. Health Regulations

All applicable health regulations shall apply to manufactured home parks within the jurisdiction of the Town except where such regulations are in conflict with the provisions of this Section, in which case the more restrictive provisions shall apply.

F. Tiedowns

The owner of the manufactured home park shall be responsible to see that each manufactured home parked within the manufactured home park is properly tied down.

G. Fire Prevention and Detection

In addition to any fire prevention regulations of the Town of ^{Greeneville} ~~Magnolia~~, the following shall apply:

- 1) The operator of a manufactured home park is responsible for informing each park resident of the location of the nearest fire alarm box, if any; the location of an accessible telephone and the telephone number to be used to report fires; and procedures to be followed in case of a fire.
- 2) The park owner shall install a fire extinguisher labeled as suitable for Class A, B, and C fires and of a type approved by the Fire Department in each building open to the public and in the park office. The park staff shall be instructed in the proper use of any fire protection equipment available in the park and their specific duties in the event of fire shall be defined.
- 3) The park owner or operator shall maintain the park area free of rubbish, dry brush, leaves, weeds, and any other materials which might communicate fires between manufactured homes and other buildings.
- 4) Empty liquified petroleum gas containers and other objects and materials not approved by the Fire Department shall not be stored under manufactured homes.
- 5) The manufactured home park owner shall be responsible for payment of any applicable fee if the Fire Department is called upon.

SECTION 16

PLANNED RESIDENTIAL DEVELOPMENTS

16.1 Statement of Purpose

For purposes of this ordinance, a Planned Development, is planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved Development Plan. It should be noted that a Planned Development that offers sites for sale is a subdivision and must be approved as such under any applicable regulation.

Use of this procedure is a conditional use in residential districts. This process will provide a voluntary alternate development procedure which will:

- A. Permit creative approaches to the development of land, reflecting changes in the technology of land development;
- B. Accomplish a more desirable environment than would otherwise be possible, providing a variety of housing and building types, design and arrangements;
- C. Provide for an efficient use of land, which can result in smaller networks of utilities and streets and thereby lower housing costs;
- D. Enhance the appearance of neighborhoods through the preservation of natural features, the provision of underground utilities, and the provision of recreational and open space area; and
- E. Provide an opportunity for new approaches to home ownership.

16.2 Application Requirements

An application for a Zoning Certification for a Planned Residential Development shall be accompanied by three (3) copies of a Development Plan. One copy shall be returned to the owner or developer, one copy shall be kept at the Town Hall for public view, and one copy shall be sent to the Inspections Department.

The Development Plan shall include the following information:

- A. The name of the development, the names and addresses of the owner(s) and the designer of the development.
- B. Date, approximate north arrow, and scale.
- C. The boundary line of the tract, with accurate linear and angular dimensions, drawn to scale and the area of the development in square feet or acres.

- D. The locations of existing and platted property lines, streets, buildings, water courses, railroads, bridges, water mains, sewers, culverts, drain pipes, and any utility easements. The Zoning Administrator may require similar information to be shown on the proposed boundaries. The names of adjoining subdivisions or the names of recorded owners of adjoining parcels of unsubdivided land shall also be indicated.
- E. The names, proposed location and approximate dimensions of proposed streets, alleys, driveways, entrances, exits, walkways, easements, recreation areas, parks and open spaces, reservations, individual lots, approximate building locations, parking areas, and setbacks within the development. The locations, dimensions and types of all buffers which must meet the requirements detailed in Section 13. In all cases the proposed characteristics shall be shown in a manner that shall distinguish them clearly from the existing characteristics of the land.
- F. When deemed necessary by the Zoning Administrator, profiles of all proposed public or private streets or drives, showing natural and finished grades drawn to a scale of not less than 1" = 40' horizontal and 1" = 4' vertical.
- G. Plans of proposed utility layouts (sewer lines, septic tank locations, septic tank drainfields, water lines, and storm drainage) showing feasible connections to existing and proposed utility systems to be prepared by a civil engineer, registered land surveyor, or registered professional engineer.
- H. Proposed storm drainage including all proposed grading and sewer installations which may be deemed necessary to insure proper drainage and the elimination of ponding. Proper drainage requires a storm drainage capacity to the ten (10) year storm level.
- I. Statement as to ownership of streets, alleys, and pedestrian ways and responsibility for maintenance thereof.
- J. Where public water or public sewer is not available, a written statement from the County Health Department shall be submitted with the Development Plan indicating that the development has adequate land area and suitable soils and topography to accommodate the proposed methods of water supply and sewage disposal.

16.3 Conformity to Plan

Construction and development shall conform to the Development Plan. Modification of the Development Plan may be made by the Board of Commissioners, after review of the Planning Board, when requested by the owner of the property.

16.4 Development Standards

A. Variety of Housing

The Planned Residential Development is designed to allow a variety of dwelling types and to provide for creative approaches to the development of land. The following list and definitions is an example of some of the housing types allowed in a Planned Residential Development.

- 1) Lot-Line House - a single family detached unit which instead of being centered on the lot, is placed against one of the side lot lines.
- 2) Twin House - a semi-detached, single-family house, which is connected along a common party wall to a similar unit. Each structure has only two dwellings.
- 3) Patio House - a single-family detached or semi-detached unit built on a small lot enclosed by walls which provide privacy.
- 4) Town House - a single-family attached dwelling in which units share common side walls and are often designed in rows. Yard areas are small and privacy requires careful protection.
- 5) Multiplex - either a single-family attached unit with individual access or a multi-family unit with shared outside access. Small patios or balconies provide outdoor living space.
- 6) Apartments - a multi-family housing unit which shares a common outside access.

B. Minimum Size

A minimum size of three (3) acres is required for planned residential development.

C. Density

Density is the number of dwelling units per acre. Density shall be calculated based upon net buildable area. Net buildable area is the total land area within the project property boundary less: 1) all easements for storm drainage or utilities; 2) highway and street right-of-way; 3) sediment basins and water retention ponds; 4) wetlands defined by U.S. Corps of Engineers; 5) Water and wastewater treatment facilities; 6) local or state designated historic sites; and 7) water areas including seasonal ponds.

Density requirements are as follows:

R-20:	3.3 units per acre
R-10:	6.5 units per acre
R-10MHP:	6.5 units per acre
MU:	6.5 units per acre

D. Dimensional Requirements

Yards forming the outer boundary of a Planned Residential Development shall be in conformance with the minimum requirements of the applicable Residential District.

E. Underground Utilities

Planned Residential Developments shall provide for underground installation of utilities, including telephone and electric power.

F. Designation of Permanent Common Open Space

Definition. Permanent common open space shall be defined as any land held and developed as permanent open space or any land dedicated to the public as parks, playgrounds, parkway medians, landscaped green space, schools, community centers or other similar areas held in public ownership or covered by an open space easement.

Designation. No plan for a planned residential development shall be approved unless such plan provides for permanent open space equivalent to 20 percent of the total area.